

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

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

Councilman Al Hoag led the Pledge of Allegiance to the Flag.

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

CONSENT AGENDA:

Councilman Hoag moved to approve the consent agenda consisting of a **motion approving the minutes of the December 22, 2015, City Council regular meeting; and a motion approving the December 2015 Municipal Police Judge's Report.** Councilman Lathrop seconded. All voted in favor. Councilman Von Behren absent. Consent agenda approved.

PERSONAL APPEARANCES:

Mayor Davis recognized Boy Scouts James Stewart and Brendon Carrera, who were present for the meeting. He said he appreciates them and the influence the Boy Scouts have in the area.

Sandra McNeil, 110 Myron, Belton, appeared before the Council for the Dedication of the Military Order of the Purple Heart Signs. Mrs. McNeil said on behalf of the Little Blue River Chapter NSDAR, Councilman Al Hoag, former Councilman Everett Loughridge, former Councilman Jackie Cook and the McNeil family she presented four Purple Heart signs to the city of Belton. She thanked Councilman Al Hoag, former Councilman Everett Loughridge, former Councilman Jackie Cook and the McNeil family for their donations for the signs.

ORDINANCES:

Patti Ledford, City Clerk, gave the final reading of Bill No. 2015-100: **AN ORDINANCE CALLING AN ELECTION AND SUBMITTING THE QUESTION TO THE VOTERS ON CONTINUED APPLICATION AND COLLECTION OF 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; AND AUTHORIZING THE CITY CLERK TO NOTIFY THE CASS COUNTY ELECTION OFFICIAL OF THE APPROVAL OF THIS ORDINANCE AND REQUEST PLACING UPON THE APRIL 5, 2016 ELECTION BALLOT IN THE CITY OF BELTON, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Hoag. City Manager, Ron Trivitt, clarified this is just to allow continuation of an existing tax associated with vehicles registered out of state. Without voter

approval the city looks to lose in excess of \$200,000 a year. It just approves a tax that we already have. The court case requires that we go back to voters and comply with new state procedure. Without this passing, the car dealers and boat dealers based in Missouri have a disadvantage in that the sales tax would not apply to purchases out of state. It's important to business in Missouri and important to Belton. We border another state so the estimate could be higher. Mayor Davis said this is critical. Councilman Savage asked for clarification in the wording of the ballot language in that it reads purchased from a source other than a licensed Missouri dealer. Mr. Trivitt said if it is not purchased in Missouri then the tax applies. Megan McGuire, City Attorney, then read the ballot language. Being no further discussion, voted on the final reading was recorded; Ayes: 8, Councilmen Trutzel, Hoag, Mayor Davis, Councilmen Lathrop, Fletcher, Newell, VanWinkle, and Savage; Noes: None; Absent:1, Councilman Von Behren. Bill No. 2015-100 was declared passed and in full force and effect as Ordinance No. 2016-4164, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-101: **AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT) TO INSTALL AND MAINTAIN PURPLE HEART SIGNS IN THE STATE RIGHT OF WAY.** Presented by Councilman Hoag, seconded by Councilman Fletcher. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Fletcher, VanWinkle, Hoag, and Newell; Noes: None; Absent: 1, Councilmen Von Behren. Bill No. 2015-101 was declared passed and in full force and effect as Ordinance No. 2016-4165, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-102: **AN ORDINANCE AUTHORIZING THE CITY OF BELTON, MISSOURI THROUGH ITS POLICE DEPARTMENT TO RENEW A MAINTENANCE AND SUPPORT AGREEMENT WITH KENTON BROTHERS, INC. FOR THE BUILDING VIDEO SECURITY SYSTEM.** Presented by Councilman Hoag, seconded by Councilman Newell. The Council was polled and the following vote recorded; Ayes: 8, Mayor Davis, Councilmen Savage, Hoag, Newell, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-102 was declared passed and in full force and effect as Ordinance No. 2016-4166, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-103: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A MINOR CONSTRUCTION SERVICES AGREEMENT WITH PHILLIPS HARDY, INC. TO RELOCATE A PORTION OF OIL CREEK WITH APPROXIMATELY 335 CUBIC YARDS OF TYPE 3 ROCK DITCH LINER AS PART OF THE BELTON NEXUS PROJECT.** Presented by Councilman Trutzel, seconded by Councilman Hoag. The Council was polled and the following vote was recorded; Aye: 8, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Fletcher, VanWinkle, Hoag, and Newell; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2015-103 was declared passed and in full force and effect as Ordinance No. 2016-4167, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2015-104: **AN ORDINANCE APPROVING THE REAPPROPRIATION & REVISION OF THE CITY OF BELTON FISCAL YEAR 2016 ADOPTED CITY BUDGET.** Presented by Councilman Lathrop, seconded by Councilman Hoag. The Council was polled and the following vote recorded; Aye: 8, Councilman Lathrop, Newell, Savage, Hoag, Fletcher, Mayor Davis, Councilman Trutzel and VanWinkle; Noes: None; Absent: 1, Councilman

Von Behren. Bill No. 2015-104 was declared passed and in full force and effect as Ordinance No. 2016-4168, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-01: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A CONSTRUCTION CONTRACT WITH TERRY SNELLING CONSTRUCTION, INC. FOR THE 2015 STREET PRESERVATION PROJECT / CONCRETE REPLACEMENT IN A NOT-TO-EXCEED AMOUNT OF \$150,000.** Presented by Councilman Hoag, seconded by Councilman Trutzel. Councilmen Lathrop and Savage had some questions on the bid amount. Jeff Fisher, Public Works Director, explained the cost. They asked if this includes any chip and seal and Mr. Fisher said they are not proposing any. Vote on the first reading was recorded with all present voting in favor. Councilman Von Behren absent. First reading passed.

Ms. Ledford read Bill No. 2016-02: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A CONSTRUCTION CONTRACT WITH J.A. LILLIG EXCAVATING, INC. FOR THE THIRD PHASE OF THE PROCUREMENT PROCESS FOR THE MULLEN ROAD CULVERT (RCB) REPLACEMENT PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$315,000.** Presented by Councilman Hoag, seconded by Councilman Lathrop. All voted in favor. Councilman Von Behren absent. **Councilman Lathrop moved to hear the final reading.** Councilman Hoag seconded. All voted in favor to hear the final reading. Councilman Von Behren absent. The final reading was read. Presented by Councilman Hoag, seconded by Councilman Trutzel. Councilman Savage had some questions. Jeff Fisher, Public Works Director, described the process. Mr. Fisher noted that it was important to recognize that the property owner was very good to work with and essentially donated the easement. It was recommended to send the property owner a thank you note. Councilman Savage asked if we were above board on the bidding. Megan McGuire, City Attorney said yes. Being no further discussion, the Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Trutzel, VanWinkle, Lathrop, Fletcher, Mayor Davis, Councilmen Hoag and Savage; Noes: None; Absent: 1, Councilman Von Behren. Bill No. 2016-02 was declared passed and in full force and effect as Ordinance No. 2016-4169, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-03: **AN ORDINANCE APPROVING THE 2016 INTERGOVERNMENTAL AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL SOLID WASTE MANAGEMENT DISTRICT RELATING TO THE REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM.** Presented by Councilman Savage, seconded by Councilman Hoag. Councilman Trutzel. Councilman Trutzel asked if the residents can take materials to the Lee's Summit facility at any time. Brad Foster, Assistant City Manager, said they have specific hours, but yes the Lee's Summit facility can be used at any time as well as the Kansas City location on Deramus. Citizens can check the website for hours. Vote on the first reading was recorded with all present voting in favor. Councilman Von Behren absent. First reading passed.

Ms. Ledford read Bill No. 2016-04: **AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY'S ZONING MAP, FROM M-1 (LIGHT MANUFACTURING) TO C-2 (GENERAL COMMERCIAL), FOR A 2.94-ACRE TRACT OF LAND, DESCRIBED AS DEAN-CO DEVELOPMENT PARK, BLOCK 4, TRACT II-A, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.** Presented by Councilman Lathrop, seconded by Councilman Hoag. Vote on the first reading was recorded with all present voting in favor. Councilman Von Behren absent. First reading passed.

Ms. Ledford read Bill No. 2016-05: **AN ORDINANCE APPROVING THE FINAL PLAT OF HIGHLANDS, LOT 1, A 2.94-ACRE TRACT OF LAND, DESCRIBED AS DEAN-CO DEVELOPMENT PARK, BLOCK 4, TRACT II-A, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.** Presented by Councilman Hoag, seconded by Councilman Trutzel. Vote on the first reading was recorded with all present voting in favor. Councilman Von Behren absent. First reading passed.

RESOLUTIONS:

Ms. Ledford read Resolution R2016-01: **A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY OF BELTON AND Y BELTON, LLC REGARDING THE USE OF THE MARKEY REGIONAL DETENTION FACILITY IN LIEU OF PROVIDING ON SITE OR OTHER PRIVATE DETENTION FOR THE PROPERTY LEGALLY DESCRIBED AS LOT 3, BELTON GATEWAY ADDITION FOR THE FAZOLI'S RESTAURANT IN THE AMOUNT OF \$4,386.00.** Presented by Councilman Newell, seconded by Councilman Hoag. Councilman Trutzel said the detention facility has been very useful and valuable for buildings being placed around there. It's a good process to follow that procedure. Mayor Davis said he mirrors that and we have saved land by doing regional detention. Jeff Fisher, Public Works Director, said it is not very common but it is out there. Vote on the resolution was recorded with all voting in favor. Councilman Von Behren absent. Resolution passed.

Ms. Ledford read Resolution R2016-02: **A RESOLUTION DIRECTING STAFF TO DELAY THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR SMOKE SHOPS, HOOKAH BARS, E-CIGARETTE SHOPS, AND VAPOR SHOPS WITHIN THE CITY OF BELTON, MISSOURI, BETWEEN JANUARY 12, 2016 AND JULY 12, 2016.** Presented by Councilman Lathrop, seconded by Councilman Hoag. Megan McGuire, City Attorney, said this provides staff time to review state codes and other codes to evaluate these types of business. Vote on the resolution was recorded with all voting in favor. Councilman Von Behren absent. Resolution passed.

Ms. Ledford read Resolution R2016-03: **A RESOLUTION DIRECTING STAFF TO DELAY THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR USED CAR BUSINESSES, WITHIN THE CITY OF BELTON, MISSOURI, BETWEEN JANUARY 12, 2016 AND JULY 12, 2016.** Presented by Councilman Hoag, seconded by Councilman Savage. There was some discussion pertaining to the administrative delay. Vote on the resolution was recorded with all present voting in favor. Councilman Von Behren absent. Resolution passed.

MAYOR'S COMMUNICATIONS:

Mayor Davis said he got a call on Saturday night about a fire on North Scott at the old Dog n' Suds. He saw firefighters fighting the fire in frigid weather. Fire Chief Norman Larkey said four different districts responded and Harrisonville was running calls in the city. There were probably 9 apparatus there. Mayor Davis went on to say he has great respect for them with ice caked all over their bodies and helmets. They did a great job and we appreciate the job they do.

Mayor Davis said we had some major issues with trash not being picked up in some areas of the city. Brad Foster, Assistant City Manager, said in Cimarron Trails, the old base housing, they contract for their own solid waste. They came in arrears with Deffenbaugh Disposal and they stopped service. They were trying to get trash service and they now have it with KC Disposal. The issue with Berkshire and Emerson subdivisions came down to Town and Country Disposal being under new ownership. They just messed up in several areas for a few weeks. They are trying to get realigned within the city.

CITY MANAGER’S REPORT:

Mr. Trivitt said staff is anticipating having the FY 16-17 budget ready to present sometime next week. We don’t have to make any personnel cuts.

OTHER BUSINESS:

Councilman Trutzel said he was curious about LED lights in business windows. The lights get everyone’s attention to the business, but they don’t do much for me and I personally find them tacky. They are very bright. Jay Leipzig, Economic Development Director, said he will look into it.

Councilman Savage asked if cleanup from the fire on North Scott has begun. Norman Larkey, Fire Chief, said the fire department is finished with the investigation and the insurance company finished today. It is up to owner and code department to get it cleaned up. Councilman Savage said the tires were stacked way over the fence before this happened. It is just a lack of care. Chief Larkey said the owners have been in contact with building inspectors. Mayor Davis said he has some of the same concerns. Chief Larkey said in Kansas City they tear it down immediately and put the cost on the owner’s taxes. Councilman Savage said it should be cleaned up quickly, the lot should be leveled and cleared and he hopes to see that.

At 7:41 P.M., Councilman Hoag 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 Fletcher seconded. The following vote was recorded; Ayes: 8, Mayor Davis, Councilmen Savage, Hoag, Newell, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: 1, Councilman Von Behren.

The Council returned from Executive Session at 8:25 P.M. Being no further business, Councilman Lathrop moved to adjourn. Councilman Hoag seconded. All voted in favor. Councilman Von Behren absent. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor