

**MINUTES OF THE
BELTON CITY COUNCIL
REGULAR MEETING
JANUARY 27, 2015, CITY HALL ANNEX
520 MAIN STREET, BELTON, MISSOURI**

Mayor Davis called the regular meeting to order at 7:30 P.M.

Councilman Cook led the Pledge of Allegiance to the Flag.

Councilmen present: Mayor Jeff Davis, Councilmen Jackie Cook, Jeff Fletcher, Gary Lathrop, Everett Loughridge and Scott Von Behren. Councilman Hoag was present but not for roll call. Absent: Councilmen Chet Trutzel and Tim Savage. Also present were Aaron March, 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 January 13, 2015, City Council meeting; and a motion approving the December 2014 Police Judge's Report. Councilman Von Behren seconded. All present voted in favor. Councilmen Savage and Trutzel absent. Consent agenda approved.

PERSONAL APPEARANCES:

Diane Huckshorn, Director of the Belton Chamber of Commerce was present to request approval for the closure of Main Street on March 14, 2015 for a 5K fun run to be held prior to the St. Patrick's Day parade. Lineup will begin at Memorial Park and the parade route will be to Pine Street to Main Street to Chestnut to Loop Road to Herschel and loop four times around and then back to Memorial Park. Registration will begin at 11:00 A.M. and the fun run will start at Noon and we should be done by 2:00. Councilman Von Behren verified that Main Street would be closed for the run, open after and then closes again for the parade. Ms. Huckshorn said yes. She said she has visited with Sgt. Brad Swanson and has also talked with the Downtown Main Street Inc. association and they are 100% fine with it. She said she also talked with Terry Brock, parade coordinator and it should be a win-win for all. Councilman Von Behren asked if this is a Chamber fundraiser. Ms. Huckshorn said yes it is. The funds will be used to go back to Chamber and net proceeds will go to the group holding parade. She did say the Chamber is doing very well. **Councilman Hoag move to approve the closure of Main Street from 11:00 a.m. to 2:00 p.m. on March 14, 2015 for the Chamber of Commerce 5K fun run.** Councilman Von Behren seconded. All present voted in favor. Councilmen Savage and Trutzel absent. Motion carried.

ORDINANCES:

Mr. Trivitt gave the *final* reading of Bill No. 2015-01: **AN ORDINANCE AMENDING SECTION 13-290 OF THE CODE OF ORDINANCES OF THE CITY OF BELTON BY AMENDING THE SPEED ZONES.** Presented by Councilman Hoag, seconded by Councilman Von Behren. The Council was polled and the following vote recorded; Ayes: 7, Councilman Loughridge, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, Cook, and Hoag; Noes:

None; Absent: Councilmen Savage and Trutzel. Bill No. 2015-01 was declared passed and in full force and effect as Ordinance No. 2015-4066, subject to Mayoral veto.

Mr. Trivitt gave the final reading of Bill No. 2015-03: **AN ORDINANCE ACCEPTING AN AGREEMENT WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION TO RELINQUISH FIBER OPTIC INTERCONNECT CABLE IN MODOT RIGHT OF WAY AT 163RD STREET AND I-49 TO THE CITY OF BELTON.** Presented by Councilman Cook, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Von Behren, Fletcher, Hoag, Lathrop, Mayor Davis, Councilmen Loughridge, and Cook; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Bill No. 2015-03 was declared passed and in full force and effect as Ordinance No. 2015-4067, subject to Mayoral veto.

Mr. Trivitt read Bill No. 2015-04: **AN ORDINANCE APPROVING THE 2015 INTERGOVERNMENTAL AGREEMENT WITH THE MARC SOLID WASTE MANAGEMENT DISTRICT RELATING TO THE REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM.** Presented by Councilman Hoag, seconded by Councilman Lathrop. Vote on the first was recorded; Ayes: 7, Councilmen Loughridge, Hoag, Cook, Von Behren, Fletcher, Lathrop, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. First reading passed.

Mr. Trivitt read Bill No. 2015-05: **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE NORTHWEST CASS COUNTY WATER RESOURCE DISTRICT, MISSOURI REGARDING A WATER RATE STUDY.** Presented by Councilman Lathrop, seconded by Councilman Hoag. Vote on the first reading was recorded; Ayes: 7, Councilmen Von Behren, Hoag, Fletcher, Lathrop, Mayor Davis, Councilmen Cook, and Loughridge; Noes: None; Absent: 2, Councilmen Savage and Trutzel. **Councilman Lathrop moved to hear the final reading.** Councilman Hoag seconded. All present voted in favor. The final reading was read. Presented by Councilman Hoag, seconded by Councilman Fletcher. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Cook, Hoag, Mayor Davis, Councilmen Fletcher, Loughridge, Von Behren, and Lathrop; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Bill No. 2015-05 was declared passed and in full force and effect as Ordinance No. 2015-4068, subject to Mayoral veto.

Mr. Trivitt read Bill No. 2015-06: **AN ORDINANCE AMENDING SECTION 1-5, ENTITLED "GENERAL DEFINITIONS" AND SECTION 40-4, ENTITLED "RESIDENTIAL-MANUFACTURED HOME COMMUNITIES" OF THE BELTON UNIFIED DEVELOPMENT CODE.** Presented by Councilman Loughridge, seconded by Councilman Hoag. Councilman Lathrop stepped out of the Council Chambers. Jay Leipzig, Community and Economic Development Director, briefed the Council on F9 – conditions of expansion. Vote on the first reading was recorded; Ayes: 6, Councilmen Von Behren, Hoag, Fletcher, Mayor Davis, Councilmen Cook, Loughridge; Noes: None; Absent: 3; Councilman Lathrop stepped out of the Council Chambers, Councilman Savage and Trutzel. First reading passed.

RESOLUTIONS:

Mr. Trivitt read Resolution R2015-04: **A RESOLUTION ADOPTING A CITY COST-SHARE PROGRAM FOR SIDEWALKS, CURBS, AND DRIVEWAY CULVERTS.** Presented by Councilman Loughridge; seconded by Councilman Von Behren. Jeff Fisher, Public Works Director said this is a good thing and gives the citizens an alternative to partner with them and meet the needs of the sidewalks/curbs. Councilman Loughridge asked if this would also

cover the non-functional culverts in West Belton. Mr. Fisher said yes it would. Mr. Fisher said we will also message the public on this. Vote on the resolution was recorded; Ayes: 7, Councilmen Lathrop, Cook, Hoag, Loughridge, Von Behren, Fletcher, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Resolution passed.

Mr. Trivitt read Resolution R2015-05: **A RESOLUTION APPROVING TASK AGREEMENT #12 WITH RIGHT OF WAY ASSOCIATES TO APPRAISE AND ACQUIRE EASEMENTS FOR THE SECOND PHASE OF THE MARKEY PARKWAY SANITARY SEWER IMPROVEMENTS PROJECT.** Presented by Councilman Hoag, seconded by Councilman Lathrop. Vote on the resolution was recorded; Ayes: 7, Councilmen Lathrop, Cook, Hoag, Loughridge, Von Behren, Fletcher, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Resolution passed.

Mr. Trivitt read Resolution R2015-06: **A RESOLUTION ADOPTING A NORTH SCOTT CORRIDOR PLAN FOR THE CITY OF BELTON, MISSOURI.** Presented by Councilman Hoag, seconded by Councilman Fletcher. Vote on the resolution was recorded; Ayes: 7, Councilmen Lathrop, Cook, Hoag, Loughridge, Von Behren, Fletcher, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Resolution passed.

Mr. Trivitt read Resolution R2015-07: **A RESOLUTION APPROVING THE RE-APPROPRIATION AND REVISION OF THE FISCAL YEAR 2015 ADOPTED CITY BUDGET TO ADD THREE FIREFIGHTER/ EMT POSITIONS.** Presented by Councilman Loughridge, seconded by Councilman Hoag. There was some discussion and Councilman Lathrop asked for clarification on the overtime calculation. Norman Larkey, Fire Chief, explained it. Vote on the resolution was recorded; Ayes: 7, Councilmen Lathrop, Cook, Hoag, Loughridge, Von Behren, Fletcher, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Resolution passed.

Mr. Trivitt read Resolution R2015-08: **A RESOLUTION APPROVING A REAPPROPRIATION BUDGET AMENDMENT TO THE FY2015 BUDGET FOR THE PURPOSE OF FUNDING THE MARKEY REGIONAL DETENTION PROJECT BY MAKING A TEMPORARY TRANSFER OF \$8,000 FROM THE TRANSPORTATION RAINY DAY FUND 225-0000-400-9000 TO THE MARKEY REGIONAL DETENTION FUND 226-0000-495-7117 FOR THE PURPOSE OF EQUIPMENT RENTAL TO PERFORM GRADING AND OTHER SITE WORK CONSISTENT WITH THE RELEVANT PLANS.** Presented by Councilman Hoag, seconded by Councilman Von Behren. There was some discussion. Vote on the resolution was recorded; Ayes: 7, Councilmen Lathrop, Cook, Hoag, Loughridge, Von Behren, Fletcher, and Mayor Davis; Noes: None; Absent: 2, Councilmen Savage and Trutzel. Resolution passed.

CITY COUNCIL LIAISON REPORTS:

Councilman Fletcher Park Board Liaison, said just a warning that the Park Board is already taking the money in the budget for next year.

MAYOR'S COMMUNICATIONS:

Mayor Davis said we had a great send off for Ann Keeton's retirement. Ann was the administrative assistant in the Community and Economic Development Department. She was a good employee and we will miss her a great deal.

Mayor Davis said it was an incredible month for economic development. We are keeping one eye open all the time.

CITY MANAGER'S REPORT:

Jay Leipzig, Community and Economic Development Director, said he sent out a couple of year in review reports by email and if the Council has any questions or concerns he will be happy to answer them. He said it was a busy year for the Planning Commission and Zoning Board of Adjustments. Carolyn Yatsook, Economic Development Specialist, recently published an article in the Missouri Municipal League Review. On the cover is an aerial view of Markey Parkway. It is a great marketing piece for the city and the article went out throughout the state. It will be on the city website and Facebook page and everywhere else we can put it.

Jeff Fisher, Public Works Director, discussed a change order proposal. He said in August 2014 the water project essentially took work from the landmark project and gave it to Beemer. Another part of it included \$14,000 to add bollards and air release valves. The City didn't know if the State would approve it as reimbursable. The \$14,000 will come out of the water impact fee. We will need Council approval. The Council consensus was to move forward with it at the next regular meeting.

Mr. Trivitt said he has mentioned this year in advance as we prep for the budget process that we requested supplemental valuations from Missouri LAGERS retirement system for alternate retirement plans. We requested the L12 and L12 rule of 80; L6 and L6 rule of 80. We have compared alternate options with the plan that we have currently and calculated what calculation it would be if went to those plans. Those reports are available in city clerk's office. It is a requirement from the LAGERS system that we have to make it public for at least 45 days prior to it taking affect. We didn't actually put anything into the budget recommendation because it is hard to fit it all in.

Mr. Trivitt said in years past, the first regular Council meeting in Feb coincides will the MML Legislative Conference. This year it is February 10-11 in Jefferson City. He is planning to attend. He said he doesn't know if any Council members are planning to attend. We might want to discuss if we want to have meeting that night. Mayor Davis said he won't be at the meeting on February 10^h. We will still have two budget meetings prior to that.

Councilman Von Behren moved to cancel the February 10, 2015 City Council meeting. Councilman Loughridge seconded. All present voted in favor. Councilman Savage and Trutzel absent. Motion carried.

MOTIONS:

Councilman Hoag moved to approve an apparatus and capital equipment replacement plan for the Fire Department. Presented by Councilman Hoag, seconded by Lathrop. The total annual payment for the apparatus and equipment purchase is expected to be no more than \$258,500. Vote on the motion was recorded with all present voting in favor. Councilmen Savage and Trutzel absent. Motion carried.

Councilman Von Behren moved to continue the past policy of allowing up to six boot blocks in 2015 at Highway 58 and Highway Y according to ordinance 2010-3660. Councilman Hoag seconded. Councilman Cook expressed concerns if the city continues to allow these. Knock on wood we have been lucky so far. We are trying to develop business along these corridors. She said she is all for charitable organizations trying to raise money, but boot blocks in 2015 in Belton is not what it was 20 years ago and she is opposed. She said the city has sovereign immunity and asked the City Attorney to clarify, but a lot of the managing of these

boot blocks falls on the police department and she doesn't believe they have sovereign immunity. Some of the Councilmembers said they like the idea of them but need to look at them a little more. Mayor Davis said he would like to have traffic counts and accidents for that intersection. After some more discussion, **Councilman Lathrop moved to postpone and discuss at the next work session.** Councilman Cook seconded. All present voted in favor to postpone. Councilmen Savage and Trutzel absent. Motion to postpone carried.

OTHER BUSINESS:

Mayor Davis asked Aaron March, City Attorney, to give the Council an interpretation of Article 9.5 of the City Charter. Mr. March then read from the Charter Section 9.5 **Review of Board Decisions** which states: Upon the written certification of three City Council members, the City Council may review any action or decision of the Parks and Recreation Board, except a personnel matter. This certification shall state with particularity the action(s) or decision(s) to be reviewed and shall establish a hearing date that is not less than thirty (30) days from delivery of the certification to the Board. The City Council shall hear testimony and rule on the appeal. It shall require a two-thirds affirmative vote of the entire City Council to set aside, reverse or modify a Board action or decision. He reminded the Council that soon after a decision has been made by the Park Board, if the Council wants or needs to review it they would need to take the necessary steps as spelled out in Sec. 9.5 of the City Charter. Mr. Trivitt said a decision to change the park policy to not transfer money back to park sales tax fund was made last Tuesday at a Park Board meeting and he asked if the Council could review that. Mr. March said the Council would need to follow the steps set forth in Sec. 9.5 of the City Charter. There was considerable discussion and it was the Council's desire to give the Park Board a chance to appear before the Council to answer their questions and concerns, which they will be doing at the February 3, 2015 work session. After that the Council can decide if any action would take place. Mr. Trivitt explained there are possibly multiple issues involved in this. The Park as two funds – sales tax and park fund. Each is a different type of revenue. Essentially they are borrowing from themselves, using park sales tax funds to transfer money back to the park fund. Mr. Trivitt went on to say this is not the same as a few years ago when they were using general fund money as a reserve account. The Park operating fund money comes from the annual real estate and property tax; the park sales tax from money received from the park sales tax. The Charter is specific about the separation of the Park Board from the City. The city manager has no authority over the park department employees which complicate things. Councilman Cook said she would like to hear what the Park has to say at the next Council work session and then if the Council is not satisfied with what they hear then she would be willing to request a hearing. Mr. March said the hearing would require 2/3 affirmative vote to reverse a Park Board action. Councilman Cook asked if there is any legal requirement that the money be paid back to the park sales tax fund. Mr. March said those dollars are subject to them to decide how to spend their money. Technically, they could transfer it and never pay it back. Sheila Erzen, Finance Director, pointed out the Park Board passed a resolution saying they would pay it back by the end of January but at the meeting last week they changed the resolution.

In other business, Councilman Loughridge asked what the time schedule is for the completion of the water tower. Jeff Fisher, Public Works Director, said early 2016 for final completion.

Councilman Lathrop said he received his Missouri Municipal Review Magazine with the picture of Markey Parkway and the article is great, he only wished the picture was of the completed road. Mayor Davis said staff is doing a great job.

Being no further business, Councilman Hoag moved to adjourn at 8:38 P.M. Councilman Von Behren seconded. All present voted in favor. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor