

**MINUTES OF THE  
BELTONCITY COUNCIL  
PUBLIC HEARING AND REGULAR MEETING  
JULY 26, 2016  
CITY HALL ANNEX, 520 MAIN STREET  
BELTON, MISSOURI**

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

This hearing was held to receive public input regarding the consideration of revisions and additions to Chapter 19 – Streets, Sidewalks, Right-of-Ways and Other Public Places of the Code of Ordinances of the City of Belton, Missouri, Chapter 34 – Streets and Sidewalks, Chapter 36 – Subdivision Regulations, and Chapter 42 – Water and Sewers of the Unified Development Code of the City of Belton, Missouri.

Being no public input the hearing was closed at 7:01 P.M.

Mayor Davis called the regular meeting to order at 7:02 P.M.

Councilman Fletcher led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilmen Ryan Finn, Jeff Fletcher, Gary Lathrop, Bob Newell, Lorrie Peek, Tim Savage, Chet Trutzel, and Dean VanWinkle. All present were Brad Foster, Assistant 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 July 12, 2016, City Council regular meeting and a motion approving the June 2016 Municipal Police Judge’s Report.** Councilman Savage seconded. All voted in favor. Consent agenda approved.

**ORDINANCES:**

Patti Ledford, City Clerk, gave the final reading of 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 Lathrop, seconded by Councilman Newell. The Council was polled and the following vote recorded: Ayes: 9, Mayor Davis, Councilmen Savage, Newell, Peek, Fletcher, Finn, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: None. Bill No. 2016-80 was declared passed and in full force and effect as Ordinance No. 2016-4246, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-81: **AN ORDINANCE AMENDING CHAPTER 19 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES OF THE CODE OF ORDINANCES AND CHAPTER 34 - STREETS AND SIDEWALKS OF THE UNIFIED**

**DEVELOPMENT CODE TO CREATE A CONSOLIDATED AND COMPLETE CHAPTER 19 - STREETS, SIDEWALKS, RIGHTS-OF-WAY AND OTHER PUBLIC PLACES OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI.**

Presented by Councilman Newell, seconded by Councilman Trutzel. Councilman Savage said he feels we need to go through this like we do the budget. There are a lot of changes and a lot to get a hold of in a short amount of time. Councilman Lathrop agreed, he said it is a lot to digest in one setting. They thought they had another work session on it before we brought it up and then it showed up on the agenda; he is not comfortable moving forward. Megan McGuire, City Attorney, said it can come before Council as many times as you want. We can break it down as many times as you want. It is important to get it published for the community. Before the first reading it is not officially before the Council. Mayor Davis said he is hearing the Council would like to discuss it at the next work session and asked if it is time sensitive. Jeff Fisher, Public Works Director, said the next work session will be August 16. Councilman Trutzel said part of this is for Google for the right-of-way. Google understands right-of-way and fees and even though we have not adopted it, his understanding is Google has approved what we are talking about. Brad Foster, Assistant City Manager, said to a large degree yes, but no final dollar amount has been set. This sets the base and they are waiting for passage of this and waiting for us to move forward. Councilman Trutzel said we need to look at the right-of-way for discussion. The Council consensus was to have a work session at 6:30 August 9 prior to the regular meeting. Councilman VanWinkle asked if it is feasible to address the time section. Ms. Megan said no, it is brought through as a full package - it is one big package. She said the discussion can be broken down. Mayor Davis asked the Council to get their questions and concerns to the appropriate staff prior to the meeting. Ms. McGuire said staff has been working on this since October. It took a considerable amount of discussion. There is pressure to respond to Google and as quickly as we can. Mayor Davis said we don't want to pass legislation that we don't know what we are passing. Vote on the first reading was recorded will all voting in favor. First reading passed.

**Ms. Ledford read Bill No. 2016-82: AN ORDINANCE AMENDING APPENDIX A – SCHEDULE OF FEES AND CHARGES, PART II. – UNIFIED DEVELOPMENT CODE OF THE UNIFIED DEVELOPMENT CODE AND THE CODE OF ORDINANCES AND CHAPTER 36 – SUBDIVISION REGULATIONS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI TO REFLECT THE CORRECT NOMENCLATURE, FEES AND CHARGES RELATED TO PUBLIC WORKS ENGINEERING ITEMS INCLUDING RIGHT-OF-WAY PERMITTING, SANITARY SEWER IMPACT FEES, AND ENGINEERING REVIEW FEES.**

Presented by Councilman Newell, seconded by Councilman Finn. There was discussion pertaining to the fees and Councilman Savage said this was previously explained on the sanitary sewer and it seems like there was some passage of this earlier but it didn't get it in the books. Jeff Fisher, Public Works Director, said staff went thought a benchmarking project on the water/sewer impact fees and staff recommended a reduction in the sewer impact fees to \$500/\$1,600 and now we are proposing the \$1200/\$2,000. However, it appears as though that change was never codified. Councilman Savage asked how many people were charged that amount that should not have been. Mr. Fisher said the Council adopted it but it didn't get codified. Councilman Savage said he is still a supporter to keep costs down as low as we can and has mixed feelings on this. There was also discussion on the right-of-way fee from \$5.00 to \$62.00. Mr. Fisher explained the state requires reasonable and actual costs be passed along and staff has determined it takes staff an average of an hour - \$38.00/hour for permitting at ½ hour; \$24.00/hour to inspect at ½ hour. Vote on the first reading was recorded with all voting in favor. First reading passed.

**Ms. Ledford read Bill No. 2016-83: AN ORDINANCE APPROVING THE RE-APPROPRIATION & REVISION OF THE FISCAL YEAR 2017 ADOPTED CITY**

**BUDGET BY ADDING A CERTIFIED BUILDING OFFICIAL.** Presented by Councilman Fletcher, seconded by Councilman Trutzel. Councilman Savage asked if both readings are necessary tonight. Jay Leipzig, Community and Economic Development Director, said the first reading is fine, however, we would like to go ahead and start the notification process but we are not under a set deadline. It was discussed at a couple of previous meetings. Mr. Leipzig said we have been utilizing a retired Certified Building Official and we have been getting by as best we can, but we are at the point where we are so busy and are inundated with inspections. Councilman Trutzel asked how long it will take to get someone hired. Mr. Leipzig said it could take up to 60 days to get them on board. Vote on the first reading was recorded with all voting in favor. Councilman Trutzel moved to hear the final reading. Councilman VanWinkle seconded. All voted in favor. The final reading was read. Presented by Councilman Trutzel, seconded by Councilman Fletcher. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Peek, VanWinkle, Savage, Mayor Davis, Councilmen Newell, Finn, Fletcher, Trutzel, and Lathrop; Noes: None; Absent: None. Bill No. 2016-83 was declared passed and in full force and effect as Ordinance No. 2016-4247, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-84: **AN ORDINANCE AUTHORIZING AND APPROVING THE REAPPROPRIATION AND REVISION OF THE CITY OF BELTON FISCAL YEAR 2017 ADOPTED CITY BUDGET IN THE SEWER IMPACT FEE FUND (460) TO CREATE AN EXPENDITURE LINE ITEM FOR THE 155<sup>TH</sup> STREET SANITARY SEWER PROJECT IN THE AMOUNT OF THE AVAILABLE FUNDS FOR THE LITTLE BLUE VALLEY BASIN.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. All voted in favor of the first reading. **Councilman Trutzel moved to hear the final reading.** Councilman Lathrop seconded. All voted in favor. The final reading was read. Presented by Councilman Trutzel seconded Lathrop. There was some discussion pertaining to the preliminary and estimated project costs. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Finn, Peek, Lathrop, Mayor Davis, Councilmen Trutzel, Fletcher, VanWinkle, Newell, and Savage; Noes: None; Absent: None. Bill No. 2016-84 was declared passed and in full force and effect as Ordinance No. 2016-4248, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-85: **AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO CHAPTER 10 – BUILDINGS AND STRUCTURES, ARTICLE III – DANGEROUS BUILDINGS, SECTIONS 10-90 TO 10-112 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. Megan McGuire, City Attorney, said this ordinance was in need of review and revisions. We beefed up the notification required under state law and decided who the hearing body would be in our community which will be the Fire and Appeals Board. We met with them and went through the ordinance in detail including types of letters and after discussion felt they had what they needed and they felt it was a good process including their review. She went on to say that these decisions are quasi-judicial decisions and can be appealed to Cass County. This ordinance now meets state laws and constitution due process requirement. Ms. McGuire said it is up to the Council if we want to bring it up at another work session for further discussion. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-86: **AN ORDINANCE APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BELTON, MISSOURI AND MID-AMERICA REGIONAL COUNCIL (MARC) FOR PARTIAL FUNDING AND CONTRACT SERVICES AT THE BELTON SENIOR CENTER.** Presented by Councilman Newell, seconded by Councilman Trutzel. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-87: **AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF BELTON, MISSOURI AND ECKERT TOW, INC. FOR POLICE ORDERED TOWS.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Police Chief James Person said we have contracted with Eckert for probably 20 years. This is actually a no cost contract for the city because the cost is passed on to the person whose vehicle towed. The charges are reasonable and customary. This is a one year contract with four automatic renewals unless there are changes which can be brought back to him or to Council. Councilman Trutzel asked if a person can request their own tow company. Chief Person said yes, this is only for police ordered tows. Also, there is no cost to the city for towing of city vehicles. Councilman Savage asked about increases. Chief Person said there were some increases a number of years ago only because the fees had been the same for a number of years. Councilman VanWinkle as about when there is a crime victim and the vehicles is needed for evidence is the individual on the hook. Chief Person said either the victim or the insurance carrier. Mrs. Eckert is present if there are questions; but they have been good to work with - the short answer is yes, the victim is responsible but there are considerations made for certain circumstances. Councilman VanWinkle said he knows from experience and he has seen victims of crimes become victims a second time. Vote on the first reading was recorded with all voting in favor. First reading passed.

#### **CITY COUNCIL LIAISON REPORTS:**

Councilman Peek distributed a copy of the last Park Board packet. She said the secretary does send it out to the Council. She said Shane DeWald, Park Director, will be more than happy to come to a Council meeting if need be to answer any questions. She also reported there is a summer luau on July 29 from 8-10 at the outdoor pool. On August 12 is the Theatre in the Park featuring the Wizard of Oz.

Also happening at the Park:

- Youth fall ball registrations
- Lifeguard hiring
- Zumba at Memorial station Thursday night July 28.

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

Mayor Davis said he has received a lot of comments about the sidewalks and ADA accommodation. There are a lot of good things happening. It seems like construction is everywhere we go. National Night Out (NNO) is Tuesday, August 2. Chief Person distributed a list of block parties for NNO, there are four planned at Springdale, Southfork, base housing and Lakewood Terrace. He said in the past each has been fairly large events but the number of parties has declined over the years because there are many hot August nights. It is a national program – we don't set those dates. Mr. Foster said the reason the work session was canceled was so the Council could attend the NNO events.

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

Brad Foster, Assistant City Manager, announced Saturday, August 6 is the Household Hazardous Waste disposal from 8-noon at the high school. It is limited to the first 400 vehicles.

Jeff Fisher, Public Works Director, reported that the STP committee met at MARC and did approve a list of projects to receive federal funding which did include the 58/Y project for \$440,000 - the committee believed it to be a good project.

Mr. Fisher reported there will be discussion at the August 16 work session exploring the idea of Water One. They called last week and ready to start designing. This will be a big decision for Belton if we want a second water source. He also mentioned the East Pacific storm water project and which is funded out of the storm water bonds. We have struggled with some easements but have reached out to some and we might need some councilmen to reach out to some as well. It is a big project and we want to start this Fall. While we are there we have \$425,000 for water line replacement and it seems a logical place to do it since we are doing storm water and street overlay after the project is done. We believe we can do the engineering and design internally and be successful; we are going to try and we will keep you posted.

Chief Person said the Police station parking lot was striped over the weekend with the extreme heat it should have a good seal.

## **OTHER BUSINESS:**

### **Update on the citywide solid waste RFP process:**

Brad Foster, Assistant City Manager, said there have been discussions over the last couple months about the city contracting out residential waste hauling. In August 2014 the City sent out notice to all haulers that the city may consider changes. We have met the two year wait requirement and it will be expiring the middle of next month. In one year we need to establish a contract and make significant changes on how solid waste is handled. We are working on that with idea of sending out to get quotes and whether to contract solid waste. There is possibly a third option and that is, does the city get into solid waste hauling. That hasn't been discussed but staff has been kind of chewing on that. We plan to finish up the request for proposal and run it by the Council before we send it out. Mayor Davis said we established last week that it applies to Homeowner's Associations (HOA's). Councilman Trutzel asked if the City does get into the trash hauling business has it been determined how many trucks would be needed, etc. Mr. Foster said if we continue down that path there are still a lot of questions to be answered.

### **Review of June 2016 financial report:**

Sheila Ernzen, Finance Director, gave a short overview of the June financial report.

- The total positive variances and negative variances almost equal
- Overall revenues pretty much on target
- Ambulance and building permit fees are up
- TIF administration fees are up a bit
- Court fine costs are up
- Occupation licenses fees are up
- The last two months sales tax has not come in a head of last year
- Electric and gas utility down a bit

In other business, Councilman Newell distributed a picture of a residence in West Belton that has been filling a ditch in and we need to get a handle on as it is washing the road out. Mr. Fisher said Public Works has been working on this issue the city attorney. We have been making efforts to notify the owner but could not locate them but will try again. Councilman Savage asked if we know who is responsible. Councilman Newell said it is a rental property and it is the tenant that is filling it in.

Councilman Trutzel said there needs to be some education on grass clippings and leaves being blown into the streets. It clogs up the storm drains and we need to educate the citizens on the impact this has on our storm drains.

At 8:05 P.M. Councilman Newell moved to enter into 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: 9, Mayor Davis, Councilmen Fletcher, Trutzel, Savage, Lathrop, Newell, VanWinkle, Peek, and Finn; Noes: None; Absent: None.

The Council returned from Executive Session at 8:49 P.M. Being no further business, Councilman Lathrop moved to adjourn. Councilman Peek seconded. All voted in favor. Meeting adjourned.

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Patti Ledford, City Clerk

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Jeff Davis, Mayor