

**MINUTES OF THE
BELTON CITY COUNCIL
REGULAR MEETING
AUGUST 25, 2015
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

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

Councilman Trutzel led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilmen Jeff Fletcher, Gary Lathrop, Bob Newell, Tim Savage, Chet Trutzel, Dean VanWinkle and Scott Von Behren. Councilman absent: Al Hoag. Also present were Megan McGuire, City Attorney; Ron Trivitt, City Manager; and Patti Ledford, City Clerk.

CONSENT AGENDA:

Councilman Lathrop moved to approve the consent agenda consisting of a **motion approving the minutes of the August 11, 2015, City Council regular meeting; a motion approving the July 2015 Police Judge's Report; a motion approving the purchase of two 2015 Ford police Interceptor Sedans for \$25,342 each and two 2015 Ford police interceptor utility vehicles for \$26,987 each; and a motion approving a car show for Downtown Belton Main Street, Inc and to close Main Street from Chestnut to Hackberry on Sunday, October 4, 2015, from 11:00 a.m. – 5:00 p.m.** Councilman Von Behren seconded. All voted in favor of the consent agenda. Councilman Hoag absent. Consent agenda approved.

ORDINANCES:

Patti Ledford, City Clerk, gave the final reading of Bill No. 2015-56, as amended: **AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 4 – PERSONNEL CODE, OF THE CODE OF ORDINANCES FOR THE CITY OF BELTON, MISSOURI.** Councilman Savage moved to amend the final reading. Councilman Lathrop seconded. All voted in favor of the amendment. Councilman Hoag absent. **Councilman Trutzel moved to hear the final reading, as amended.** Councilman Lathrop seconded. The following vote was recorded; Ayes: 8, Councilmen Trutzel, Von Behren, Mayor Davis, Councilmen Lathrop, Fletcher, Newell, VanWinkle and Savage; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-56 was declared passed and in full force and effect as Ordinance No. 2015-4122, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-59: **AN ORDINANCE READOPTING ORDINANCE NO. 91-2073, AS AMENDED, ESTABLISHING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICT OF INTEREST AND SUBSTANTIAL INTEREST FOR CERTAIN MUNICIPAL OFFICIALS.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, VanWinkle and Newell; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-59 was declared passed and in full force and effect as Ordinance No. 2015-4123, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-60: **AN ORDINANCE LEVYING AND FIXING THE RATE OF TAX FOR MUNICIPAL PURPOSES, FOR THE PARK FUND, AND THE DEBT SERVICE FUND FOR FISCAL YEAR 2016.** Presented by Councilman Lathrop, seconded by Councilman Von Behren. The Council was polled and the following vote recorded; Ayes: 8, Mayor Davis, Councilmen Savage, Newell, Von Behren, Fletcher, Lathrop, Trutzel and VanWinkle; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-60 was declared passed and in full force and effect as Ordinance No. 2015-4124, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-61: **AN ORDINANCE AMENDING APPENDIX B, TABLE 3. – SCHOOL STOP INTERSECTIONS AND APPENDIX B, TABLE 5. – SCHOOL ZONES OF THE CODE OF ORDINANCES OF THE CITY OF BELTON.** Presented by Councilman Von Behren, seconded by Councilman Newell. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Lathrop, VanWinkle, Newell, Von Behren, Fletcher, Mayor Davis, Councilmen Trutzel and Savage; Noes: None; Absent: 1, Councilman Hoag. Bill No. 2015-61 was declared passed and in full force and effect as Ordinance No. 2015-4125, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-62: **AN ORDINANCE APPROVING A CONTRACT TO PYRAMID EXCAVATION FOR THE CEDAR TREE LIFT STATION ABANDONMENT PROJECT.** Presented by Councilman Trutzel, seconded by Councilman Fletcher. **Councilman Hoag arrived at 7:05 P.M.** The Council was polled and the following vote recorded; Ayes: 9, Councilmen VanWinkle, Hoag, Newell, Savage, Von Behren, Trutzel, Lathrop, Fletcher, and Mayor Davis; Noes: None; Absent: None. Bill No. 2015-62 was declared passed and in full force and effect as Ordinance No. 2015-4126, subject to Mayoral veto.

Ms. Ledford gave the final reading Bill No. 2015-63: **AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A SANITARY SEWER DEDICATION AGREEMENT WITH COVENTRY REALTY, LLC FOR THE PURPOSE OF PROVIDING IMPROVED SANITARY SEWER SERVICE TO FAIRWAY RIDGE SUBDIVISION RESIDENTS.** Presented by Councilman Hoag, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Savage, Von Behren, Newell, VanWinkle, Hoag, Mayor Davis, Councilmen Lathrop, Fletcher, and Trutzel; Noes: None; Absent: None. Bill No. 2015-63 was declared passed and in full force and effect as Ordinance No. 2015-4127, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-64: **AN ORDINANCE APPROVING A CONTRACT TO REDFORD CONSTRUCTION FOR THE MARKEY PARKWAY SANITARY SEWER PHASE II PROJECT.** Presented by Councilman Hoag, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 9, Mayor Davis, Councilmen Hoag, Newell, Savage, Von Behren, Trutzel, Lathrop, Fletcher, and VanWinkle; Noes: None; Absent: None. Bill No. 2015-64 was declared passed and in full force and effect as Ordinance No. 2015-4128, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-66: **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 Trutzel, seconded by Councilman Hoag. Jay Leipzig, Community Planning and Economic Development Director, said this item is part of the Transwest expansion. There was a public hearing before the Planning Commission on August 3. It is consistent with the code in that it goes through a special use permit. Megan McGuire, City Attorney, said before the final reading

she would like to review the exact legal terminology in Section 3 of the ordinance. Vote on the first reading was recorded; Ayes: 9, Councilmen Lathrop, Newell, Von Behren, Savage, Hoag, Fletcher, Mayor Davis, Councilmen Trutzel and VanWinkle; Noes: None; Absent: None. First reading passed.

Ms. Ledford read Bill No. 2015-67: **AN ORDINANCE APPROVING THE RATIFICATION OF TASK AGREEMENT #20 WITH OLSSON ASSOCIATES FOR MATERIALS TESTING FOR THE WASTEWATER TREATMENT FACILITY AND IPS SITE IMPROVEMENTS PROJECT IN THE NOT-TO-EXCEED AMOUNT OF \$24,978.00.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. The following vote was recorded; Ayes: 9, Councilmen Lathrop, Newell, Von Behren, Savage, Hoag, Fletcher, Mayor Davis, Councilmen Trutzel, and VanWinkle; Noes: None; Absent: None. **Councilman Lathrop moved to hear the final reading.** Councilman Hoag seconded. All voted in favor. The final reading was read. Presented by Councilman Lathrop, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Newell, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, VanWinkle, Hoag, and Savage; Noes: None; Absent: None. Bill No. 2015-67 was declared passed and in full force and effect as Ordinance No. 2015-4129, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-68: **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 Savage, seconded by Councilman Hoag. Megan McGuire, City Attorney, recommended changes to the contract that notification go to the city manager, director of public works and a copy to the legal department. She said she will prepare these changes prior to the final reading. Vote on the first reading was recorded; Ayes: 9, Councilmen Trutzel, Newell, Von Behren, Savage, Hoag, Fletcher, Mayor Davis, Councilman Lathrop, and VanWinkle; Noes: None; Absent: None. First reading passed.

Ms. Ledford read 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 Trutzel, seconded by Councilman Newell. Jay Leipzig, Community Planning and Economic Development Director, said the next three items pertain to Texas Roadhouse. They plan to start construction at the end of October with plans of opening at the end of January or February. Vote on the first reading was recorded; Ayes: 9, Councilmen Von Behren, Newell, Trutzel, Savage, Fletcher, Hoag, Mayor Davis, Lathrop, and VanWinkle; Noes: None; Absent: None. First reading passed.

Ms. Ledford read 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 Hoag, seconded by Councilman Lathrop. Vote on the first reading was recorded; Ayes: 9, Mayor Davis, Councilmen VanWinkle, Trutzel, Savage, Fletcher, Hoag, Von Behren, Lathrop and Newell; Noes: None; Absent: None. First reading passed.

Ms. Ledford read 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.** Presented by Councilman Hoag, seconded by Councilman Von Behren. Vote on the first reading was recorded; Ayes: 9, Councilmen Fletcher, VanWinkle, Newell, Savage, Mayor Davis, Councilmen Hoag, Von Behren, Trutzel, and Lathrop; Noes: None; Absent: None. First reading passed.

Ms. Ledford read Bill No. 2015-72: **AN ORDINANCE APPROVING THE RIGHT OF WAY APPRAISAL AGREEMENT WITH VALBRIDGE PROPERTY ADVISORS FOR 155TH STREET WIDENING PROJECT.** Presented by Councilman Lathrop, seconded by Councilman Hoag. The following vote was recorded; Ayes: 9, Councilman Hoag, Mayor Davis, Councilmen Newell, Savage, VanWinkle, Fletcher, Von Behren, Trutzel, and Lathrop; Noes: None; Absent: None. **Councilman Lathrop moved to hear the final reading.** Councilman Von Behren seconded. All voted in favor. The final read was read. Presented by Councilman Von Behren, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Lathrop, Trutzel, Newell, Fletcher, Von Behren, Savage, VanWinkle, Mayor Davis, and Councilman Hoag; Noes: None; Absent: None. Bill No. 2015-72 was declared passed and in full force and effect as Ordinance No. 2015-4130, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-73: **AN ORDINANCE APPROVING THE RIGHT OF WAY REVIEW APPRAISAL AGREEMENT WITH DM MILLIN & ASSOCIATES FOR THE 155TH STREET WIDENING PROJECT.** Presented by Councilman Hoag, seconded by Councilman Trutzel. The first reading was recorded: Ayes: 9, Councilmen Newell, Hoag, Mayor Davis, Councilmen Lathrop, VanWinkle, Savage, Von Behren, Trutzel, and Fletcher; Noes: None; Absent: None. **Councilman Hoag moved to hear the final reading.** Councilman Savage seconded. All voted in favor. The final reading was read. Presented by Councilman Hoag, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes 9, Mayor Davis, Councilmen Trutzel, Newell, Fletcher, Von Behren, Savage, VanWinkle, Hoag and Lathrop; Noes; None; Absent: None. Bill No. 2015-73 was declared passed and in full force and effect as Ordinance No. 2015-4131, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-74: **AN ORDINANCE APPROVING THE NEGOTIATOR SERVICES AGREEMENT WITH ORRICK & ERSKINE, L.L.P. FOR 155TH STREET WIDENING PROJECT.** Presented by Councilman Hoag, seconded by Councilman Von Behren. Vote on the first reading was recorded; Ayes: 9, Councilmen Newell, Hoag, Mayor Davis, Lathrop, VanWinkle, Savage, Von Behren, Trutzel and Fletcher; Noes: None; Absent: None. **Councilman Lathrop moved to hear the final reading.** Councilman Hoag seconded. All voted in favor. The final reading was read. Presented by Councilman Hoag, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes: 9, Mayor Davis, Councilmen Trutzel, Newell, Fletcher, Von Behren, Savage, VanWinkle, Hoag, and Lathrop; Noes: None; Absent: None. Bill No. 2015-74 was declared passed and in full force and effect as Ordinance No. 2015-4132, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-75: **AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE TEMPORARY CONSTRUCTION, PERMANENT EASEMENTS, AND RIGHT-OF-WAY FOR THE CONSTRUCTION AND MAINTENANCE OF ROAD IMPROVEMENTS RELATED TO THE 155TH STREET WIDENING PROJECT GENERALLY LOCATED IN SECTION 1, TOWNSHIP 46 NORTH, RANGE 33 WEST, ALL IN THE CITY OF BELTON, CASS**

COUNTY, MISSOURI; AUTHORIZING THE CITY AND ITS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE EASEMENTS BY CONTRACT OR CONDEMNATION; AND AUTHORIZING THE CITY ATTORNEY AND ITS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS. Presented by Councilman Hoag, seconded by Councilman Trutzel. The following vote was recorded; Aye: 9, Councilmen Savage, Hoag, Mayor Davis, Councilmen Lathrop, VanWinkle, Newell, Von Behren, Fletcher, and Trutzel; Noes: None: Absent: None. **Councilman Hoag moved to hear the final reading.** Councilman Von Behren seconded. All voted in favor. The final reading was read. Presented by Councilman Trutzel, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Von Behren, Trutzel, Newell, Fletcher, Mayor Davis, Councilmen Savage, Lathrop, Hoag, and VanWinkle; Noes: None; Absent: None. Bill No. 2015-75, was declared passed and in full force and effect as Ordinance No. 2015-4133, subject to Mayoral veto.

RESOLUTIONS:

Ms. Ledford read Resolution R2015-38: **A RESOLUTION APPROVING CHANGE ORDER #1 WITH SUPERIOR BOWEN ASPHALT COMPANY LLC AND INCREASING CONTRACT #225-2015-1 IN THE AMOUNT OF \$50,400 FOR THE PURPOSE OF COMPLETING REPAIRS TO CENTRAL AVENUE FROM Y HIGHWAY TO LILLARD AVENUE.** Presented by Councilman Lathrop, seconded by Councilman Hoag. Councilman Von Behren asked if the city was planning on doing this or if the QuikTrip construction tore it up. Jeff Fisher, Public Works Director, said the construction accelerated it. QuikTrip will be paying \$6,000.00. We need Council authority to change over the work. Councilman Savage said he can't see the two tied together. Councilman VanWinkle said he feels this is a contract with the City and feels we should move forward with this and let QuikTrip stay on track with their construction. All voted in favor. Resolution passed.

MAYOR'S COMMUNICATIONS:

Mayor Davis reminded the Council of the Fall Festival September 11-12. There are over 100 vendors. They are always looking for volunteers. If anyone would like to volunteer they can contact Sally Smith at Whistle Stop Antiques

Mayor Davis attended the 211th Street Missouri Department of Transportation interchange groundbreaking along with Jeff Fisher, Public Works Director, and Carolyn Yatsook, and Economic Development Specialist.

CITY MANAGER'S REPORT:

Bobby Miller, Emergency Management Director, updated the Council on Belton Emergency Management. He said it has been about 6 months since he provided a report to the Council. He distributed a copy of the Belton Local Emergency Operation Plan Snapshot, which is attached and made an official part of the minutes. He went on to say they received their annual review and everything went great and they are up to standards with the state. Our Emergency Operation Plan (EOP) was a mess three years ago when he took it over, but everyone hopped in to get it up to date a did a great job. With the grant funding we receive we are required to go through three workshops and he has already completed those and actually went to an extra one. Our storm season was pretty mild; we only had three call outs this year and activated the sirens twice this year. Hopefully, we are geared up for winter. He went on to inform the Council of all the volunteer activities the BEMA volunteers help with. They met with the Red Cross a few weeks

ago to go through a plan and do a walk about so that we have their blessing if we have to shelter up – we now have their approval for that. We are in the process of battery replacement on the sirens. Last year we did half of them and saved about \$8,000. This year we are doing the other half. He thanked the Council for their support and said it is a privilege to serve our community.

Councilman Fletcher asked Mr. Miller to report on the FEMA (Federal Emergency Management Association) status of the high school. Mr. Miller said he and Police Chief James Person finally got the finalization of the emergency operation plan for the school. It looks like it will now be a complete document. Councilman Fletcher asked if it is open and Mr. Miller said yes. Chief Person said they have requested a future meeting with the superintendent of schools to review an emergency operation plan for all of the schools and try to produce an electronic version so staff can have it available when in the field.

Sheila Ernzen, Finance Director, provided the July financial report. She said the general fund has budget variances and sales tax is doing great right now. We are almost \$240,000 over what we expected this time last year. She said the general fund balance last month about 25% and we have dropped down in July to 19% but she said it is nothing to be concerned about. She projects the ending fund balance at end of year to be about 20%. It is normal to have ebb and flow.

MOTIONS:

Councilman Von Behren moved to authorize the Mayor to sign IRS Form 8038-GC to report the lease purchase of one new RTU compressor by the Park Board in the amount of \$27,950, dated 7/23/2015 and IRS Form 8038-G to report the lease purchase of fitness equipment by the Park Board in the amount of \$136,184.96, dated 4/16/2015. Councilman Trutzel seconded. There were a few questions and concerns from the Council regarding the purchase of equipment. Sheila Ernzen, Finance Director, said the motion is simply that we need to report the borrowing to the IRS and she is pleased the Park talked to bond counsel before going through lease process. In the past, the forms were signed by Park but she feels they need to be signed by the city. We have to make sure we comply with IRS requirements. She is happy with how everything has gone. Bond counsel filled out the forms for them and we also did our own lease purchase for fire trucks and ambulance and refinanced some of golf course certificates of participation (COP). She mentioned it is accounted for in the current budget. Councilman Newell asked if we are sure they are not coming to us saying they need money to pay this. Ms. Ernzen stated again it is included in their current year budget. Vote on the motion was recorded with all voting in favor. Motion carried.

OTHER BUSINESS:

Councilman Von Behren asked if the city is doing curb replacement in Sommerset Hills. Jeff Fisher, Public Works Director, said it is not started yet. It should be late September/October.

Mayor Davis asked if the holes in the street in front of city hall can be repaired before the Fall Festival. Mr. Fisher said we are working on it and might be on a Saturday.

Councilman Hoag asked that the street cleaner clean the street Friday morning September 11th before the start of the Fall Festival.

Councilman Lathrop said he has received some reports that Channel 2 is not working. Brad Foster, Assistant City Manager, said Time Warner has been out to look at it and has ordered some parts; it should be up and running soon.

At 7:50 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, to discuss matters pertaining to hiring, firing, disciplining or promoting of particular employees by a public governmental body, according to Missouri Statute 610.021.3, 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: 9, Councilmen VanWinkle, Trutzel, Newell, Fletcher, Mayor Davis, Councilmen Savage, Lathrop, Hoag, and Von Behren; Noes: None; Absent: None.

The Council returned from Executive Session at 9:22 P.M. Being no further business, Councilman Lathrop moved to adjourn. Councilman Hoag seconded. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor