

**MINUTES OF THE  
BELTON CITY COUNCIL  
REGULAR MEETING  
APRIL 12, 2016  
CITY HALL ANNEX, 520 MAIN STREET**

**2015-2016 CITY COUNCIL**

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

Councilman Von Behren 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, Dean VanWinkle, and Scott Von Behren; Also present were Ron Trivitt, City Manager; Megan McGuire, City Attorney; and Patti Ledford, City Clerk.

**CONSENT AGENDA:**

**Councilman Hoag moved to approve the minutes of the March 22, 2016, City Council regular meeting, the March 29, 2016, City Council special meeting, and the April 4, 2016, City Council special meeting.** Councilman Trutzel seconded. All voted in favor. Consent agenda approved.

**ORDINANCES:**

Patti Ledford, City Clerk, gave the final reading of Bill No. 2016-16: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING AN ON-CALL ENGINEERING PROFESSIONAL SERVICES AGREEMENT WITH BURNS & MCDONNELL / CAS, LLC.** Presented by Councilman Hoag, seconded by Councilman Von Behren. Councilman Lathrop expressed his concern that the contractor can revise the schedule of hourly rates and expenses annually subject to the approval of the Public Works Director. He feels this should come back to the Council yearly, or at least to the Mayor or City Manager. Councilman Savage asked what the guidelines are for allowing an increase in the hourly rate structure. Jeff Fisher, Public Works Director, said every year for the last 5 years the partners may have a change /reduction in rates and we discuss it and come to some agreement. It is based on needs and inflation. Councilman Savage asked how many times you have seen in come in without any change or a reduction. Mr. Fisher said it is very likely; it is not common that it goes up. Councilman Newell asked if there has been any situation where it has been a problem. Mr. Fisher said no. Councilman Savage asked who has been making the decisions. Mr. Fisher said he and the city engineers. **Councilman Newell moved to amend the final reading due to changes in the agreement.** Councilman Fletcher seconded. All voted in favor of the amendment. Vote on the final reading as amended, was then recorded; Ayes: 9, Councilmen Trutzel, Von Behren, Hoag, Mayor Davis, Councilmen Lathrop, Fletcher, Newell, VanWinkle, and Savage; Noes: None; Absent: None. Bill No. 2016-16 was declared passed and in full force and effect as Ordinance No. 2016-4199, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-32: **AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF STORM DRAINAGE**

**IMPROVEMENTS RELATED TO THE PACIFIC DRIVE STORM DRAINAGE IMPROVEMENTS PROJECT GENERALLY LOCATED IN SECTION 14, 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 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 CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.** Presented by Councilman Trutzel, seconded by Councilman Hoag. Mayor Davis said there is not an overall map. Mr. Fisher said no, but David Frazier, Street Superintendent, said the location is off of Sunrise and Pacific, where it horseshoes off of South Street and ends at the Hollywood storm drain. **Councilman Von Behren moved to amend the final reading because of adjustments made to three of the tracts and easements added to three other tracts.** Councilman Hoag seconded. All voted in favor of the amendment. Vote on the final reading, as amended, was then recorded; Ayes: 9, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Von Behren, Fletcher, VanWinkle, Hoag, and Newell; Noes: None; Absent: None. Bill No. 2016-32 was declared passed and in full force and effect as Ordinance No. 2016-4200, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-33: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A ONE (1) SIDED DIGITAL BILLBOARD SIGN, LOCATED IN A C-2 (GENERAL COMMERCIAL) DISTRICT, ALONG THE EAST SIDE OF I-49, JUST SOUTH OF 162<sup>ND</sup> STREET, ADDRESSED AS 16241 E. OUTER ROAD, BELTON, MISSOURI.** Presented by Councilman Hoag, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 9, Mayor Davis, Councilmen Savage, Hoag, Newell, Von Behren, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: None. Bill No. 2016-33 was declared passed and in full force and effect as Ordinance No. 2016-4201, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-35: **AN ORDINANCE AUTHORIZING AND APPROVING A PUBLIC SERVICES AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI AND DOWNTOWN MAIN STREET, INC. TO PROVIDE PUBLIC SERVICES SUPPORT FOR THE FALL FESTIVAL IN BELTON, MISSOURI IN SEPTEMBER 2016.** Presented by Councilman Savage, seconded by Councilman Fletcher. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Lathrop, Newell, Von Behren, Savage, Hoag, Fletcher, Mayor Davis, Councilmen Trutzel and VanWinkle; Noes: None; Absent: None. Bill No. 2016-35 was declared passed and in full force and effect as Ordinance No. 2016-4202, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-36: **AN ORDINANCE DECLARING THE RESULTS OF THE ANNUAL ELECTION OF MUNICIPAL OFFICERS OF THE CITY OF BELTON, MISSOURI.** Presented by Councilman Lathrop, seconded by Councilman Newell. Vote on the first reading was approved. **Councilman Lathrop 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, Councilmen Trutzel, Von Behren, Hoag, Mayor Davis, Councilman Lathrop, Fletcher, Newell, VanWinkle, and Savage; Noes: None; Absent: None. Bill No. 2015-36, was declared passed and in full force and effect as Ordinance No. 2016-4203, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-37: **AN ORDINANCE DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF BELTON, MISSOURI, ON APRIL 5, 2016, AND CONTINUING TO APPLY AND COLLECT THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS THAT ARE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER.** Presented by Councilman Von Behren, seconded by Councilman Newell. All voted in favor. **Councilman Von Behren 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 Von Behren. Councilman Trutzel thanked the fire department for their efforts in getting this issue passed. Councilman Fletcher said he stood out there with them for a while and they did a great job. Mayor Davis said it is a big relief to have this pass. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Lathrop, Newell, Von Behren, Savage, Hoag, Fletcher, Mayor Davis, Councilmen Trutzel, and VanWinkle; Noes: None; Absent: None. Bill No. 2016-37 was declared passed and in full force and effect as Ordinance No. 2016-4204, subject to Mayoral veto.

**Mayor Davis presented a plaque to Councilman Al Hoag for his dedicated service as Ward 3 Councilman from April 11, 2006 to April 12, 2016.** The Mayor said Councilman Hoag is very dedicated. He spent his own money sometimes to help clean up people's yards and helped people in other wards. He is a prototype of what a councilman will do. It is from the heart and that is what matters. Councilman Hoag said he really appreciated helping people. He said he felt like it was his legal and moral obligation to the job and tried to keep both equal at hand. He thanked some former Councilmen and some others who helped him along the way.

At 7:20 P.M. Mayor Davis said there will be a recess for a reception for outgoing and incoming Council members and their family and friends.

## **2016-2017 CITY COUNCIL**

**Mayor Davis called the meeting back to order at 7:34 P.M.**

Patti Ledford, City Clerk, administered the Oath of Office to Jeff Fletcher, Councilman Ward 1; Chet Trutzel, Councilman Ward 2; Lorrie Peek, Councilman Ward 3; and Tim Savage, Councilman Ward 4.

Patti Ledford, City Clerk, called the roll and the following were present: Mayor Jeff Davis, Councilmen Jeff Fletcher, Gary Lathrop, Bob Newell, Lorrie Peek, Tim Savage, Chet Trutzel Dean VanWinkle and Scott Von Behren. Ron Trivitt, City Manager; Megan McGuire; and Patti Ledford, City Clerk were also present.

### **CONSENT AGENDA:**

Councilman Von Behren moved to approve the consent agenda consisting of a **motion approving a temporary caterer's liquor license permit for Jose Peppers, 1100 E North Ave, for a Cinco de Mayo celebration May 5, 2016, in a tent in their parking lot, contingent upon obtaining their state liquor permit and Fire Marshal approval; a motion approving payment of annual subscription of Jail, Records Management and Dispatch Interface from Information Technologies, Inc, for FY17 in the amount of \$43,650 for the Police Department; a motion approving the purchase of computers from Dell for \$8,664.98 for the Public Works and Community Devolvement Departments; a motion authorizing the Mayor to sign a corrected Form 8038-GC and letter of explanation to the IRS for the acquisition of**

**needed equipment including a 2014 Bobcat skid-steer loader for the Park Department; and a motion approving Resolution R2016-16: A RESOLUTION APPOINTING DIRECTORS TO THE BOARD OF DIRECTORS OF THE Y HIGHWAY MARKET PLACE COMMUNITY IMPROVEMENT DISTRICT.** Councilman Newell seconded. All voted in favor. Consent agenda approved.

#### **ORDINANCES:**

Ms. Ledford read Bill No. 2016-38: **AN ORDINANCE APPROVING A CONSULTANT SERVICES AGREEMENT WITH SHOCKEY CONSULTING, INC. FOR PREPARATION AND DISTRIBUTION OF EDUCATIONAL MATERIALS REGARDING THE CONTINUATION OF THE LOCAL VEHICLE SALES TAX ON THE BALLOT FOR THE APRIL 5, 2016 ELECTION .** Presented by Councilman Trutzel, seconded by Councilman Newell. Councilman Lathrop said he thought this was already done. Mr. Trivitt said the city attorney was working with the consultant to work out terms of the agreement to make sure it complies with terms of city. Megan McGuire said this is after the fact but the actual service contract was not finalized until a couple of weeks ago. The Council approved the scope of work and fee agreement. There was considerable discussion. Vote on the first reading was recorded with all voting in favor. **Councilman Lathrop moved to hear the final reading.** Councilman Von Behren seconded. All voted in favor. The final reading was read. Presented by Councilman Lathrop, seconded by Councilman Newell. The Council was polled and the following vote recorded; Aye: 9, Councilmen Savage, Von Behren, Peek, Mayor Davis, Councilmen Newell, Fletcher, Lathrop, VanWinkle, and Trutzel; Noes: None; Absent: None. Bill No. 2016-38 was declared passed and in full force and effect as Ordinance No. 2016-4205, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-39: **AN ORDINANCE AUTHORIZING AND APPROVING THE CITY OF BELTON, MISSOURI THROUGH ITS FIRE DEPARTMENT TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR MEDICAL DIRECTOR SERVICES WITH DR. ERIK J. STAMPER, D. O. FOR FISCAL YEAR 2017.** Presented by Councilman Trutzel, seconded by Councilman Savage. All voted in favor. First reading passed.

Ms. Ledford read Bill No. 2016-40: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING THE AMENDMENT TO INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF GRANDVIEW, MISSOURI FOR ADMINISTERING THE 155<sup>TH</sup> STREET WIDENING PROJECT.** Presented by Councilman Lathrop, seconded by Councilman Newell. All voted in favor. First reading passed.

Ms. Ledford read Bill No. 2016-41: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING AN ON-CALL ARCHITECTURAL PROFESSIONAL SERVICES AGREEMENT WITH INCITE DESIGN STUDIO ARCHITECTS.** Presented by Councilman Von Behren, seconded by Councilman Newell. All voted in favor. First reading passed.

Ms. Ledford read Bill No. 2016-42: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WILSON & COMPANY, ENGINEERS & ARCHITECTS TO COMPLETE ENGINEERING AND DESIGN SERVICES FOR THE 155<sup>TH</sup> STREET SANITARY SEWER PROJECT AT A NOT-TO-EXCEED COST OF \$20,373.** Presented

by Councilman Lathrop, seconded by Councilman Trutzel. All voted in favor. **Councilman Lathrop moved to hear the final reading.** Councilman Von Behren seconded. All voted in favor. The final reading was read. Presented by Councilman Newell, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 9, Mayor Davis, Councilmen Von Behren, Fletcher, Lathrop, Newell, VanWinkle, Savage, Peek, and Trutzel; Noes: None; Absent: None. Bill No. 2016-42 was declared passed and in full force and effect as Ordinance No. 2016-4206 subject to Mayoral veto.

## **RESOLUTIONS:**

Ms. Ledford read Resolution R2016-17: **A RESOLUTION APPROVING TASK AGREEMENT #9 WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC IN A NOT TO EXCEED AMOUNT OF \$120,000 TO COMPLETE AN ASPHALT OVERLAY TO BELTON'S HALF OF KENTUCKY ROAD FROM 58 HIGHWAY TO 163<sup>RD</sup> STREET.** Presented by Councilman Lathrop, seconded by Councilman Von Behren. Councilman Trutzel asked for clarification on how we will work together with Raymore. Jeff Fisher, Public Works Director, said Raymore has a preservation program that includes Kentucky Road and we are accelerating our program to do Kentucky Road. Councilman Lathrop asked if it will go all the way to 58 Highway. Mr. Fisher said yes. Mr. Fisher said in the past we pursued 3 STP for funds, but Raymore elected not to pursue it so we will do more overlay together and do that in the future. We will do a lot of deep patching. Vote on the resolution was recorded with all voting in favor.

Ms. Ledford read Resolution R2016-18: **A RESOLUTION APPROVING AN AMENDMENT TO TASK AGREEMENT #2016-1 WITH WIEDENMANN, INC. IN THE AMOUNT OF \$3,771.40 TO COVER ADDITIONAL COST NEEDED TO REPLACE SANITARY SEWER LINE NEAR 407 HACKBERRY STREET.** Presented by Councilman Von Behren, seconded by Councilman Trutzel. Councilman Savage said he needs more explanation on this. Mr. Fisher said as the cover sheet indicates on the agenda we are replacing the public portion of the sewer line and as the contract notes there were other services not marked (natural gas and three telecommunication cables that slowed the process of pipe replacement) so it comes at additional cost. Councilman Savage said the utilities mentioned is something you find anytime you get in to utility replacement. They didn't reserve the fact that they need any utility locates and are asking for more money and he doesn't see where they earned it and it is a 34% increase. Mr. Fisher said the information they got was from city staff so they didn't know beyond that what to expect on what they knew staff provided. If primary service line is from the homes and we find floor drains we didn't anticipate then we have to pay for them. We need to make sure the connections are not illegal. Councilman Savage said it is a 34% increase we need to put the package together better or put it on the street to bid. Vote on the resolution was recorded with all voting in favor except Councilmen Lathrop and Savage voting no. Resolution passed.

Ms. Ledford read Resolution R2016-19: **A RESOLUTION AUTHORIZING THE CITY OF BELTON, MISSOURI TO FILE FORM 8083-G FOR THE MUNICIPAL LEASE AND OPTION AGREEMENT AUTHORIZED BY THE BELTON PARKS AND RECREATION BOARD FOR TWO FORD TRUCKS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.** Presented by Councilman Von Behren, seconded by Councilman Trutzel. Vote on the resolution was recorded with all voting in favor.

## **CITY COUNCIL LIAISON REPORTS:**

Councilman Fletcher said he will be going off the Park Board as Council Liaison and thanked the Park for putting up with him for almost 3 years.

Mayor Davis said we will need a new Tree Board liaison since Councilman Hoag is no longer on the Council.

Councilman Newell said there is a Codes Advisory committee meeting tomorrow night at 6:30 P.M.

## **MAYOR'S COMMUNICATIONS:**

Mayor Davis said he went to the Job Fair and there were 67 booths and great job and good experience; he then went to the Main Street Garden party followed by Junk in the Trunk. All great for the community.

### **The Chair moved to appoint Scott Von Behren as Mayor Pro Tem.**

Councilman Von Behren said he was going to have to decline the appointment due to the increase in job demands He can't be available for planned and unplanned meetings He said it has been an honor.

**The Chair moved to appoint Councilman Jeff Fletcher as Mayor Pro Tem.** Councilman Trutzel seconded. All in favor. Motion carried.

**The Chair moved to appoint Councilman Lorrie Peek as Park Board liaison.** He said she just came off the Park Board. Councilman Trutzel. All voted in favor. Motion carried.

**The Chair moved to appoint Councilman Chet Trutzel as Planning Commission liaison.** Councilman Newell second. All in favor. Motion carried.

## **CITY MANAGER'S REPORT:**

Jeff Fisher, Public Works Director, reported on the Cedar Tree lift station. He said they are boring the new sewer from I-49 to The Cottages and Springdale Lake and now the contractor needs to make repairs on the outer road. The outer road may be a completely shut down Tuesday and Wednesday. As we get closer we will provide public notice - it could be during regular working hours and open at night.

## **MOTIONS:**

**Motion to authorize and approve support of a future cost-share agreement with MoDOT, KCMO, and Grandview in the amount of \$23,000 to pay for 155<sup>th</sup> Street bridge amenities.** Presented by Councilman Lathrop, seconded by Councilman Von Behren. Councilman Trutzel said he is impressed with the bridge work in Harrisonville and was wondering if Belton will be similar. Mr. Fisher said the first picture shown is a black fence. The sign won't look like that; it will be more standard. Vote on the motion was recorded with all voting in favor. Motion carried.

At 8:07, Councilman Von Behren moved to enter Executive Session to discuss matters pertaining to Legal Actions, according to Missouri Statute 610.021.1, and to discuss matters pertaining to preparation, including any discussion or work product, on behalf of a public governmental body

or its representatives for negotiations with employee groups according to Missouri Statute 610.021.9 and that the record be closed. Councilman Fletcher seconded. The following vote was recorded: Ayes: 9, Mayor Davis, Councilmen Von Behren, Fletcher, Lathrop, Newell, VanWinkle, Savage, Peek, and Trutzel; Noes: None; Absent: None.

The Council returned from Executive Session at 9:10 P.M. Being no further business, Councilman Lathrop moved to adjourn. Councilman Fletcher seconded. All voted in favor. Meeting adjourned.

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Patti Ledford, City Clerk

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Jeff Davis, Mayor