

**MINUTES OF THE
BELTON CITY COUNCIL MEETING
MAY 10, 2016
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

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

Sanitary Sewer Pretreatment UDC Text Amendment:

The public hearing was held to receive public input concerning adoption of an industrial pretreatment ordinance to regulate industrial users in the Belton Treatment Facility area.

Zach Matteo, City Engineer, highlighted the proposed changes relating to Chapter 42 of the City's Unified Development Code and items related to Item E of the agenda and the staff report on page 65 of the agenda pertaining to wastewater/sewage. He showed a map of the area and went on to say the City's sewage is divided into two sewer districts and that approximately half of the City's sewage discharges to the Little Blue Valley Sewer District, which is highlighted in blue on the map, and the southern half of the City contributes sewage to the City of Belton's Wastewater Treatment Facility highlighted in red on the map. Industrial pretreatment regulations are required by the State of Missouri and Environmental Protection Agency to protect Public Owned Treatment Works (POTWs). It is important that the regulations are consistent in both districts. Included are proposed changes to the ordinance changing the entire definitions, and permitting process. Staff worked closely with the City Attorney and also ran it by Little Blue Valley Sewer District to be sure it is consistent with their regulations.

Councilman Lathrop asked if it is a new ordinance. Mr. Matteo said no, it is just enhancing the current code. We have authority to permit and regulate industrial users. It adopts a comprehensive program. Right now we don't permit industrial users. Councilman Lathrop asked how many industrial users we have. Mr. Matteo said one permitted, ROM, on 163rd Street north of I-49.

Mayor Davis asked what is changing with this. Mr. Matteo said a number of things: preparing for future growth; preparing for review and approval through Department of Natural Resources (DNR) of a Capacity, Management, Operation, and Maintenance (CMOM) program; and part of ROM's redevelopment triggered this with the Little Blue Valley Sewer District to permit, so it was a combination of a number of things. We are just trying to be proactive.

Councilman Savage had a few questions on pretreating and the cost. Mr. Matteo said these are industrial producers. Waste would have acids or heavy metals and are dangerous and potentially hazardous. Most users are familiar with what they have to do to discharge. Councilman Savage said it would nice to have an idea of cost. He also asked if we have the ability and training to make sure this is put together right. Mr. Matteo said we have the ability to perform the oversight of initial construction, but there are also testing requirements that are put on the developer and/or business owner within this ordinance where they would have to, by our choice, provide to the City tests of their sewerage.

Megan McGuire, City Attorney, said there are a couple of procedural issues we wanted to address and have addressed, and that is procedures for accidental discharge. We are very consistent with that and have policies and procedures in place so when it occurs we get communicated very quickly. We have also beefed up our enforcement issues so that we actually

have the ability to take action against an industrial user if necessary and it is usually in concert with DNR.

Being no public input the hearing was declared closed at 7:10 P.M.

Mayor Davis called the regular meeting to order at 7:10 P.M.

Councilman Peek led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilmen Jeff Fletcher, Gary Lathrop, Bob Newell, Lorrie Peek, Tim Savage, Chet Trutzel, and Dean VanWinkle. Also present: 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 April 19, 2016, City Council special meeting and April 26, 2016, City Council regular meeting; a motion approving Resolution R2016-20: A RESOLUTION REAPPOINTING DENISE ELOSH AND PERRY GOUGH AND APPOINTING KEVIN MURPHY TO THE MUNICIPAL PARK BOARD; a motion to approve minor revisions to the CDM Smith on-call agreement which was approved March 22, 2016, by ordinance 2016-4184; and a motion to approve the purchase one new 14,000#, 4-post lift, with two rolling jacks from O'Reilly's Auto Parts in the amount of \$8,405.00 for the Transportation/Vehicle Maintenance Department.** Councilman Lathrop seconded. All voted in favor. Consent agenda approved.

PERSONAL APPEARANCES:

Mayor Davis said with the police officer in Kansas City, Kansas, being slayed yesterday it hits all buttons and resonates that the federal government needs to take a more positive approach in regards to public safety. The following proclamation is very timely.

Councilman VanWinkle read a Proclamation for 2016 Peace Officers Memorial Day and Police Week May 15-21. May 15 is dedicated as Peace Officers Memorial Day. Flags will fly at half-staff on that day. Police Chief James Person said on behalf of the police department the events of yesterday hits home. Everyone in the law enforcement community mourns the death of the officer killed in the line of duty.

Councilman Chet Trutzel read a Proclamation for 2016 National Public Works Week designating the week of May 15 as National Public Works Week. Mayor Davis said what a great group of people. Jeff Fisher, Public Works Director, said he appreciates the kind words and we are here to do a job. We have a great team. It is the best team he has been a part of in his career. They all take the blue collar approach and put themselves in harm's way sometimes.

Donald Walton, 314 N Cleveland Ave, Belton addressed the Council pertaining to the condition of North Prospect Road. He said Belton acquired it years ago from Mt. Pleasant. Belton asphalted it shortly after receiving it but hasn't done anything with it since. There are piles of dump and a set of 5 tires that have been there since last October. He calls sometimes to complain. One time there was a mattress in road. He asked what the City is going to do with North Prospect. If the City needs to dump dirt we have a farm near there and the city can dump the dirt there if need be. Is the City going to fix it now or before tax payers have to pay for it.

There is water sitting in ditches and all the culverts are clogged up with piles of leaves. Mayor Davis thanked him for his comments.

ORDINANCES:

Patti Ledford, City Clerk gave the final reading of Bill No. 2016-50: **AN ORDINANCE APPROVING THE REAPPROPRIATION & REVISION OF THE CITY OF BELTON FISCAL YEAR 2017 ADOPTED CITY BUDGET.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. The Council was polled and the following vote recorded; Aye: 8, Mayor Davis, Councilmen Savage, Newell, Peek, Fletcher, Lathrop, Trutzel, and VanWinkle; Noes: None; Absent: None. Bill No. 2016-50 was declared passed and in full force and effect as Ordinance No. 2016-4217, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-51: **AN ORDINANCE APPROVING THE FINAL PLAT OF BELTON GATEWAY, ADDITION, UNIT 2, A SUBDIVISION IN THE CITY OF BELTON, CASS COUNTY, MISSOURI, SECTION 12, TOWNSHIP 46, RANGE 33, A 39.0-ACRE TRACT OF LAND, LOCATED WEST OF 163RD STREET AND NORTH OF TURNER ROAD, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Aye: 8, Councilmen Lathrop, VanWinkle, Savage, Peek, Fletcher, Mayor Davis, Councilmen Trutzel, and Newell; Noes: None; Absent: None. Bill No. 2016-51 was declared passed and in full force and effect as Ordinance No. 2016-4218, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-52: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI APPROVING AND AUTHORIZING A ONE YEAR EXTENSION TO THE 2015 STREET PRESERVATION PROJECT / OVERLAY, CONTRACT # 225-2015-1 WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC FOR THE PURPOSE OF PROVIDING ASPHALT MAINTENANCE ACTIVITIES.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Councilman Lathrop said he didn't see anything on pricing. Jeff Fisher, Public Works Director, said there is no price increase from last year. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Newell, Trutzel, Mayor Davis, Councilmen Lathrop, Savage, VanWinkle, Peek, and Fletcher; Noes; None; Absent: None. Bill No. 2016-52 was declared passed and in full force and effect as Ordinance No. 2016-4219, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2016-53: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING THE ABATEMENT ORDER ON CONSENT NO. 2016-WPCB-1348 WITH THE DEPARTMENT OF NATURAL RESOURCES REGARDING SANITARY SEWER OVERFLOWS ON SEPTEMBER 27, 2013 AND AUGUST 20, 2014.** Presented by Councilman Trutzel, seconded by Councilman Newell. **Councilman Lathrop moved to amend the penalty amount of up to \$10,000 a day per violation.** Councilman Savage seconded. Megan McGuire, City Attorney, noted that this was a scrivener's error. All voted in favor. The final reading, as amended, was then read, presented by Councilman Savage, seconded by Councilman Lathrop. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Peek, Lathrop, Mayor Davis, Councilmen Trutzel, Fletcher, VanWinkle, Newell, and Savage; Noes: None; Absent: None. Bill No. 2016-53 was declared passed and in full force and effect as Ordinance No. 2016-4220, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-54: **AN ORDINANCE AMENDING CHAPTER 42 – WATER AND SEWERS, ARTICLE III. - SEWERS, DIVISION 2. - DISPOSAL REGULATIONS, SECTION 42.204, 42.205, 42.230, 42.259, 42.262, AND 42.263 OF THE BELTON UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-55: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING A TRANSFER OF CITY-OWNED PROPERTY AND ALL ABUTTER’S RIGHTS OF DIRECT ACCESS BETWEEN 155TH STREET AND CITY’S ABUTTING LAND IN THE NE 1/4 OF THE NE 1/4 OF SECTION 2, T46N, R33W, BELTON, CASS COUNTY, MISSOURI (COMMONLY KNOWN AS EAST OF NORTH SCOTT SPUR) BY QUITCLAIM DEED TO THE STATE OF MISSOURI ACTING BY AND THROUGH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.** Presented by Councilman Trutzel, seconded by Councilman Newell. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-56: **AN ORDINANCE AUTHORIZING AND APPROVING A PUBLIC SERVICES AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI AND BELTON COMMUNITY PROJECTS, INC. TO PROVIDE PUBLIC SERVICES SUPPORT FOR THE BELTON COMMUNITY DAYS IN BELTON, MISSOURI IN JUNE 2016.** Presented by Councilman Lathrop, seconded by Councilman Newell. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-57: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW, A SIXTY-FOOT (60’) POLE SIGN FOR THE FREDDY’S FROZEN CUSTARD AND STEAK RESTAURANT, LOCATED IN A C-2 (GENERAL COMMERCIAL) DISTRICT, ADDRESSED AS 1822 E NORTH AVENUE, BELTON, MISSOURI.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. Jay Leipzig, Economic Development Director, said the Planning Commission approved this unanimously at their May 2 meeting. Also, on page 102 of the agenda is the 60’ pole sign flag test information which measures the visibility of the sign from I-49 and explanation why they are requesting the 60’ pole sign. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2016-58: **AN ORDINANCE EXTENDING AND AMENDING THE FARM LEASE AGREEMENT WITH DANNY CHEVALIER TO CONTINUE LEASING THE CITY PROPERTY ADJACENT TO MARKEY ROAD FOR PLANTING, CULTIVATING AND HARVESTING AGRICULTURAL CROPS.** Presented by Councilman Trutzel, seconded by Councilman Lathrop. Councilman Lathrop asked if this was put out for bid. Brad Foster, Assistant City Manager said no. Councilman Lathrop said he thought the City was going to do that. Ron Trivitt, City Manager, said we have a fairly new ordinance regulating property sale/lease and allows the lease to be extended to the same person that has been leasing it, without putting it out for bid. There is a one year extension but it can always be brought back to the Council. Brad Foster, Assistant City Manager, said Mr. Chevalier contacted him and asked what the city’s intent is with the property and he told him we hadn’t really thought about it. But, with the revision to the surplus property ordinance passed earlier in the year it states:

Leasing Farm Land Owned by the City Without Soliciting Competitive Bids.

Farm land owned by the city may be leased by the City Manager without soliciting competitive bids and without further council authorization under the following circumstances:

- (1) The person seeking to lease the property conducts a farming operation adjacent to the property sought to be lease from the city;
- (2) The person seeking to lease the property has previously lease the property and has demonstrated good farming practices; or
- (3) The property was acquired by the city from the person seeking to lease the property.

Mr. Foster said we talked about a price and it is increase over what he bid the previous year, but fell in line to what he bid before. Also, this property is zoned as an industrial park with the prospect of it being sold for an industrial use. Councilman Peek said she doesn't have problem with the extension of the lease but she does have a problem with the amount. She did a little research and found the city could be making a few hundred dollars more on the lease of this property. It was asked why both readings are requested. Mr. Foster stated because it is planting season. The question was asked what if we find something to develop in that area and what happens to his crops. Mr. Foster said there are provisions in the lease to allow us to terminate within 30 days. Vote on the first reading was recorded with all voting in favor. **Councilman Lathrop moved to hear the final reading.** Councilman Savage seconded. All voted in favor. The final reading was read. Presented by Councilman Newell, seconded by Councilman Fletcher. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Peek, VanWinkle, Savage, Mayor Davis, Councilmen Newell, Fletcher, Trutzel, and Lathrop; Noes: None; Absent: None. Bill No. 2016-58 was declared passed and in full force and effect as Ordinance No. 2016-4221, subject to Mayoral veto.

Ms. Ledford read Bill No. 2016-59: **AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI AND THE BELTON-CASS REGIONAL TRANSPORTATION DEVELOPMENT DISTRICT.** Presented by Councilman Trutzel, seconded by Councilman Peek. Vote on the first reading was recorded with all voting in favor. First reading passed.

MAYOR'S COMMUNICATIONS:

Jay Leipzig, Economic Development Director, reported that Citizen Appreciation Night will be May 12 from 5:30-7:00 at Memorial Park. There will be some public works and police vehicles and the fire department will have touch a truck.

Mayor Davis said this Saturday will be a garden party on Main Street followed by junk in the truck. Also, the Post Office will hold its yearly canned good collection.

CITY MANAGER'S REPORT:

Mr. Leipzig gave a brief update on new businesses and proposed dates to open:

Arvest Bank - May 30th, ribbon cutting mid- June

Menards is on track to open the end of October

Fazolli's - June 27th

Odens BBQ - tentative July 4

Freddie's Steak Burger - July 12

Texas Roadhouse - August

VA Clinic by end of November

Mr. Leipzig said he also attended a ribbon cutting today for Belton Dental.

Jeff Fisher, Public Works Director reported the warranty work for streets with Vance Brothers will begin on Thursday and be done Friday depending on weather. They will also do 100' strip on Prospect.

He updated the Council on the progress of the cost share program; it is in its 2nd phase of sidewalk replacement. We sent out 151 letters, 92 contacted staff back, and 48 have paid. We have made good progress and will probably send out reminder letters.

MOTIONS:

Councilman Lathrop moved to approve the renewal of Blue Cross & Blue Shield employee provided health insurance beginning July 1, 2016. Councilman Trutzel seconded. Brad Foster, Assistant City Manager, distributed rate sheets with three options. There was discussion. Mr. Trivitt said the health rates go up each yearly. He went on to say the reality is he has never known the City to pick up a portion of the premium and reduce it in future years. He said his own feeling is it is impractical to think that we would do anything in future other than to increase the employer contribution. Mr. Trivitt said his recommendation is Option 2, setting the PPO as the base plan. **Councilman Lathrop moved to approve Option 2.** Councilman Savage seconded. Vote the motion approving the renewal with Blue Cross Blue Shield and approving Option 2 was recorded; Ayes: 5, Councilmen Fletcher, Savage, Lathrop, VanWinkle and Trutzel; Noes: 3, Councilmen Peek, Newell, and Mayor Davis; Absent: None. Motion carried.

At 7:56 P.M. Councilman Lathrop 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 Savage seconded. The following vote was recorded; Ayes: 8, Mayor Davis, Councilmen Trutzel, Savage, Lathrop, Newell, Fletcher, VanWinkle, and Peek; Noes: None; Absent: None.

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

Patti Ledford, City Clerk

Jeff Davis, Mayor