

**MINUTES OF THE  
BELTON CITY COUNCIL PUBLIC HEARING  
AND REGULAR MEETING  
DECEMBER 13, 2016  
CITY HALL ANNEX  
520 MAIN STREET  
BELTON, MISSOURI**

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

The public hearing was held to receive public input on the proposed amendments to the Grand Hill Community Improvement District and authorization for special assessments.

Megan McGuire, City Attorney, said David Panek is present if the Council has questions. The city received a petition to amend the first amended petition to the Grand Hill Community Improvement District (CID) as well as a request to authorize collection of special assessments on properties located within the district. Notices were properly given in the newspapers and the property owners within the district. The public hearing is to receive comments regarding amendments and the information in the petitions.

David Panek received questions from the Council. Councilman Trutzel said he feels it is important to give an idea of what is happening here. There are a lot of people that might not know what is going on.

Mr. Panek said the Council previously approved the CID and allowed them to form CID. We are preparing the engineering plans and securing financing, which we now have. The bank wanted us to have a more secure form of valuations. We switched from county valuations, determined the properties worth and came up with flat valuations that will stay in place during the financing period.

Councilman Trutzel said they will be tapping in to the city sewer system and providing financing to get the sewer to the housing district in rather than having their own system.

Megan McGuire, City Attorney, said this CID had been previously established and the only changes being made by the CID Board of Directors is the change in the actual number of Board of Directors due to the passing of one of the initially named directors. As Mr. Panek stated, the ability to assess properties based upon a schedule is being presented so they can secure the amount of money necessary to secure debt service for the loan. All the engineering and design work is the same, so this petition just makes those two changes.

Councilman Savage said there is a lift station they are putting in that will push the waste to the main and a portion of those CID dollars will be kept to maintain the lift station.

Councilman Lathrop reminded Mr. Panek that the pipe size going up the hill should be bigger. Mr. Panek said the final plans have not been submitted to the City yet, but he planned to change the pipe size at that time.

Being no further input, the hearing was declared closed at 7:05 P.M.

Mayor Davis called the regular meeting to order at 7:05 P.M.

Councilman Fletcher led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilmembers Fletcher, Gary Lathrop, Bob Newell, Lorrie Peek, Tim Savage, and Chet Trutzel. Absent: Councilmen Ryan Finn and Dean VanWinkle. Also present: Ron Trivitt, 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 November 22, 2016, City Council regular meeting; and a motion to cancel the December 27 regular City Council meeting.** Councilman Trutzel seconded. All present voted in favor. Councilmen Finn and VanWinkle absent. Consent agenda approved.

#### **PERSONAL APPEARANCES:**

Mayor Davis recognized Police Chief James Person for receiving the Donald Red Loehr Chief of the Year from the Missouri Police Chiefs Association. He is the first and only Chief of the Year for the City of Belton. Ron Trivitt, City Manager, said it is very well deserved and is happy he was awarded the honor. He can't think of anyone more deserving. Chief Person thanked Mr. Trivitt for nominating him for the award and the individual honor goes to all employees of the police department. Thank you all very much, the employees and the city as a whole.

#### **Presentation from representatives of Group Belton, LLC in regard to provision of the Y Highway Marketplace Tax Increment Financing Plan.**

Curt Peterson, Polsinelli Law Firm, and Kylie Stock, Group Belton, LLC, appeared before the Council representing the developer, Cosentino. They provided the Council with a development status of the Y Highway Marketplace Tax Increment Financing Plan.

In 2011, the grocery store site was built by Caymus, which is now Van Trust. In 2012, Cosentino leased it and opened Price Chopper. In 2013, four of the in-line shops were leased for \$17-\$18/sq. ft. In March 2013, Van Trust came to the Council for permission to allow a non-sales tax user, Arvest Bank, in one of the pad sites, to which the Council agreed. In 2014, Group Belton, LLC (which is a special purpose entity created by the Cosentino's to own this property), purchased the shopping center from Van Trust. The Cosentino's hired Carl LaSalla as a broker to sell the last 2 pad sites, lease the small in-line shop space, and to try to procure a Jr. box store, as originally presented with the TIF.

In 2015, the in-line shops were not leasing. They reduced the price to \$15/sq. ft. They were still unsuccessful in finding a Jr. box store. In 2016, unfortunately, they are still in the same situation. So you might ask what the problem that Van Trust and the Cosentino's are having.

1. Was there a lack of diligence in targeting tenants? No. There have been several companies that have contacted Mr. LaSalla, but ultimately it didn't work out. One in particular asked for a below-market lease rate which was not attainable.

2. Is the price too high for the market? No. We compared our square foot site prices to the sites by Academy Sports, Menards, and existing Belton sites. Our square foot price is fair and comparable.

We think there are two reasons why the center has been slow to build out or lease the sites.

1. The inability to lease non-sales tax producing businesses.
2. Competition – the market looked different back in 2011, especially for the Jr. box stores. Truman Marketplace in Grandview is a big competitor.

The Cosentino's understands the City is frustrated. The City expected to have more sales tax producers to pay on the TIF. The Cosentino's are also frustrated because they aren't getting paid back either.

December 31, 2016, is the initial deadline in the TIF contract for the last pads and the Jr. box store. They would like an extension to March 1, 2017, to work on and present some other ideas to staff and the Council. There is a large medical user that is very interested in the site, but we're aware they are not a sales tax producing business and we'd need Council approval. We're hoping to wrap the approval of this user with our ideas so we can ultimately get Council consent.

Mayor Davis said the bigger picture is the money shortfall. The developer is owed \$685,000. The city is owed \$3,870,000. This is the only TIF in the City having a problem. Location is everything, but you're in a prime location.

Councilman Trutzel said property sells on price, location, and the broker going after businesses. It appears you've priced it too high the marketing has been good. Councilman Savage said this complex was built for tax generating businesses. You need to be targeting them. Councilman Fletcher said the site needs to be filled up - whatever it takes.

Mayor Davis asked how important is this project to you? Mr. Peterson said it's very big. We lose money every day by not having the sites leased out. It's not from lack of work on LaSalla or Cosentino's part.

Kylie Stock said this side of the Cosentino family only owns two stores – Belton and Raymore. The Belton store is doing very well. Councilman Savage said it comes down to the numbers. We have to figure out a way to take care of our obligations too. Mr. Trivitt asked why they have to wait until March 1, 2017 to come up with a plan. Mr. Peterson said we don't have to. We can come back the first week of January. Councilman Trutzel clarified that they are going to come back the first of January with a plan, right? Mr. Peterson said yes, we will do the best we can. Councilman Lathrop said when Arvest Bank went in we received some upfront money to cover the lack of sales tax. I think if the other non-tax businesses are approved to go in, they should do the same. Councilman Savage insisted that not be used as an excuse; we need the sales tax businesses.

Aaron March, Special Counsel for the City, White Goss Law Firm, said we have a contract with the contractor that they have to complete construction of the project by end of December 2016. It isn't going to happen. In order to not have this in "default" or to be an obstacle in moving the project forward, the recommendation is to approve a suggested 60-day technical extension to the contract at the December 20, 2016 City Council meeting.

Councilman Savage said this would be the right thing to do, but he wants to hear a plan that's going to work.

Alexa Barton, Assistant City Manager, scheduled a meeting with all parties on January 5, 2017, to discuss the progress.

#### **ORDINANCES:**

Patti Ledford, City Clerk, gave the final reading of Bill No. 2016-117: **AN ORDINANCE AUTHORIZING AND APPROVING A CLINICAL AGREEMENT BETWEEN THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI, AKA METROPOLITAN COMMUNITY COLLEGE, AND CITY OF BELTON, THROUGH ITS FIRE DEPARTMENT, TO PROVIDE PROTOCOLS AND REQUIREMENTS DIRECTING THE EMERGENCY MEDICAL TECHNICIAN AND PARAMEDIC STUDENT CLINICAL EDUCATION EXPERIENCE.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Fletcher, Peek and Newell; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-117 was declared passed and in full force and effect as Ordinance No. 2016-4285, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-119: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI, CALLING FOR AND ESTABLISHING THE DATE OF THE GENERAL CITY ELECTION FOR MUNICIPAL OFFICERS TO BE HELD ON APRIL 4, 2017.** Presented by Councilman Savage, seconded by Councilman Peek. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Peek, Lathrop, Newell, Trutzel, Fletcher, Mayor Davis, and Councilman Savage; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-119 was declared passed and in full force and effect as Ordinance No. 2016-4286, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-120: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING THE CONSTRUCTION ENGINEERING CONTRACT WITH WILSON & COMPANY, INC., ENGINEERS & ARCHITECTS FOR CONSTRUCTION RELATED SERVICES FOR THE 155<sup>TH</sup> STREET WIDENING PROJECT IN THE NOT-TO-EXCEED AMOUNT OF \$44,000.** Presented by Councilman Trutzel, seconded by Councilman Savage. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Savage, Newell, Peek, Fletcher, Lathrop, Trutzel, and Mayor Davis; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-120 was declared passed and in full force and effect as Ordinance No. 2016-4287, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-121: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING THE CONSTRUCTION ENGINEERING CONTRACT WITH TERRACON CONSULTANTS, INC. FOR CONSTRUCTION RELATED SERVICES FOR THE 155<sup>TH</sup> STREET WIDENING PROJECT IN THE NOT-TO-EXCEED AMOUNT OF \$40,000.** Presented by Councilman Savage, seconded by Councilman Peek. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Peek, Savage, Mayor Davis, Councilmen Newell, Fletcher, Trutzel and Lathrop; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-121 was declared passed and in full force and effect as Ordinance No. 2016-4288, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-122: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING AN AGREEMENT AWARD TO VF**

**ANDERSON BUILDERS, LLC FOR THE STP 3322 (409) 155<sup>TH</sup> STREET WIDENING PROJECT IN THE AMOUNT OF \$2,933,388.35.** Presented by Councilman Newell, seconded by Councilman Peek. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-123: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING AN AGREEMENT AWARD TO A & B CONSTRUCTION, LTD., FOR THE CONSTRUCTION OF THE STORAGE FABRIC BUILDING FOR COMPOSTING OPERATION IN A NOT-TO-EXCEED AMOUNT OF \$23,717.00.** Presented by Councilman Peek, seconded by Councilman Trutzel. Rex Olinger, Wastewater Supervisor, said this is similar to the salt barn. Councilman Lathrop clarified that this is being funded by what would have been a fine to the Department of Natural Resources. Councilman Trutzel asked if citizens will have access to this or is it just for the city. Mr. Olinger said, initially, for the first couple of years it will be for the city, parks and school. After that, there are several paths we can take. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-124: **AN ORDINANCE APPROVING A RENTAL AGREEMENT WITH BERRY COMPANIES, INC., D/B/A KC BOBCAT OF OLATHE, KANSAS TO LEASE A BOBCAT S590 LOADER WITH 68 INCH LP SMOOTH BUCKET FOR USE IN AND AROUND THE BELTON PARKS SYSTEM AND PROVIDING ACCESS TO INSURANCE COVERAGE THROUGH THE CITY'S EQUIPMENT POLICY.** Presented by Councilman Trutzel, seconded by Councilman Peek. Councilmen Lathrop and Savage expressed concern over whether this is a necessary need for the Park given their financial situation. Ted Lange, Maintenance Supervisor, said it is used mainly for snow removal in the winter and for maintenance of the trails. Mr. Lange said there has been \$5,000 budgeted for the past three years and approved as a park expenditure; compared to other equipment it provides cost effective methods. We currently have one, we turn it in for a newer model and it renews yearly. Vote on the first reading was recorded with all present voting in favor except Councilman Lathrop voting no. Councilmen Finn and VanWinkle absent. **Councilman Peek moved to hear the final reading.** Councilman Trutzel seconded. All present voted in favor. Councilmen Finn and VanWinkle absent. The final reading was read. Presented by Councilman Newell, seconded by Councilman Peek. There was continued discussion pertaining to the necessity of the equipment. Police Chief James Person said when we get a lot of snow the park comes and cleans the police and fire station parking lot when the city crews are busy. Mr. Lange said this is on a year to year basis. Mayor Davis asked if it is used for more than maintaining trails and snow removal. Mr. Lange said yes, it is used for planting trees and for mulch. It is used about 300 hours per year. Councilman Newell asked if the lease is based on hours of usage. Mr. Lange said yes, the lease allows for 500 hours per year. Councilman Lathrop said he doesn't doubt that it is necessary, but with the park debt is it really necessary. Also, there is a business in Belton that offers the same lease plan and the park should consider the Belton business. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Trutzel, Newell, Mayor Davis, Councilmen Lathrop, Fletcher, Peek, and Savage; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-124 was declared passed and in full force and effect as Ordinance No. 2016-4289, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-125: **AN ORDINANCE APPROVING AN AGREEMENT FOR SIGNING INSTALLED AND MAINTAINED BY BELTON PARKS AND RECREATION FOR THE TREE CITY USA SIGN ON MISSOURI DEPARTMENT OF TRANSPORTATION RIGHT-OF -WAY.** Presented by Councilman Trutzel, seconded by

Councilman Peek. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-126: **AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI AND THE BELTON-CASS REGIONAL TRANSPORTATION DEVELOPMENT DISTRICT.** Presented by Councilman Peek, seconded by Councilman Trutzel. Councilman Lathrop said they are asking for money but the agreement says they don't have to pay if they don't want to. Megan McGuire, City Attorney, said we had an amendment about 4-6 months ago so that we would have that option to do that as the TDD and the City came together. There were funds remaining in the TDD after certain projects were done and the TDD and City could decide to bump up that deferred payment in advance, so it's an optional contract. There have been amendments to the projects and Exhibit E-1 outlines projects that seem to be most likely to be paid through the TDD. Councilman Lathrop said so Belton is funding the projects and then we have to ask to be paid back? Ms. McGuire said yes. Mayor Davis asked if we are covered here. Sheila Ernzen, Finance Director, said the problem is that TDD is not quite sure when the City requests to do these projects if they will have the funds or cash flow available at that time, but if we need money to pay back the bonds they will use that money to pay back the bond holders before they pay back city. The TDD does owe the city an additional amount of money that is supposed to come back to us in the future. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-127: **AN ORDINANCE TO ENABLE BELTON, MISSOURI TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE "PROPERTY ASSESSMENT CLEAN ENERGY ACT," AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT.** Presented by Councilman Trutzel, seconded by Councilman Peek. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-128: **AN ORDINANCE AUTHORIZING AND APPROVING A COOPERATIVE AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BELTON, MISSOURI AND THE CITY OF RAYMORE, MISSOURI TO SUPPORT CONVEYANCE OF CERTAIN RIGHTS OF CONTROL TO THE NORTH SIDE OF HIGHWAY 58 BETWEEN THE CENTERLINE OF CLINT DRIVE AND DEAN AVENUE AND THE CENTERLINE OF KENTUCKY ROAD FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION TO THE CITY OF RAYMORE, MISSOURI.** Presented by Councilman Newell, seconded by Councilman Lathrop. Councilman Savage asked if everything got worked out. Mr. Trivitt said yes, and the agreement was modified to reflect the Police Chief's preference of Belton having jurisdiction of the north side and Raymore the south side. All present voted in favor of the first reading. Councilmen Finn and VanWinkle absent. **Councilman Lathrop moved to hear the final reading.** Councilman Fletcher seconded. All present voted in favor. The final reading was read. Presented by Councilman Trutzel, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Fletcher, Peek and Newell; Noes: None; Absent: 2, Councilmen Finn and VanWinkle. Bill No. 2016-128 was declared passed and in full force and effect as Ordinance No. 2016-4290, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-129: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A PROPOSAL WITH EVOQUA WATER TECHNOLOGIES CORP. FOR REMOTE MONITORING AND ALARM SYSTEM SERVICES AT THE WASTEWATER TREATMENT FACILITY.** Presented by Councilman Lathrop, seconded by Councilman Peek. Vote on the first reading was recorded with all present voting in favor. Councilman Finn and VanWinkle absent. First reading passed.

Ms. Ledford read Bill No. 2016-130: **AN ORDINANCE APPROVING THE PETITION TO AMEND THE FIRST AMENDED PETITION TO ESTABLISH THE GRAND HILL COMMUNITY IMPROVEMENT DISTRICT GENERALLY LOCATED EAST OF THE SOUTH OUTER ROAD OF INTERSTATE 49 ALONG GRAND STREET AND HILL STREET, ALL IN THE CITY OF BELTON, MISSOURI; AUTHORIZING COLLECTION OF SPECIAL ASSESSMENTS ON PROPERTIES LOCATED IN THE DISTRICT; AND DIRECTING THE CITY CLERK TO REPORT THE AMENDMENT AND AUTHORIZATION TO ASSESS A SPECIAL ASSESSMENT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. Councilman Savage asked if it is necessary by the final reading to have the plans and construction documents. Megan McGuire, City Attorney, said it does not have an effect on that other than as promised to move forward and permitting process with the sewer project. Vote on the first reading was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. First reading passed.

#### **RESOLUTIONS:**

Ms. Ledford read Resolution R2016-40: **A RESOLUTION APPROVING THE MIDWEST PUBLIC RISK OF MISSOURI 2016 BYLAW REVISIONS.** Presented by Councilman Newell, seconded by Councilman Peek. Vote on the resolution was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. Resolution passed.

Ms. Ledford read Resolution R2016-41: **A RESOLUTION APPROVING A PLEDGE OF SUPPORT FOR THE SHOW-ME HEROES PROGRAM ADMINISTERED BY THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT, DIVISION OF WORKFORCE DEVELOPMENT.** Presented by Councilmen Peek, seconded by Councilman Trutzel. Vote on the resolution was recorded with all present voting in favor. Councilmen Finn and VanWinkle absent. Resolution passed.

#### **CITY COUNCIL LIAISON REPORT:**

Councilman Trutzel reported on the Public Works Committee. He said there was discussion on unfunded projects. We need to look at the many unfunded projects and what is most important to the Council. He also reported on the following:

- Storm water funding continues
- Cost share very successful, however it creates a manpower issue for other city projects and the 120 day time frame is difficult to meet because of manpower issues. The Homeowner pays for concrete and city pays for manpower
- Working on strategic plan
- Chip/seal – none for 2017, however, it is not going away. It is still the best method but streets have to be in better condition before we do chip and seal

Councilman Savage commented on curb and sidewalk replacement. He said it is functioning well but we have priorities we have to take care of and there may be a small window per year as to what we can do on the cost share program. Councilman Trutzel said staff is having a hard time meeting the 120 time frame and that time may have to be extended. Councilman Fletcher said there were some problems last year but agreed we have to take care of city projects first.

#### **MAYOR'S COMMUNICATIONS:**

Mayor Davis said there was a Chamber event today and they gave out rewards - it is a good group. Councilman Fletcher said Mayor Davis received the Chamber Person of the Year Award at the event today. He does support the Chamber and it has grown to 321 members. They are doing a great job.

#### **OTHER BUSINESS:**

##### Solid Waste RFP / Ballot

Alexa Barton, Assistant City Manager, said there has been previously discussion about placing the issue on a future ballot. The Council needs to decide to do so before January 24 deadline for the April 4, 2017 election. Discussion will be placed on the January 3, 2017 work session. It is her recommendation to go forward with RFP. Mike Doi, Public Works Director, has experience in this area and contracting out to a provider.

At 8:45 P.M. Councilman Fletcher moved to enter Executive Session to discuss matters pertaining to Legal Actions, according to Missouri Statute 610.021.1, and that the record be closed. Councilman Newell seconded. The following vote was recorded: Ayes: 7, Mayor Davis, Councilmen Savage, Peek, Newell, Fletcher, Lathrop and Trutzel; Noes: None; Absent: 2, Councilmen Finn and VanWinkle.

The Council returned from Executive Session at 9:20 P.M. Being no further business, Councilman Lathrop moved to adjourn. Councilman Peek seconded. Meeting adjourned.

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Patti Ledford, City Clerk

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Jeff Davis, Mayor