

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

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

Councilman Lathrop led the Pledge of Allegiance to the Flag.

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

CONSENT AGENDA:

Councilman Lathrop moved to approve the consent agenda consisting of a **motion approving the minutes of the October 13, 2015, City Council regular meeting; and a motion approving the September 2015 Municipal Police Judge's Report.** Councilman Savage seconded. All present voted in favor. Councilmen Hoag and VanWinkle absent. Consent agenda approved.

PERSONAL APPEARANCES:

Jim Giffen - 507 Ranchero Place, Belton requested the Council consider changing the ordinance regarding livestock and poultry, allowing only 4 chickens, to match the ordinance of Kansas City and Raymore which allows 15. He has five children and the eggs don't go very far.

Mayor Davis said staff has talked about this and they will push it to the Planning Commission and Code Enforcement Advisory Committee and come back to us with advisement.

ORDINANCES:

Patti Ledford, City Clerk, gave the final 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.** Presented by Councilman Trutzel, seconded by Councilman Newell. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, and Newell; Noes: None; Absent: 2, Councilmen VanWinkle and Hoag. Bill No. 2015-76, was declared passed and in full force and effect as Ordinance No. 2015-4139, subject to Mayoral veto.

Mayor Davis noted that negotiations are still on going for Bill No. 2015-77; 2015-78; and 2015-79, and suggested postponing them until the November 10, 2015 meeting.

Councilman Lathrop moved to postpone 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; 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; AND 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. Councilman Von Behren seconded. Vote on the motion was recorded with all present voting in favor. Councilmen Hoag and VanWinkle absent. Motion to postpone carried.

Ms. Ledford gave the final 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.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Mayor Davis noted that their groundbreaking was yesterday. They are excited. He mentioned he was told by Arvest Bank that the ATM they have at the Price Chopper is the busiest they have in the metro area. Vote on the final reading was recorded; Ayes: 7; Councilmen Lathrop, Mayor Davis, Councilmen Trutzel, Von Behren, Fletcher, Newell, and Savage; Noes: None; Absent: 2, Councilmen Hoag and VanWinkle. Bill No. 2015-81, was declared passed and in full force and effect as Ordinance No. 2015-4140, subject to Mayoral veto.

Ms. Ledford gave the final 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.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 7, Mayor Davis, Councilmen Savage, Newell, Von Behren, Fletcher, Lathrop, and Trutzel; Noes: None; Absent: 2, Councilmen Hoag and VanWinkle. Bill No. 2015-82, was declared passed and in full force and effect as Ordinance No. 2015-4141, subject to Mayoral veto.

Ms. Ledford gave the final 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.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Newell, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, and Savage; Noes: None; Absent: 2, Councilmen Hoag and Van Winkle. Bill No. 2015-83, was declared passed and in full force and effect as Ordinance No. 2015-4142, subject to Mayoral veto.

Ms. Ledford gave the final 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.** Presented by Councilmen Newell, seconded by Councilman Trutzel. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Von Behren, Trutzel, Savage, Lathrop, Newell, Fletcher and Mayor Davis; Noes: None; Absent: 2, Councilmen Hoag and VanWinkle. Bill No. 2015-84 was declared passed and in full force and effect as Ordinance No. 2015-4143, subject to Mayoral veto.

Ms. Ledford gave the final 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.** Presented by Councilman Lathrop, seconded by Councilman Savage. The Council was polled and the following vote recorded; Ayes: 7, Councilman Lathrop, Mayor Davis, Councilmen Trutzel, Von Behren, Fletcher, Newell, and Savage; Noes: None; Absent: 2, Councilmen Hoag and VanWinkle. Bill No. 2015-85 was declared passed and in full force and effect as Ordinance No. 2015-4144, subject to Mayoral veto.

Ms. Ledford, City Clerk, gave the first reading of Bill No. 2015-86: **AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE TEMPORARY CONSTRUCTION EASEMENTS, PERMANENT UTILITY EASEMENTS, PERMANENT DRAINAGE EASEMENTS, AND RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION AND MAINTENANCE OF ROAD IMPROVEMENTS RELATED TO PHASE 1 OF THE MULLEN ROAD AND NORTH CASS PARKWAY PROJECT GENERALLY LOCATED IN SECTION 13 AND 24, TOWNSHIP 46 NORTH, RANGE 33 WEST, AND IN SECTION 18 AND 19, TOWNSHIP 46 NORTH, RANGE 32 WEST, ALL IN AND ADJACENT TO THE CITY OF BELTON, CASS COUNTY, MISSOURI; AUTHORIZING THE CITY AND ITS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE EASEMENTS AND PROPERTY ACQUISITION BY CONTRACT OR CONDEMNATION; AND AUTHORIZING THE CITY ATTORNEY AND HIS/HER DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND THAT CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.** Presented by Councilman Savage, seconded by Councilman Trutzel. Vote on the first reading was recorded with all present voting in favor. Councilmen Hoag and VanWinkle absent. First reading passed.

Ms. Ledford gave the first reading of Bill No. 2015-87: **AN ORDINANCE AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH BELTON 58 CHOPPER, LLC, IN REGARDS TO A PORTION OF THE NORTH CASS SHOPPING CENTER.** Presented by Councilman Lathrop, seconded by Councilman Newell. Vote on the first reading was recorded with all present voting in favor. Councilmen Hoag and VanWinkle absent. First reading passed.

Ms. Ledford gave the first reading of Bill No. 2015-88: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT WITH ONE CONDITION TO ALLOW A HOME CHILD CARE ON PROPERTY ZONED R-1 (SINGLE-FAMILY RESIDENTIAL), AND LOCATED AT 307 APPLE VALLEY PARKWAY, BELTON, MISSOURI.** Presented by Councilman Von Behren, seconded by Councilman Trutzel. Vote on the first reading was

recorded with all present voting in favor. Councilmen Hoag and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2015-89: **AN ORDINANCE APPROVING THE REAPPROPRIATION & REVISION OF THE CITY OF BELTON FISCAL YEAR 2016 ADOPTED CITY BUDGET.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Vote on the first reading was recorded with all present voting in favor. Councilmen Hoag and VanWinkle absent. **Councilman Von Behren moved to hear the final reading.** Councilman Fletcher seconded. All present voted in favor. The final reading was read. Presented by Councilman Lathrop, seconded by Councilman Savage. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Lathrop, Newell, Von Behren, Savage, Fletcher, Mayor Davis, and Councilman Trutzel; Noes: None; Absent: 2, Councilmen Hoag and VanWinkle. Bill No. 2015-89 was declared passed and in full force and effect as Ordinance No. 2015-4145, subject to Mayoral veto.

RESOLUTIONS:

Ms. Ledford read Resolution R2015-44: **A RESOLUTION APPROVING TASK AGREEMENT #2015-3 WITH WEIDENMANN CONSTRUCTION, INC. TO MAKE NECESSARY REPAIRS TO THE SANITARY SEWER LINE BETWEEN CLEVELAND AND CAMBRIDGE AT A NOT TO EXCEED COST OF \$25,000.** Presented by Councilman Newell, seconded by Councilman Von Behren. Vote on the resolution was recorded with all voting in favor. Councilmen Hoag and VanWinkle absent. Resolution passed.

Ms. Ledford read Resolution R2015-45: **A RESOLUTION APPOINTING ROBERT NEWELL TO SERVE ON THE CODE ENFORCEMENT ADVISORY COMMITTEE AS THE CITY COUNCILMAN LIAISON.** Presented by Councilman Lathrop, seconded by Councilman Savage. Vote on the resolution was recorded with all voting in favor. Councilmen Hoag and VanWinkle absent. Resolution passed.

CITY COUNCIL LIAISON REPORTS:

Councilman Fletcher, Park Liaison, said the Park Board met last week. Rentals at the park are good. The Park is going to partner with Belton Welfare Association this year for the Mayor's Christmas Tree Lighting and Operation Santa which will be held at Memorial Station. Park and facilities are winterizing. They are continuing to work on the dog park as the budget allows. They are going out for mowing bids which close November 23 with a bid opening at 10:00 A.M. Fall baseball and softball is wrapping up. Fall Southside Shootout soccer tournament is November 6-8 at Wallace Park, they have 90 teams. Park finances overall are okay. The biggest problem they have right now is the community center and they are going after retention. They are working hard to get members to hang in and come back to the center.

MAYOR'S COMMUNICATIONS:

Mayor Davis said there was a car show this weekend. Good turnout and good job.

Jeff Fisher, Public Works Director, announced the promotion of Don Tyler as Water Services Director for city.

Mayor Davis requested discussion at future work sessions on codes, crime data, roads, land use, and the Capital Improvement Program.

OTHER BUSINESS:

Councilman Lathrop said he received some compliments on the recent chip and seal of some of the streets. Councilman Savage said he has received complaints and in the future it would be very helpful to be advised as to what is going with the planned maintenance of the streets. Councilman Trutzel said if we look at surrounding towns you will find they are also using chip and seal, in fact, Metcalf was resurfaced with chip and seal. Councilman Fletcher asked that the intersections with gravel get cleaned up from the chip and seal.

Being no further business, Councilman Lathrop moved to adjourn at 7:22 P.M. Councilman Von Behren seconded. All present voted in favor. Councilmen Hoag and VanWinkle absent. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor