

**MINUTES OF THE
CITY OF BELTON CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
FEBRUARY 9, 2016
CITY HALL ANNEX
520 MAIN STREET, BELTON, MISSOURI**

Mayor Davis called the public hearing to order at 7:02 PM.

This hearing was held to receive public input for the purpose of considering the establishment of the TXRH Community Improvement District (CID).

Jay Leipzig, Community and Economic Development Director, gave a quick introduction of the project as it pertains to items in Council packet. He recapped that this was discussed at a previous work session. It is a 1% tax on sales for 20 years. He introduced Charles Renner, Randi Lefko, and Cas Pskykovitz, all part of the development team. He said Mr. Renner will give a brief introduction on the project and what was involved. Mr. Leipzig said there were some site issues and extension of utilities.

Charles Renner, Husch Blackwell, 4801 Main Street, Suite 1000, Kansas City, MO 64112, and Randi Lefko, developer addressed the Council. Mr. Renner said we were fortunate this item was put on agenda after the budget work session because it will add to budget. One of the key aspects of a CID is that it does facilitate economic development. It does a touch effect or redirects taxes generated off the site. This is a revenue generator for the community and an asset we are proud to put in front of you. A key component is it has a 20-year limit meaning it will cease after 20 years. It is overseen by 5 member board. All records of actions are open records. The revenue generated is a 1% sales tax, but it doesn't affect the city sales tax. The project is north of \$1.8 million. One of the key aspects is that there is not a "but for test", like with a TIF (Tax Increment Financing). That is one of the benefits of it, it does not have that requirement but it has to have a very specific legal description. It has given us the ability to be sure we have all our ducks in a row.

Randi Lefko, RH Johnson Company, is with development team. Two years ago an associate of hers went to Texas Roadhouse to see if there are expanding in the Kansas City area. They said no, but there was one project they have been unsuccessful with which was in Belton. They said they have 400 of these stores, they told us where the site was and we told them we had good luck working with staff in the past. When we saw this this piece of property it looked like a no brainer, but then we started digging into it which was about two years ago. Look back on it, knowing we were going to come tonight, it took a joint effort. It was agricultural property that had been farmed forever, there were challenges with utilities, detention, and dirt, and it was expensive. We are thrilled we have the deal put together, the city helped and we took risks. We took a piece of property that was agricultural and there are utilities there now.

Councilman Savage asked her to tell about the utilities. Ms. Lefko said there is now sanitary sewer, new power with a transformer, the water was extended to our property and there was a gas extension. The site was a 5-acre site and we purchased 2.2 acres of the property and utilities were not on site. The utilities were brought 300-500 feet.

Councilman Savage asked with the other piece of property being developed are we detaining their water. Mr. Leipzig said yes. There were a few more questions from Mayor Davis and Councilman Savage. Councilman Trutzel said a lot of people have been commenting on Texas Roadhouse and we are glad you are coming to Belton.

Being no further public input, Mayor Davis closed the public hearing at 7:18 P.M.

The Council took a 5 minute recess.

Mayor Davis called the regular meeting to order at 7:26 P.M.

Councilman VanWinkle led the Pledge of Allegiance to the Flag.

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

CONSENT AGENDA:

Councilman Trutzel moved to approve the consent agenda consisting of a **motion approving the minutes of the January 26, 2016, City Council regular meeting; a motion approving the January 2016 Municipal Police Judge's Report; a motion approving Resolution R2016-06: A RESOLUTION REAPPOINTING PATTE' KLAUS-SCHREIHOFFER TO THE UNIVERSITY OF MISSOURI EXTENSION COUNCIL; and a motion approving Resolution R2016-07: A RESOLUTION APPROVING CHANGE ORDER NO. 4 TO THE BEEMER CONSTRUCTION CONTRACT NUMBER 464-5710-495-7117 ELEVATED WATER STORAGE TANK AND ASSOCIATED NEW WATER LINES.** Councilman Lathrop seconded. All present voted in favor. Councilman Hoag absent. Consent agenda approved.

PERSONAL APPEARANCES:

Sally Smith, Downtown Belton Main Street, Inc., (315 Main Street) – was present to request to close Main Street September 9-10, 2016, for the Fall Festival; and April 23, May 28, June 25, July 23, August 27, September 24, and October 22, 2016, for the Car Cruises. There were a number of items she requested from the City for the Fall Festival:

- Street closure from 8:00 A.M. Friday until 11:00 P.M. Saturday and to post signs on Main Street in the preceding days
- Belton Emergency Management power and lights – she said they have already agreed
- Water from City Hall at Ella/Main Street for ice cream and lemonade vendors
- Permission to use city lots at:
 - 300 block of Main – grassy area
 - 500 block of Main – grassy area
 - 500 block of Main parking behind City Hall Saturday, and Friday night for ADA parking
 - 500 block of Second Street – parking lot for dumpster and overflow parking
- Rider on City insurance policy for festival
- Flyers in utility bills advertising Fall Festival, Channel 2 and City website
- Guidelines for pets being allowed at the Fall Festival

She also discussed the issues last year with pet owners not cleaning up after their animals at the festival and requested there be some stipulations pertaining to that issue.

Police Chief James Person said that he, along with Brad Foster, Assistant City Manager, and Megan McGuire, City Attorney, met with Ms. Smith concerning animals at the Fall Festival. He said the City does have ordinances that will cover that and it can be enforced. Also, the City has a disorderly conduct and disturbing of the peace ordinance and if they are violated the owners

will be asked to leave. Ms. Smith said she would like some signage at the entrances to the festival with clear rules about bringing pets to the festival such as: all must be leashed and under owners control at all times, must clean up after your pet, and they are to be kept out of the areas where food is being prepared or served. She said she personally cleaned up many pet messes at last year's festival and owners should be responsible for cleaning up after their own animal. She went on to say they have already sold 889 spaces to 64 vendors. Last year they had 120 total vendors.

Councilman Lathrop asked if all the Main Street merchants have agreed to the closing of Main Street on the dates requested for the car shows. Ms. Smith said most of the shops are not opened past 5:00 P.M. Chief Person said although that is true, many of the cruisers show up early and park backwards on Main Street.

Ms. Smith also announced that February 23 from 5:00 P.M.-7:00 P.M. is an after-hours mixer hosted by the Chamber of Commerce and Downtown Belton Main Street, Inc.

Councilman Trutzel moved to approve the 2016 Car Cruises April 23, May 28, June 25, July 23, August 27, September 24 and October 22, 2016, closing Main Street from 4:00 P.M.-9:30 P.M.; and a motion approving the Fall Festival and request for following help and/or assistance from city as listed below:

- **Street closure from 8:00 A.M. Friday until 11:00 P.M. Saturday and to post signs on Main Street in the preceding days**
- **Belton Emergency Management power and lights – she said they have already agreed**
- **Water from City Hall at Ella/Main Street for ice cream and lemonade vendors**
- **Permission to use city lots at:**
 - 300 block of Main – grassy area**
 - 500 block of Main – grassy area**
 - 500 block of Main parking behind City Hall Saturday, and Friday night for ADA parking**
 - 500 block of Second Street – parking lot for dumpster and overflow parking**
- **Rider on City insurance policy for festival**
- **Flyers in utility bills advertising Fall Festival, Channel 2 and City website**
- **Guidelines for pets being allowed at Fall Festival**

Councilman Fletcher seconded. All voted present voted in favor of the motion. Councilman Hoag absent. Motion carried.

ORDINANCES:

Patti Ledford, City Clerk, read Bill No. 2016-07: **AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO SUBMIT THREE GRANT APPLICATIONS TO THE MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT) DIVISION OF HIGHWAY SAFETY FOR 2016-2017.** Presented by Councilman Newell, seconded by Councilman Trutzel. Vote on the first reading was recorded will all present voting in favor. Councilman Hoag absent. First reading passed.

Ms. Ledford read Bill No. 2016-08: **AN ORDINANCE APPROVING A PUBLIC SERVICE AGREEMENT WITH OLDER ADULT TRANSPORTATION SERVICE, (OATS).** Presented by Councilman Von Behren, seconded by Councilman Lathrop. Councilman Lathrop asked if we now how many people are riding the bus and also recommended that those taking the bus be taken to shopping places in Belton. Councilman Savage recommended the representative be at the next meeting to answer a few questions. Vote on the first reading was recorded with all voting in favor. Councilman Hoag absent. First reading passed.

Ms. Ledford read Bill No. 2016-09: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A MAINTENANCE SERVICE AGREEMENT WITH STREETWISE, INC. FOR THE ANNUAL STREET STRIPING PROGRAM.** Presented by Councilman Savage, seconded by Councilman Lathrop. Councilman Trutzel said he noticed it listing paint and thermal and asked what we are using. David Frazier, Street Superintendent, said the majority of it will be paint, be we can use thermal if we need to. We do have some epoxy and thermal. Thermal can be used on new streets. Mayor Davis asked how many bids were received. Mr. Frazier said one. There are just a few companies that do this type of work. Vote on the first reading was recorded with all present voting in favor. Councilman Hoag absent. First reading passed.

Mayor Davis said Bill No. 2016-10 will be withdrawn from the agenda for discussion at the next work session: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING AN AGREEMENT WITH BURNS & MCDONNELL TO DEVELOP A FINANCIAL PLAN FOR THE CITY'S WATER AND WASTEWATER UTILITY FUNDS THAT LOOKS FORWARD OVER A PERIOD OF TEN YEARS PROJECTING FUTURE COSTS, FUND BALANCES, AND FINANCIAL PERFORMANCE INDICATORS.**

Ms. Ledford read Bill No. 2016-11: **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.** Presented by Councilman Trutzel, seconded by Councilman Fletcher. Norman Larkey, Fire Chief, said state regulations require ambulance services to have a medical director. Our other director retired and Dr. Stamper, D.O., has been helping us and it is working out well. Vote on the first reading was recorded will all present voting in favor. Councilman Hoag absent. First reading passed.

Ms. Ledford read Bill No. 2016-12: **AN ORDINANCE APPROVING THE PETITION TO ESTABLISH THE TXRH COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE TXRH COMMUNITY IMPROVEMENT DISTRICT, GENERALLY LOCATED ON THE WEST SIDE OF PECULIAR DRIVE, NORTH OF CUNNINGHAM INDUSTRIAL PARKWAY AND COMMONLY KNOWN AS THE TEXAS ROADHOUSE RESTAURANT PROPERTY, ALL IN THE CITY OF BELTON, MISSOURI; DETERMINING THAT THE DISTRICT OBJECTIVES SERVE A PUBLIC PURPOSE; 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 Von Behren. Vote on the first reading was recorded with all present voting in favor. Councilman Hoag absent. First reading passed.

RESOLUTIONS:

Ms. Ledford read Resolution R2016-05: **A RESOLUTION CERTIFYING THE RESULTS OF AN ELECTION BY CERTAIN POLICE OFFICERS DESIGNATING WEST CENTRAL LODGE #50 OF THE FRATERNAL ORDER OF POLICE AS THE EXCLUSIVE BARGAINING AGENT FOR THOSE EMPLOYEES.** Presented by Councilman Newell, seconded by Councilman Trutzel. Councilman VanWinkle noted for the record he was a long time member of the West Central Lodge #50, but resigned his membership in April 2012, and wanted to go on notice to that effect. Mayor Davis asked what the vote was on the election. James Person, Police Chief, said 31 yes; 1 non vote for an absent member; and zero

no votes. Vote on the resolution was recorded with all present voting in favor. Councilman Hoag absent. Resolution passed.

Ms. Ledford read Resolution R2016-08: **A RESOLUTION APPROVING TASK AGREEMENT #2016-1 WITH TRANSYSTEMS UNDER THE ON-CALL PROFESSIONAL DEVELOPMENT SERVICES AGREEMENT TO PERFORM TRAFFIC ANALYSES NECESSARY TO EVALUATE IMPACTS FROM ADJACENT REDEVELOPMENT ALONG 58 HWY NEAR INTERSTATE 49 AND VERIFY CERTAIN IMPROVEMENTS ARE APPROPRIATE AND MEET MISSOURI DEPARTMENT OF TRANSPORTATION REQUIREMENTS AT A NOT-TO-EXCEED COST OF \$23,900.00.** Presented by Councilman Von Behren, seconded by Councilman Trutzel. Councilman Trutzel asked if we are going to get a recommendation of what the roadway will look like. He said a lot of people are interested in what is going on here. Jeff Fisher, Public Works Director, said that is part of it. To be clear, the main priority is that MODOT is requiring the traffic impact study because of the proposed development and the changes. It will identify and confirm the improvements they are suggesting or proposing as well as other improvements needed in that corridor.

Jay Leipzig, Community and Economic Development Director, said this is being requested to facilitate the development of the North Cass Shopping Center, which is the Christie development. We are working with that group for redevelopment and as well as other traffic impacts.

Mayor Davis asked since we are doing the study are we obligated to any of the suggestions and findings they have. Mr. Leipzig said Belton owns the study and the recommendations from MODOT. The advantage to the city by having some of the modeling done will hopefully be used to persuade MODOT in relinquishing the right-of-way for the relocation of the roadway. Mayor Davis asked what area we are talking about in front of the shopping center. Mr. Leipzig said Powell Parkway. The site plan has not yet been reviewed by the Planning Commission so this is preliminary on how the alignment will work. Councilman Newell asked if it will extend across the bridge. Mr. Leipzig said yes, it will extend across the bridge to Bel-Ray. The project is from Mullen to Bel-Ray. Vote on the resolution recorded with all present voting in favor. Councilman Hoag absent. Resolution passed.

MAYOR'S COMMUNICATIONS:

Mayor Davis said the Chamber of Commerce monthly meeting was today at Minsky's in Raymore. There were about 65 people in attendance – it was standing room only. Mayor Davis said the Chamber is very active and there are a lot of good things happening.

The Belton Emergency Management banquet was January 29th at Memorial Station. There was great entertainment and a lot of fun. Everyone was enamored with the facility.

CITY MANAGER'S REPORT:

Mr. Trivitt distributed flyers to the Council that will be in the utility bills which is basic information on the tax continuation ballot issue. We will also have it on the city website. Councilman Von Behren suggested there also be a link on Facebook. Mr. Trivitt said that is part of the plan.

Mr. Trivitt distributed a survey compensation study for elected officials that might help give them a perspective on some things. It will be placed on a work session for discussion. He said the Council needs to keep in mind that salary decisions for elected officials establishing a new salary has to be set in place before a person is elected to office. There are a few options: 1) establish a

date for it to go into effect and as come Council member come on it will go into effect. 2) establish a date certain 2-3 years from now to set it in with an ordinance. The Council should make a decision over the next five weeks.

Jeff Fisher, Public Works Director, announced that Mullen Road will be closing starting on February 10 for 45 days to replace a culvert. It will be closed at Springdale Lake but High Blue Wellness Center can still accessed.

Jay Leipzig announced that the City will be welcoming the Hobby Lobby opening at 9:00 a.m. on Presidents Day, February 15. Hopefully, we will have a great turnout.

OTHER BUSINESS:

Councilman Trutzel suggested there should be something every month in the utility bills on general information of interest for the citizens.

Councilman Von Behren asked Jeff Fisher, Public Works Director, to take a look at the stop lights at 163rd and I- 49 as it appears the timing is off.

Being no further business, Councilman Lathrop moved to adjourn at 8:06 P.M. Councilman Von Behren seconded. All present voted in favor. Councilman Hoag absent. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor