

**MINUTES OF THE
BELTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 24, 2015
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

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

Councilman Fletcher led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

CONSENT AGENDA:

Councilman Hoag moved to approve the consent agenda consisting of **a motion approving the minutes of the November 10, 2015, City Council regular meeting; a motion approving the October 2015 Municipal Police Judge's Report; and a motion approving the Commenco and Johnson County Electric contracts for alerting systems for Fire Stations 1 & 2.** Councilman Von Behren seconded. All voted in favor. Consent agenda approved.

ORDINANCES:

Patti Ledford, City Clerk gave the final 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.** Presented by Councilman Hoag, seconded by Councilman Fletcher. Megan McGuire, City Attorney, said there have been significant renegotiations on the plan. She asked Aaron March, White Goss Law Firm, Special Counsel on Economic Development, to review the areas of note, specifically on page 40 of the document in relationship to redefining the project area she thinks it's important that issue be evaluated and that Mr. March also comment on the assignability of the contract and the difference of substantial completion of the project area verses the individual occupancy certificate. She also asked that Mr. March comment on the progress reports. This is a particular area where the contract will require significant staff time to keep up on annual project reports.

Mr. March addressed the council and said from a macro perspective what we have done is taken the contract and tried to tailor it to a redevelopment and to define substantial completion with fixing things to declare the area blighted. If they do all the work and fortunately, for us as a community, but they don't tenant the building, that won't preclude us from issuing them a certificate of completion. They have satisfied their legal obligation and are eligible to start collection of the TIF revenue. The theme that this is a redevelopment and not ground up

construction generated a lot of the changes in the TIF contract. Another example is the city has a standard list that it attaches to all of its ground up developments for major retail shopping centers -an approved tenant list. There aren't going to be opportunities for 25,000 square foot tenants in here so that list was not appropriate. We fine-tuned it to this program. Also the TIF plan has more area in it then Project Area 1. In TIF's you have planned areas and project areas. Right now it is vacant land with no buildings on it, so they asked us and we agreed that the contract would only apply to physical project area that the work is being done upon.

Progress reports are standard operating procedure for the developer to give regular reports – sometimes written sometimes verbally. Section 26 of the contract states that every year until they are issued a certificate of completion they have to provide a progress report. Hopefully, the program won't take more than a year. It is their goal and objective to be done much sooner then that. Items cover in report are set out in Section 26 A-G. They have to certify costs to us and it rings a bell once a year that the statutory requirements satisfied. It is pretty standard how Belton runs TIF programs. It is a very fair and fine-tuned redevelopment contract as opposed to a ground up construction.

The Council was polled and the following vote recorded; Ayes: 9, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, Van Winkle, Hoag, and Newell; Noes: None; Absent: None. Bill No. 2015-77 was declared passed and in full force and effect as Ordinance No. 2015-4153, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-78: **AN ORDINANCE 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.** Presented by Councilman Hoag, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Von Behren, Mayor Davis, Councilmen Trutzel, Lathrop, Savage, Newell, VanWinkle, Hoag, and Fletcher; Noes: None; Absent: None. Bill No. 2015-78 was declared passed and in full force and effect as Ordinance No. 2015-4154, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-79: **AN ORDINANCE 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.** Presented by Councilman Trutzel, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Ayes: 9, Mayor Davis, Councilmen Savage, Hoag, Newell, Von Behren, Fletcher, Lathrop, Trutzel, and Van Winkle; Noes: None; Absent: None. Bill No. 2015-79 was declared passed and in full force and effect as Ordinance No. 2015-4155, subject to Mayoral veto.

Ms. Ledford read 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 Hoag, seconded by Councilman Van Winkle. Jay Leipzig, Community and Economic Development Director, said this was presented before the Planning Commission on November 2 and approved unanimously. There were a couple of concerns from neighbors and he has asked the owner to meet with them for further discussion. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read 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 Lathrop. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read 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 Von Behren, seconded by Councilman Hoag. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read 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. Councilman Lathrop had some questions regarding the scope of work and changes particularly as it relates to Tract 19. Jeff Fisher, Public Works Director, explained the project will be done in phases and this establishes the parameters for the major property owner on the east side of Mullen Road. There was discussion. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read 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 Hoag. Vote on the first reading was recorded with all voting in favor. First reading passed.

RESOLUTIONS:

Ms. Ledford read Resolution R2015-46: **A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2017 THROUGH 2021.** Presented by Councilman Hoag, seconded by Councilman Lathrop. Vote on the resolution was recorded with all voting in favor. Resolution passed.

MAYOR’S COMMUNICATIONS:

The Mayor’s Christmas tree lighting ceremony is Monday, November 30 at Memorial Station, 602 Maurer Parkway. Mayor Davis encouraged all to get out to Memorial Station for the ceremony. We hope to have good weather and lot of people to make it happen.

Councilman Fletcher announced the Chamber casino night will be held on Wednesday, December 9 at Carnegie Village.

CITY MANAGER’S REPORT:

Mr. Trivitt said he didn't know if the Council had chance to look at MML Review. There are articles worth looking at specifically the article which explains the use and sales tax of out of state purchases of motor vehicles. Each city in the state does not have a use tax and has until November 2016 to adopt an ordinance continuing the sales tax of out of state vehicle. If it is not done by November 2016, revenue will be lost the way the law is currently and we can't wait until after November 2016. It gives us the April and August 2016 to pass an ordinance. According to the article, adopting a use tax is not something that would save us from the effects of the court decision. He encouraged the Council to read the article and we will discuss it at the next work session and plan which election to put the ballot issue on. Mayor Davis noted the legislation favors car dealerships across the state lines. If it passes it levels the playing field for all dealerships, if not it benefits Kansas dealerships. We need to educate the public and we need to do our homework. This holds true for all of legislation; Senate Bill 5 is on top of the list for legislators right now. Mr. Trivitt also stated that in the MML Review is a guide to MML committee recommendations on future legislation. Mayor Davis said we need to take a stand.

Being no further business, Councilman Lathrop moved to adjourn at 7:35 P.M. Councilman Newell seconded. All voted in favor. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor