

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

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

Councilman Newell led the Pledge of Allegiance to the Flag.

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

CONSENT AGENDA:

Councilman Newell moved to approve the consent agenda consisting of a All in favor. Von Behren absent.

Motion approving the minutes of the November 24, 2015, City Council regular meeting; a motion approving the November 2015 Municipal Police Judge's Report; and a motion approving a change order to the aerial ladder purchase originally approved by the city council on January 27, 2015. This change order will allow the fire chief to choose a better design by Pierce Manufacturing and authorize spending an additional \$21,368.00. This design was not available when the initial order was placed. Councilman Hoag seconded. All voted in favor. Councilman Von Behren absent. Consent agenda approved.

PERSONAL APPEARANCES:

Police Department Presentations:

- Police Chief James Person presented Dave Kocourek, a retirement plaque in recognition for his 48 years of dedicated and devoted service to police department and citizens of Belton from 1967-2015. Dave is very modest and didn't want a big deal or party or reception. Many of us still on the staff worked with him as young patrolmen. We appreciate all he has meant to the department and to the citizens. The last several years he has been the court bailiff.
- Chief Person presented Zach Hankins and A.J. Haus with the lifesaving award. He read letters of commendation to both of them. He said they responded to a structure fire on October 27, 2015 at 3:30 A.M. Smoke and flames were coming from the residence. Upon arrival members of the family were in the yard and but one was still in the basement. They escorted them to safety without the loss of life or severe injury. Chief Person then presented them both with the meritorious service award.

At 7:05 P.M. Councilman Lathrop moved to enter Executive Session 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 that the record be closed. Councilman Hoag seconded. The following vote recorded; Ayes: 8, Mayor Davis, Councilmen Savage, Hoag, Newell, Fletcher, Lathrop, Trutzel, VanWinkle; Noes: None; Absent: 1, Councilman Von Behren.

Mayor Davis said there would be a short (5-7 minute) recess and then the Council would enter executive session.

The Council returned from executive session at 8:17 P.M.

ORDINANCES:

Patti Ledford, City Clerk, gave the final reading of Bill No. 2015-90: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A IN-HOME CHILD CARE ON PROPERTY ZONED R-1 (SINGLE-FAMILY RESIDENTIAL), AND LOCATED AT 8406 E 166TH STREET, BELTON, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Hoag. Vote on the final reading was recorded; Ayes: 8, Councilmen Lathrop, Newell, Savage, Hoag, Fletcher, Mayor Davis, Councilmen Trutzel and VanWinkle; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-90 was declared passed and in full force and effect as Ordinance No. 2015-4156, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-95: **AN ORDINANCE CALLING AND PROVIDING FOR THE ANNUAL ELECTION OF MUNICIPAL OFFICERS FOR THE CITY OF BELTON, MISSOURI TO BE HELD APRIL 5, 2016.** Presented by Councilman Hoag, seconded by Councilman Newell. The following vote was recorded; Ayes: 8, Councilmen Newell, Trutzel, Mayor Davis, Councilmen Savage, Hoag, VanWinkle, Fletcher, and Lathrop; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-95 was declared passed and in full force and effect as Ordinance No. 2015-4157, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-96: **AN ORDINANCE AMENDING CHAPTER 9 – ELECTIONS, ARTICLE IV – CANDIDATES, SECTIONS 9-77 AND 9-80 IN ORDER TO COMPLY WITH RECENT REVISIONS TO STATE ELECTION LAW REGARDING CERTAIN CANDIDATE NOTIFICATIONS, QUALIFICATIONS, DELINQUENCIES AND VERIFICATIONS BY THE CITY CLERK; REPEALING ALL ORDINANCES IN CONFLICT AND PRESENTING AN EFFECTIVE DATE OF THE AMENDMENTS.** Presented by Councilman Hoag, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Hoag, Lathrop, Mayor Davis, Councilmen Trutzel, Savage, Fletcher, VanWinkle and Newell; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-96 was declared passed and in full force and effect as Ordinance No. 2015-4158, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-97: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO THE RIGHT-OF-WAY APPRAISAL AGREEMENT WITH BLISS ASSOCIATES FOR PHASE 1 OF THE MULLEN ROAD AND NORTH CASS PARKWAY PROJECT.** Presented by Councilman Trutzel, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Ayes: 8, Mayor Davis, Councilmen Savage, Hoag, Newell, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-97 was declared passed and in full force and effect as Ordinance No. 2015-4159, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-98: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO THE NEGOTIATOR SERVICES AGREEMENT WITH BLISS ASSOCIATES FOR PHASE 1 OF THE MULLEN ROAD AND NORTH CASS PARKWAY PROJECT.** Presented by Councilman Trutzel, seconded by Councilman Savage. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell,

VanWinkle, Mayor Davis, Councilmen Hoag, Fletcher, Lathrop, Savage, and Trutzel; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-98 was declared passed and in full force and effect as Ordinance No. 2015-4160, subject to Mayoral veto.

Ms. Ledford read Bill No. 2015-99: **AN ORDINANCE APPROVING THE RE-APPROPRIATION & REVISION OF THE FISCAL YEAR 2016 ADOPTED CITY BUDGET TO REFLECT THE SALARY IMPLICATIONS FOR ADDING ONE ASSISTANT FIRE MARSHAL POSITION AND DELETING ONE ASSISTANT FIRE CHIEF POSITION UNDER THE BELTON FIRE DEPARTMENT REORGANIZATION PLAN.** Presented by Councilman Trutzel, seconded by Councilman Hoag. Councilman Savage said he doesn't see why this is such an emergency and needs to be done right now. To amend the budget and not be given the opportunity to go through due process just shouldn't be done. Mayor Davis asked Sheila Ernzen, Finance Director how many budget amendments have we had so far. She said 6-7 mostly from fire and public works. Councilman Savage asked Ms. Ernzen if she is in support of this budget amendment. Ms. Ernzen said it is her preference only to amend if it is unforeseen and needed to be done immediately. It is best to take any changes to budget and look at it city wide and knowing all the needs of all the city departments. Councilman Savage said if we don't know the needs then this can wait. Councilman VanWinkle asked if there is a necessity of doing it now instead of down the road. Mr. Foster said in order to get the ball rolling and make the changes necessary then it is. Vote on the first reading was recorded: Ayes: 5, Mayor Davis, Councilmen Newell, Fletcher, Hoag, and Trutzel; Noes: 3, Councilmen VanWinkle, Savage and Lathrop; Absent: 1, Councilman Von Behren. **Councilman Trutzel moved to hear the final reading.** Councilman Newell seconded. All voted in favor except Councilman Lathrop voting no. Councilman Von Behren absent. The final reading was read. Presented by Councilman Trutzel, seconded by Councilman Newell. Councilman Trutzel asked Mr. Foster the importance of adding an assistant fire marshal. Mr. Foster said there is a lot of development and building going on. The Fire Chief has gone through the needs of the fire department and feels these two positions are needed more than the assistant fire chief. Norman Larkey, Fire Chief, reiterated what Mr. Foster said. Vote on the final reading was recorded; Ayes: 4, Councilmen Fletcher, Trutzel, Mayor Davis, and Councilman Newell; Noes: 4, Councilmen Savage, Lathrop, VanWinkle and Hoag; Absent: 1, Councilman Von Behren. Final reading failed.

RESOLUTIONS:

Ms. Ledford read Resolution R2015-47: **A RESOLUTION ADOPTING THE RE-ORGANIZATION PLAN OF THE BELTON FIRE DEPARTMENT.** Presented by Councilman Trutzel, seconded by Councilman Newell. All voted in favor. Councilman Von Behren absent. Resolution passed.

CITY COUNCIL LIAISON REPORTS:

Councilman Newell, Code Enforcement Liaison, reported the Code Enforcement Advisory Committee met last Wednesday and discussed chickens. The Committee will be bring forth some recommendations to discuss later on number of chickens allowed, lot size/acreage, etc.

MAYOR'S COMMUNICATIONS:

Mayor Davis said he attended the Mayor's Caucus and Senate Bill was the hot topic of discussion. The original intent of Senate Bill 5 was to get rid of speed traps. Also, the sales and use tax, legislators are adamant this needs to pass this year. Cities have had three years to pass it or they are going to lose it. Sheila Ernzen, Finance Director said if not passed it would effect the budget by \$200,000-300,000 plus if we don't pass it. Discussion also centered around the 2 cent fuel tax for the Missouri Department of Transportation and doing away with the Kansas City earnings tax which could impact the city of Kansas City's budget by \$240,000,000.

Mr. Trivitt said the way law is written is to help us go back and correct what the court did and we have to ask Belton voters to approve the continuation of the tax on purchases of out of state motor vehicles. The Missouri Municipal League interpretation is even if our use tax is submitted first and they approve it still would not save us from losing that money. The only tax we really need to propose to voter is whether to continue the collection of tax for out of state motor vehicles. The way law written is very confusing. The City Attorney has been working on that. An ordinance calling an election will most likely be presented at the December 22 Council meeting.

Councilman Fletcher reminded the Council of the Belton Chamber casino event tomorrow night at 6:00 at Carnegie Village.

Being no further business, Councilman Hoag moved to adjourn at 8:37 P.M. councilman Newell seconded. All voted in favor. Councilman Von Behren absent. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor