



**CITY OF BELTON
CITY COUNCIL
PUBLIC HEARING & REGULAR MEETING
TUESDAY, OCTOBER 13, 2015 – 7:00 PM
CITY HALL ANNEX
520 MAIN STREET
AGENDA**

I. CALL PUBLIC HEARING TO ORDER – 7:00 PM

A. Cedar Tree CID

A public hearing to receive public input regarding the proposed Cedar Tree Community Improvement District and Tax Increment Financing Redevelopment Plan that will be utilized to fund improvements to the Cedar Tree Shopping Center, generally located west of Interstate 49 and north of Highway 58.

B. Grand Hill CID

A public hearing to receive public input regarding the proposed Grand Hill Community Improvement District that will be used to fund improvements to the sewer system and establish an additional property tax to pay for said improvements. The Grand Hill subdivision is generally located east of Interstate 49 and south of 155th.

II. ADJOURN PUBLIC HEARING

III. CALL REGULAR MEETING TO ORDER

IV. PLEDGE OF ALLEGIANCE

V. ROLL CALL

VI. CONSENT AGENDA

One motion, non-debatable, to approve the “recommendations” noted. Any member of the Council may ask for an item to be taken from the consent agenda for discussion and separate action.

- A. Motion approving the minutes of the September 8, 2015, City Council regular meeting and September 15, 2015, City Council special meeting.

Page 9

- B. Motion approving the August 2015 Police Judge’s Report.

Page 15

- C. Motion approving closing the 400 block of Main Street between Walnut and Ella on Saturday, October 17, 2015, from 5:00-10:00 PM for a street dance with live band.

Richard Smith, representing the Main Street Merchants Association, has requested the street closure for a dance. He said he has communicated with the business owners along the street and they are fine with this closure.

VII. PERSONAL APPEARANCES

- A. Brad Kelley (16708 Spring Valley Rd) – water disconnection policy.
- B. Christina Schleich (202 Sunrise) – high water bill. Water service is in the name of Jackie Cox.
- C. Ed Fleetwood (111 Carnegie) – handicapped parking.

VIII. ORDINANCES

- A. Motion approving first reading of Bill No. 2015-76:
AN ORDINANCE AMENDING CHAPTER 34, ARTICLE I, SECTION 34-5 “REQUIREMENTS FOR PRIVATE DRIVEWAYS ALONG ROADS AND STREETS,” CHAPTER 34, ARTICLE III, SECTION 34-65 “BOND REQUIRED FOR EXCAVATION OF RIGHT-OF-WAY” OF THE BELTON UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI AND AMENDING CHAPTER 19, ARTICLE I, SECTION 19-5 “REQUIREMENTS FOR PRIVATE DRIVEWAYS ALONG ROADS AND STREETS” OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI.

Paperwork attached.

Page 29 Pass Fail

- B. Motion approving first reading of Bill No. 2015-77:
AN ORDINANCE ACCEPTING THE RECOMMENDATIONS OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, ADOPTING THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN; DESIGNATING I-49 INVESTORS, L.L.C. AS THE DEVELOPER OF THE REDEVELOPMENT PROJECT; AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REDEVELOPMENT AGREEMENT WITH I-49 INVESTORS, L.L.C. FOR IMPLEMENTATION OF THE PLAN.

Paperwork attached.

Page 39 Pass Fail

- C. Motion approving first reading of Bill No. 2015-78:
APPROVING AND DESIGNATING REDEVELOPMENT PROJECT 1 OF THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AS A REDEVELOPMENT PROJECT AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Paperwork attached.

Page 59 Pass Fail

- D. Motion approving first reading of Bill No. 2015-79:
APPROVING THE PETITION TO ESTABLISH THE CEDAR TREE COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF I-49 AND 58 HIGHWAY, IN BELTON, CASS COUNTY, MISSOURI; DETERMINING THAT THE DISTRICT AREA IS A BLIGHTED AREA; AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE CITY, I-49 INVESTORS, L.L.C. AND THE DISTRICT; AND DIRECTING THE CITY CLERK TO REPORT THE CREATION OF THE DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

Paperwork attached.

Page 65 Pass Fail

- E. Motion approving first reading of Bill No. 2015-80:
APPROVING THE PETITION TO ESTABLISH THE GRAND HILL COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE GRAND HILL COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED EAST OF THE SOUTH OUTER ROAD OF INTERSTATE 49 ALONG GRAND STREET AND HILL STREET, ALL IN THE CITY OF BELTON, MISSOURI; AND DIRECTING THE CITY CLERK TO REPORT THE CREATION OF THE DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

Paperwork attached.

Page 77 Pass Fail

- F. Motion approving first reading of Bill No. 2015-81:
AN ORDINANCE APPROVING THE AGREEMENT BETWEEN THE CITY OF BELTON AND ARVEST BANK AT LOT 5 OF CREST PLAZA TO PARTICIPATE IN THE MARKEY REGIONAL DETENTION PROGRAM.

Paperwork attached.

Page 89 Pass Fail

- G. Motion approving first reading of Bill No. 2015-82:

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A POLE SIGN FOR TEXAS ROADHOUSE, ON PROPERTY ZONED C-2 (GENERAL COMMERCIAL), AND LOCATED AT 228 PECULIAR DRIVE, BELTON, MISSOURI.

Paperwork attached.

Page 99 Pass Fail

- H. Motion approving first reading of Bill No. 2015-83:

AN ORDINANCE REPEALING ORDINANCE 2015-4119 AFTER PROPER PROCEDURAL DUE PROCESS AND PUBLIC HEARING NOTICES, AND APPROVING AN AMENDMENT TO THE CITY'S ZONING MAP, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), FOR A 1.0-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF MINNIE AVENUE, JUST EAST OF LILLARD AVENUE, ADDRESSED AS 600 MINNIE AVENUE, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.

Paperwork attached.

Page 107 Pass Fail

- I. Motion approving first reading of Bill No. 2015-84:

AN ORDINANCE APPROVING A FINAL PLAT FOR CARNEGIE VILLAGE SECOND PLAT, A REPLAT OF LOT 1, BEING A 13.4-ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF MO-58 HIGHWAY, EAST OF MO-Y HIGHWAY, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.

Paperwork attached.

Page 115 Pass Fail

- J. Motion approving first reading of Bill No. 2015-85:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR CARNEGIE VILLAGE, A SENIOR AND ASSISTED LIVING FACILITY, ON A 13.4-ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF MO-58 HIGHWAY, EAST OF MO-Y HIGHWAY, CITY OF BELTON, CASS COUNTY, MISSOURI.

Paperwork attached.

Page 123 Pass Fail

IX. RESOLUTIONS

- A. Motion approving Resolution R2015-40:
A RESOLUTION TO ADOPT THE REGIONAL MULTI-HAZARD MITIGATION PLAN.

Paperwork attached.

Page 131 Pass Fail

- B. Motion approving Resolution R2015-41:
A RESOLUTION OF THE BELTON CITY COUNCIL APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE BELTON/RAYMORE INTERCHANGE TRANSPORTATION DEVELOPMENT DISTRICT.

Paperwork attached.

Page 145 Pass Fail

- C. Motion approving Resolution R2015-42:
A RESOLUTION APPROVING CHANGE ORDER NO. 3 TO THE LANDMARK STRUCTURES I, LP CONTRACT NUMBER 464-5710-495-7117 ELEVATED WATER STORAGE TANK.

Paperwork attached.

Page 149 Pass Fail

- D. Motion approving Resolution R2015-43:
A RESOLUTION APPROVING THE PURCHASE OF TWO REPLACEMENT V-PLOWS FROM AMERICAN EQUIPMENT IN THE AMOUNT OF \$11,924.00 WITH FUNDS BUDGETED FOR THE VEHICLE AND EQUIPMENT REPLACEMENT ACCOUNT.

Paperwork attached.

Page 157 Pass Fail

X. CITY COUNCIL LIAISON REPORTS

XI. MAYOR'S COMMUNICATIONS

XII. CITY MANAGER'S REPORT

XIII. MOTIONS

XIV. OTHER BUSINESS

XV. ADJOURN

SECTION IV
A

**MINUTES OF THE
BELTON CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 2015
CITY HALL ANNEX
520 MAIN STREET, BELTON, MISSOURI**

Mayor Davis called the regular meeting to order at 7:00 P.M.

Councilman Van Winkle led the Pledge of Allegiance to the Flag.

Councilmen present: Mayor Jeff Davis, Councilmen Gary Lathrop, Scott Von Behren, Jeff Fletcher, Bob Newell, Tim Savage, Chet Trutzel, and Dean VanWinkle. Absent: Councilman Al Hoag. Also present were Megan McGuire, City Attorney; Ron Trivitt, City Manager; and Andrea Cunningham, Executive Secretary.

CONSENT AGENDA:

Councilman Lathrop moved to approve the consent agenda consisting of a **motion approving the minutes of the August 25, 2015, City Council regular meeting; and a motion approving the Kansas City Metropolitan Crime Commission's Crime Stoppers annual contract for the Police Department.** Councilman Von Behren seconded. All present voted in favor. Councilman Hoag absent. Consent agenda approved.

PERSONAL APPEARANCES:

Paul and Josh Fyffe (1207 Mesa Dr), Boy Scout Troop 510. They informed the council there will be a cardboard campout/food drive at HyVee Saturday and Sunday, September 12-13, benefitting Heart N Hand. This will be 4th year they've collected donations of food and money for Heart N Hand. Last year the Mayor challenged the City Council to donate \$1/boy scout. He encouraged the council to do that again. Councilman Van Winkle gave a \$35 donation to be an honorary boy scout. Councilman Trutzel gave a \$20 donation to be an honorary boy scout.

ORDINANCES:

Mayor Davis moved to approve the amendment of Bill No. 2015-66. The first reading was passed on August 25, 2015, but the City Attorney made changes to Section 3 of the ordinance. Councilman Von Behren seconded. All present voted in favor. Councilman Hoag absent. Motion carried.

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2015-66, as amended: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A DIGITAL MONUMENT SIGN FOR TRANSWEST TRUCK TRAILER & RV, ON PROPERTY ZONED C-2 (GENERAL COMMERCIAL), AND LOCATED AT 17327 S. OUTER ROAD, BELTON, MISSOURI.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Savage, Fletcher, Mayor Davis, Councilmen Trutzel, VanWinkle, Lathrop and Von Behren; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-66 was declared passed and in full force and effect as Ordinance No. 2015-4134, subject to Mayoral veto.

Mayor Davis moved to approve the amendment of Bill No. 2015-68. The first reading was passed on August 25, 2015, but the City Attorney made changes to Article 21 of the agreement. Councilman Von Behren Lathrop. All present voted in favor. Councilman Hoag absent. Motion carried.

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2015-68, as amended: **AN ORDINANCE APPROVING THE CONTRACT WITH SAK CONSTRUCTION, LLC FOR THE CURED IN PLACE PIPE TECHNOLOGY (CIPP) 18-INCH SANITARY SEWER LINING PROJECT FROM CLEVELAND TO CAMBRIDGE IN A NOT TO EXCEED AMOUNT OF \$185,540.25.** Presented by Councilman Trutzel, seconded by Councilman Van Winkle. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Savage, Fletcher, Mayor Davis, Councilmen Trutzel, VanWinkle, Lathrop and Von Behren; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-68 was declared passed and in full force and effect as Ordinance No. 2015-4135, subject to Mayoral veto.

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2015-69: **AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY'S ZONING MAP, FROM M-1 (LIGHT MANUFACTURING) TO C-2 (GENERAL COMMERCIAL), FOR A 2.28-ACRE TRACT OF LAND, LOCATED ON SOUTH PECULIAR DRIVE, JUST NORTH OF CUNNINGHAM INDUSTRIAL PARKWAY, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.** Presented by Councilman Lathrop, seconded by Councilman Savage. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Savage, Fletcher, Mayor Davis, Councilmen Trutzel, VanWinkle, Lathrop and Von Behren; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-69 was declared passed and in full force and effect as Ordinance No. 2015-4136, subject to Mayoral veto.

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2015-70: **AN ORDINANCE APPROVING THE FINAL PLAT OF TEXAS ROADHOUSE, A RESTAURANT DEVELOPMENT, LOCATED ON A 2.28-ACRE TRACT OF LAND, LOCATED ON THE WEST SIDE OF PECULIAR DRIVE, DIRECTLY NORTH OF CUNNINGHAM INDUSTRIAL PARKWAY, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Newell. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Savage, Fletcher, Mayor Davis, Councilmen Trutzel, VanWinkle, Lathrop and Von Behren; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-70 was declared passed and in full force and effect as Ordinance No. 2015-4137, subject to Mayoral veto.

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2015-71: **AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR TEXAS ROADHOUSE, A RESTAURANT DEVELOPMENT, ON A 2.28-ACRE TRACT OF LAND, LOCATED ON THE WEST SIDE OF PECULIAR DRIVE, DIRECTLY NORTH OF CUNNINGHAM INDUSTRIAL PARKWAY, CITY OF BELTON, CASS COUNTY, MISSOURI.** The council asked Mr. Jay Leipzig when Texas Roadhouse planned to open. He said February 2016. Presented by Councilman Fletcher, seconded by Councilman Van Winkle. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Savage, Fletcher, Mayor Davis, Councilmen Trutzel, VanWinkle, Lathrop and Von Behren; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-71 was declared passed and in full force and effect as Ordinance No. 2015-4138, subject to Mayoral veto.

RESOLUTIONS:

Andrea Cunningham, Executive Secretary, read Resolution R2015-39: **A RESOLUTION APPROVING TASK AGREEMENT #2 WITH WIEDENMANN FOR THE MULLEN ROAD WATER MAIN RELOCATION IN THE NOT-TO-EXCEED AMOUNT OF \$68,943.00.** Presented by Councilman Trutzel, seconded by Councilman Fletcher. Vote on the resolution was recorded and all present voted in favor. Councilman Hoag absent. Resolution passed.

MAYOR'S COMMUNICATIONS:

September 11-12 is the Fall Festival. There will be over 110 vendors. The weather is supposed to be nice this weekend. Contact Sally Smith if you'd like to volunteer.

Mayor Davis moved to appoint Councilman Chet Trutzel as the Planning Commission Councilman liaison. Councilman Von Behren seconded. Councilman Savage said the commission changed the time to 6:00 pm and he can't make it at that time. He said he enjoyed his time on the commission, he simply can't make the new time. All present voted in favor. Councilman Hoag absent. Motion carried.

CITY MANAGER'S REPORT:

The Missouri Municipal League annual conference is in Kansas City September 20-23. There's a council meeting on the 22nd. We will decide next week if we need to cancel the council meeting.

At 7:16 P.M., Councilman Newell moved to enter Executive Session to discuss matters pertaining to leasing, purchase or sale of real estate by a public governmental body, according to Missouri Statute 610.021.2; and to discuss matters pertaining to Legal Actions, according to Missouri Statute 610.021.1, and that the record be closed. Councilman Fletcher seconded. The following vote was recorded: Ayes: 8, Mayor Davis, Councilmen Savage, Newell, Von Behren, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: 1, Councilman Hoag.

The Council returned from executive session at 7:32 P.M.

Being no further business, Councilman Savage moved to adjourn at 7:32 P.M. Councilman Newell seconded. All voted in favor. Meeting adjourned.



Andrea Cunningham, Executive Secretary



Jeff Davis, Mayor

**MINUTES OF THE
BELTON CITY COUNCIL
SPECIAL MEETING
SEPTEMBER 15, 2015
CITY HALL ANNEX
520 MAIN STREET, BELTON, MISSOURI**

Mayor Davis called the special meeting to order at 7:00 P.M.

Councilmen present: Mayor Jeff Davis, Jeff Fletcher, Scott Von Behren, Dean Van Winkle, Chet Trutzel, Bob Newell, Al Hoag, and Gary Lathrop. Councilmen absent: Tim Savage. Also present were Megan McGuire, City Attorney; Ron Trivitt, City Manager; Andrea Cunningham, Executive Secretary.

At 7:01 P.M., **Councilman Hoag moved to enter Executive Session to discuss matters pertaining to leasing, purchase or sale of real estate by a public governmental body, according to Missouri Statute 610.021.2; and to discuss matters pertaining to Legal Actions, according to Missouri Statute 610.021.1**, and that the record be closed. Councilman Newell seconded. The following vote was recorded: Ayes: 8, Mayor Davis, Councilmen Hoag, Newell, Von Behren, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: 1, Councilman Savage. Motion carried.

The Council returned from executive session at 7:32 P.M. and the special meeting was adjourned.



Andrea Cunningham, Executive Secretary

Jeff Davis, Mayor

SECTION IV
B

**DOCKET REPRESENTS A TRUE AND ACCURATE COPY
OF COURT PROCEEDINGS HELD**

COURT DATES: 8/5/15; 8/12/15; 8/19/15; 8/26/15



MUNICIPAL JUDGE **9/2/15**
DATE

**IN ACCORDANCE WITH COURT OPERATING RULE 4.29
THE ATTACHED MUNICIPAL DIVISION SUMMARY
REPORT FOR MONTH OF AUGUST 2015 WAS
PRESENTED AND REVIEWED BY CITY COUNCIL AS
REQUIRED**

CITY CLERK **DATE**



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Violations By Filed Date

City Ordinance	207
IPMC CODE	7
MOVING TRAFFIC	414
Parking	1
Traffic	123
Total Violations Filed:	752

Violations Completed-Paid Fines By Filed Date

CL-CLOSED FOUND GUILTY

City Ordinance	16
MOVING TRAFFIC	116
Parking	1
Traffic	50
CL	183
Total Violations Completed-Paid Fines:	183

Violations Completed-Before Judge By Filed Date

CL-CLOSED FOUND GUILTY

City Ordinance	94
IPMC CODE	1
MOVING TRAFFIC	76
Parking	1
Traffic	115
UNUSED	2
CL	289

DC-Dismissed by Complainant



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Violations Completed-Before Judge By Filed Date

City Ordinance	4	
DC		4

DI-CLOSED BY SIS

City Ordinance	1	
MOVING TRAFFIC	6	
DI		7

DP-Dismissed by Prosecutor

City Ordinance	31	
MOVING TRAFFIC	45	
Parking	1	
Traffic	8	
UNIFIED DEVELOPMENT CODE	3	
DP		88

DX-FOUND NOT GUILTY AT TRIAL

City Ordinance	4	
IPMC CODE	1	
MOVING TRAFFIC	39	
Traffic	5	
DX		49
Total Violations Completed-Before Judge:	437	

Violations Completed-Other By Filed Date

DO-DISMISSSED BY OFFICER

City Ordinance	5	
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My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Violations Completed-Other By Filed Date

Traffic	2
DO	7

DS-DISMISSED STATE CHARGES

MOVING TRAFFIC	8
DS	8

VD-Voided Docket

City Ordinance	2
Traffic	1
VD	3

Total Violations Completed-Paid Fines: 18

Total Violations Completed-Paid Fines:	183
Total Violations Completed-Before Judge:	437
Total Violations Completed-Before Jury:	0
Total Violations Completed-Before Teen Court:	0
Total Violations Completed-Other:	18
Total Violations Completed:	638
Total Violations Filed:	752
Net Difference Filed - Completed:	114

Warrants Issued

City Ordinance	160
MOVING TRAFFIC	107
Traffic	45



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

UNUSED	1		
Total Warrants Issued:	313	Total Violations:	313
Warrants Cleared			
City Ordinance	129		
IPMC CODE	1		
MOVING TRAFFIC	104		
Traffic	59		
Total Warrants Cleared:	293	Total Violations:	293
Total Warrants Issued:	313		
Total Warrants Cleared:	293		
Net Difference:	20		

Violations Completed-Other Paid By Filed Date

AJ-SUSPENDED IMPOSITION OF SENTEN

MOVING TRAFFIC	6		
AJ		6	

BW-FTA ISSUED

MOVING TRAFFIC	2		
BW		2	

CD-Completion date for school(s)

City Ordinance	1		
MOVING TRAFFIC	1		
CD		2	

CL-CLOSED FOUND GUILTY



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Violations Completed-Other Paid By Filed Date

MOVING TRAFFIC	1	
Traffic	3	
CL		4

CN-Continued Arraignment

City Ordinance	4	
MOVING TRAFFIC	7	
Traffic	1	
CN		12

IA-Initial Arraignment

MOVING TRAFFIC	4	
IA		4

PP-Payment plan

City Ordinance	26	
IPMC CODE	1	
MOVING TRAFFIC	28	
Traffic	5	
PP		60

RS-RESTITUTION DUE

MOVING TRAFFIC	1	
RS		1

VS-DIVERSION

City Ordinance	6	
MOVING TRAFFIC	3	



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Totals For Filed Date From 08/01/2015 To 08/31/2015

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Violations Completed-Other Paid By Filed Date

Traffic 1

VS 10

WI-Warrant Issued

City Ordinance 1

MOVING TRAFFIC 2

Traffic 2

WI 5

Total Violations Completed-Other Paid: 106



My Filed Or Closed Cases Listing

Belton

9/2/2015 9:45:12 AM

Posted Fee Totals For Transaction Date From 08/01/2015 To 08/31/2015

Fee Code	Fee Description	Paid
BF (84)	BOND FORFEITURE	\$2,730.00
CC (76)	COURT COSTS	\$3,835.94
CN (CA)	COURT NOTIFCATION AUTOMATION	\$751.17
CVC2 (74)	CRIME VICTIMS CITY	\$141.71
CVS2 (CV)	CRIME VICTIMS STATE	\$2,883.74
DM (82)	DOMESTIC VIOLENCE	\$765.00
DWI (77)	DWI RECOVERY COST	\$100.00
FINE (76)	FINE	\$49,917.16
ILFC (83)	ILF- CITY	\$766.00
IS (IS)	INMATE SECURITY FUND	\$762.50
RST (RS)	RESTITUTION	\$10.00
SBF (84)	SURETY BOND FORFEITURE	\$2,100.00
SR (SR)	SHERIFF RETIREMENT	\$1,213.34
TFC (78)	TRAINING FUND CITY	\$766.00
TFS (81)	TRAINING FUND STATE	\$404.44

Report Totals:

\$67,147.00

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

I. COURT INFORMATION		Contact information same as last report <input type="checkbox"/>	
		Municipality: Belton	Reporting Period: 8/2015
Mailing Address:	7001 E. 163rd St. Belton 64012	Software Vendor:	Tyler Technologies
Physical Address:	7001 E. 163rd St. Belton 64012	County:	CASS COUNTY
Telephone Number:	(816) 331-2798	Fax Number:	(816) 348-4439
Prepared by:	Laura Ellis	E-mail Address:	beltoncourts@beltonpd.org
Municipal Judge(s) CHARLES C. CURRY		Prosecuting Attorney: WILLIAM MARSHALL III	
II. MONTHLY CASELOAD INFORMATION		Alcohol and Drug Related Traffic	Other Traffic
		Non-Traffic Ordinance	
A. cases (citations / informations) pending at start of month		68	2,569
B. cases (citations / informations) filed		12	496
C. cases (citations / informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)			
2. court / bench trial - GUILTY		0	3
3. court / bench trial - NOT GUILTY		0	44
4. plea of GUILTY in court		3	205
5. Violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)		0	160
6. dismissed by court		0	1
7. <i>nolle prosequi</i>		2	59
8. certified for jury trial (not heard in the Municipal Division)		0	0
9. TOTAL CASE DISPOSITIONS		5	472
D. cases (citations / informations) pending at end of month [pending caseload = (A + B) - C9]		75	2,593
E. Trial de Novo and / or appeal applications filed		0	0
III. WARRANT INFORMATION (Pre and Post Disposition)		IV. PARKING TICKETS	
1. # issued during reporting period	313	# issued during period	0
2. # served/withdrawn during reporting period	336	<input checked="" type="checkbox"/> Court staff does not process parking tickets	
3. # outstanding at end of reporting period	1,555		
V. NET DISBURSEMENTS			
Fines	\$50,668.33	Restitution	\$10.00
Clerk/Court Fee (costs)	\$4,601.94	Parking ticket revenue (including penalties)	\$0.00
Judicial Education Fund (JEF) <input checked="" type="checkbox"/> Court does not retain funds for JEF	\$0.00	Bond forfeitures (paid to city)	\$4,830.00
Peace Officer Standards and Training (POST) Commission surcharge	\$404.44	Bond refunds	\$0.00
Crime Victims Compensation (CVC) Fund surcharge	\$3,025.45	Total Other disbursements Use the Supplemental to itemize and enter the total here	\$100.00
Law Enforcement Training (LET) Fund surcharge	\$766.00		
Domestic Violence Shelter surcharge	\$765.00	Total Disbursements	\$67,147.00
Inmate Prisoner Detainee Security Fund surcharge	\$762.50		
Sheriffs' Retirement Fund surcharge	\$1,213.34		

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Belton	Reporting Period: 8/2015
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SUPPLEMENTAL

Total Other disbursements. Enter additional surcharges and/or fees disbursed by the court not listed on the MUNICIPAL DIVISION SUMMARY REPORTING FORM. Use additional forms if necessary and enter the total on the Total Other disbursements line on the MUNICIPAL DIVISION SUMMARY REPORTING FORM. (Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.)

Other Disbursements	Amount
DWI RECOVERY COST	\$ 100.00
Total Other Disbursements	\$ 100.00
Include this total amount under Total Other disbursements on Municipal Division Summary Report Form	

MEMORY TRANSMISSION REPORT

TIME : 09-02-'15 08:31
FAX NO.1 : 816-331-3179
NAME : Belton Mun. Court

FILE NO. : 107
DATE : 09.02 08:30
TO : OSCA STATE RPT
DOCUMENT PAGES : 3
START TIME : 09.02 08:30
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816-331-3179 fax

To: STATISTICS SECTION	Fax: 573-526-0338
From: Laura Ellis	Date: 9/2/2015
Re: MUN DIV REPORTING FORM	Pages: 3 INCL THIS PAGE
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ATTACHED IS THE AUGUST 2015 MUNICIPAL DIVISION REPORTING FORM FOR THE PERIOD AUGUST 1, 2015 THROUGH AUGUST 31, 2015 FOR THE BELTON MUNICIPAL COURT.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE COURT OFFICE AT (816)331-2798

**THANK YOU,
LAURA ELLIS**

CONFIDENTIAL

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BELTON MUNICIPAL COURT
7001 E 163RD ST
BELTON, MO 64012
816-331-2798 phone
816-331-3179 fax

facsimile transmittal

To: STATISTICS SECTION **Fax:** 573-526-0338

From: Laura Ellis **Date:** 9/2/2015

Re: MUN DIV REPORTING FORM **Pages:** 3 INCL THIS PAGE

CC:

Urgent For Review Please Comment Please Reply Please Recycle

**ATTACHED IS THE AUGUST 2015 MUNICIPAL DIVISION REPORTING
FORM FOR THE PERIOD AUGUST 1, 2015 THROUGH AUGUST 31, 2015
FOR THE BELTON MUNICIPAL COURT.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE COURT OFFICE
AT (816)331-2798**

**THANK YOU,
LAURA ELLIS**

CONFIDENTIAL

•••••

SECTION VIII
A

BILL NO. 2015-76

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE I, SECTION 34-5 "REQUIREMENTS FOR PRIVATE DRIVEWAYS ALONG ROADS AND STREETS," CHAPTER 34, ARTICLE III, SECTION 34-65 "BOND REQUIRED FOR EXCAVATION OF RIGHT-OF-WAY" OF THE BELTON UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI AND AMENDING CHAPTER 19, ARTICLE I, SECTION 19-5 "REQUIREMENTS FOR PRIVATE DRIVEWAYS ALONG ROADS AND STREETS" OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI.

WHEREAS, the City of Belton, Missouri adopted the City's Code of Ordinances October 11, 2011 and the City of Belton, Missouri adopted the Unified Development Code (UDC) December 13, 2011; and

WHEREAS, the Public Works Director, City Engineer, Assistant City Engineer, and Construction Inspector reviewed the following:

1) UDC Chapter 34 Streets and Sidewalks, Article I, In General, Section 34-5 Requirements for Private Driveways Along Roads and Streets, and

2) UDC Chapter 34 Streets and Sidewalks, Article III Excavations, Section 34-65 Bond Required for Excavation of Right-of-Way, and

3) Code of Ordinances Chapter 19 Streets, Sidewalks, and Public Places, Article I, In General, Section 19-5 Requirements for Private Driveways Along Certain Roads and Streets in June 2015; and

WHEREAS, City Staff determined an amendment is necessary to reinstate a \$200 cash bond for Right-of-Way Driveway/Sidewalk Permits to encourage the property owner and contractor to request an inspection thus finalizing the permit; after a property passes inspection, the \$200 cash bond will be refunded upon request; if the permit is pulled and an inspection is not requested, the City will retain the \$200 cash bond; and

WHEREAS, at the July 16, 2015, Public Works Committee (PWC) meeting, Public Works staff presented proposed amendment to the UDC and Code of Ordinances and the PWC was in support of the amendment; and

WHEREAS, a public hearing was held before the Belton Planning Commission on August 17, 2015 regular meeting to receive input concerning the proposed Ordinance upon proper notice advertised in the Friday, July 31, 2015 edition of *The Democrat Missourian*, a weekly/daily newspaper of general circulation in the County of Cass, State of Missouri; and

WHEREAS, the Belton Planning Commission voted by a majority (8-0) of those present to recommend APPROVAL of the proposed amendment to the UDC; and

WHEREAS, the method of amendment of UDC was granted by the Unified Development Code (UDC) adopting Ordinance No. 2011-3772 on December 13, 2011; and

WHEREAS, the City Council of the City of Belton desires to amend and update Chapter 34 of the Unified Development Code (UDC); and

WHEREAS, Section 89.070, RSMo, provides that the City's Code of Ordinances may from time to time be amended, supplemented, modified or repealed by the City Council; and

WHEREAS, the City Council of the City of Belton desires to amend and update Chapters 19 of the Code of Ordinances ("Code").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That Section 34-5 Requirements for private driveways along roads and streets of the Belton Unified Development Code is hereby amended to read as follows with the deletion of the stricken text, and the addition of the highlighted text:

Chapter 34 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 34-5. - Requirements for private driveways along roads and streets.

- (a) Supervision of public works department. The public works director, city engineer, or other employee designated by the city manager shall inspect the construction of all driveways and driveway culverts to ensure compliance with the latest revision of the City's Design and Construction Manual. Before improvements are complete within the public right-of-way, a right-of-way permit must be issued by the Engineering Division. All persons and contractors who are engaged in the business of work in the right-of-way shall be required to post a \$200 cash bond. All right-of-way permits require a \$5 application fee. Additional excavation requirements are outlined in the Unified Development Code, Chapter 34, Article III. ~~following criteria:~~
- ~~(1) All storm drainage pipe shall be the size and at a grade and location as required by the public works department.~~
 - ~~(2) The minimum size of storm drainage pipe shall be 12 inches in diameter and be either Class III reinforced concrete pipe (RCP) or 16-gauge corrugated metal pipe (CMP). The actual diameter shall be a size directed by the public works department.~~
 - ~~(3) The pipe shall be of such a length that the side slope from the edge of the drive to the ditch line can be maintained on a 3:1 ratio. Flared end sections manufactured for such purpose and approved by the public works department shall be installed on the ends of driveway storm drainage pipe. A drive opening shall not exceed 25 feet in a residential zone and shall not exceed 35 feet in a commercial zone. The pipe shall extend at least five feet beyond the drive openings in addition to the flared end sections.~~
 - ~~(4) There shall be maintained a minimum of six inches of fill over the top of the drainage pipe.~~

- (b) Maintenance. The owner of the property served by a driveway is responsible for the maintenance and safekeeping of the driveway within the public right-of-way. Any such driveway or entrance conduit that collapses, clogs or otherwise fails in its purpose, shall be repaired or replaced within a reasonable time after such failure by the property owner or other responsible person.
- (c) Violation; abatement. The violation of this section is declared to be a public nuisance subject to abatement as provided in chapter 14 of the Code of Ordinances.

Section 2. That Section 34-65 Bond Required for Excavation of Right-of-Way of the Belton Unified Development Code is hereby amended to read as follows with the deletion of the stricken text, and the addition of the highlighted text:

Chapter 34 - STREETS AND SIDEWALKS

ARTICLE III. – EXCAVATIONS

Sec. 34-65. - Bond required for excavation of right-of-way.

All persons and contractors who are engaged in the business of excavating in the right-of-way more than 12 inches in depth below existing ground or hard surface shall be required to post a bond in the amount of \$5,000.00 with sufficient surety to insure compliance with the requirements of this article, and a \$200.00 cash bond. All persons and contractors who are engaged in the business of excavating in the right-of-way less than or equal to 12 inches in depth below existing ground or hard surface, including driveways and sidewalks within the right-of-way, shall be required to post a \$200 cash bond. Any contractor who consistently produces faulty backfill may be refused permits at the discretion of the public works director or city manager. When in the opinion of the public works director the volume of the cuts exceeds the city's ability to properly make repairs, the bond requirements may be increased.

Section 3. That Section 19-5 Requirements for Private Driveways Along Certain Roads and Streets of the City of Belton, Missouri Code of Ordinances is hereby amended to read as follows with the deletion of the stricken text, and the addition of the highlighted text:

Chapter 19 – STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 19-5. - Requirements for private driveways along certain roads and streets.

- (a) Supervision of department of public works. The public works director, city engineer, or other employee designated by the city manager shall inspect the construction of all driveways to ensure compliance with the latest revision of the City's Design and Construction Manual. Before improvements are complete within the public right-of-way, a right-of-way permit must be issued by the Engineering Division. All persons and contractors who are engaged in the business of work in the right-of-way shall be required to post a \$200 cash bond. All right-of-way permits require a \$5 application fee. Additional excavation requirements are outlined in the Unified Development Code, Chapter 34, Article III. ~~following criteria:~~

~~(1) All storm drainage pipe shall be the size and at a grade and location as required by the department of public works.~~

~~(2) The minimum size of storm drainage pipe shall be 12 inches in diameter and be either class III reinforced concrete pipe (RCP) or 16-gauge corrugated metal pipe (CMP). The actual diameter shall be a size directed by the department of public works.~~

~~(3) The pipe shall be of such a length that the side slope from the edge of the drive to the ditch line can be maintained on a three-to-one ratio. Flared end sections manufactured for such purpose and approved by the department of public works shall be installed on the ends of driveway storm drainage pipe. A drive opening shall not exceed 25 feet in a residential zone and shall not exceed 35 feet in a commercial zone. The pipe shall extend at least five feet beyond the drive openings in addition to the flared end sections.~~

~~(4) There shall be maintained a minimum of six inches of fill over the top of the drainage pipe.~~

(b) Maintenance. The owner of the property served by a driveway is responsible for the maintenance and safekeeping of the driveway within the public right-of-way. Any such driveway or entrance conduit that collapses, clogs or otherwise fails in its purpose shall be repaired or replaced within a reasonable time after such failure by the property owner or other responsible person.

(c) Violation; abatement. The violation of this section is further declared to be a public nuisance subject to abatement as provided in this Code and state law.

Section 4. This Ordinance shall take effect and be in full force after passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS.
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: 10/13/2015

DIVISION: Engineering

COUNCIL: Regular Meeting Work Session Special Session

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

At the July 16, 2015 Public Works Committee meeting, staff presented changes to the following:

- 1) City of Belton Unified Development Code (UDC) Chapter 34 Streets and Sidewalks, Article I-In General, Section 34-5 Requirements for Private Driveways Along Roads and Streets,
- 2) UDC Chapter 34 Streets and Sidewalks, Article III Excavations, Section 34-65 Bond Required for Excavation of Right-of-Way, and
- 3) City of Belton Code of Ordinances Chapter 19 Streets, Sidewalks, and Public Places, Article I-In General, Section 19-5 Requirements for Private Driveways Along Certain Roads and Streets

to amend Right-of-Way Driveway/Sidewalk Permits to reinstate a \$200 cash bond for excavation less than 12 inches in depth. The Public Works Committee was in support of the amendments.

Chapter 34, Article I, Section 34-5 in the UDC contains the same language as Chapter 19, Article I, Section 19-5 in the Code of Ordinances.

A public hearing for the changes to the UDC was advertised in the July 31, 2015 edition of *The Democrat Missourian* and was held before the August 17, 2015 Planning Commission meeting where it was then presented to and approved by the Belton Planning Commission. The memo presented to the Belton Planning Commission is attached.

Staff recommends approving an ordinance to amend UDC and Code of Ordinances as described above.

PROPOSED CITY COUNCIL MOTION:

At the October 13, 2015 regular City Council meeting, approve an ordinance amending Chapter 34, Article I, Section 34-5 "Requirements for Private Driveways Along Roads and Streets," Chapter 34, Article III, Section 34-65 "Bond Required for Excavation of Right-Of-Way" of the Belton Unified Development Code of the City of Belton, Missouri and amending Chapter 19, Article I, Section 19-5 "Requirements for Private Driveways Along Roads and Streets" of the Code of Ordinances of the City of Belton, Missouri.

BACKGROUND:

The City of Belton Public Works Department has an obligation to permit work within a right-of-way; previously fees included a \$5 permit, a \$200 cash bond, and a \$5,000 surety bond. At the March 3, 2014 Planning Commission meeting changes were made to the UDC including the removal of the requirement of a \$5,000 surety bond and \$200 cash bond for excavations less than or equal to 12” in depth. Since the March 3, 2014 amendment, Public Works is struggling to get property owners and contractors to call to request inspections to verify the work was done correctly. Public Works would like to reinstate the \$200 cash bond for excavation less than a foot to help encourage the property owner and contractor to request an inspection thus finalizing the permit. After a property passes inspection, the \$200 cash bond will be refunded upon request. If the permit is pulled and an inspection is not requested, the City will keep the \$200 cash bond.

STAFF RECOMMENDATION, ACTION, AND DATE:

At the October 13, 2015 regular City Council meeting, approve an ordinance amending Chapter 34, Article I, Section 34-5 “Requirements for Private Driveways Along Roads and Streets,” Chapter 34, Article III, Section 34-65 “Bond Required for Excavation of Right-Of-Way” of the Belton Unified Development Code of the City of Belton, Missouri and amending Chapter 19, Article I, Section 19-5 “Requirements for Private Driveways Along Roads and Streets” of the Code of Ordinances of the City of Belton, Missouri.

LIST OF REFERENCE DOCUMENTS ATTACHED:

Ordinance

Planning Commission Memo



**CITY OF BELTON – PUBLIC WORKS
MEMORANDUM**

Date: August 12, 2015
To: Jay Leipzig – Director of Community and Economic Development
From: Kate Glowacki – Assistant City Engineer
Subject: Right-of-Way Driveway/Sidewalk Permit – Text Amendments to the Unified Development Code

At the March 3, 2014 Planning Commission meeting changes to the right-of-way permitting process, defined in the Unified Development Code in Chapter 34 Streets and Sidewalks, Article III. Excavations, were approved. Changes included removing the requirement of a \$5,000 surety bond and \$200 cash bond for excavations less than or equal to 12" in depth below the existing ground or hard surface in order to ease the burden for the residents and contractors. This created two right-of-way permits: Right-of-Way Excavation Permit (greater than 12") and Right-of-Way Driveway/ Sidewalk Permit (less than or equal to 12").

Since the code change, residents and contractors excavating less than or equal to 12" in depth below the existing ground in the right-of-way (ex: replacing a driveway approach) have only been required to complete the application for the Right-of-Way Driveway/Sidewalk Permit and pay a \$5.00 fee. While staff still requires inspections before work is complete (ex: before the concrete is poured) within the right-of-way, there has been a significant decrease in the number of calls received to complete inspections. This creates an issue of inconsistency with inspections for residents and contractors and possible inconsistencies of the City's standards within the City's right-of-way. It appears that without the \$200 cash bond, residents and contractors have no incentive to follow up with staff after obtaining the Right-of-Way Permit.

Staff is proposing to add the \$200 cash bond back into the Right-of-Way Driveway/Sidewalk Permit in order to encourage residents and contractors to contact the Engineering Department before completing their work within the right-of-way. The \$5,000 surety bond will still be waived for excavations less than or equal to 12".

The proposed changes will amend Chapter 34 Streets and Sidewalks, Article I. In General Section 34-5 to include right-of-way permitting procedure language into the code and to remove the specific details pertaining to driveway culverts. These details were instead included into the City of Belton's Design and Construction Manual.

The proposed addition to Chapter 34 Streets and Sidewalks, Article III. Excavations Section 34-65 will refer to Section 34-5 for excavations less than 12". The code changes are attached.

The proposed changes were presented to, and supported by, the Public Works Committee at the July 16, 2015 meeting and will be presented at a public hearing during the August 17, 2015 Planning Commission meeting. Upon approval, these code changes will be brought to City Council at the August 25, 2015 regular City Council meeting for approval.

SECTION VIII
B

AN ORDINANCE ACCEPTING THE RECOMMENDATIONS OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, ADOPTING THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN; DESIGNATING I-49 INVESTORS, L.L.C. AS THE DEVELOPER OF THE REDEVELOPMENT PROJECT; AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REDEVELOPMENT AGREEMENT WITH I-49 INVESTORS, L.L.C. FOR IMPLEMENTATION OF THE PLAN.

WHEREAS, pursuant to the provisions of the Real Property Tax Increment Allocation Redevelopment Act, R.S.Mo. Sections 99.800 to 99.865 (“Act”), the Cedar Tree Tax Increment Financing Redevelopment Plan (“TIF Plan”) was submitted to the Tax Increment Financing Commission of Belton, Missouri (“Commission”) for consideration;

WHEREAS, pursuant to R.S.Mo. Section 99.820 and in accordance with the Commission’s Bidding Policies and Procedures, notice was posted and published requesting proposals from interested developers to undertake the redevelopment of the proposed redevelopment area described in the TIF Plan (“Redevelopment Area”);

WHEREAS, pursuant to the laws and By-Laws of the Commission, the Board of Commissioners caused the affected school and other taxing districts to be notified of their right to designate representatives to sit as members of the Commission for the purpose of conducting a public hearing and making recommendations with respect to the TIF Plan to the City Council of the City of Belton, Missouri (“City Council”);

WHEREAS, pursuant to Section 99.830 R.S.Mo., notice of a September 16, 2015 public hearing was given as follows:

Mailed notice to the taxing jurisdictions not less than 45 days prior to the public hearing pursuant to Section 99.830.2 R.S.Mo. was given on July 28, 2015;

First publication notice not more than 30 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on August 21, 2015;

Second publication notice not more than 10 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on September 11, 2015;

Mailed notice to affected property owners not less than 10 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on September 1, 2015; and

WHEREAS, said hearing was held on September 16, 2015;

WHEREAS, after closing the public hearing on September 16, 2015, and after due deliberation, the Commission adopted Resolution No. 09-16-15-1 (“Resolution”) recommending to the City Council that it approve the TIF Plan and the Redevelopment Project contained therein and the designation of I-49 Investors, L.L.C., (“Developer”), as the developer to implement the

TIF Plan; authorize the creation of the Redevelopment Area; finding the Redevelopment Area as a whole to be blighted; and

WHEREAS, the City Council finds that approval of the TIF Plan, approval of the Redevelopment Area, designation of Developer as developer of the Redevelopment Plan and execution of a redevelopment agreement between Developer and the City of Belton, Missouri (the "City") for the implementation of the TIF Plan, will encourage and stimulate growth and development in the Redevelopment Area and further the other redevelopment objectives of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BELTON, MISSOURI, as follows:

SECTION 1. That the recommendations of the Commission as set forth in the Resolution concerning the TIF Plan, a copy of which Resolution is attached hereto as **Exhibit A**, are hereby accepted.

SECTION 2. That the TIF Plan, attached hereto as **Exhibit B**, is hereby adopted and approved as valid.

SECTION 3. That the Council hereby finds that:

a. The Redevelopment Area on the whole is a blighted area under the Act. Specific factors which qualify the Redevelopment Area as blighted include those identified in the Blight Study as set out in Exhibit 9 to the TIF Plan. Additionally, as set out in the Developer's affidavit, Exhibit 12 to the TIF Plan, and during the Developer's testimony during the public hearing, the Redevelopment Area is blighted and the provisions of R.S.Mo. Section 99.810.1 have been met.

b. The Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing as described in the TIF Plan.

c. The TIF Plan conforms to the comprehensive plan for the development of the City of Belton, Missouri as a whole.

d. The estimated dates of completion of the Redevelopment Projects and retirement of obligations, if any, incurred to finance Redevelopment Project Costs have been stated in the TIF Plan and are not more than twenty-three (23) years from the adoption of any ordinance approving the Redevelopment Projects within the Redevelopment Area, and no ordinance approving a Redevelopment Project shall be adopted later than ten (10) years from the adoption of the ordinance approving the TIF Plan.

e. A plan has been developed and attached as Exhibit 11 to the TIF Plan for the relocation assistance of businesses and residences.

f. A cost-benefit analysis has been included in the TIF Plan as Exhibit 7 showing the economic impact of the TIF Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area, showing the impact on the economy if the project is not built, and is built pursuant to the TIF Plan, including a fiscal impact study on every affected political subdivision, and including sufficient information from the redeveloper for the Commission to evaluate whether the Redevelopment Projects are financially feasible.

g. The TIF Plan does not include the initial development or redevelopment of any gambling establishment.

h. The area selected for the Redevelopment Area includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the proposed Redevelopment Project improvements.

SECTION 4. Developer is hereby designated as the developer for the Redevelopment Plan.

SECTION 5. That the Mayor of the City is authorized and directed to enter into on behalf of the City a contract between the City and Developer for implementation of the TIF Plan (the "TIF Contract") substantially in the form set out as **Exhibit C** attached hereto. The Mayor, in consultation with the City Manager and the City Attorney, is further authorized to modify any terms and provisions of the TIF Contract that he deems necessary or appropriate to facilitate the implementation of the TIF Plan.

SECTION 6. All terms used in this Ordinance not otherwise defined herein shall be construed as defined in the Act.

SECTION 7. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

Approved as to form and legality

City Attorney

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS.
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

EXHIBIT A to ORDINANCE NO. 2015-

TIF COMMISSION RESOLUTION NO. 09-16-15-1
(but not including TIF Plan shown as an exhibit to the Resolution;
the TIF Plan approved by this Ordinance is attached hereto as Exhibit B)

See attached

RESOLUTION NO. 09-16-15-1

RESOLUTION OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, RECOMMENDING: APPROVAL OF THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN TO THE CITY COUNCIL OF BELTON, MISSOURI; DESIGNATION OF I-49 INVESTORS, LLC AS REDEVELOPER OF THE TIF PLAN AND REDEVELOPMENT PROJECT AND EXECUTION OF AN AGREEMENT BETWEEN I-49 INVESTORS, LLC AND THE CITY FOR THE IMPLEMENTATION OF THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN.

WHEREAS, the Tax Increment Financing Commission of Belton, Missouri ("Commission"), was created pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended ("Act"), and by Ordinance No. 95-2305 of the Board of Aldermen of Belton, Missouri adopted on May 5, 1995; and

WHEREAS, the Cedar Tree Tax Increment Financing Redevelopment Plan ("TIF Plan") has been presented to the Commission for consideration; and

WHEREAS, pursuant to the Section 99.820 R.S.Mo. and in accordance with the Commission's Bidding Policies and Procedures, notice was posted and published requesting proposals from interested redevelopers to undertake the redevelopment of the proposed Redevelopment Area described in the TIF Plan ("Redevelopment Area"), and no qualified proposals were submitted other than that of I-49 Investors, LLC, a Missouri limited liability company (the "Redeveloper"), the proposed redeveloper of the TIF Plan; and

WHEREAS, pursuant to the laws and By-Laws of the Commission, the Board of Commissioners caused the affected school and other taxing districts to be notified of their right to designate representatives to sit as members of the Commission for the purpose of conducting a public hearing and making recommendations with respect to the TIF Plan to the City Council of Belton, Missouri ("City Council"); and

WHEREAS, the school district, the county, and the other taxing districts appointed their representatives to serve as members of the Commission until the approval of the TIF Plan; and

WHEREAS, pursuant to Section 99.830 R.S.Mo., notice of a September 16, 2015 public hearing was given as follows:

Mailed notice to the taxing jurisdictions not less than 45 days prior to the public hearing pursuant to Section 99.830.2 R.S.Mo. was given on July 28, 2015;

First publication notice not more than 30 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on August 21, 2015;

Second publication notice not more than 10 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on September 11, 2015;

Mailed notice to affected property owners not less than 10 days prior to the public hearing pursuant to Section 99.830.1 R.S.Mo. was given on September 1, 2015; and

WHEREAS, on September 16, 2015, after due notice, the Commission so constituted held a public hearing at which all interested persons and taxing districts affected by the TIF Plan were afforded an opportunity to file written objections, protests, and be heard orally; and

WHEREAS, said hearing was closed on September 16, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

1. The Commission hereby finds that:

a. The Redevelopment Area on the whole is a blighted area under the Act. Specific factors which qualify the Redevelopment Area as blighted include those identified in the Blight Study as set out in Exhibit 9 to the TIF Plan.

Additionally, the Redeveloper attested in an affidavit attached as Exhibit 12 to the TIF Plan and provided additional testimony during the public hearing that the Redevelopment Area was blighted and that the provisions of R.S.Mo. § 99.810.1 have been met.

b. The Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing as described in the TIF Plan.

c. The TIF Plan conforms to the comprehensive plan for the development of the City of Belton, Missouri as a whole.

d. The estimated dates of completion of the Redevelopment Projects and retirement of obligations, if any, incurred to finance Redevelopment Project Costs have been stated in the TIF Plan and are not more than twenty-three (23) years from the adoption of any ordinance approving the Redevelopment Projects within the Redevelopment Area, and no ordinance approving a Redevelopment Project shall be adopted later than ten (10) years from the adoption of the ordinance approving the TIF Plan.

e. A plan has been developed and attached as Exhibit 11 to the TIF Plan for the relocation assistance of businesses and residences.

f. A cost-benefit analysis has been included in the TIF Plan as Exhibit 7 showing the economic impact of the TIF Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area, showing the impact on the

economy if the project is not built, and is built pursuant to the TIF Plan, including a fiscal impact study on every affected political subdivision, and including sufficient information from the redeveloper for the Commission to evaluate whether the Redevelopment Projects are financially feasible.

g. The TIF Plan does not include the initial development or redevelopment of any gambling establishment.

h. The area selected for the Redevelopment Area includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the proposed Redevelopment Project improvements.

2. The proposed TIF Plan as presented to the Commission and as discussed at the September 16th, 2015, public hearing, a copy of which is attached hereto and incorporated herein as Exhibit A, is hereby approved.

3. The Commission recommends to the City Council that the City Council pass one or more ordinances approving the TIF Plan as shown in Exhibit A.

4. The Commission recommends to the City Council that Redevelopment Project 1, as described in the TIF Plan, be approved by the City Council, that Redevelopment Project Area 1, as defined in the TIF Plan, be selected and adopted for the respective Redevelopment Project 1 by the City Council, and that tax increment financing for Redevelopment Project Area 1 be adopted by the City Council.

5. The Commission does hereby recommend the designation of I-49 Investors, LLC, as the redeveloper for the Redevelopment Projects as described in the TIF Plan, which designation may be terminated if the Redeveloper does not execute a redevelopment agreement with the City for implementation of the TIF Plan ("TIF Contract") and complete the redevelopment of the Redevelopment Projects for which it has been designated in accordance with the TIF Plan and TIF Contract.

Passed this 16th day of September, 2015.

Fred Hastie, Chairman

ATTEST:

_____, Secretary

Approved as to form and legality

Aaron G. March, Counsel to Commission

EXHIBIT B to ORDINANCE NO. 2015-

Cedar Tree Tax Increment Financing Redevelopment Plan

See attached

STAFF REPORT TO THE CITY COUNCIL OF BELTON

CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN

1. Public Notice

In accordance with Section 99.830 of the Revised Statutes of Missouri, Staff prepared and delivered all required notices of this public hearing and a Request for Proposals (RFP) to undertake redevelopment of the proposed Redevelopment Area. Aside from the applicant, I-49 Investors, LLC ("the Redeveloper"), there were no qualified responses to the RFP.

2. Introduction

The purpose of this hearing is for the Commission to consider recommending to the City Council the approval or denial of the proposed Cedar Tree Tax Increment Financing Redevelopment Plan ("TIF Plan") and the designation of the Redeveloper as the redeveloper to implement the TIF Plan.

3. Redevelopment Area

The Redevelopment Area consists of approximately 14 acres of property generally located at the northwest corner of I-49 and Missouri State Highway 58. *See* TIF Plan **Exhibit 2A**.

4. General Description of the TIF Plan and Redevelopment Project

A. Redevelopment Plan

This TIF Plan proposes to redevelop approximately 92,000 square feet of retail at the existing Cedar Tree Shopping Center together with related private and public infrastructure.

B. Redevelopment Project

The Redevelopment Area contains one (1) Redevelopment Project and one Redevelopment Project Area. Redevelopment Project 1 proposes the renovation of approximately 92,000 square feet of retail space within Redevelopment Project Area 1. Redevelopment Project 1 also includes improvements of landscaping along Boatman's Plaza and Highway 58, mill and overlay of Powell Parkway to enhance the roadway and construction and reconstruction of all support facilities within the Redevelopment Area such as utilities, parking lots, street improvements, sidewalks, drainage as well as storm water detention.

5. Estimated Redevelopment Costs and Reimbursable Costs

Total Redevelopment Project Costs are estimated to be approximately **\$12,513,370**. *See* TIF Plan **Exhibit 4**.

The maximum amount of Reimbursable Project Area 1 Costs to be paid for under this Plan through TIF Revenue and CID Revenue is \$2,967,703 plus interest on the advance funding of such costs at a rate of five percent (5%) per annum. Interest will be calculated annually and certified as a Reimbursable Project Cost. In all regards, the amount paid to the Redeveloper shall not exceed a net present value of \$2,967,703, using a five percent (5%) discount rate. The TIF Plan will terminate at the earlier of December 1, 2031 or the payment to the Redeveloper of a net present value amount of \$2,967,703 using a five percent (5%) discount rate.

6. Projected Public Finance Revenue

- A. **PILOTs.** The TIF Plan proposes that 25% of the annual Payments in Lieu of Taxes (PILOTs) collected be declared as surplus revenue under the TIF Act and returned to the Taxing Districts. (Following completion of the project, the annual average 25% PILOTs surplus returned to the Taxing Districts is approximately \$36,000, and the annual average surplus payment to the School District is approximately \$24,000.) After deducting the 25% surplus, the estimated total gross PILOTs generated by the Redevelopment Projects over the duration of the TIF Plan is **\$1,285,105**.
- B. **EATS.** The estimated total gross Economic Activity Taxes (EATs) generated by the Redevelopment Project over the duration of the TIF Plan (including that portion of CID Revenue captured as EATs) is **\$3,372,156**.
- C. **CID Revenue.** It is the intent of this Plan, that the Redeveloper will pursue creation of a CID whose boundaries will include all of the Redevelopment Area, and which CID will authorize the imposition of a CID Special Assessment of up to \$2.00 per square foot of buildings constructed within the boundaries of the CID, thereby generating CID Revenue. This Plan anticipates the CID will remain ongoing after the termination of the Plan, to fund costs pursuant to the CID and the approved cooperative agreement between the City and the CID.
- D. **Total Public Revenue.** The estimated total gross Public Financing Revenue generated by the Redevelopment Projects over the duration of the TIF Plan and available to fund or reimburse project costs is **\$4,657,261**
- E. **Bonds.** This Plan does not authorize the issuance of Bonds or other obligations to finance Redevelopment Project Costs. The Plan proposes that such TIF Revenue, as well as CID Revenue, if any, as are annually collected be pledged to reimburse or pay for Reimbursable Project Costs in whatever amounts such annually collected amounts allow ("pay as you go").

7. Redevelopment Schedule

The Redeveloper anticipates that construction of the Project 1 improvements will be completed by October 31, 2016. See **Exhibit 13** to the TIF Plan. In no event shall any ordinance approving a Redevelopment Project be adopted later than ten (10) years from the adoption of the ordinance approving this TIF Plan.

8. Finding of Blighted Area

The TIF Plan, pursuant to the Existing Conditions Study ("Blight Study") performed by Valbridge Property Advisors and attached to the TIF Plan as **Exhibit 9**, and Redeveloper's Affidavit attached to the TIF Plan as **Exhibit 12**, concludes that the Redevelopment Area is a blighted area under the TIF Act.

To find that the Redevelopment Area is blighted, the Commission must find that at least one (and preferably more than one) of the following blighting factors exists at the site in its present use and condition:

- a. Predominance of defective or inadequate street layout;
- b. Unsanitary or unsafe conditions;
- c. Deterioration of site improvements;
- d. Improper subdivision or obsolete planning; or
- e. Conditions which endanger life or property by fire or other cause.

The Commission must then find that a causal connection exists between the blighting factor(s) and at least one of the following, *i.e.*, the factor(s) must be shown to either:

- a. Retard the provision of housing accommodation;
- b. Constitute an economic or social liability; or
- c. Constitute a menace to the public health, public safety, public morals, or public welfare in its present condition and use.

Staff believes that the Blight Study and the Redeveloper's Affidavit, in addition to material to be presented by Redeveloper or its consultants at the hearing, provide factual information which could allow the Commission to make a finding that the Redevelopment Area is a blighted area.

9. Finding the Area Conforms to the City's Comprehensive Plan

Staff believes that the TIF Plan is consistent with the City's Comprehensive Plan, meeting the following objects of the Comprehensive Plan: (1) planning for orderly commercial growth; (2) provide a high-quality development that addresses basic community needs; (3) encourage infill and modernization of existing commercial districts; and (4) cluster large commercial uses to minimize impact on surrounding uses and traffic patterns. Additionally, the Comprehensive Plan contemplates commercial development of the Redevelopment Area, consistent with the proposed commercial uses under the TIF Plan.

10. But-For Analysis

The TIF Plan includes a “But-For” financial analysis, attached to the TIF Plan as **Exhibit 8**, concluding that the project will produce the following internal rates of return (IRR) to the Redeveloper with and without Public Revenue Financing:

IRR with Public Revenue Financing	10.70%
IRR without Public Revenue Financing	-1.91%

A private redeveloper would not pursue this redevelopment for a -1.91% return. The Redeveloper has represented that it would pursue this project for the 10.70% return. Accordingly, based upon the facts and further based upon the Redeveloper's Affidavit attached as **Exhibit 12** of the TIF Plan stating that the project would not occur without Public Financing Revenue, Staff believes that the "but-for" test has been satisfied.

11. Cost-Benefit Analysis

The TIF Plan includes a cost-benefit analysis attached to the TIF Plan as **Exhibit 7**. The analysis concludes that the Project will result in a positive benefit of approximately \$22,457,007 to the taxing districts over the life of the TIF Plan, as measured by real property taxes (excluding PILOTs captured by the TIF Plan), surplus 25% PILOTs returned to the Taxing Districts, and the 50% portion of EATs uncaptured by the project.

12. Compliance with City TIF Policy

It is the policy of the City to consider the judicious use of TIF for those projects which demonstrate a substantial and significant public benefit by constructing public improvements in support of developments that will, by creating new jobs and retaining existing employment, eliminate blight, strengthen the employment and economic base of the City, increase property values and tax revenues, reduce poverty, create economic stability, facilitate economic self sufficiency, and implement the Comprehensive Plan and economic development strategy of the City. The Commission may consider whether these goals are satisfied by the proposed TIF Plan.

A. Policy Considerations.

The City's Economic Development Policy states TIF assistance generally should not exceed 15% of the total project costs. However, this threshold may be waived in circumstances where the developer: (a) has a proven track record in completing successful projects comparable in scope and scale; (b) documents the developer's financial capacity to complete the proposed project; (c) demonstrates that tenant commitments are already in place for a significant portion of the proposed project; and, (d) documents evidence of substantial public benefit (ex: infrastructure), and other key components of the street master plan.

The TIF Plan raises the following policy considerations:

- a) **Percentage of TIF Assistance.** The Redeveloper has indicated future development, estimated at \$9,360,000, may occur to the north of Redevelopment Project Area 1 which may include a hotel or other development. If this occurs without TIF assistance, the public participation is estimated to decrease from 23.72% to 13.57%.
- b) **Pay-Off Period.** The TIF Policy provides that TIF Applications which provide for a complete payout in less than twelve (12) years will be preferred. This TIF Plan projects a pay-off of the Project 1 Obligations by the earlier of the payment to the Redeveloper of a net present value amount of \$2,967,703 using a five percent (5%) discount rate or December 1, 2031 (16 years).

13. Required Findings for TIF Plan Approval

In order for the TIF Plan to be adopted, the TIF Act requires that the City Council make the following findings, and that the Commission make recommendations as to each of the following findings (these findings are set forth in greater detail in the attached draft Resolution recommending approval of the TIF Plan):

- a. The Redevelopment Area on the whole is a blighted area under the Act.
- b. The Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of TIF as described in the TIF Plan.
- c. The TIF Plan conforms to the City's comprehensive plan.
- d. The estimated dates of completion of the Redevelopment Projects and retirement of obligations, if any, incurred to finance Redevelopment Project Costs have been stated in the TIF Plan and are not more than twenty-three (23) years from the adoption of any ordinance approving the Redevelopment Projects within the Redevelopment Area, no ordinance approving a Redevelopment Project shall be adopted later than ten (10) years from the adoption of the ordinance approving the TIF Plan.
- e. The TIF Plan includes a relocation assistance plan for businesses and residences.
- f. The TIF Plan includes a cost-benefit analysis showing the economic impact of the TIF Plan on each taxing district, showing the impact on the economy if the project is not built, and is built pursuant to the TIF Plan, and including sufficient information from the redeveloper for the Commission to evaluate whether the Redevelopment Projects are financially feasible.
- g. The TIF Plan does not include the initial development or redevelopment of any gambling establishment.

- h. The Redevelopment Area includes only that property which will be directly and substantially benefited by the proposed project improvements.

Staff has concluded that items (b)-(h) are satisfied, and that the Commission may find that item (a) is satisfied based upon the information contained in the Blight Study, the Redeveloper's affidavit, and additional materials presented at the hearing by the Redeveloper.

14. Designation of Redeveloper

Should the Commission choose to recommend approval of the TIF Plan, it may further recommend the designation of applicant, I-49 Investors, LLC, as the Redeveloper for the Redevelopment Project as described in the TIF Plan.

ACTIONS RECOMMENDED:

A. ADOPT ORDINANCE NO. ACCEPTING THE RECOMMENDATIONS OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, ADOPTING THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN; DESIGNATING I-49 INVESTORS, L.L.C. AS THE DEVELOPER OF THE REDEVELOPMENT PROJECT; AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REDEVELOPMENT AGREEMENT WITH I-49 INVESTORS, L.L.C. FOR IMPLEMENTATION OF THE PLAN

B. ADOPT ORDINANCE NO. APPROVING AND DESIGNATING REDEVELOPMENT PROJECT 1 OF THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AS A REDEVELOPMENT PROJECT AND ADOPTING TAX INCREMENT FINANCING THEREIN.

EXHIBIT C to ORDINANCE NO. 2015-

**Redevelopment Agreement between City of Belton, Missouri and
I-49 Investors, L.L.C. for the implementation of the
Cedar Tree TIF Plan**

See attached

SECTION VIII
C

BILL NO. 2015-78

ORDINANCE NO. 2015-

APPROVING AND DESIGNATING REDEVELOPMENT PROJECT 1 OF THE CEDAR TREE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AS A REDEVELOPMENT PROJECT AND ADOPTING TAX INCREMENT FINANCING THEREIN.

WHEREAS, on _____, 2015, the City Council of the City of Belton Missouri (“City Council”) passed Ordinance No. _____ (the “Ordinance”), which approved the Cedar Tree Tax Increment Financing Redevelopment Plan (the “Plan”) and designated the Redevelopment Area described therein as a blighted area pursuant to the provisions of the Real Property Tax Increment Allocation Redevelopment Act, R.S.Mo. Sections 99.800 to 99.865 (“Act”); and

WHEREAS, the Plan and Ordinance contemplate the implementation of the Plan through one Redevelopment Project (“Redevelopment Project 1”) and the adoption of tax increment financing therein; and

WHEREAS, the City desires to activate tax increment allocation financing for Redevelopment Project 1.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BELTON, MISSOURI, as follows:

SECTION 1. All terms used in this ordinance not otherwise defined herein shall be construed as defined in the Redevelopment Agreement between the City of Belton (the “City”) and I-49 Investors, L.L.C. for the implementation of the Plan and Redevelopment Project (the “TIF Contract”), as appropriate.

SECTION 2. The area selected for Redevelopment Project 1 is legally described as follows:

LOT 1, 2, AND 3, CHARTER PLAZA, 2ND PLAT, A SUBDIVISION IN BELTON, CASS COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF; AND

ADJACENT RIGHT-OF-WAY AND PUBLIC STREETS GENERALLY TO THE NORTH, EAST AND SOUTH OF THE ABOVE-DESCRIBED LOTS AND WITHIN THE CHARTER PLAZA SUBDIVISION.

and is approved and designated as a Redevelopment Project Area 1 (the “Redevelopment Project Area 1”). Redevelopment Project Area 1 includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements therein.

SECTION 3. Tax increment allocation financing is hereby adopted for taxable real property in Redevelopment Project Area 1. After the total equalized assessed valuation of the taxable real

estate property in Redevelopment Project Area 1 exceeds the certified total initial equalized assessed valuation of the taxable real property in Redevelopment Project Area 1, the ad valorem taxes, and payment in lieu of taxes, if any, arising from the levies upon the taxable real property in such project by taxing districts and tax rates determined in the manner provided in R.S.Mo. Section 99.855.2 each year after the effective date of this ordinance until certified reimbursable redevelopment project costs have been paid shall be divided as follows:

1. That portion of taxes penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in Redevelopment Project Area 1 shall be allocated to and, when collected, shall be paid by the Cass County Collector and the City Treasurer to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

2. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in Redevelopment Project Area 1, and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property shall be allocated to and, when collected, shall be paid to the City Treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the City for the purpose of paying and reimbursing certified reimbursable Redevelopment Project Costs and obligations incurred in the payment thereof. Any payments in lieu of taxes which are not paid within 60 days of the due date will be deemed delinquent and assessed a penalty of one percent (1%) per month.

SECTION 4. In addition to the payments in lieu of taxes described in Section 3 above, fifty percent (50%) of the total additional revenue from taxes penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within Redevelopment Project Area 1 over the amount of such taxes generated by economic activities within such area in the calendar year prior to the adoption of this ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales of charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to R.S.Mo. Section 70.500, taxes levied to R.S.Mo. Section 94.660, licenses, fees or special assessments and personal property taxes, other than payments in lieu of taxes, and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the City Treasurer or other designated official officer of the City, who shall deposit such funds in a separate segregated account within the Special Allocation Fund.

SECTION 5. All terms used in this Ordinance not otherwise defined herein shall be construed as defined in the Act.

SECTION 6. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

Approved as to form and legality

City Attorney

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS.
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

SECTION VIII
D

APPROVING THE PETITION TO ESTABLISH THE CEDAR TREE COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF I-49 AND 58 HIGHWAY, IN BELTON, CASS COUNTY, MISSOURI; DETERMINING THAT THE DISTRICT AREA IS A BLIGHTED AREA; AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE CITY, I-49 INVESTORS, L.L.C. AND THE DISTRICT; AND DIRECTING THE CITY CLERK TO REPORT THE CREATION OF THE DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

WHEREAS, on October 27, 2015, by Ordinance No. _____, the City Council adopted the Cedar Tree TIF Plan ("TIF Plan"), found that the Redevelopment Area described therein was a blighted area as defined under the Real Property Tax Increment Allocation Redevelopment Act, R.S.Mo. Sections 99.800 to 99.865 ("TIF Act"), designated I-49 Investors, L.L.C. as the developer of the TIF Plan Redevelopment Projects ("Developer"), and authorized and directing the Mayor to enter into a redevelopment agreement with Developer for implementation of the TIF Plan (the "TIF Contract");

WHEREAS, on October 27, 2015, the City approved I-49 Investors, L.L.C. ("Developer") as the developer under the TIF Contract to implement the TIF Plan;

WHEREAS, the TIF Contract contemplates that Developer will take those steps necessary to cause the formation of a community improvement district pursuant to R.S.Mo. Sections 67.1401 *et seq.*, the Missouri Community Improvement District Act (the "Act"), including submitting a petition in accordance with the Act and entering into a cooperative agreement with the City and community improvement district (the "Cooperative Agreement"), in order to provide additional funding for the TIF Plan Redevelopment Projects;

WHEREAS, on September 28, 2015, a Petition for Establishment of Cedar Tree Community Improvement District (the "Petition") was filed by 100% of the owners of property within the District by representatives of Developer with the City of Belton, Missouri's City Clerk requesting establishment of the Cedar Tree Community Improvement District (the "District"), which District is comprised of the real property located within the Redevelopment Area, as set out in Exhibit A of the Petition (the "District Area"), and a determination that the District Area constitutes a blighted area under the Act;

WHEREAS, pursuant to R.S.Mo. Section 67.1421.3, the City Clerk timely reviewed the Petition and, upon consultation with the City's attorney, determined that the Petition substantially complies with the requirements of R.S.Mo. Section 67.1421.2;

WHEREAS, pursuant to and in accordance with R.S.Mo. Section 67.1431, notice of an October 13, 2015 public hearing to consider creation of the District was given as follows:

First and second publication notice of the public hearing was given by publication in a newspaper of general circulation within the City once a week for two consecutive weeks prior to the week of the public hearing, on October 2, 2015 and October 9, 2015;

Mailed notice on September 28, 2015, of the public hearing giving not less than fifteen days' notice prior to the public hearing by sending the notice via certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed District;

WHEREAS, pursuant to and in accordance with R.S.Mo. Section 67.2725, the City gave notice that the City Council would vote upon creation of the District conforming with all the requirements of R.S.Mo. Section 610.020.1 at least four days before the public hearing and vote, exclusive of weekends and holidays when City Hall is closed;

WHEREAS, on October 13, 2015, after due notice, the City Council so constituted held a public hearing at which parties in interest, interested persons and citizens were afforded an opportunity to be heard;

WHEREAS, after closing said hearing on _____, 2015, and after due deliberation, the City Council finds that approving the Petition, determining that District Area is a blighted area under the Act, establishing the District, and authorizing execution of the Cooperative Agreement would encourage and stimulate growth and development in the District Area and further the objectives of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BELTON, MISSOURI, as follows:

Section 1. That the Petition to establish the District as a political subdivision in accordance with the Act, a copy of which is attached to this Ordinance as **Exhibit A**, is hereby approved in its entirety.

Section 2. That the District Area is a blighted area under the Act, that the District shall have the powers authorized under R.S.Mo. Section 67.1461.2, and that the actions to be taken pursuant to the Cooperative Agreement, including the pledge of CID Revenue to assist in the funding of Redevelopment Projects, is reasonably anticipated to remediate the blighting conditions within the District Area and will serve a public purpose.

Section 3. That the District is hereby established for the purposes set forth in the Petition, that the District shall have all the powers and authority authorized by the Petition, the Act, and by law, and shall continue to exist and function for the term described in the Petition following the effective date of this Ordinance.

Section 4. That the District shall annually submit its proposed budget, report and copies of written resolutions passed by the District's board to the City pursuant to R.S.Mo. Section 67.1471, and in accordance with the terms of the Cooperative Agreement.

Section 5. That upon the effective date of this Ordinance, the City Clerk is hereby directed to report the creation of the District to the Missouri Department of Economic Development pursuant to R.S.Mo. Section 67.1421.6, by sending a copy of this Ordinance to said Department.

Section 6. That the Mayor of the City is authorized and directed to enter into on behalf of the City a contract between the City, Developer, and the District to assist in the funding of the District Improvements, as defined in the Petition, and administration of the District revenue (the "Cooperative Agreement") substantially in the form set out as **Exhibit B** attached hereto. The Mayor, in consultation with the City Manager and the City Attorney, is further authorized to modify any terms and provisions of the Cooperative Agreement on behalf of the City that he deems necessary or appropriate to facilitate the implementation of the District Improvements.

Section 7. All terms used in this Ordinance not otherwise defined herein shall be construed as defined in the Act.

Section 8. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

Approved as to form and legality

City Attorney

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS.
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

**CITY OF BELTON, MISSOURI
CITY COUNCIL MEETING**

Date: Tuesday, October 13, 2015
Place: City Hall Annex, 520 Main Street, Belton, Mo

**STAFF REPORT REGARDING
CEDAR TREE CID PETITION, PUBLIC HEARING
AND COOPERATIVE AGREEMENT**

1. Public Notice

In accordance with the Community Improvement District Act, R.S.Mo. Sections 67.1401 *et seq.* ("CID Act"), Staff prepared, delivered and published all required notices of this public hearing to consider approval of the Petition For Establishment of the Cedar Tree Community Improvement District ("Petition"), and creation of the Cedar Tree CID ("CID District"). On September 29, 2015, notices were mailed via certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the CID District. Notice was published in *The Cass County Democrat Missourian Newspaper* on October 2, 2015 and October 9, 2015.

2. Introduction

The CID Act provides for property owners within a specified area to form either a not-for-profit corporation or a political subdivision in order to impose a tax or special assessment to fund: (i) public improvements; (ii) certain activities; and (iii) in the case of blighted areas, costs associated with the remediation of blight. The Petition proposes that the CID District be a political subdivision.

On September 29, 2015, petitioners representing the owners of more than 50% of the assessed value of real property within the proposed CID District and more than 50% per capita of all owners of real property within the proposed CID District submitted the Petition to the City Clerk. I-49 Investors, L.L.C. ("Developer"), the designated developer of the Cedar Tree TIF Plan ("TIF Plan"), has purchases the real estate located within the proposed CID District, and coordinated submittal of the Petition. The City Clerk has determined, following consultation with the City Attorney, that the Petition substantially complies with the requirements of the CID Act.

The formation of the CID District is contemplated by the TIF Plan to assist in the financing of CID qualifying costs. Both the TIF Plan and the Petition contemplate the imposition of a special assessment of up to \$2.00 per square foot of usable building area ("CID Special Assessment"). Creation of the CID District and the imposition of up to a \$2.00 per square foot special assessment are allowed under the TIF Contract with Developer ("TIF Contract").

Included in the Council's packet are: (i) the Petition; (ii) a Cooperative Agreement between the City, the CID District and Developer which sets forth the parties' respective duties regarding the administration, enforcement, and operation of the CID District, the CID Special Assessment and

the funding of the CID Projects; and (iii) an ordinance approving the Petition, creating the CID District, and authorizing the execution of the Cooperative Agreement.

3. CID Area

The area proposed to be included within the CID District (the “CID Area”) is the same as the TIF Plan Redevelopment Area (approximately 14 acres of property generally located at the northwest corner of I-49 and 58 Highway, Belton, Missouri (A map of the proposed CID Area is attached as **Exhibit B** to the Petition).

4. General Description of the CID District Projects

The projects to be funded with CID Special Assessment (the “CID Projects”) include: (i) renovation of approximately 92,000 square feet of retail at the existing Cedar Tree Shopping Center; (ii) improvements of landscaping along Boatman's Plaza and Highway 58 will also be significantly improved; (iii) mill and overlay of Power Parkway to enhance the roadway; and, (iv) construction and reconstruction of all support facilities within the CID Area.

5. Estimated CID District Project Costs and Reimbursable Costs

The Cooperative Agreement proposes that the CID fund the same costs as those that are reimbursable costs under the TIF Plan, limited however to only those costs lawfully funded with CID Special Assessments. (The CID Budget is attached as part of **Exhibit C** to the Petition.) The Cooperative Agreement, in accordance with the TIF Contract, proposes the same advance funding and maximum reimbursable amounts as the TIF Plan. The maximum amount of reimbursable costs to be paid for under the TIF Plan through TIF Revenue and CID Revenue shall not exceed a net present value of \$2,967,703.00, using a five percent (5%) discount rate (the "Maximum TIF Reimbursement"). In addition to costs funded under the TIF Contract, the CID may fund any costs, allowed under Missouri law and in accordance with the Cooperative Agreement, so long as those costs were not contemplated as part of the economic analysis before the TIF Commission. For example, CID administrative costs are new costs that were not contemplated under the TIF Plan and are reimbursable with CID funds.

6. Redevelopment Schedule

Commence roof and parking lot improvements:	November 30, 2015
Commence façade improvements:	March 31, 2016
Anticipated completion of construction:	October 31, 2016

All scheduled activities may commence earlier than the dates set out above.

7. Finding of Blighted Area and Public Purpose

The Petition requests that the City Council make findings that (i) the CID Area is a blighted area under the CID Act, and (ii) that the pledge of the CID Sales Tax under the Cooperative

Agreement to assist in the funding of CID Projects is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

- a. **Blight.** The CID Act provides that a blighted area is, *inter alia*, an area which has been declared blighted pursuant to the TIF Act. Staff believes that the Council has sufficient facts and data to find the TIF Redevelopment Area to be blighted. As the CID Area is essentially the same as the TIF Redevelopment Area, the Council may likewise determine that the CID Area is blighted under the CID Act.
- b. **Public Purpose.** Staff believes that funding of the CID District Projects will serve a public purpose by remediating blighting conditions and by promoting the economic welfare and the development of the City of Belton and the State of Missouri through: (i) the creation of temporary and permanent jobs; (ii) stimulating additional development in the area near the CID Area; (iii) increasing local and state tax revenues; and (iv) providing necessary public infrastructure for the redevelopment of the CID Area and other surrounding development. Accordingly, Staff believes the Council may make this finding of public purpose.

8. Petition

The City Clerk in consultation with the City Attorney has determined that the Petition substantially complies with the CID Act's Petition requirements. The following are some of the more relevant terms of the Petition:

- a. **Board of Directors.** The CID District will be a political subdivision governed by a board of directors with five (5) members, each appointed by the Mayor with the consent of the Council. The initial board members are (i) Owen Buckley, (ii) Lynne Buckley, (iii) Tom O'Leary, (iv) Gwen Locher, and (v) Brad Foster.
- b. **Duration of the CID District.** The proposed maximum length of time for the existence of the District is fifty (50) years. Any extension would need to be granted by the City Council.
- c. **CID Special Assessment.** The CID District may impose a special assessment of up to \$2.00 per square foot on all usable building area within the CID Area. The CID District will not impose any sales taxes, real estate taxes or business license fees
- d. **No Obligations.** The CID District does not intend to issue any bonds or other obligations.

9. Cooperative Agreement

Should the City Council choose to approve the Petition, it may authorize approval of the Cooperative Agreement with Developer and the CID District, a copy of which is included in

your packet. The following are some of the more relevant terms of the proposed Cooperative Agreement:

- a. **Administration and Disbursal of CID District Special Assessment.** The City, on behalf of the CID District, will disburse the CID Special Assessment revenue in the following order of priority:
 - In the event there is insufficient TIF Revenue to fund the Reimbursable Project Costs, as described in the TIF Contract, CID District Special Assessment Revenues may be used to fund these items up to the Maximum TIF Reimbursement, as defined in the TIF Contract.
 - City's CID Administrative Fee.
 - CID District Operating Costs. These new/other costs, not included in the Redevelopment Project 1 Cost Budget in the TIF Contract, which may be reimbursed by the CID in accordance with Missouri statutes and the CID Cooperative Agreement.
- b. **Budget Approval.** The City has the right to approve the CID District's annual budgets.
- c. **Notice to Tenants.** Developer shall include in all leases a notice that the property is located within a community improvement district and is subject to the CID Special Assessment.
- d. **CID Board Meetings.** The City must be given 48 hour notice of all CID Board meetings. Also, a representative from the City is on the CID Board.

ACTIONS RECOMMENDED:

- A. FOLLOWING PUBLIC HEARING, APPROVE A PETITION ESTABLISHING THE CEDAR TREE COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF I-49 AND 58 HIGHWAY, IN BELTON, CASS COUNTY, MISSOURI; DETERMINING THAT THE DISTRICT AREA IS A BLIGHTED AREA; AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE CITY, I-49 INVESTORS, L.L.C. AND THE DISTRICT; AND DIRECTING THE CITY CLERK TO REPORT THE CREATION OF THE DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

Enclosures:

Petition For Establishment Of Cedar Tree Community Improvement District
Cooperative Agreement between City, Developer and CID District
Ordinance No. _____

EXHIBIT A to ORDINANCE NO. 2015-

**Petition for Establishment of
Cedar Tree Community Improvement District**

A copy of the petition can be viewed at City Hall in the City Clerk's Office

EXHIBIT B to ORDINANCE NO. 2015-

**Cooperative Agreement between City of Belton, Missouri,
I-49 Investors, LLC and the
Cedar Tree Community Improvement District**

See attached

SECTION VIII
E

APPROVING THE PETITION TO ESTABLISH THE GRAND HILL COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE GRAND HILL COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED EAST OF THE SOUTH OUTER ROAD OF INTERSTATE 49 ALONG GRAND STREET AND HILL STREET, ALL IN THE CITY OF BELTON, MISSOURI; AND DIRECTING THE CITY CLERK TO REPORT THE CREATION OF THE DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

WHEREAS, on July 28, 2015, a Petition for Establishment of Grand Hill Community Improvement District (the "Petition") was filed by more than 50% per capita of the owners of the District Land and District Land owners collectively owning more than fifty percent (50%) by assessed value of the District Land.

WHEREAS, pursuant to R.S.Mo. § 67.1421.3, the City Clerk timely reviewed the Petition and, upon consultation with the City's attorney, determined that the Petition substantially complies with the requirements of R.S.Mo. § 67.1421.2;

WHEREAS, pursuant to and in accordance with R.S.Mo. § 67.1431, notice of an October 13, 2015 public hearing to consider creation of the District was given as follows:

First and second publication notice of the public hearing was given by publication in a newspaper of general circulation within the City once a week for two consecutive weeks prior to the week of the public hearing, on October 2, 2015 and October 9, 2015;

Mailed notice of the public hearing was given not less than fifteen days prior to the public hearing on September 25, 2015, by sending the notice via certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed District;

WHEREAS, pursuant to and in accordance with R.S.Mo. § 67.2725, the City gave notice that the City Council would vote upon creation of the District conforming with all the requirements of R.S.Mo. § 610.020.1 at least four days before the public hearing and vote, exclusive of weekends and holidays when City Hall is closed;

WHEREAS, on October 13, 2015, after due notice, the City Council so constituted held a public hearing at which parties in interest, interested persons and citizens were afforded an opportunity to be heard;

WHEREAS, after closing said hearing on October 13, 2015, and after due deliberation, the City Council finds that establishing the District and approving the Petition would encourage and stimulate growth and development in the District Area and further the objectives of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BELTON, MISSOURI, as follows:

Section 1. That the Petition to establish the District as a not-for-profit corporation in accordance with the Act, a copy of which is attached to this Ordinance as **Exhibit A**, is hereby approved in its entirety.

Section 2. That the District is hereby established for the purposes set forth in the Petition, that the District shall have all the powers and authority authorized by the Petition, the Act, and by law, and shall continue to exist and function for the term described in the Petition following the effective date of this Ordinance.

Section 3. That the District shall annually submit its proposed budget, report and copies of written resolutions passed by the District's board to the City pursuant to R.S.Mo. § 67.1471.

Section 4. That upon the effective date of this Ordinance, the City Clerk is hereby directed to report the creation of the District to the Missouri Department of Economic Development pursuant to R.S.Mo. § 67.1421.6, by sending a copy of this Ordinance to said Department.

Section 5. All terms used in this Ordinance not otherwise defined herein shall be construed as defined in the Act.

Section 6. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

Approved as to form and legality

City Attorney

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS.
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

EXHIBIT A to ORDINANCE NO. 2015-

**Petition for Establishment of
Grand Hill Community Improvement District**

A copy of the petition can be viewed at City Hall in the City Clerk's Office

**CITY OF BELTON, MISSOURI
CITY COUNCIL MEETING**

Date: Tuesday, October 13, 2015
Place: City Hall Annex, 520 Main Street, Belton, Mo

**STAFF REPORT
GRAND HILL CID PETITION PUBLIC HEARING
AND COOPERATIVE AGREEMENT**

1. Public Notice

In accordance with the Community Improvement District Act, R.S.Mo. §§ 67.1401 *et seq.* (“CID Act”), Staff prepared, delivered and published all required notices of this public hearing to consider approval of the Petition For Establishment of the Grand Hill Community Improvement District (“Petition”), and creation of the Grand Hill CID (“CID District”). On September 25, 2015, notices were mailed via certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the CID District. Notice was published in *The Cass County Democrat Missourian Newspaper* on October 2, 2015 and October 9, 2015.

2. Introduction

The CID Act provides for property owners within a specified area to form either a not-for-profit corporation or a political subdivision in order to impose a tax or special assessment to fund: (i) public improvements; (ii) certain activities; and (iii) in the case of blighted areas, costs associated with the remediation of blight. The Petition proposes that the CID District be a not-for-profit corporation.

On July 28, 2015, petitioners representing the owners of more than 50% of the assessed value of real property within the proposed CID District and more than 50% per capita of all owners of real property within the proposed CID District submitted the Petition to the City Clerk. The City Clerk has determined, following consultation with the City Attorney, that the Petition substantially complies with the requirements of the CID Act.

The Petition contemplates the imposition of a special assessment of up to \$0.50 per square foot upon all real property owned in the District, excluding public right-of-way (“CID Special Assessment”), to fund updates and improvements to the water treatment facility, maintenance, and administration and operations.

Included in the Council's packet are: (i) the Petition; (ii) a Cooperative Agreement between the City, the CID District and Developer which sets forth the parties' respective duties regarding the administration, enforcement, and operation of the CID District, the CID Special Assessment and the funding of the CID Projects; and (iii) an ordinance approving the Petition, creating the CID District, and authorizing the execution of the Cooperative Agreement.

3. CID Area

The proposed district is located generally east of the South Outer Road of Interstate 49 along Grand Street and Hill Street, all in the City of Belton, Missouri. A boundary map of the District is attached.

4. General Description of the CID District Projects

The projects to be funded with CID Special Assessment (the "CID Projects") include:

- (a) **Updates and Improvements to Water Treatment Facility**
- (b) **Administration and Operations**
- (c) **Maintenance**
- (d) **Additional Improvements and Services**

5. Estimated CID District Project Costs/Five Year Plan

The estimated costs of improvements and services and the District's Five Year Plan as set out in the Petition, as follows:

FIVE-YEAR PLAN

	Year 1	Year 2	Year 3	Year 4	Year 5
	2015	2016	2017	2018	2019
Revenue					
Estimated Special Assessment Revenue	\$ 7,600	\$ 7,600	\$ 7,600	\$ 7,600	\$ 7,600
Expenditures					
Updates and Improvements	\$ (220,000)				
Debt Service	\$ (5,000)	\$ (5,000)	\$ (5,000)	\$ (5,000)	\$ (5,000)
Administration	\$ (2,600)	\$ (2,600)	\$ (2,600)	\$ (2,600)	\$ (2,600)
	\$ (204,800)				

6. Petition

As stated above, the City Clerk in consultation with the City Attorney has determined that the Petition substantially complies with the CID Act's Petition requirements. The following are some of the more relevant terms of the Petition:

- a. Type of District.** The CID District will be a not-for-profit corporation governed by a board of directors with five (5) members.
- b. Duration of the CID District.** The life of the District shall be for a minimum of thirty (30) years following the effective date of the Ordinance establishing the District, after which, the District shall continue in perpetual existence unless and until terminated in accordance with the Act.
- c. CID Special Assessment.** The District may, by resolution of the Board, and in accordance with the Act, impose a District-wide special assessment not to exceed \$0.50 per square foot upon all real property owned in the District, excluding public right-of-way.
- d. Obligations.** The CID District may issue obligations to be repaid by the special assessments.

ACTIONS RECOMMENDED:

- A. FOLLOWING PUBLIC HEARING, AUTHORIZING FIRST READING OF ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF GRAND HILL COMMUNITY IMPROVEMENT DISTRICT BY PASSING ORDINANCE NO. _____

Enclosures:

Petition For Establishment Of Grand Hill Community Improvement District
Boundary Map of Proposed District
Ordinance No. _____

SECTION VIII
F

BILL NO. 2015-81

ORDINANCE NO. 2015-

AN ORDINANCE APPROVING THE AGREEMENT BETWEEN THE CITY OF BELTON AND ARVEST BANK AT LOT 5 OF CREST PLAZA TO PARTICIPATE IN THE MARKEY REGIONAL DETENTION PROGRAM.

WHEREAS, Arvest Bank has submitted development plans for Lot 5 of the Crest Plaza development platted in April 2012; and

WHEREAS, Lot 5 development plans were approved by the Planning Commission on July 6, 2015; and

WHEREAS, as part of their submittal, the developer has elected to participate in the City's Markey Regional Detention Program, a program which provides an alternative to on-site stormwater detention; and

WHEREAS, the Markey Regional Detention Program was approved by the City Council on June 10, 2014, as ordinance number 2014-4005 and codified as section 32-1.4; and

WHEREAS, the ordinance requires all developers approved for participation in the program to enter into an agreement with the City of Belton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

Section 1. That an Agreement between Arvest Bank and the City of Belton to participate in the Markey Regional Detention Program be approved and the Mayor is authorized and directed to execute the agreement on behalf of the City. A copy of the agreement shall be attached and considered part of this ordinance.

Section 2. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ____ day of _____, 2015.

Mayor Jeff Davis

Approved this ____ day of _____, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the ____ day of _____, 2015, and thereafter adopted as Ordinance No. 2015-____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the ____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES:	COUNCILMEN:
NOES:	COUNCILMEN:
ABSENT:	COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: October 13, 2015

DIVISION: Engineering

COUNCIL: Regular Meeting Work Session Special Session

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input checked="" type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

Arvest Bank has submitted development plans for Lot 5 of the Crest Plaza development platted in April 2012. The Lot 5 development plans were approved by the Planning Commission on July 6, 2015.

As part of their submittal, the developer has elected to participate in the City’s Markey Regional Detention Program. The program provides an alternative to on-site stormwater detention. The ordinance for the program was approved in June 2014 and is codified as Section 32-1.4, and requires all developers approved for participation in the program to enter into the attached agreement with the City.

PROPOSED CITY COUNCIL MOTION:

Approve the agreement between the City and Arvest Bank at Lot 5 of Crest Plaza to participate in the Markey Regional Detention Program.

BACKGROUND:

Section 32-1.4.c requires that a drainage study and an application be submitted. Both have been submitted to staff and approved by the City Engineer. The fee for participation is calculated as \$5,100 per impervious site acre. For this development, with 0.595 acres (25,923 square feet) of additional impervious surface, the fee is \$3,035.06.

There is an existing detention basin on the north side of Givan Ave designed to mitigate an increase in runoff from the Crest Plaza development, however this detention basin is clearly marked as “temporary” on the Crest Plaza development plans and plat. Upon future development of the property north of Givan Ave, this detention basin will be allowed to be filled in and developed upon, conditional on participation into the regional detention program by those owners/developers.

The Transportation Division has begun grading work at the regional detention facility but has used Transportation dollars until the Markey Regional Detention Fund 226 has available funds. This revenue should therefore be refunded back to Transportation.

IMPACT/ANALYSIS:

Revenue of \$3,035.06 to Fund 226.

STAFF RECOMMENDATION, ACTION, AND DATE:

Approve the agreement between the City and Arvest Bank to participate in the Markey Regional Detention Program at the October 13, 2015 regular City Council meeting.

LIST OF REFERENCE DOCUMENTS ATTACHED:

Agreement

I:\Agenda Items\2015\101315\Arvest Bank - markey detention\Arvest Bank - Markey Detention - 10.05.15.docx

AGREEMENT REGARDING THE USE OF THE MARKEY REGIONAL DETENTION FACILITY
IN LIEU OF PROVIDING ON SITE OR OTHER PRIVATE DETENTION

This Development Agreement, is made as of October 7, 2015, by and between Arvest Bank (the "Developer") and the City of Belton, Missouri (the "City") with respect to the use of the Markey Regional Detention Facility, and the related payment in lieu of providing on site or other private detention.

RECITALS

A. Section 32-1 of the Belton Unified Development Code requires that developers of property located with the City provide on-site detention for the purpose of managing storm water (herein defined as the "Developer's Section 32-1 Obligations").

B. Ordinance No. 2014-4005 adopted by the City Council on June 10, 2014, (the "Ordinance"), herein codified as Section 32-1 (4), allows developers of property located within the "Markey Regional Watershed" as defined in the Ordinance to participate in the Markey Regional Detention Program (the "Markey Regional Detention Program") as an alternative method to satisfying the Developer's Section 32-1 Obligations.

C. The Markey Regional Detention Program allows property owners to utilize the Markey Regional Detention basin (the "Regional Detention Basin") in order to satisfy their Section 32-1 Obligations, conditioned inter alia upon a payment calculated at a base rate of \$5,100 per impervious acre of the proposed development (the "Payment in Lieu").

D. The Developer has submitted an application (the "Application") for participation in the Markey Regional Detention Program, for the property legally described and depicted on EXHIBIT 1 attached hereto (the "Property".) The Application was accompanied by a drainage study setting forth in detail the number of impervious acres contained within the proposed development on the Property and the detailed methodology for such calculations using approved APWA methodologies (the "Drainage Study").

E. The City has reviewed the Application and the Drainage Study and determined that the Developer's participation in the Markey Regional Detention Program will achieve and/or exceed the Developer's Section 32-1 Obligations resulting from the proposed development of the Property.

NOW, THEREFORE AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, THE CITY AND DEVELOPER AGREE AS FOLLOWS:

Term. This Agreement shall remain in force and effect so long as the Regional Detention Basin is utilized by the Developer or its heirs, successors and assign to satisfy any Section 32-1 Obligations related to the Property or any portion thereof.

Rate. Developer shall pay a one-time fee of \$3,035.06 to the City for the utilization of the Regional Detention Basin in order to satisfy the Developer's Section 32-1 Obligations. Said payment to be submitted to the City as a condition to the issuance of any permit related to the development of the Property.

Funds. The funds collected in accordance with this Agreement shall be deposited by the City into a specifically designated account and shall only be used toward the construction and subsequent maintenance of the Regional Detention Basin.

Operation. The City agrees to maintain and operate the Regional Detention Basin in compliance with all applicable federal, state and local laws, rules and regulations now existing or hereinafter enacted. All costs of construction, maintenance and operation of the Regional Detention Basin shall be borne solely by City.

Design and Construction. Plans for the improvements required to utilize the Regional Detention Basin must be submitted to and approved by the City before any permit related to the development of the Property will be issued by the City. Said plans must comply with the requirements of APWA Section 5600 and the City of Belton's development standards as set out in Section 36.69 (b) of the Unified Development Code.

Water Quality. Developer agrees that the water delivered into the Regional Detention Basin shall meet or exceed the minimum water quality standards of the City and the Missouri Department of Natural Resources. Developer agrees to provide the City, upon request, with the results of any water quality analyses necessary to assess the quality of the water delivered into the Regional Detention Basin. Failure to meet or exceed the minimum water quality standards of the City and the Missouri Department of Natural Resources shall be a breach of this Agreement and shall be cause for termination of the Agreement.

Indemnification. Developer shall indemnify and hold harmless City and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from any acts or omissions in connection with this Agreement and/or use of the Regional Detention Basin to the extent caused by Developer, its employees, agents or subcontractors, or to the extent caused by others for whom Developer is liable.

Insurance. Developer will carry and keep in force at its own expense, Commercial General Liability insurance with companies that do business in this state, in an amount not less than \$2,500,000 single limited personal injury and property damage and \$2,500,000 combined personal injury and property damage and cover Developer's use of the Regional Detention Basin. All policies of insurance shall be considered primary of any existing, similar insurance carried by the City. Such coverage need not be covered by separate policy, but may be satisfied through the existence of one or more master policies granted to Developer. Developer shall furnish City with a certificate of insurance prior to the issuance by the City of any permit for development of the Property.

Governing Law. This Agreement shall be construed and governed in accordance with the law of the State of Missouri. The parties submit to the jurisdiction of the courts of the State of Missouri and waive venue.

Compliance with Laws. Developer shall comply with all federal, state and local laws, ordinances and regulations applicable to this Agreement and in effect as of the date of this Agreement.

Default and Remedies. If Developer shall be in default or breach of any provision of this Agreement, City shall provide Developer with written notice of such default or breach. In the event that Developer has not cured the default or breach to City's satisfaction within thirty days (30) days of the date of the initial notice, or has not taken such reasonable steps as determined by City in City's sole discretion to expeditiously cure such default or breach, then City may, in addition to any other legal or equitable remedies, terminate this Agreement. In the event that City terminates this Agreement: 1) Developer shall be obligated to satisfy its Section 32-1 Obligations independently of and without the right to utilize the Regional Detention Basin; 2) Developer shall not be entitled to any refund of the Payment in Lieu; and 3) Developer shall be responsible for all costs associated with disconnecting the Property from the Regional Detention Basin, such costs, if not paid by Developer shall be assessed against the Property and a lien placed against the Property until paid. In the event Developer has been declared to be in default of this Agreement by City, in addition to any and all other remedies, City may revoke any certificates of occupancy that have been issued on the Property pending Developer's independent satisfaction of its Section 32-1 Obligations.

Waiver. Waiver by City of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach of the same or of any other term, covenant or condition. No term, covenant or condition of this Agreement can be waived except by written consent of the City, and forbearance or indulgence by the City in any regard whatsoever shall not constitute a waiver of same to be performed by Developer to which the same may apply and, until complete performance by Developer of the term, covenant or condition, City shall be entitled to invoke any remedy available to it under this Agreement or by law despite any such forbearance or indulgence.

Modification. Unless stated otherwise in this Agreement, no provision of this Agreement may be waived, modified or amended, except in writing by the City.

Assignability. Except as part of the sale or transfer of the Property, Developer shall not assign or transfer any part or all of its interest in this agreement without written notification to the City. If Developer shall transfer any part of its obligations under this Agreement without the prior approval of the City if required, such transfer shall constitute a material breach of this Agreement.

Binding Agreement. This Agreement shall be binding upon the heirs, successors and assigns of the Developer. The obligations of the Developer under the Agreement shall also be a covenant that runs with the land and shall bind all successors in interest to title to the Property or portions thereof.

Recording. This Agreement shall be recorded with the Cass County Recorder of Deeds.

Conflicts of Interest. Developer certifies that no officer or employee of City has, or will have a direct or indirect financial or personal interest in this Agreement.

Counterparts. This Agreement may be signed in one or more counterparts.

Notices. All notices required by this Agreement shall be in writing sent by regular U.S. mail, postage prepaid or commercial overnight courier to the following:

City:

City of Belton,
Ron Trivitt, City Manager
506 Main Street
Belton, MO 64012
Phone: 816-331-4331
Fax: 816-322-6973

With a copy to the City Attorney:

Megan McGuire, Esq.
506 Main Street

Belton, MO 64012

Developer:

Arvest Bank
ATTN: President & CEO- Greater Kansas City
6300 Nall
Mission, Kansas 66202

All notices are effective on the date mailed or deposited with courier.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed pursuant to due authority of the date first set forth above.

DEVELOPER

By: _____

Title: President & CEO- Greater Kansas City

Date: October 7, 2015

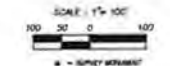
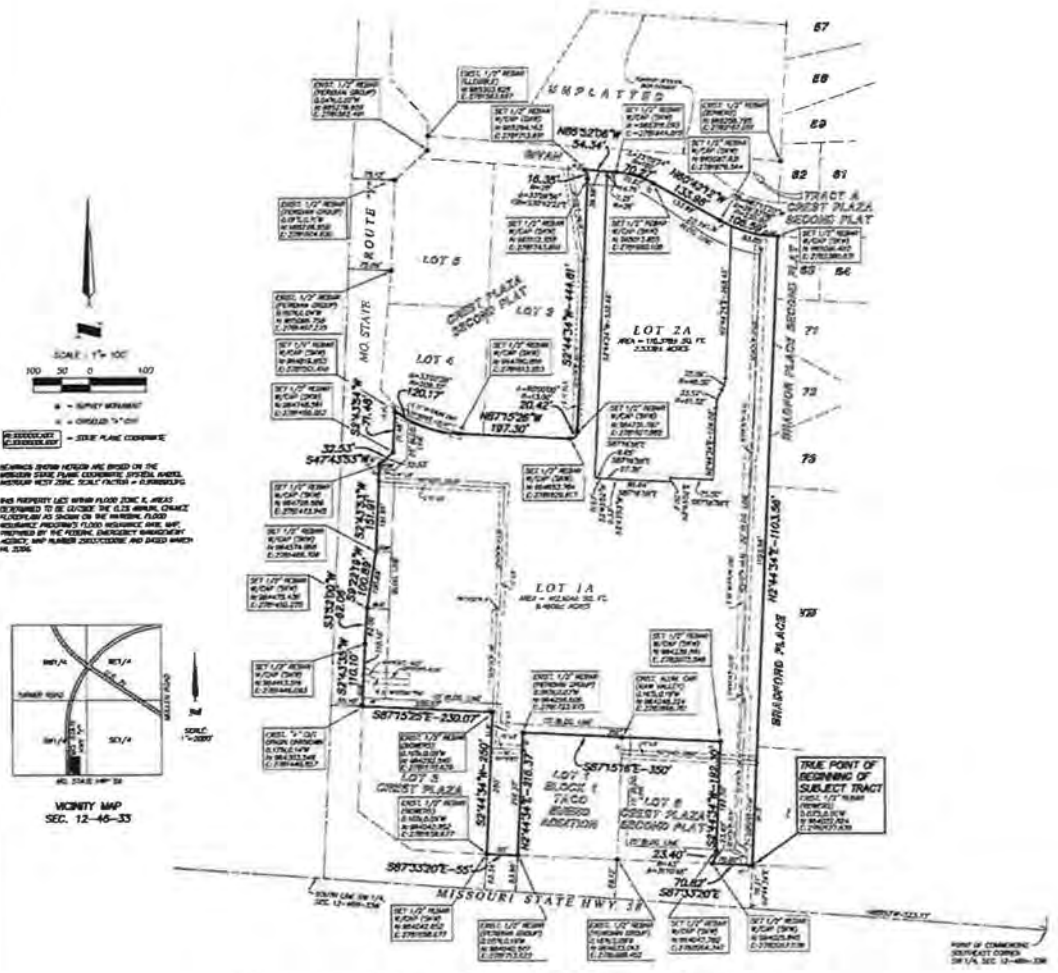
CITY

By: _____

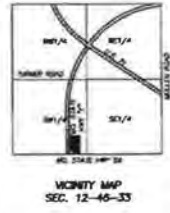
Title: _____

Date: _____

FINAL PLAT
CREST PLAZA, THIRD PLAT
 A REPLAT OF LOTS 1 AND 2, CREST PLAZA, SECOND PLAT
 CITY OF BELTON, CASS COUNTY, MISSOURI



SCALE: 1" = 100'
 100 50 0 50 100
 N - NORTH MERIDIAN
 M - MAGNETIC NORTH
 S - STATE PLANE COORDINATE
 S - STATE PLANE COORDINATE



SURVEYOR'S CERTIFICATE: I hereby certify that the plat titled "CREST PLAZA, THIRD PLAT," a subdivision, is based on an actual field survey made by me or under my direct supervision on February 8, 2012 and that said survey meets or exceeds the current "Minimum Standards for Urban Property Surveys" as established by the Department of Natural Resources, Division of Geology and Survey of the State of Missouri and the Missouri Standards for Property Boundary Surveys established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. I further state that I have complied with the applicable rules and regulations governing the practice of surveying and holding of said survey to the best of my professional knowledge and belief.

Shirley Coleman
 Shirley L. Coleman, P.S.-L.S.
 4/25/2012

SHAFER, KLINE & WARREN, INC.
 ENGINEERS ~ SURVEYORS

11250 CORPORATE AVENUE
 LENEXA, KANSAS 66219
 PHONE: (913) 858-7600
 FAX: (913) 858-7868

This is a re-survey and re-division of all of Lots 1 and 2, CREST PLAZA, SECOND PLAT, a subdivision of land in the City of Belton, Cass County, Missouri, more particularly described as follows: Commencing at the Southeast corner of the SW^{1/4} of said Section 12; thence N 87° 05' 00" W, along the South line of the SW^{1/4} of said Section 12, a distance of 213.73 feet; thence N 2° 44' 34" E, a distance of 78.21 feet to a point on the Northern right-of-way line of Missouri State Highway No. 31, as now established and the floor of Beginning, said point also being the Southwest corner of Lot 1, CREST PLAZA, SECOND PLAT, a subdivision of land in the City of Belton, Cass County, Missouri, and also being on the West line of BRADFORD PLAZA, a subdivision of land in the City of Belton, Cass County, Missouri; thence continuing N 2° 44' 34" E, along the East line of said Lot 1, a distance of 1,101.00 feet to the Northeast corner thereof; thence westerly along the Northern line of said Lot 1 and 2, along a curve to the right having a radius of 230 feet, a central angle of 26° 33' 08" and whose initial tangent bearing is N 67° 15' 20" W, a distance of 106.59 feet, to a point of tangency; thence N 67° 47' 17" W, along the North line of said Lot 2, a distance of 133.98 feet, to a point of curvature; thence westerly, along the West line of said Lot 2, said line being on a curve to the left, having a radius of 180 feet and a central angle of 25° 09' 54", a distance of 22.77 feet, to a point of tangency; thence N 85° 32' 06" W along the Northern line of said Lots 1 and 2, a distance of 14.34 feet, to a point of curvature; said point also being the Northwest corner of Lot 3, CREST PLAZA, SECOND PLAT; thence Southerly along the Western line of Lot 1 and the Eastern line of Lot 3, along a curve to the right having a central angle of 3° 30' 47" E, a radius of 18 feet, a central angle of 32° 29' 56"; a distance of 16.35 feet, to a point of tangency; thence S 2° 44' 34" W along said Western and Eastern lines, a distance of 444.89 feet, to a point of curvature; thence Southerly and westerly, along the Northern line of said Lot 1 and the Southern line of said Lot 3, along a curve to the right having a radius of 13 feet, a central angle of 90° 00' 00"; a distance of 20.42 feet, to a point of tangency; thence continuing along said Northern line and the Southern line of Lots 2 and 3, CREST PLAZA, SECOND PLAT, N 87° 15' 20" W, a distance of 192.00 feet, to a point of curvature; thence continuing along said Northern line and Southern line, along a curve to the right, having a radius of 208.37 feet, a central angle of 33° 03' 36", a distance of 120.17 feet to a point on the West line of said Lot 1, said point being the Southwest corner of said Lot 4 and being also a point on the Eastern right-of-way line of Missouri State Highway No. 31; thence the following courses and distances along the Western line of said Lot 1 and said Eastern right-of-way line; thence S 2° 47' 54" W, a distance of 71.48 feet; thence S 47° 43' 03" W, a distance of 32.53 feet; thence S 2° 43' 53" W, a distance of 151.81 feet; thence S 9° 22' 19" W, a distance of 100.89 feet; thence S 2° 52' 00" W, a distance of 62.66 feet; thence S 7° 43' 35" W, a distance of 103.03 feet to the Northeast corner of Lot 3, CREST PLAZA, a subdivision of land in the City of Belton, Cass County, Missouri; thence along the Southern line of said Lot 1 and the Northern line of said Lot 2, S 87° 15' 20" W, a distance of 230.07 feet to the Northwest corner of said Lot 3; thence S 2° 44' 34" W, along the Southern line of Lot 1 and the Eastern line of Lot 3, a distance of 250 feet to a point on the Northern right-of-way line of Missouri State Highway No. 31, as now established, said point being the Southwest corner of said Lot 3; thence Easterly, along said Northern right-of-way line, S 67° 33' 20" E, a distance of 55 feet to the Southwest corner of Lot 1, BLOCK 1, TACO BUNDO ADDITION, a subdivision of land in the City of Belton, Cass County, Missouri; thence N 2° 44' 34" E, along the Southern line of said Lot 3, and along the Western line of said Lot 1, BLOCK 1, TACO BUNDO ADDITION, a distance of 216.37 feet to the Northwest corner of said Lot 1, BLOCK 1, TACO BUNDO ADDITION; thence continuing along the Southern line of said Lot 1, CREST PLAZA, SECOND PLAT, the Northern line of said Lot 1, TACO BUNDO ADDITION and the Northern line of Lot 6, CREST PLAZA, SECOND PLAT, S 87° 15' 20" W, a distance of 200 feet to the Northwest corner of said Lot 6; thence continuing along the Southern line of Lot 1 and the Eastern line of said Lot 6 the following courses and distances; thence S 02° 44' 34" W, a distance of 182.20 feet to a point of curvature; thence along a curve to the right, having a radius of 43 feet, a central angle of 20° 10' 45", a distance of 23.40 feet to a point on the Northern right-of-way line of Missouri State Highway No. 31; thence S 87° 15' 20" E, along said Northern right-of-way line, a distance of 70.82 feet to the Point of Beginning, containing 222,482 square feet or 0.50845 acres, more or less.

The undivided portions of the above described tract of land have caused the same to be subdivided in the manner shown herein, which subdivision shall be known as CREST PLAZA, THIRD PLAT.

In testimony whereof, Crossroads of Belton, LLC has caused these presents to be signed by its Manager this 26th day of APRIL, 2012.

Crossroads of Belton, LLC

Shirley Coleman
 Shirley L. Coleman, Manager



State of Mo
 County of Saline } 35

I, the undersigned, do hereby certify that on the 26th day of APRIL, 2012, before me, a Notary Public in and for said County and State, came David M. Warren, as Manager of Crossroads of Belton, LLC to the personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same in behalf of Crossroads of Belton, LLC in testimony whereof, I have hereunto set my hand and affirmed my saying and the date and year above written.

David M. Warren
 Notary Public My Commission Expires APRIL 26, 2015

An agreement or license is hereby granted to the City of Belton, Cass County, Missouri, to locate, construct and maintain or authorize the location, construction, maintenance and use of easements for all or any purpose water, gas, sewer, electric, cable and other or any or of them, over, under and along the strips marked "E" and "S" on "CREST PLAZA, THIRD PLAT."

The streets shown hereon and not hereunto dedicated to public use are hereby dedicated.

The site of CREST PLAZA, THIRD PLAT has been submitted to and approved by the Belton Planning Director this 16th day of April, 2012.

John Caprio
 Planning Director, Jay C. Caprio

These easements and rights-of-way accepted by the City Council of Belton, Missouri, this 14th day of December, 2010.

John Caprio



ATTEST:
Shirley Coleman
 Deputy City Clerk

Entered on transfer record No. 12-46-33 on April 26, 2012

Shirley Coleman
 County Clerk

SECTION VIII
G

BILL NO. 2015-82

ORDINANCE NO. 2015-

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A POLE SIGN FOR TEXAS ROADHOUSE, ON PROPERTY ZONED C-2 (GENERAL COMMERCIAL), AND LOCATED AT 228 PECULIAR DRIVE, BELTON, MISSOURI.

WHEREAS, the Belton Planning Commission has received a request for Special Use Permit to allow a pole sign on a property located at 228 Peculiar Drive in the City of Belton, Missouri; and

WHEREAS, a public hearing was held before the Belton Planning Commission on October 5, 2015 in accordance with the provisions of Section 40-2 of the Unified Development Code of the City; and

WHEREAS, notice of the hearing was sent to property owners within 185-feet of the subject property by certified mail on August 28, 2015; and

WHEREAS, the Belton Planning Commission voted by a majority (9-0) of those present to recommend APPROVAL of the Special Use Permit to the City Council with condition(s).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

Section 1. That the proposed pole sign on property zoned C-2 (General Commercial), and located as 228 Peculiar Drive, in the City of Belton, Missouri, is hereby approved for a Special Use Permit in accordance with Section 40 of the Unified Development Code.

Section 2. That a public hearing was held before the Belton Planning Commission on October 5, 2015 in accordance with the provisions of Section 40-3 of the Unified Development Code of the City, and the request received a recommendation of approval from the Commission.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Duly read one (1) time and passed this ____ day of _____ 2015.

Mayor Jeff Davis

Approved this _____ day of _____, 2015.

Mayor, Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
Of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ of _____, 2015, and thereafter adopted as Ordinance No. 2015 _____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the _____ day of _____, after the second reading thereof by the following vote, to-wit:

AYES:	COUNCILMEN:
NOES:	COUNCILMEN:
ABSENT:	COUNCILMEN:

Patricia A. Ledford, City Clerk
Of the City of Belton, Missouri



CITY OF BELTON
CITY COUNCIL INFORMATION FORM
TUESDAY, OCTOBER 13, 2015 / 7:00 P.M.

DATE: October 13, 2015
ASSIGNED STAFF: Robert G. Cooper, City Planner
DEPARTMENT: Community Planning & Development

Table with 4 columns: Ordinance (checked), Resolution, Consent Item, Change Order; Agreement, Discussion, FYI / Update, Public Hearing.

ISSUE

Texas Roadhouse restaurant, has requested a Special Use Permit, to allow a 30-foot pole sign to be located in a C-2 (General Commercial) district.

NATURE OF THE REQUEST

The applicant is asking the Planning Commission to allow a pole sign be installed at the main entrance into the facility from Peculiar Drive. The proposal is for a single-pole sign base, elevated to 30-feet, with a 150-square foot sign face.

CODE CITATION

Pursuant to Section 30-8 of the Unified Development Code, 'Sign types are permitted in C-2 zoning district:

- 1. Freestanding with one (1) tenant occupying a building;
2. One (1) per establishment;
3. Maximum size: 32-square feet;
4. Maximum height: 6-feet;
5. Direct or indirect lighting;
6. Setback of sign base shall be no less than ten-feet (10') from the property line; and
7. A three-foot landscape ring shall be provided around the sign base.

BACKGROUND

The city's development review committee has convened on several occasions and met with the developer to discuss and review the elements of the plat and the general layout of the site. The Planning Commission reviewed and approved the zone change on May 18th and the final plat and final development plan on August 17th. The City Council approved their request for a zone change on September 8, 2015. Their final plat and final development plan were also reviewed and approved by the City Council on September 8th.

SPECIAL USE PROVISION - Some uses of land are not appropriate in all locations within a district or under circumstances where the use imposes an inappropriate impact on the public or neighboring properties and are therefore designated as "special uses". These uses may be approved at a particular location through the receipt of a special use permit where the impact of those users does not inappropriately affect or impair the use and enjoyment of neighboring properties.

STAFF REPORT

Welfare and Convenience of the Public

The property sits adjacent to I-49 near the 171st Street interchange. The Texas Roadhouse restaurant will serve the local area with dining amenities. The proposed pole sign will be situated at the main entrance to the site, clearly visible from the Interstate and area roads making it an easily identifiable landmark, thus adding to the convenience of the general public.

Injury to Surrounding Property

The surrounding area is zoned for commercial and industrial use. The projected view of the elevated sign will be north-south orientation...to be viewed by motorists on Interstate-49 with the projected view of the sign to run parallel with the Outer Road.

This property is bordered by Interstate-49 to the east with commercial property to the north along 171st Street. The proposed pole sign with an elevation of 30-feet and with a sign face of only 150-square feet will blend in with the surrounding area and the existing elevated signs.

Domination of the Neighborhood

This property has frontage on the Peculiar Drive (Outer Road), with commercial users and commercially zoned properties, which encompass the adjoining area. The applicant believes no adjacent property owner will be negatively affected by the special use request. The applicant also believes the sign will have an opposite effect by increasing public awareness of the location of the newest restaurant.

The owner of the Econo-Lodge, located at 222 Peculiar Drive has stated to city staff, he is in favor of the requested special use permit to allow a 30-ft. pole sign adjacent to the motel's property.

Currently, there are existing pole signs, all of which are located within a half-mile radius of the Texas Roadhouse restaurant, which are at least forty-feet in height. McDonald's restaurant has a 76-foot pole sign; Ad Trend Advertising has two 45-foot billboard signs; and Belton Regional Hospital has a 40-foot pole sign at their facility, and the recently approved 40-foot digital sign at Transwest.

Proposed Use will not detract or encroach upon welfare or convenience of the public

It appears the proposed use will not detract or encroach upon the welfare or convenience of the public. The Texas Roadhouse sign is designed to enhance good aesthetics and preserve property values by preventing a potentially unsightly and chaotic development that would have a blighting influence upon the community.

The sign structure will be required to meet city code as it relates to design, setback, and landscaping.

Staff Recommendation

Staff recommends approval of Special Use Permit 15-19, to allow a 30-foot pole sign, to be located at 228 Peculiar Drive, in a C-2 (General Commercial) zoning district.

PLANNING COMMISSION RECOMMENDATION(S):

Approve the Special Use Permit as proposed, to allow a 30-foot pole sign at 228 Peculiar Drive, Texas Roadhouse, property and following staff presentation and discussion, the Planning Commission voted 9-0 to approve Special Use Permit #15-19.

ATTACHMENTS:

1. Sign Elevation
2. Proposed Ordinance

FILE COPY
 AUG 2 1 2015



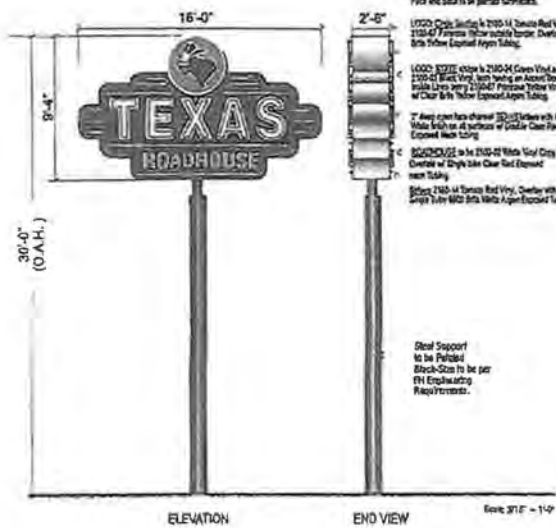
S/F Illuminated POLE SIGN CABINET - ONE (1) REQUIRED
 148.2 Square Feet
 Size: 16" x 10"

SCOPE OF WORK:
 MFG AND INSTALL NEW S/F NEON ILLUMINATED MAIN LOGO SIGN CABINET.

149.3 SQ. FT TOTAL

SELECTION PALETTE	
<input type="checkbox"/> White	<input type="checkbox"/> Black
<input type="checkbox"/> Silver	<input type="checkbox"/> Gold
<input type="checkbox"/> Red	<input type="checkbox"/> Blue
<input type="checkbox"/> Green	<input type="checkbox"/> Yellow
<input type="checkbox"/> Purple	<input type="checkbox"/> Orange
<input type="checkbox"/> Brown	<input type="checkbox"/> Grey
<input type="checkbox"/> Light Blue	<input type="checkbox"/> Light Green
<input type="checkbox"/> Light Purple	<input type="checkbox"/> Light Orange
<input type="checkbox"/> Light Brown	<input type="checkbox"/> Light Grey

CUSTOMER TO PROVIDE:
 All work to be done in accordance with the contract documents and specifications. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for the safety of the work and the protection of the existing site. The contractor shall be responsible for the removal and disposal of all debris and materials. The contractor shall be responsible for the cleanup of the site after the completion of the work.



MANUFACTURING TO SPECIFICATIONS WITHIN 30 DAY LEAD TIME (EXCLUDING DELIVERY AND INSTALLATION)
 ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED
 (E) 100% QA Check Required

FEDERAL HEALTH SIGN COMPANY
 www.fhsign.com
 140 W. Central Drive, Suite 204, Central, NY 14022
 815.691.7799 Fax 815.691.7182

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 Chicago - St. Louis - Phoenix - Kansas
 Atlanta - Tampa - Dallas - Houston - New York

Project Name: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 Contact Name: _____
 Phone: _____
 Email: _____
 Date: _____

Account Rep: **Randy Cearlock**
 Project Manager: **S. Maeser**
 Designer: **S. Maeser**



Project Number: **33-32722-10**
 Date: **JULY 27, 2015**
 Sheet Number: **7 OF 7**
 Design Number: **33-32722-10**

This original drawing is issued in full of a printed project and shall be the property of Federal Health Sign Company, LLC or its authorized agent.

SECTION VIII
H

BILL NO. 2015-83

ORDINANCE NO. 2015-

AN ORDINANCE REPEALING ORDINANCE 2015-4119 AFTER PROPER PROCEDURAL DUE PROCESS AND PUBLIC HEARING NOTICES, AND APPROVING AN AMENDMENT TO THE CITY'S ZONING MAP, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), FOR A 1.0-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF MINNIE AVENUE, JUST EAST OF LILLARD AVENUE, ADDRESSED AS 600 MINNIE AVENUE, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.

WHEREAS, the Belton Planning Commission has received a request to rezone a 1.0-acre tract of land, located on the north side of Minnie Avenue, just east of Lillard Avenue, addressed as 600 Minnie Avenue, in the City of Belton, Cass County, Missouri from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential) District; and

WHEREAS, a public hearing was held before the Belton Planning Commission on July 20, 2015 in accordance with the provisions of Section 20-2 of the Unified Development Code of the City, however, due to an inadequate public hearing notice to all surrounding property owners, the prior approvals at the Planning Commission and City Council were improperly taken, and upon proper reissuance of public hearing notices and public hearing on October 5, 2015, the rezoning was once again evaluated and found to be proper as presented; and

WHEREAS, notice of the hearing was sent to property owners within 185-feet of the subject property by certified mail on September 18, 2015; and

WHEREAS, the Belton Planning Commission voted by a majority (9-0) of those present to recommend APPROVAL of the Zone Change to the City Council with conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

Section 1. That the subject property shown in attachment A, heretofore possessing an R-1 (Single-Family Residential) zoning classification is hereby rezoned to R-3 (Multi-Family Residential) zoning classification and is hereby approved.

Section 2. That a public hearing was held before the Belton Planning Commission on October 5, 2015 in accordance with the provisions of Section 20-2, of the Unified Development Code of the City, and the request received a recommendation of approval from the Commission.

Section 3. That the following conditions shall apply as a matter of record for this Zone Change:

1. The following Land Uses as outlined in Section 40 of the Unified Development Code shall be allowed by-right and/or by special permit.

Section 4. That the Comprehensive Plan and the Zoning Map of the City shall be supplemented and amended to show and reflect the actions taken today.

Section 5. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval by the City Council.

Duly read one (1) time and passed this _____ day of _____ 2015.

Mayor Jeff Davis

Approved this _____ day of _____, 2015.

Mayor, Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
Of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ of _____, 2015, and thereafter adopted as Ordinance No. 2015 _____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the _____ day of _____, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
Of the City of Belton, Missouri



**CITY OF BELTON
CITY COUNCIL INFORMATION FORM
TUESDAY, OCTOBER 13, 2015 / 7:00 P.M.**

DATE: October 13, 2015
 ASSIGNED STAFF: Robert G. Cooper, City Planner
 DEPARTMENT: Community Planning & Development

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI / Update	<input type="checkbox"/> Public Hearing

CASE # RZ15-11: Consideration of a Zone Change from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) District for a 1.00-acre tract of land, addressed as 600 Minnie Avenue.

BACKGROUND:

Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. Tutera Group is requesting that the property located at 600 Minnie Avenue be rezoned from R-1 to R-3 which is the current zoning for the senior housing development known as Carnegie Village. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development. As a part of the development, the house will be razed and converted into parking for the Skilled Nursing Facility as well as the adjacent senior housing facility.

The Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community.

CURRENT ZONING

This area consists of a mixture of zoning classifications. The predominate zoning along 58-Highway is C-2 (General Commercial), while the zoning along and south of Minnie Avenue is primarily R-1 (Single-Family Residential) with higher density R-2 and R-3 (Two and Multi- Family) located on the west side of Cedar (Y-Highway) and south of E. North Avenue.

The characteristics and predominate land use in the immediate area is commercial/retail with store frontage along 58-Highway. However, the interior properties just south of the commercial corridor are residential in characteristic and design.

Comprehensive Plan. The city’s future land-use map designates this area as multi-family mixed use zoning. The rezoning to multi-family would be consistent with the City’s Future Land Use Map and future plans for this area of the city.

COMPATIBILITY: The proposed zone change to R-3 (Multi-Family Residential) for the one-acre parcel would be consistent with the existing zoning of the entire tract of Carnegie Village.

In addition, the change to multi-family residential zoning would serve as a buffer between the commercial uses along E. North Avenue and the single-family houses south of Minnie Avenue. This “zoning buffer” approach is consistent with national planning standards and common planning practice.

ENVIRONMENTAL: The rezoning of the property to multi-family as proposed does not appear to pose an increase in environmental impacts than what is currently found within the existing R-3 multi-family zoned area of Carnegie Village.

ADVERSE IMPACT: The zone change will not have an adverse impact on the surrounding properties due to similar zoning and uses in the immediate area.

STAFF RECOMMENDATION

Community Development staff, support a recommendation to rezone the subject property from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) District.

ATTACHMENT(S)

- conceptual site plan

PLANNING COMMISSION RECOMMENDATION: Approve the zone change as requested. The Planning Commission met on October 5, 2015 and considered the request for zone change approval, and following staff presentation and discussion, the Planning Commission voted unanimously (9-0) to approve.

SECTION VIII

I

BILL NO. 2015-84

ORDINANCE NO. 2015-

AN ORDINANCE APPROVING A FINAL PLAT FOR CARNEGIE VILLAGE SECOND PLAT, A REPLAT OF LOT 1, BEING A 13.4-ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF MO-58 HIGHWAY, EAST OF MO-Y HIGHWAY, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.

WHEREAS, it is the Planning Commission's responsibility to review and approve, approve conditionally or disapprove development plans within a reasonable time after submission; and

WHEREAS, the Final Plat was hereby reviewed by staff and duly presented to the Belton Planning Commission at a regular meeting held on September 21, 2015; and

WHEREAS, the Belton Planning Commission voted unanimously to recommend approval of the Final Plat for Carnegie Village Second Plat, a re-plat of Lot 1, being a senior and assisted living facility, to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That the Final Plat for Carnegie Village Second Plat, a re-plat of Lot 1, being a senior and assisted living facility, located on the south side of MO-58 Highway, east of MO-Y Highway, in the City of Belton, Cass County, Missouri, is hereby accepted and approved and that the appropriate city officials are hereby authorized to execute same.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Section 3. That this ordinance shall be in full force and effect upon the execution and recording of a development agreement between the city and developer.

Duly read one (1) time and passed this ____ day of October, 2015.

Mayor Jeff Davis

Approved this ____ day of October, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of October, 2015, and thereafter adopted as Ordinance No. 2015-_____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the _____ day of October, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



CITY OF BELTON
CITY COUNCIL INFORMATION FORM

MEETING DATE: October 13, 2015
ASSIGNED STAFF: Robert G. Cooper, City Planner

DEPARTMENT: Community Planning and Development

Table with 2 rows and 4 columns of checkboxes for Ordinance, Agreement, Resolution, Discussion, Consent Item, FYI/Update, Change Order, and Public Hearing.

CASE #FP15-12

Consideration of a Final Plat approval for Carnegie Village Second Plat, a re-plat of Lot 1, being a 13.4-acre tract of land, located on the south side of MO-58 Highway, east of MO-Y Highway, in the City of Belton, Cass County, Missouri.

BACKGROUND

Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development.

The Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community.

The city's development review committee has convened on several occasions and met with the developer to discuss and review the elements of the plat and the general layout of the site. The Planning Commission approved their request for a zone change for this site from R-1 to R-3 on October 5, 2015, and approved the final development plan on September 21, 2015.

REVIEW

The City's future land use map identifies this as high density residential, with a senior assisted living facility as a permitted use by-right.

Primary access to the facility will continue to be from East North Avenue with additional access from the south along Minnie Avenue.

The preliminary plat indicates the project involves the realignment of the existing interior roadway system, the creation of new carports, and new parking areas, in addition to the new 60-bed facility.

NOTE: Pursuant to Section 36-37 of the Unified Development Code, If a final plat is not recorded within one year of the date of the Planning Commission's approval of the final plat, the approval shall become

null and void and a new final plat must be submitted to the commission and the governing body for their consideration. No building shall be occupied until the final plat has been recorded with the Cass County Recorder's Office.

STAFF RECOMMENDATION:

Staff finds the Final Plat to be in accordance with Section 35-36 of the Belton Unified Development Code, therefore, supports a recommendation to approve the Final Plat of the Carnegie Village Plat.

PLANNING COMMISSION RECOMMENDATION:

Approve the Final Plat as requested. The Planning Commission met on September 21, 2015 and considered the request for the Final Plat approval, and following staff presentation and discussion, the Planning Commission voted unanimously (7-0) to approve.

ATTACHMENTS

1. Final Plat

SECTION VIII
J

BILL NO. 2015-85

ORDINANCE NO. 2015-

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR CARNEGIE VILLAGE, A SENIOR AND ASSISTED LIVING FACILITY, ON A 13.4-ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF MO-58 HIGHWAY, EAST OF MO-Y HIGHWAY, CITY OF BELTON, CASS COUNTY, MISSOURI.

WHEREAS, it is the Planning Commission's responsibility to review and approve, approve conditionally or disapprove development plans within a reasonable time after submission; and

WHEREAS, the Final Development Plan was hereby reviewed by staff and duly presented to the Belton Planning Commission at a regular meeting held on September 21, 2015; and

WHEREAS, the Belton Planning Commission voted unanimously (7-0) to recommend approval of the Final Development Plan for Carnegie Village, a senior and assisted living facility, to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That the Final Development Plan for Carnegie Village, a senior and assisted living facility, located on the south side of MO-58 Highway, east of MO-Y Highway, in the City of Belton, Cass County, Missouri, is hereby accepted and approved and that the appropriate city officials are hereby authorized to execute same.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Section 3. That this ordinance shall be in full force and effect upon the execution and recording of a development agreement between the city and developer.

Duly read one (1) time and passed this ____ day of October, 2015.

Mayor Jeff Davis

Approved this ____ day of October, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the ____ day of October, 2015, and thereafter adopted as Ordinance No. 2015-____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the ____ day of October, 2015, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



**CITY OF BELTON
CITY COUNCIL INFORMATION FORM**

MEETING DATE: October 13, 2015

ASSIGNED STAFF: Robert G. Cooper, City Planner

DEPARTMENT: Community Planning and Development

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Public Hearing

CASE #FDP15-17

Final Development Plan review of Carnegie Village, a 13.4-acre, senior and assisted living facility, located on the south side of MO-58 Highway, east of MO-Y Highway, address as 107 Bernard Drive

BACKGROUND

Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development.

The Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community.

REVIEW

Cook, Flatt, and Strobel (CFS) Consulting Engineer, on behalf of Carnegie Village, have submitted a development plan for this project.

Intended Use: Assisted and Independent Living

Building Size: 47,977- square feet, single-story structure

Land Use Map: The subject site is located within one-half mile of the city's downtown core. The area is designated as high density residential and mixed use commercial.

Access: The site is designed to control the traffic flow with multiple ingress/egress access points. There will be gated access from Minnie and Central Avenue and the main entrance from the north along MO-58 Highway.

October 13, 2015

Parking: The parking ratio for this project is one per unit / 1:p.u. per assisted living section, and 1: 1000 sf per skilled nursing care section, with a total for the site at 255 parking spaces.

Landscaping: The project will have an assortment of shrubs and trees ...all meeting or exceeding the minimum size at planting. Tree preservation along Lillard Avenue will be adhered to as much as possible during the construction phase.

Trash Receptacle: There will be one cluster of three (3) dumpsters located on the east side of the new building. All outdoor trash receptacles and trash compactors must be permanently screened from view on all sides by a fence of 100-percent opacity and a minimum height of six-feet. The fence must be constructed to prevent accidental dispersal of material within the storage area.

All screens for trash receptacles that are part of new construction projects must match the primary color and material of the structure served. Doors accessing storage areas must remain closed at all times when not accessed.

Section 36-108 of the City's Unified Development Code addresses improvements to public infrastructure triggered by redevelopment projects. Staff recommends the developer provide street improvements to Lillard Avenue, including resurfacing, and regrading of roadside ditches.

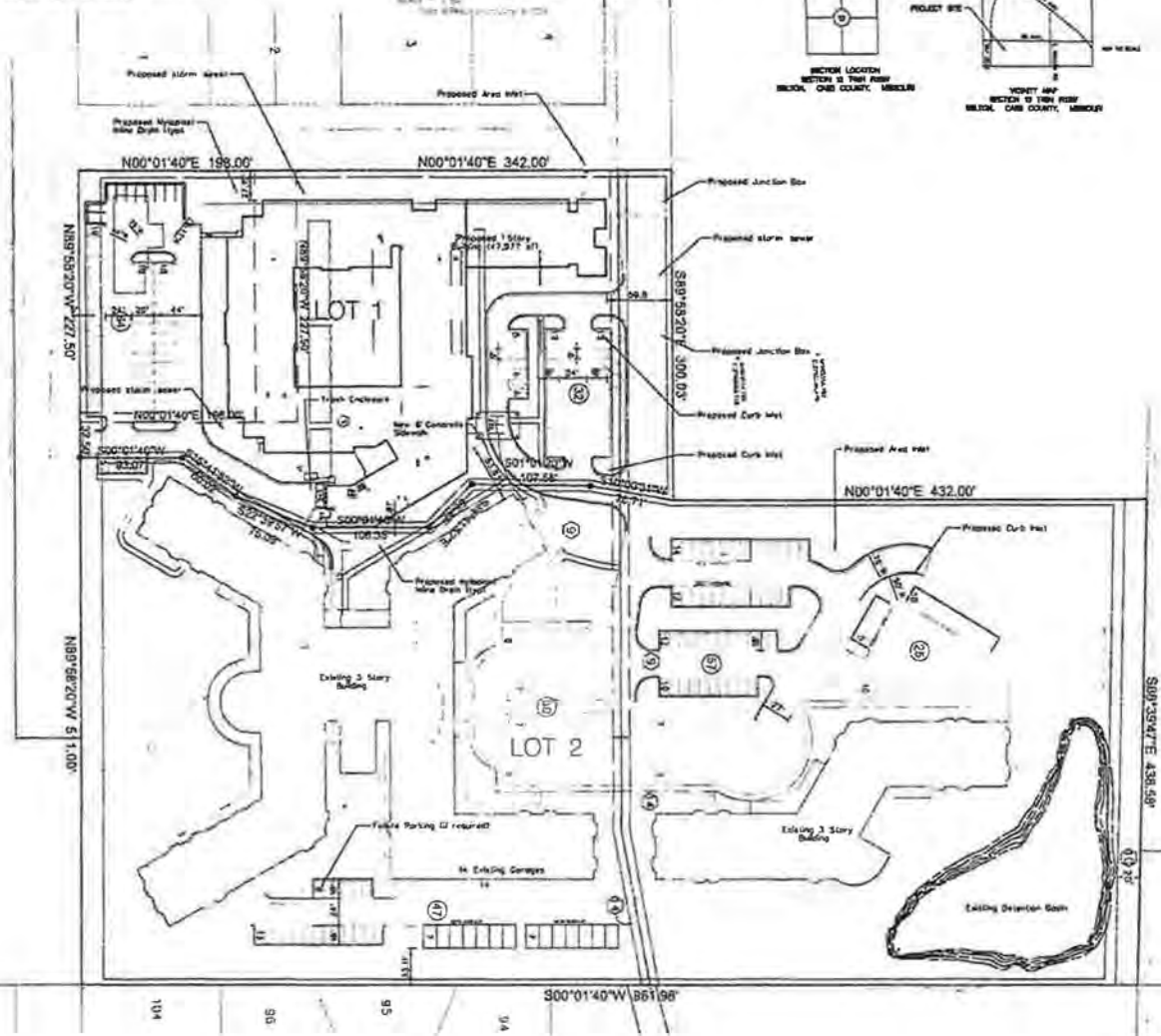
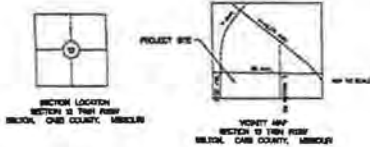
PLANNING COMMISSION RECOMMENDATION:

Approve #FDP15-17, Final Development Plan approval of the Carnegie Village, Senior Living Facility, located on the south side of MO-58 Highway and east of MO-Y Highway, and addressed as 107 Bernard Drive.

ATTACHMENTS

1. Final Development Plan
2. Building Elevations
3. Proposed Ordinance

FINAL DEVELOPMENT PLAN
CARNEGIE VILLAGE 2ND PLAT
 Being a 2nd Plat of Carnegie Village #1 a 40-acre plat in Belton, Fair County, Missouri and
 plat #141-1-1 & Book 9-2, Register & Surv 2nd, 1-18-89, a subdivision
 in Belton, Fair County, Missouri.



CFS ENGINEERS
 ARCHITECTURE
 INTERIORS
 EXTERIORS
 DESIGN SERVICES

P. 817.321.1415
 F. 817.321.1593
 MFP@CFS.COM
 WWW.CFS.COM

NSPJ ARCHITECTS.
 2515 W. 75TH ST., SUITE
 PRAIRIE VILLAGE, MO 64078

LEGAL DESCRIPTION:

A part of land in the Northwest Quarter of Section 13, Township 45 North, Range 33 West, City of Belton, Fair County, Missouri described as follows:
 Commencing at the Northwest corner of the Northwest Quarter of Section 13; thence South 00 degrees 00 minutes 40 seconds West, 652.02 feet to the Northeast corner of recorded plat 1217, CARNEGIE VILLAGE, and the POINT OF BEGINNING; thence continuing South 00 degrees 00 minutes 40 seconds West, along the East line of said plat, 341.88 feet to the Southeast corner of said plat; thence North 89 degrees 58 minutes 20 seconds East, along the South line of said plat and the recorded plat 1217 CARNEGIE VILLAGE, 125.50 feet; to the Southeast corner of Lot 1; thence North 00 degrees 00 minutes 40 seconds East, along the West line of Lot 1 and Lot 2 of said plat and the West line of 1217 CARNEGIE VILLAGE, 340.00 feet; to the North end of the West line of Lot 2; thence South 88 degrees 38 minutes 20 seconds East, along the North line of said plat, 200.00 feet; to an acute point in the West line of said plat; thence North 00 degrees 00 minutes 40 seconds East, 432.00 feet to the Northwest corner of said plat and a point on the existing South Right of Way of E. North Avenue (RD Hwy 562); thence South 88 degrees 38 minutes 47 seconds East, along the North line of said plat and the South Right of Way, 635.00 feet to the POINT OF BEGINNING, containing 365,072.47 square feet or 8.245 acres, more or less.

NOTES:

- Contours are shown at 1-foot intervals and referenced to UGCD datum.
- The property is currently zoned R-3 and R-1. Proposed zoning for the entire parcel is R-3.
- Foundation wall types are city clay beam.
- The character of the drainage will be defined by this project. Stormwater will be treated, subdrained and discharged into the existing system and ultimately into the collection basin at the northeast corner of Lot 2.
- Utilities will be extended to the Building Easement as necessary, in accordance with the Standards of the City of Belton.
- The project will be constructed in one phase.
- The building exterior is concrete, masonry, brick systems with low rise white painted metal roof per City standards.
- Refer to site planning plans for parking lot layout design and specifications.

VARIANCE

Additional requests variance of Standard Parking Stall width to be reduced from 20' to 18' as building plans overhead is existing and when met adjacent to the sidewalk.
 Additional requests a reduction in the building setback along Liberty Avenue from 30' to 27'.

PARKING REQUIREMENTS

Parking Requirements:
 S.F.A. 1 sq. ft. per 200 sq. ft. of building area
 1 sq. ft. per 100 sq. ft. of parking area
 1 sq. ft. per 200 sq. ft. of building area
 Parking Provided = 250 spaces

OWNER /DEVELOPER:
 Carnegie Village Real Estate, LLC
 JCT - Belton Senior Living, LLC
 7611 State Line Road
 Kansas City, Missouri 64114
 p: 816.444.0900

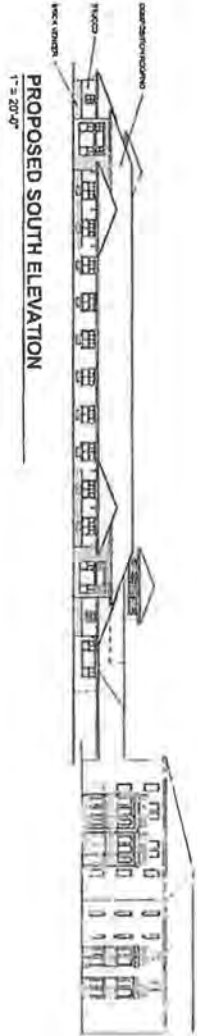
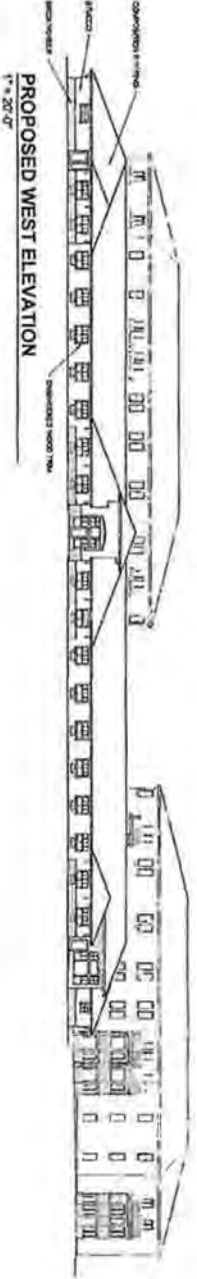
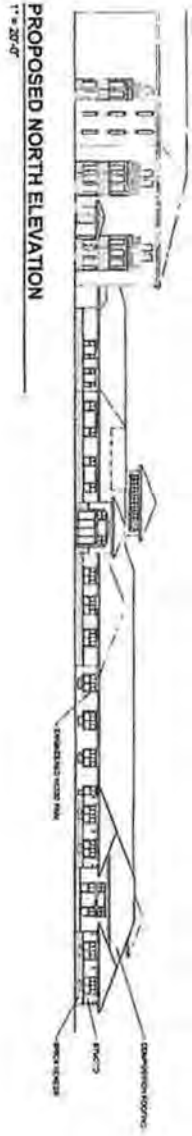
ENGINEER:
 Cook, Flatt & Strobel Engineers
 8229 Ward Parkway
 Kansas City, Missouri 64114
 p: 816.333.4477
 f: 816.333.6688

FINAL DEVELOPMENT PLAN

A PROPOSED SKILLED NURSING FACILITY FOR:
CARNEGIE VILLAGE
 103 BERNARD DRIVE
 BELTON, MISSOURI 64012

DESIGN RELEASE LOG
 11/11/2015 TWM/JAT/CLB

DATE: 07/24/2015
 JOB NO: 584215
 DRAWN BY: TWM/JAT
 SHEET NO:



NSPJ ARCHITECTS
 3515 W. 75TH ST., SUITE 201
 PRAIRIE VILLAGE, KS 66208
 P. 913.891.1415
 F. 913.831.3563
 NSPJARCH.COM

A PROPOSED SKILLED NURSING FACILITY FOR:
CARNEGIE VILLAGE
 103 BERNARD DRIVE
 BELTON, MISSOURI 64012

DATE: 02/24/2015
 DRAWN BY: JRM
 CHECKED BY: JRM
 PROJECT NO.: 17041 / 147
 SHEET NO.: A2.00
 FINAL DEVELOPMENT PLAN

NSPJ ARCHITECTS
 3515 W. 75TH STREET, SUITE 201
 PRAIRIE VILLAGE, MISSOURI 66208
 P. 913.891.1415
 F. 913.831.3563
 NSPJARCH.COM

SECTION IX
A

R2015-40

A RESOLUTION TO ADOPT THE REGIONAL MULTI-HAZARD MITIGATION PLAN.

WHEREAS, the Belton Emergency Management Agency with the assistance from the Mid-America Regional Council, has gathered information and prepared the Regional Multi-Hazard Mitigation Plan; and

WHEREAS, the Regional Multi-Hazard Mitigation Plan has been prepared in accordance with Federal Emergency Management Agency (FEMA) requirements at 44 C.F.R.201.6; and

WHEREAS, the purpose of hazard mitigation planning according to FEMA is to eliminate or reduce the long-term risk to human life and property from natural, man-made and technological hazards; and

WHEREAS, the Regional Multi-Hazard Mitigation Plan was updated by Cass, Clay, Jackson, Platte, and Ray County (the Missouri counties of the MARC region), along with 39 other jurisdictions, 19 school districts and four fire/ambulance districts; and

WHEREAS, the updated plan ensures the continuity of mitigation project grant funding through 2020 if needed by the City of Belton for an eligible event; and

WHEREAS, the Belton Emergency Management Agency is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the City of Belton has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. That the Belton Emergency Management Agency adopts the Regional Multi-Hazard Mitigation Plan as this jurisdiction's Multi-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Duly read and passed this _____ day of October, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
COUNTY OF CASS)SS
CITY OF BELTON)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the ____ day of October, 2015, and adopted at a regular meeting of the City Council held the ____ day of October, 2015 by the following vote, to wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



FEMA

August 14, 2015

Mr. Ron Walker, Director
State Emergency Management Agency
P. O. Box 116
Jefferson City, Missouri 65102

Subject: Review of the Mid-America Regional Council (MARC) Regional Missouri Hazard Mitigation Plan

Dear Mr. Walker:

The purpose of this letter is to provide the status of the above referenced Local Hazard Mitigation Plan, pursuant to the requirements of 44 CFR Part 201 - Mitigation Planning and the Local Multi-Hazard Mitigation Planning Guidance. The Local Hazard Mitigation Plan Review Tool documents the Region's review and compliance with all required elements of 44 CFR Part 201.6. It also identifies the jurisdictions participating in the planning process. FEMA's approval will be for a period of five years effective starting with the approval date indicated below.

Prior to the expiration of the plan the community will be required to review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval in order to continue to be eligible for mitigation project grant funding.

Plan Name	Date Submitted	Date Approved	Date of Plan Adoption	Date of Plan Expiration	Review Status
MARC	July 9, 2015	August 14, 2015	August 3, 2015	August 14, 2020	Approved

If you have any questions or concerns, please contact Joe Chandler, Planning Team Lead, at (816) 283-7071.

Sincerely,

RICHARD J LEONARD
for
Michael R. Scott, Director
Mitigation Division

Digitally signed by RICHARD J LEONARD
DN: c=US, ou=U.S. Department of Homeland Security, ou=FEMA, ou=Region, cn=RICHARD J LEONARD,
1.9.2344.1920030.1011.038179977.FEMA,
Date: 2015.08.14 10:04:30 -0500

Jurisdiction: Kansas City, Missouri Region (Cass, Clay, Jackson, Platte and Ray Counties)	Title of Plan: 2015 Regional Hazard Mitigation Plan	Date of Plan: May 31, 2015
Local Point of Contact: Donna Martin	Address: 600 Broadway, Suite 200 Kansas City, MO 64105	
Title: Senior Planner		
Agency: Mid-America Regional Council		
Phone Number: 816 701-8369	E-Mail: dmartin@marc.org	
Funding Source: FY13 PDMC-EMK-2014-PC-0001		
State Reviewer: Heidi Carver	Title: Planner II/ State Hazard Mitigation Specialist	Date: 7-1-15
FEMA Reviewer: Carol Kanter	Title: Hazard Mitigation Community Planner	Date: August 10, 2015
Date Received in FEMA Region VII	July 9, 2015	
Plan Not Approved		
Plan Approvable Pending Adoption		
Plan Approved	August 14, 2015	

Participating Jurisdiction:	NFIP Status*	
	Y	NP
1. Cass County	Y	
2. Belton	Y	
3. Harrisonville	Y	
4. Lake Winnebago	Y	
5. Peculiar	Y	
6. Pleasant Hill	Y	
7. Raymore	Y	
8. Archie R-V School District	NA	
9. Pleasant Hill R-III School District	NA	
10. Raymore-Peculiar School District	NA	
11. Clay County	Y	
12. Excelsior Springs	Y	
13. Gladstone	Y	
14. Kearney	Y	
15. Liberty	Y	
16. Mosby	Y	
17. North Kansas City	Y	
18. Smithville	Y	
19. Fishing River Fire Protection District	NA	

20. North Kansas City School District	NA	
21. Smithville R-1 School District	NA	
22. Jackson County	Y	
23. Blue Springs	Y	
24. Grandview	Y	
25. Independence	Y	
26. Kansas City, Mo	Y	
27. Lee's Summit	Y	
28. Oak Grove	Y	
29. Raytown	Y	
30. Sni Valley Fire Protection District	NA	
31. Blue Springs School District	NA	
32. Fort Osage R-1 School District	NA	
33. Independence School District	NA	
34. Kansas City School District	NA	
35. Lee's Summit School District	NA	
36. Metropolitan Community Colleges	NA	
37. Platte County	Y	
38. Edgerton	Y	
39. Farley	Y	
40. Ferrelview	Y	
41. Houston Lake	Y	
42. Lake Wakomis	Y	
43. Northmoor	Y	
44. Parkville	Y	
45. Platte City	Y	
46. Platte Woods	Y	
47. Riverside	Y	
48. Weatherby Lake		NP considering it
49. Weston	Y	
50. Northland Regional Ambulance District	NA	
51. West Platte Fire Protection District	NA	
52. North Platte R-1 School District	NA	
53. Park Hill School District	NA	
54. Platte County R-3 School District	NA	
55. West Platte R-II School District	NA	
56. Park University	NA	
57. Ray County	Y	
58. Richmond	Y	

* Notes: Y= Participating NP = Not Participating in NFIP S- Sanctioned R- Rescinded

SECTION 1: REGULATION CHECKLIST

1. REGULATION CHECKLIST		Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR 201.6 Local Mitigation Plans)				
ELEMENT A. PLANNING PROCESS				
A1. Does the Plan document the planning process, including how it was prepared and who was involved in the process for each jurisdiction? (Requirement §201.6(c)(1))	Section 1.3 (P 1.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A2. Does the Plan document an opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development as well as other interests to be involved in the planning process? (Requirement §201.6(b)(2))	Section 1.3.1 (P 1.4) Section 1.3.2 (P 1.4) Section 6.1 (P 6.637)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A3. Does the Plan document how the public was involved in the planning process during the drafting stage? (Requirement §201.6(b)(1))	Section 1.3.2 (P 1.4) Table 1.1 (P 1.6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A4. Does the Plan describe the review and incorporation of existing plans, studies, reports, and technical information? (Requirement §201.6(b)(3))	Section 1.3.4 (P 1.13) Section 3.2 (P 3.99) Section 6.2 (P 6.641)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A5. Is there discussion of how the community(ies) will continue public participation in the plan maintenance process? (Requirement §201.6(c)(4)(iii))	Section 6.3 (P 6.641)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A6. Is there a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within a 5-year cycle)? (Requirement §201.6(c)(4)(i))	Section 6.1 (P 6.637)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<u>ELEMENT A: REQUIRED REVISIONS</u>				

1. REGULATION CHECKLIST		Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR 201.6 Local Mitigation Plans)				
ELEMENT B. HAZARD IDENTIFICATION AND RISK ASSESSMENT				
B1. Does the Plan include a description of the type, location, and extent of all natural hazards that can affect each jurisdiction(s)? (Requirement §201.6(c)(2)(i))	Section 4.1; 4.1.2; 4.1.3 (P 4.262 - 4.265) 4.2; (P 4.263) 4.3; 4.3.1 (P 4.265) 4.4; (P 4.274) 4.5; 4.5.2; 4.5.3 (P 4.288 - 4.292) 4.6; 4.6.2; 4.6.3 (P 4.294 - 4.302) 4.7; 4.7.2; 4.7.3 (P 4.309 - 3.320) 4.8; 4.8.2; 4.8.3 (P 4.326 - 4.333) 4.9; 4.9.2; 4.9.3 (P 4.338 - 4.343) 4.10; 4.10.2; 4.10.3 (P 4.352 - 4.360) 4.11; 4.11.2; 4.11.3 (P 4.364 - 4.369) 4.12; 4.12.2; 4.12.3 (P 4.373- 4.382) 4.13; 4.13.2; 4.13.3 (P 4.392 - 4.395) 4.14; 4.14.2; 4.14.3 (P 4.401 - 4.406) 4.15; 4.15.2; 4.15.3 (P 4.412- 4.416) 4.16; 4.16.2; 4.16.3 (P 4.424 - 4.435) 4.17; 4.17.2; 4.17.3 (P 4.438 - 4.446) 4.18; 4.18.2; 4.18.3 (P 4.457 - 4.470) 4.19; 4.19.2; 4.19.3 (P 4.479 - 4.492) 4.20; 4.20.2; 4.20.3 (P 4.523 - 4.532) 4.21; 4.21.2; 4.21.3 (P 4.539 - 4.540)	X		
B2. Does the Plan include information on previous occurrences of hazard events and on the probability of future hazard events for each jurisdiction? (Requirement §201.6(c)(2)(i))	Section 4.1.1; (P 4.262) 4.2.1; (P 4.263) 4.3.1; (P 4.265) 4.4; (P 4.274) 4.6.1; 4.6.4 (P 4.295 -4.303) 4.7.1; 4.7.4 (P 4.312; 4.323) 4.8.1; 4.8.4 (P 4.328; 4.335) 4.9.1; 4.9.4 (P 4.340; 4.346) 4.10.1; 4.10.4 (P 4.357; 4.362) 4.11.1; 4.11.4 (P 4.365; 4.370) 4.12.1; 4.12.4 (P 4.373; 4.386) 4.13.1; 4.13.4 (P 4.394; 4.398) 4.14.1; 4.14.4 (P 4.401; 4.406) 4.15.1; 4.15.4 (P 4.413; 4.418) 4.16.1; 4.16.4 (P 4.432; 4.435) 4.17.1; 4.17.4 (P 4.441; 4.447) 4.18.1; 4.18.4 (P 4.458; 4.471) 4.19.1; 4.19.4 (P 4.484; 4.493) 4.20.1; 4.20.4 (P 4.525; 4.533) 4.21.1; 4.21.4 (P 4.539; 4.540)	X		

1. REGULATION CHECKLIST

Regulation (44 CFR 201.6 Local Mitigation Plans)	Location in Plan (section and/or page number)	Met	Not Met
B3. Is there a description of each identified hazard’s impact on the community as well as an overall summary of the community’s vulnerability for each jurisdiction? (Requirement §201.6(c)(2)(ii))	Section 4.1 (P 4.262) 4.2 (P 4.262) 4.3; 4.3.1; (P 4.262- 4.273) 4.4.5 (P 4.288) 4.5.5 (P 4.292) 4.6.5 (P 4.304) 4.7.5 (P 4.323) 4.8.5 (P 4.336) 4.9.5 (P 4.346) 4.10.5 (P 4.362) 4.11.5 (P 4.370) 4.12.5 (P 4.388) 4.13.5 (P 4.399) 4.14.5 (P 4.406) 4.15.5 (P 4.419) 4.16.5 (P 4.436) 4.17.5 (P 4.448) 4.18.5 (P 4.472) 4.19.5 (P 4.493) 4.20.5 (P 4.534) 4.21.6 (P 4.540)		
B4. Does the Plan address NFIP insured structures within the jurisdiction that have been repetitively damaged by floods? (Requirement §201.6(c)(2)(ii))	Section 3.3.6 (P 3.150) Section 5.3.3 (P 5.619) Section 6.1 (P 6.641)	✘	
ELEMENT B: REQUIRED REVISIONS			
ELEMENT C. MITIGATION STRATEGY			
C1. Does the plan document each jurisdiction’s existing authorities, policies, programs and resources and its ability to expand on and improve these existing policies and programs? (Requirement §201.6(c)(3))	Section 3.2 (P 3.99) Sections 3.3.6 (P 3.145)	✘	
C2. Does the Plan address each jurisdiction’s participation in the NFIP and continued compliance with NFIP requirements, as appropriate? (Requirement §201.6(c)(3)(ii))	Section 3.3.6 (P 3.151 – 3.155) 5.3 (P 5.618) and Attachment 5.2	✘	
C3. Does the Plan include goals to reduce/avoid long-term vulnerabilities to the identified hazards? (Requirement §201.6(c)(3)(i))	Section 5 (P 5.614) Attachment 5.1; (P 5.620) Attachment 5.2 (P 5.634)	✘	
C4. Does the Plan identify and analyze a comprehensive range of specific mitigation actions and projects for each jurisdiction being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure? (Requirement §201.6(c)(3)(ii))	Attachment 5.2 (P 5.634)	✘	
C5. Does the Plan contain an action plan that describes how the actions identified will be prioritized (including cost benefit review), implemented, and administered by each jurisdiction? (Requirement §201.6(c)(3)(iv)); (Requirement §201.6(c)(3)(iii))	Section 5.1.1a (P 5.615) Attachment 5.2 (P 5.634)	✘	

1. REGULATION CHECKLIST

Regulation (44 CFR 201.6 Local Mitigation Plans)	Location in Plan (section and/or page number)	Met	Not Met
C6. Does the Plan describe a process by which local governments will integrate the requirements of the mitigation plan into other planning mechanisms, such as comprehensive or capital improvement plans, when appropriate? (Requirement §201.6(c)(4)(ii))	Section 3.2 (P 3.99) 6.2 (P 6.641)	X	
ELEMENT C: REQUIRED REVISIONS			

1. REGULATION CHECKLIST		Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR 201.6 Local Mitigation Plans)				
ELEMENT D. PLAN REVIEW, EVALUATION, AND IMPLEMENTATION (applicable to plan updates only)				
D1. Was the plan revised to reflect changes in development? (Requirement §201.6(d)(3))	Section 2.5.2 (Planning Area Economy) (P 2.59) Section 2.5.2a (P 2.62) Section 2.5.2b (P 2.65)	X		
D2. Was the plan revised to reflect progress in local mitigation efforts? (Requirement §201.6(d)(3))	Section 5.1.1c (P 5.616)	X		
D3. Was the plan revised to reflect changes in priorities? (Requirement §201.6(d)(3))	Section 5.1.1a (P 5.615)	X		
ELEMENT D: REQUIRED REVISIONS				
ELEMENT E. PLAN ADOPTION				
E1. Does the Plan include documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval? (Requirement §201.6(c)(5))	Upcoming			X
E2. For multi-jurisdictional plans, has each jurisdiction requesting approval of the plan documented formal plan adoption? (Requirement §201.6(c)(5))	Upcoming			X
ELEMENT E: REQUIRED REVISIONS				
Note: If the plan is not adopted by a participating jurisdiction, that jurisdiction would not be eligible for project grants under the following hazard mitigation assistance programs: HMGP, PDM, FMA, and SRL.				

SECTION 2: PLAN ASSESSMENT (For FEMA)

A. Plan Strengths and Opportunities for Improvement

Plan Strengths

- The list of participation requirements was thorough and showed thoughtful analysis of the Guide.
- Tables 1.1 through are especially fine example of best practices.
- Throughout the plan, comparisons between the five participating counties provided an excellent basis for understanding the differences in the areas.
- The plan is full of exceptionally informative and easy to digest tables, charts, figures, and maps.
- Tables 3.2 through 3.9 includes a ton of information that is easily accessible.
- Throughout the plan are excellent narratives of developments in the past five years, as well as explanations of changes in content and format made in the updated plan.

Opportunities for Improvement

Typo on page 1.4 as the first sentence in Section 1.3.2: Planning Team Kickoff is the sentence: "The 2015 update planning process began in earnest at the September 29, 2015 . . ." The year probably is 2014.

On page 3.145 the significance of the term "CAV" should be explained.

It is recommended that repetitive loss properties be identified by jurisdiction so that variations in risk are easily ascertainable.

Element B: Hazard Identification and Risk Assessment

Plan Strengths

The risk analysis included numerous examples of good practices. The bullet points below set forth some of them.

- The tornado vulnerability analysis was especially well reasoned and easy to follow.
- Citations to sources and explanations of data limitations are well done.
- The plan does a good job of analyzing hazards like thunderstorms on an area-wide basis, while noting the differences in risk between jurisdictions for hazards such as flooding.
- Data on critical facilities in the floodplains, as well as the dam and levee breach inundation areas, was well-done.
- The addition of problem statements adds much to the plan. However, they are very broadly stated. Perhaps more specific statements that speak to particular issues of jurisdictions could be included at the next update.
- Excellent explanation of the FEMA levee accreditation program.
- The maps beginning on page 4.396 showing concentrations of populations more at risk to heat incidents is a good practice.

Opportunities for Improvement

On page 4.288 it is stated that "... the possibility exists for achieving a greater than 100 percent probability of an event occurring." Note probability cannot be over 100%. If 30 events occur 10 years, this does not mean that there is a 300% probability of occurrence, it means that there is a 100% probability of occurrence. Percentages cannot go above 100.

The map on page 4.350 includes really useful information. However, it would be more meaningful if presented on a county by county basis, or in some other way as to magnify the information presented. As it is, the scale does not permit comparisons between counties, let alone between participating jurisdictions.

See also the map on page 4.405 – a larger scale map showing the locations of participating jurisdictions would be far more meaningful. However, the tables following this map do give jurisdiction-specific information that shows past damages by jurisdictions.

The significance of the map on page 4.371 is not clear.

Information about RiskMAP projects should be included in future plan updates.

Element C: Mitigation Strategy

Plan Strengths

Including each community's safe growth audit conveys much useful information and is another example of best practices. The analyses of progress on the 2010 actions was stellar.

B. Resources for Implementing Your Approved Plan

A variety of mitigation resources are available to communities. SEMA's mitigation website:

http://sema.dps.mo.gov/programs/mitigation_management.asp provides planning and project related information as well as details on how major FEMA mitigation programs are implemented in the State.

SEMA's training website provides information on upcoming training opportunities within the State:

<http://training.dps.mo.gov/sematraining.nsf/TrainingSchedule?OpenForm>. A benefit cost analysis (BCA) course is usually offered in August, ahead of the deadlines for submitting applications for yearly mitigation grants. This course is often critical in helping communities achieve effective mitigation projects; it also provides supplemental information on developments within various grant programs, and is typically led by SEMA personnel and FEMA contractor personnel.

Review of the FEMA HMA guidance (FY15 is the most current) is also encouraged as guidance provides information about application and eligibility requirements. This guidance is available from

http://sema.dps.mo.gov/programs/mitigation_management.asp or through FEMA's grant applicant resources page at http://www.fema.gov/government/grant/hma/grant_resources.shtm.

As noted above, various funding programs are available from several state and federal agencies to assist local jurisdictions in accomplishing their mitigation activities and goals. A detailed listing of programs, information on each program, and contact information is available from the 2013 State Hazard Mitigation Plan on page 4.72/PDF 775. Elizabeth Weyrauch, State Hazard Mitigation Officer, (Elizabeth.Weyrauch@sema.dps.mo.gov), Heidi Carver, State Hazard Mitigation Specialist, (Heidi.Carver@sema.dps.mo.gov) or Sam Kemp, State Hazard Mitigation Specialist, (Sam.Kemp@sema.dps.mo.gov) can provide additional contacts for specific programs.

There are several RiskMAP projects that being pursued in the planning area. As a Cooperating Technical Partner (CTP), the NFIP and Floodplain Section at SEMA, has a role in implementing these projects. Jurisdictions that are part of these projects have been contacted directly regarding these efforts and have been asked to participate in one or more RiskMAP/ Discovery meetings. These meetings have been scheduled throughout Missouri to present similar information, and all meetings offer opportunities for questions about the program and process.

Dale Schmutzler, Karen McHugh, or Scott Samuels, (with the NFIP and Floodplain Section at SEMA) can be contacted for additional information on RiskMAP or Discovery meetings through

<http://sema.dps.mo.gov/about/staff.asp>.

SECTION IX
B

R2015-41

A RESOLUTION OF THE BELTON CITY COUNCIL APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE BELTON/RAYMORE INTERCHANGE TRANSPORTATION DEVELOPMENT DISTRICT.

WHEREAS, on August 22, 2006, the City Council of the City of Belton, Missouri, (the "City") adopted Ordinance No. 2006-3274, which approved and authorized the Mayor to enter into a First Amended and Restated Cooperation Agreement (the "Cooperation Agreement") among the City, the City of Raymore ("Raymore"), Good Otis, L.L.C. ("Good Otis"), BKO Estate Liquidating Company, LLC ("BKO"), and James D. and Toni P. Graham (the "Grahams"); and

WHEREAS, the Cooperation Agreement, which was fully executed by the parties thereto on September 7, 2006, establishes the obligations of the parties to form and operate the Belton/Raymore Interchange Transportation Development District (the "District"); and

WHEREAS, on September 18, 2006, pursuant to Section 238.207.5, RSMo, the City and Raymore filed in the Cass County Circuit Court a petition to create the District, which petition was joined by Good Otis, BKO and the Grahams; and

WHEREAS, Section 238.220.3, RSMo, provides that where a district is comprised of two local transportation authorities, the district's board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation district within the district; and

WHEREAS, the Cooperation Agreement provides that the District's board of directors will consist of the Mayor of the City, the Mayor of Raymore, a representative appointed by the City Council, a representative appointed by Raymore, a representative nominated by the Grahams to be appointed by the City Council, and a representative nominated by Good Otis to be appointed by Raymore; and

WHEREAS, the Grahams have nominated Travis Graham to be appointed by the City Council to the District's Board of Directors; and

WHEREAS, the City Council now desires to make appointments to the District's Board of Directors.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. Gary Lathrop is appointed as the Belton Appointed Director of the District; and

Section 2. Travis Graham is appointed as the Graham/Belton Nominated Advisory Director of the District.

Duly read and passed this _____ day of October, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
COUNTY OF CASS)SS
CITY OF BELTON)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the ____ day of October, 2015, and adopted at a regular meeting of the City Council held the _____ day of October, 2015 by the following vote, to wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

SECTION IX
C

R2015-42

A RESOLUTION APPROVING CHANGE ORDER NO. 3 TO THE LANDMARK STRUCTURES I, LP CONTRACT NUMBER 464-5710-495-7117 ELEVATED WATER STORAGE TANK.

WHEREAS, the City Council for the City of Belton, Missouri, pursuant to the advice and recommendation of the City Manager, deems it necessary, desirable, advisable and in the public interest to construct and improve public drinking water infrastructure to meet near and long term needs; and

WHEREAS, the City has the authority and follows Article IV, Division II, Section 2-921 Purchasing Procedure of the Ordinances of the City of Belton, Missouri, to approve contracts for construction thereto; and

WHEREAS, the City approved a contract under Ordinance No. 2013-3959 on December 10, 2013 with Landmark Structures I, LP for public improvements to the drinking water system whereby change orders may be processed and approved per the General Conditions, Section 10.03.

WHEREAS, this change order is necessary to add HVAC system into the control room that was mistakenly removed from the original design, add a disconnect per requirements of KCP&L, and deduct cost for fence slats that will not be installed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. That Change Order No. 3 to the Contract Number 464-5710-495-7117 Elevated Water Storage Tank Project with Landmark Structures I, LP in the not-to exceed amount of \$5,071.06 is hereby approved for the above mentioned changes and the Mayor is authorized and directed to execute the change order on behalf of the City.

Section 2. That this resolution shall be in full force and effect from and after its passage and approval.

Duly read and passed this _____ day of October, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
COUNTY OF CASS)SS
CITY OF BELTON)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the _____ day of October, 2015 and adopted at a regular meeting of the City Council held the _____ day of October, 2015 by the following vote, to wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: 10/13/2015

DIVISION: Water Services

COUNCIL: Regular Meeting Work Session Special Session

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input checked="" type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

This item involves a change order to Contract Number: 464-5710-495-7117 Elevated Water Storage Tank with Landmark Structures (General Conditions, Section 10.03). Change Order #3 consists of adding the HVAC system into the control room that was mistakenly removed from the original design at a cost of \$6,721.06, adding a 200 AMP no fuse NEMA 3R disconnect required by KCPL at a cost of \$2,100.00, and deducting fence slats from the original design at a cost of \$3750.00. Screening will be achieved through trees planted around the perimeter of the fence by the Parks Department instead.

These change order items were approved by Missouri Department of Natural Resources (MDNR) on 09/29/2015 tentatively upon City Council approval and are State Revolving Fund (SRF) eligible. The cost is within budget.

PROPOSED CITY COUNCIL MOTION:

Approve a resolution for Change Order #3, CN 464-5710-495-7117 with Landmark Structures in the not to exceed amount of \$5,071.06.

BACKGROUND:

The HVAC system was in the original design of the new 3M Gallon Markey Water Tower but was mistakenly removed when the offices were removed. The HVAC system is needed to provide climate control for the operations control room inside the ground floor. The operations control room contains climate sensitive electrical and system monitoring equipment that is used to control daily operations of the tower.

The 200 AMP no fuse NEMA 3R disconnect is needed to supply a safety disconnect to the structure between the meter and buildings electrical components. This need was discovered recently by a KCPL inspection although KCPL was involved early in the design review process.

IMPACT/ANALYSIS:

FINANCIAL IMPACT

Contractor:		Landmark Structures
Amount of Request/Contract:	\$	+ 5,071.06
Amount Budgeted:	\$	4,570,000.00
Funding Source:		464-5710-495-7117
Additional Funds:	\$	N/A
Funding Source:		N/A
Encumbered:	\$	4,509,291.06
Funds Remaining:	\$	60,708.94

STAFF RECOMMENDATION, ACTION, AND DATE:

Staff recommends approval of a resolution for Change Order #3, CN 464-5710-495-7117 with Landmark Structures in the not to exceed amount of \$5,071.06.

LIST OF REFERENCE DOCUMENTS ATTACHED:

Resolution

Landmark Structures Change Order No. 3



CHANGE ORDER

Contract Number 464-5710-495-7117

Project Title Elevated Water Storage Tank

Change Order No 3 Date of Issuance October 7, 2015

Ordinance / Resolution No: N/A Effective Date: October 13, 2015

To CONTRACTOR Landmark Structures I, L.P.

The Contract is changed as follows

Not valid until signed by the OWNER.

The original Contract Price was	<u>\$ 4,570,000.00</u>
Net change by previously authorized Change Orders	<u>\$ -65,780.00</u>
The Contract Price prior to this Change Order was	<u>\$4,504,220.00</u>
The Contract Price will be increased by	<u>\$ 5,071.06⁽¹⁾</u>
The new Contract Price including this Change Order will be	<u>\$4,509,291.06</u>
The Contract Times will be changed by	<u>0 days</u>
The date of Substantial Completion (SC) as of the date of this Change Order therefore is	<u>March 14, 2016</u>
The date of Final Completion as of the date of this Change Order therefore is	<u>April 13, 2016</u>

CONTRACTOR: Landmark Structures I, L.P.	By: Eugene Chastain Project Manager	Date:
OWNER: City of Belton, Missouri	By: Jeff Fisher Public Works Director	Date:
OWNER: City of Belton, Missouri	Attest By: Zach Matteo City Engineer	Date:

(1) See Attachment 1 for details of this change order, letter from Landmark outlining change order No. 2 deletions, email from contractor regarding electrical changes and email from contractor on fence slats.

- Distribution:
- ✓ OWNER
 - ✓ CONTRACTOR
 - ✓ DESIGN PROFESSIONAL
 - ✓ MDNR

Attachment No. 1
to Change Order No. 3 (dated 09/29/15)
Detail of Adds and Deducts

Item (a)	Description (b)	Increase in Contract Price (c)	Decrease in Contract Price (d)
1J	ADD Heating and AC for Control Room that was mistakenly deleted by Change Order No. 2	\$ 6,721.06	
H	ADD line side 200 amp disconnect per request from KCPL	\$ 2,100.00	
C	DEDUCT PVC slats from Chain Link Fence		\$ -3,750.00
TOTALS		\$ 8,821.06	\$ -3,750.00

Original Contract Amount	\$ 4,570,000.00
Total Previous Change Orders (DEDUCT)	-65,780.00
Total This Change Order (ADD)	5,071.06
Net Change Order to Date (DEDUCT)	<u>-60,708.94</u>
Revised Contract Amount	<u>\$ 4,509,291.06</u>

SECTION IX
D

R2015-43

A RESOLUTION APPROVING THE PURCHASE OF TWO REPLACEMENT V-PLOWS FROM AMERICAN EQUIPMENT IN THE AMOUNT OF \$11,924.00 WITH FUNDS BUDGETED FOR THE VEHICLE AND EQUIPMENT REPLACEMENT ACCOUNT.

WHEREAS, the City Council for the City of Belton, Missouri, pursuant to the advice and recommendation of the City Manager, deems it necessary, desirable, advisable and in the public interest to purchase equipment necessary to meet near and long term needs; and

WHEREAS, the City has the authority and follows Article IV, Division II, Section 2-921 Purchasing Procedure of the Ordinances of the City of Belton, Missouri, to approve contracts and cooperative purchasing contracts for purchasing as appropriate; and

WHEREAS, this purchase of two snow plows is necessary to enable staff to manage winter weather operations at an acceptable level; and

WHEREAS, this purchase was not specifically budgeted for fiscal year 2016 but will be funded through the vehicle and equipment replacement fund that requires a budget amendment.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. That the Public Works Department has annually allocated funds to replace vehicles and equipment at the end of its life cycle.

Section 2. That the vehicle and equipment replacement account can be utilized to complete the purchase with American Equipment Inc in the amount of \$11,924.00.

Section 3. That the vehicle and equipment replacement fund of the transportation budget be reduced by \$11,924.00.

Section 4. That this resolution shall be in full force and effect from and after its passage and approval.

Duly read and passed this ___ day of _____, 2015.

Mayor Jeff Davis

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
COUNTY OF CASS)SS
CITY OF BELTON)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the ___ day of _____, 2015, and adopted at a regular meeting of the City Council held the ___ day of _____, 2015 by the following vote, to wit:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: October 13, 2015

DIVISION: Transportation

COUNCIL: Regular Meeting Work Session Special Session

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

The Transportation Division is preparing for this year's winter weather season by up-fitting trucks and checking equipment. During the inspection process, two of the small V-plows need extensive work that will be costly to repair. Staff was trying to get one more season out of them. These two plows were purchased in 2002 and 2005 and have been welded on and repaired numerous times to make them last this long. It is staff's recommendation to go ahead and replace these now, rather than wait for them to break down in the middle of the winter season. Although these were not budgeted in this FY, staff recommends purchasing two replacements from the Vehicle and Equipment Replacement (VERP) account instead of rainy day.

Staff recommends purchasing these two replacement plows from American Equipment in the amount of \$11,924.00. American Equipment is the cooperative contract holder with the City of Kansas City, Missouri providing this pricing.

PROPOSED CITY COUNCIL MOTION:

Approve the motion to purchase two replacement V-plows from American Equipment in the amount of \$11,924.00 at the October 13, 2015 regular meeting.

BACKGROUND:

The VERP program recommends replacement of small plows like the V-plows every 10 years. Staff has tried to make these plows last as long as possible with making needed repairs throughout their life cycle; however, the impacts of any winter weather event are extremely hard on the equipment. These plows have come to the end of their life cycle and need to be replaced so future operations can be maintained at current standards. In addition, staff recommends parting out the older plows and scrapping the metal.

IMPACT/ANALYSIS:

FINANCIAL IMPACT

Contractor:	American Equipment Company	
Amount of Request/Contract:	\$	11,924.00
Amount Budgeted:	\$	152,663.00
Funding Source:	VERP allocation account 225-0000-495-7500	
Funds Remaining:	\$	140,739.00

STAFF RECOMMENDATION, ACTION, AND DATE:

Staff recommends approval of the resolution to replace 2 V-plows from American Equipment in the amount of \$11,924 at the October 13, regular meeting.

LIST OF REFERENCE DOCUMENTS ATTACHED:

- American Equipment Quote
- Kansas City Contract Extension

American

EQUIPMENT CO.

3250 Harvester Road

Kansas City, Kansas 66115

(Phone) 913-342-1450 (Fax) 913-342-1377

sales@americanequipment.us

QUOTATION

DATE	Quotation #
10/1/2015	100115/23RK

NAME / ADDRESS
City of Belton Attention: Street Dept. 506 Main Belton, MO 64012

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME	TERMS	REP	FOB	PHONE	FAX #
in stock	Due on Rece...	REK	KC,KS	816-331-7516	816-322-1657

QTY	ITEM	DESCRIPTION	U/M	COST	Total
2	300	Pricing based upon City of Kansas City, MO Contract EV1833: Equipment for 2002 Chevy 2500 and 2005 Dodge 2500: Boss 8' 2" DXT Stainless Steel Plow: - Dual trip (bottom & full trip) - 30" blade height (Inside) to 37 1/2" (outside) - Stainless steel moldboard - Base angle: 1/2" x 6" - (6) vertical, (2) diagonal reinforcing ribs - (4) trip springs for moldboard trip - (6) torsion springs for bottom trip - 1 1/2" x 10" angle Smartlock cylinders (keeps wings stationary when back dragging) - Rubber snow deflector - SmartHitch 2 quick attaching system - SmartLight 2 lights - SmartTouch hand held controller Installation including removal of existing snowplow mount and wiring NOTE: The tripping base angles with curb guards & snow catcher are used as the cutting edge until worn down. At that time 2 cutting edges are bolted onto the base angles.		5,962.00	11,924.00

Quoted by Ryan Keith	Total	\$11,924.00
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This quote is valid for 30 days. Applicable taxes not included.



MODIFICATION OF CONTRACT

1. Modification No.: 2 Effective Date: 09-01-15	2. Contract No.: EV1833-01 Effective Date: 09-01-13
3. Senior Buyer: Ronnell E. Simpson, Sr. Telephone Number: (816) 513-0805	5. Supplier – Name and Address J&D EQUIPMENT DBA: AMERICAN EQUIPMENT CO ATTN: RYAN KEITH 3250 HARVESTER ROAD KANSAS CITY, KS 66115
4. Issued By CITY OF KANSAS CITY, MISSOURI Procurement Services Division 1st Floor, Room 102 W, City Hall 414 East 12 th Street Kansas City, Missouri 64106-2793	

6. **SPECIAL INSTRUCTIONS:** Retain this signed copy of the modification and attach it to the original contract that was previously provided by the Procurement Services Division.

7. Description of Modification

Complete and installed, New and Unused, Snow plow, Spreader, Dump Body, Utility Bodies, Tommy Lift, Cranes, Combination Starter Packs, Welders, Air compressors, Flat Bed, Installed on City Supplied Vehicles

Contract **EV1833-01** renewed for one (1) year, at the current pricing level from September 1, 2015, to August 31, 2016, by exercising the second of four successive options to renew, the authority for which is contained in paragraph 3.

Taxpayer Clearance Letter. In accordance with City Ordinance No. 010461, if the City renews a contract, the Vendor shall provide new proof of tax compliance dated not more than ninety (90) days prior to the renewal date of the contract. Submission of this proof shall be a condition precedent to the City making the first payment under such renewal. This tax clearance letter may be obtained from the City's Revenue Division at (816) 513-1135 or (816) 513-1083. <http://www.kcmo.org>

All other Terms and Conditions of Contract **EV1833-01** remain unchanged.

8. City of Kansas City, Missouri

By: Ronnell Simpson

Senior Procurement Officer

This Day: August 17, 2015