

**MINUTES OF THE
BELTON CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
JULY 12, 2016
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

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

Mayor Davis announced the public hearing for Boardwalk of Belton regarding the proposed termination of the Boardwalk at Belton Tax Increment Financing Plan, generally located east of I-49, south of 155th Street, and north of 162nd Street, will be postponed until August 9, 2016.

Mayor Davis then called the regular meeting to order.

Councilman Savage led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilmen Ryan Finn, Jeff Fletcher, Bob Newell, Lorrie Peek, Tim Savage and Dean VanWinkle; Absent: Councilmembers Gary Lathrop and Chet Trutzel. Also present were: Ron Trivitt, City Manager; Megan McGuire, City Attorney; and Patti Ledford, City Clerk.

CONSENT AGENDA:

Mayor Davis noted Councilman Peek discovered a math error by staff in the Seal-O-Matic bid; it should read \$6417.72 not \$6417.20.

Councilman Finn moved to approve the consent agenda consisting of a **motion approving the minutes of the June 28, 2016, City Council regular meeting; a motion approving sealing and stripping the asphalt parking lots by Seal-O-Matic of Kansas City in the amount of \$6,417.20, which was approved in the FY17 Budget; and a motion canceling the August 2, 2016 City Council Work Session due to National Night Out.** Councilman Newell seconded. All present voted in favor. Councilmen Lathrop and Trutzel absent. Consent agenda approved.

ORDINANCES:

Patti Ledford, City Clerk, gave the final reading of Bill No. 2016-75: **AN ORDINANCE AUTHORIZING THE CITY OF BELTON, MISSOURI THROUGH ITS POLICE DEPARTMENT TO RENEW A MAINTENANCE /SERVICE CONTRACT FOR THE TELEPHONE HARDWARE MAINTENANCE AND REPLACEMENT WITH DICE COMMUNICATIONS.** Presented by Councilman Newell, seconded by Councilman Finn. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Finn, Peek, Mayor Davis, Councilmen Fletcher, VanWinkle, Newell, and Savage; Noes: None; Absent: 2, Councilmen Lathrop and Trutzel. Bill No. 2016-75, was declared passed and in full force and effect as Ordinance No. 2016-4243, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-77: **AN ORDINANCE AMENDING SECTION 40, USE-SPECIFIC STANDARDS—RESIDENTIAL, COMMERCIAL, OTHER OF THE BELTON UNIFIED DEVELOPMENT CODE BY AMENDING**

SECTION 40-3 SPECIAL USES. Presented by Councilman Newell, seconded by Councilman Peek. The Council was polled and the following vote recorded: Ayes: 7, Councilmen Savage, Mayor Davis, Councilmen Peek, Fletcher, VanWinkle, Finn, and Newell; Noes: None; Absent: 2, Councilmen Lathrop and Trutzel. Bill No. 2016-77, was declared passed and in full force and effect as Ordinance No. 2016-4244, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-78: **AN ORDINANCE AUTHORIZING THE CITY OF BELTON, MISSOURI, THROUGH ITS FIRE DEPARTMENT, TO APPROVE THE MAINTENANCE AND SERVICE AGREEMENT WITH PHYSIO- CONTROL, INC. TO PROVIDE MAINTENANCE AND SERVICE TO THE DEPARTMENT'S SIX DEFIBRILLATORS.** Presented by Councilman Fletcher, seconded by Councilman Peek. Vote on the first reading was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. **Councilman Newell moved to hear the final reading.** Councilman Fletcher seconded. All present voted in favor. The final reading was read. Presented by Councilman Finn, seconded by Councilman Peek. The Council was polled and the following vote recorded; Ayes: 7, Councilmen Peek, Savage, Mayor Davis, Councilmen Fletcher, Newell, VanWinkle and Finn; Noes: None; Absent: 2, Councilmen Lathrop and Trutzel. Bill No. 2016-78 was declared passed and in full force and effect as Ordinance No. 2016-4245, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-79: **AN ORDINANCE ACCEPTING THE RECOMMENDATIONS OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, DECLARING THE REDEVELOPER, SOUTHVIEW PLAZA, L.L.C., IN DEFAULT OF ITS OBLIGATIONS; TERMINATING THE BOARDWALK AT BELTON TAX INCREMENT FINANCING REDEVELOPMENT PLAN; TERMINATING THE REDEVELOPMENT AREA AND ALL REDEVELOPMENT PROJECTS CONTEMPLATED BY THE PLAN; TERMINATING THE DESIGNATION OF SOUTHVIEW PLAZA, L.L.C. AS REDEVELOPER OF THE BOARDWALK AT BELTON TAX INCREMENT FINANCING PLAN AND ALL REDEVELOPMENT PROJECT AREAS CONTEMPLATED BY THE PLAN; AND TERMINATING THE TIF CONTRACT BETWEEN SOUTHVIEW PLAZA, L.L.C. AND THE CITY FOR THE IMPLEMENTATION OF THE BOARDWALK AT BELTON TAX INCREMENT FINANCING REDEVELOPMENT PLAN.** Presented by Councilman Newell, seconded by Councilman Finn. **Councilman Newell moved to amend Bill No. 2016-79 changing the notice date to July 12, 2016 and the public hearing date to August 9, 2016.** Councilman Peek seconded. All voted in favor of the amendment. Councilman Savage asked if the City is out any expense from terminating the TIF. Brad Foster, Assistant City Manager, said we still need to look at their funding agreement to see if there is any money left over; there is an expense with terminating a TIF, but the ability to get money from the developer doesn't exist. Councilman Savage said we need to know how much expense the City is out and plan on how to overcome that. Mr. Foster said it did come up at the TIF meeting and we need to follow up on that. Vote on the first reading, as amended, was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. First reading, as amended, passed.

Ms. Ledford read Bill No. 2016-80: **AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO CHAPTER 8 – COURTS AND JAILS, ARTICLE II – MUNICIPAL COURT, SECTION 8-88 - JURY TRIALS OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI.** Presented by Councilman Fletcher, seconded by Councilman Peek. Mayor Davis asked Bill Marshall, City Prosecutor, to explain what has changed and why. Bill Marshall said he is the long time city prosecutor. He was appointed in May 1986. In those days, when the city was a 4th class city it was a statutory requirement that with a municipal defense you could claim a jury trial. Once we became a

charter city that no longer is a statutory requirement; although we have an ordinance that allows it. There is case law that if you have ordinance then it must be honored. When the city adopted the charter it adopted all ordinances in toto, so we still require defendant jury trials upon defense. If it loses, they have a right to appeal to the county and a right to a jury trial at the county. We are being abused by a specific individual in this town, who can't or won't get her driver's license reinstated. She has been stopped 4-5 times and requests a jury trial and it gets lost at the county court. These cases take time and fall into a hole. The last time we had 2 cases - one officer moved out of state and the one retired and we had to dismiss these cases. He had a meeting with the presiding judge and the county court is overwhelmed with jury trials. If we change our ordinance it relieves ourselves of this burden. As a charter city we are no longer required to give a jury trial. Vote on the first reading was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. First reading passed.

Mayor Davis announced we are pulling items F – Bill No. 2016-81; Item G – Bill No. 2016-82 and Item H – Bill No. 2016-83 from the agenda. These items will be discussed at the next work session.

RESOLUTIONS:

Ms. Ledford read Resolution 2016-27: **A RESOLUTION ACCEPTING THE PUBLIC WATER LINE EXTENSION AT THE CORNER OF 163RD STREET AND GIVAN AVENUE, COMMONLY KNOWN AS THE ARVEST BANK DEVELOPMENT.** Presented by Councilman Fletcher, seconded by Councilman Finn. All present voted in favor. Councilman Lathrop and Trutzel absent. Resolution passed.

Ms. Ledford read Resolution 2016-28: **A RESOLUTION APPROVING TASK AGREEMENT #1 WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. IN A NOT-TO EXCEED AMOUNT OF \$45,000 TO PERFORM EVALUATION AND ENGINEERING FOR THE CITY'S NEW COMPOSTING PROGRAM.** Presented by Councilman Newell, seconded by Councilman Peek. Mayor Davis questioned the \$45,000 for composting and Jeff Fisher, Public Works Director, said we have to meet state requirements and it requires engineering. Vote on the resolution was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. Resolution passed.

Ms. Ledford read Resolution 2016-29: **A RESOLUTION APPROVING TASK AGREEMENT #1 WITH OLSSON ASSOCIATES, INC. IN A NOT-TO EXCEED AMOUNT OF \$30,680 TO PROVIDE STORMWATER PROGRAM SUPPORT.** Presented by Councilman Fletcher, seconded by Councilman Finn. Vote on the resolution was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. Resolution passed.

Ms. Ledford read Resolution 2016-30: **A RESOLUTION APPROVING TASK AGREEMENT #18 WITH TRANSYSTEMS CORPORATION IN A NOT-TO EXCEED AMOUNT OF \$10,798 TO DEVELOP A TRAFFIC DATA MANAGEMENT PROGRAM AND SUPPORT TRANSPORTATION PLANNING.** Presented by Councilman Newell, seconded by Councilman Peek. Vote on the resolution was recorded with all present voting in favor. Councilmen Lathrop and Trutzel absent. Resolution passed.

MAYOR'S COMMUNICATIONS:

Mayor Davis said we had another Boy Scout receive the Eagle Scout Award - Collin Sumler. He said it is well deserved and he is proud of the Boy Scouts.

Fazoli's had a private grand opening yesterday afternoon. There were about 80 people that attended, and their corporate leadership was there. Their grand opening was tonight and the cars were lined up. They are a great partner and the Chamber is doing a great job.

There was a Chamber luncheon today. Councilman Fletcher said they have 283 members; it is exciting because Belton Chamber of Commerce is in the top 20 in area; it is 11th with its membership. There was a presentation at the luncheon today of the log cabin found. The Park will give a better report. We are working on funding to bring it to Belton. History is incredible.

Mayor Davis announced that Diane Huckshorn, Chamber Executive Director, will be honored as the recipient of the Belton Civic Leadership Award and she will be recognized next Thursday in Blue Spring at the Missouri Municipal League Civic Leadership Awards Banquet. We are excited for her.

CITY MANAGER'S REPORT:

Megan McGuire, City Attorney, distributed a copy of a letter she received from Gloria Fisher, a resident of Cimarron Trails, concerning the private Homeowners Association and concerns and issues with that. She said she had the opportunity to talk to her last week and explain a bit about private homeowners and corporation for trash pick. Ms. Fisher is frustrated with not being able to get answers to questions. Ms. McGuire informed her those answer would come from the homeowners association and not from city. The best course of action was to provide her with referrals. She worked with her to get information from the Secretary of State website. She said it was the best she could do for her and provided her information to get her on the right track. She also instructed her she could talk to her councilmen or talk with city staff.

Mayor Davis asked if we go with city wide trash service can the homeowner's association still have their own trash pickup. Ms. McGuire said no, that is why we have to provide notice so much in advance.

Jeff Fisher, Public Works Director, reported on the Federal funding on the Y & 58 and Mullen project. He said there were a couple of STP meetings to discuss scoring of the region. Belton's projects didn't score very well, but as of today everyone's projects were scaled back, and the local match has grown to \$441,000. We are hopeful ours will stay in there and the next meeting is July 26. MODOT has recreated a cost share program again, and those applications are due July 29. If Belton is not awarded funding through the STP program we might pursue submitting an application for the cost share application which is a 50/50 funding and we will be ready if we don't get funding through the STP program. Mayor Davis asked the how Council feels on that. Councilman Newell said it never hurts to have a backup plan. Mr. Trivitt agreed.

Mr. Trivitt asked Mr. Fisher about the status of the curbing and sidewalk replacement on Main Street. Mr. Fisher said they will start this week and it will also include the ADA compliance as well as the resurfacing of the parking lot on the side.

Mr. Fisher introduced Trevor Leikem the new Street Superintendent, he comes to us from Overland Park and has a Bachelor's degree in public administration. We are excited to have him on board.

OTHER BUSINESS:

Councilman Fletcher announced the concert in park Friday, July 22 from 8-10 at Memorial Park. The Gary Lincoln Band will be performing. Mayor Davis said it is a great function and people should take advantage of it.

Mayor Davis said he and Fire Chief Norman Larkey went to the Raymore Southside Amateur Radio Club – there is still interest in HAM operators.

Jay Leipzig, Economic Development Director, reported on the burned out building at 604 North Scott. There was a fire there 1 ½ months ago and we have released the building permit.

Mr. Leipzig reported Oden's BBQ will be re-opening soon after their fire. Also, Texas Roadhouse is scheduled to open the first week of August; Freddie's Steakburgers at the end of August; and Menards October 29, 2016.

Discussion of Google Fiber right-of-way management costs.

Brad Foster, Assistant City Manager, gave an overview of the Google project coming down the road. They are looking to expand in new areas and Belton is identified as one of the areas. They have been ramping up the last couple of months. While we are excited in what it will provide our residents as far as high speed data, it does present some challenges with permitting, etc. Google will make the announcement on the project but we have had discussions from other communities on how they have approached it and learn from their experiences working with Google. They do locate in the street right-of-way with fiber and machinery to bore down the street to install their fiber. He showed a map that sectioned off Belton showing the 4 different areas where they will be installing fiber. They plan to install 500,000 linear feet of fiber, about 40,000 linear feet per week. They will be working in the street right of way where there is sanitary sewer, water, natural gas, electric, and city staff will have to locate all those utilities. It will tax the current staff and we have to figure out how we can manage it and will have discussions in near future. It will require greater resources than we have on staff right now and we are trying to figure out how best to use our current resources or outsource or a hybrid of the two. Tonight we postponed the right-of-way ordinance but it is all connected. He reiterated that it will definitely tax our staff.

Councilman Newell asked if it encompasses all of Belton. Mr. Foster said there might be some areas on the edges of town that might not be affected.

Megan McGuire, City Attorney, said one representative at a meeting said their model in Belton/Raymore is different. They are building it to capacity and not doing it through sign ups.

Councilman Finn said asked what kind of manpower they will have in the areas. Mr. Foster said we have not heard yet. Ms. McGuire said they anticipate having 8-10 contractors and each one will have between 4-5 crews. So it will be a number of crews. Councilman Finn asked if we have spoken with other cities pertaining to problems they had with them hitting other utilities. Mr. Foster said yes – but thinks they have learned. They realize they are going to hit something. Police Chief James Person said we have been in contact with some other cities – there will be some interruptions of service particularly in the older part of town and there will be some lines that are hit and we will have to shut down areas to have them make those repairs.

Mayor Davis asked what the advantages to being last are. Mr. Fisher said we can learn from agencies that have already done it. We feel like we are a head of game, like the legislation we are proposing on the right-of-way ordinance. The City Attorney and staff have been working on the changes for a couple of months. It is important to have it in place. Google wants it in place. We will be more organized and it will be clearer to contractors and staff.

Councilman Vanwinkle asked that in talking to other communities that have had Google Fiber, what were the major problems they experienced. Mr. Fisher said locates were the primary issue. We will be permitting about 560,000 feet and it will be challenging in the four month time span they want to get it done in. We only have two inspectors and there will be disruptions and they won't stop work they will move to a new location. It will tax our resources that are already taxed. Ms. McGuire said the contractors will be coming in laying line but then there is the restoration. It is an issue we need to stay on top of. Folks in Belton won't call Google, they will call the city and hopefully it will get routed back to Google. We think we might have it figured out through our phone service. What are other cities saying about Google and responses on the legal side? Ms. McGuire said it is a mixed bag. We need to make sure it is followed up on a timely basis. We will have to have a written log. Everyone that calls in will have questions they want answered in a timely fashion. Councilman VanWinkle asked if there is any estimate on what it will cost the city. Mr. Fisher said yes, it ranges depending on how we tackle this.

Councilman Newell asked what kind of traffic delays will there be. Police Chief James Person said part of the ordinance changes involves the work areas and they will have to file those plans with the city along with the redirection of traffic and a specific time frame. They will have to allow for inspectors and officers to monitor it and if there is a change in time they will have to be put on notice and make changes in a certain amount of time or they will be sited and can be shut down.

Fire Chief Norman Larkey said his experience in Kansas City was it was a challenge and it will be a challenge here. The biggest complaints are in getting things repaired and the traffic. They call it in but they keep going.

Chief Person said when the gas company is here putting in gas lines they have contractors come in and Google should have on-call contractors so they have people available who will respond.

Councilman Fletcher said they might not know if it is a sewer line but they will know if it is gas or water.

Mayor Davis asked what the economic impact will be. Jay Leipzig, Economic Development Director, said it provides additional competitive advantages to us. There is a lot of excitement on social media sites about Google coming.

Being no further business, Councilman Newell moved to adjourn at 7:59 P.M. Councilman Fletcher seconded. All voted in favor. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor