

**MINUTES OF THE
BELTON CITY COUNCIL
SPECIAL MEETING
DECEMBER 5, 2017
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

Mayor Davis called the special meeting to order at 7:40 P.M.

Troop 1510 Boy Scouts Xander Carrillo and Gregory Blankenship led the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Jeff Davis, Councilwoman Lorrie Peek, Councilmen Ryan Finn, Jeff Fletcher, Gary Lathrop, Bob Newell, Chet Trutzel, and Dean VanWinkle. Absent: Councilman Tim Savage. Also present: Alexa Barton, City Manager; Megan McGuire, City Attorney; and Andrea Cunningham, Executive Secretary.

CONSENT AGENDA:

Councilman Lathrop moved to approve the consent agenda consisting of a motion approving Resolution R2017-55: **A resolution approving the purchase of additional technical phone system support services for repairs and maintenance for the Belton Police Department from Acatel-Lucent through Dice Communications in the amount of \$5,770.40.** Councilman Trutzel seconded. All present voted in favor. Councilman Savage absent. Consent agenda approved.

ORDINANCES:

Andrea Cunningham, Executive Secretary, gave the final reading of Bill No. 2017-96: **An ordinance authorizing and approving a minor construction service agreement with Performance Contracting of Kansas, Inc. for the painting of the operations building of the Belton wastewater treatment facility in a not-to-exceed amount of \$11,813.00.** Presented by Councilwoman Peek, seconded by Councilman Newell. Megan McGuire, City Attorney, stated as presented earlier this evening, the contractor to whom the bid has been awarded has requested a change to the indemnification provision to the Minor Construction Service Agreement. The revision is herein attached as Attachment A to Bill Number 2017-96. Ms. McGuire has stated she has reviewed the proposed modification and can support it with the following added language to paragraph one:

“Subject to and without waiving the City’s rights of sovereign immunity and to the extent permitted by Missouri law, the...”

Councilman VanWinkle moved to amend Bill No. 2017-96 by adding “Subject to and without waiving the City’s rights of sovereign immunity and to the extent permitted by Missouri law, the...”

Councilwoman Peek seconded. All voted in favor of the amendment. Vote on the final reading, as amended, was then recorded; Ayes: 8, Councilmen VanWinkle, Fletcher, Trutzel, Lathrop, Councilwoman Peek, Councilman Finn, Newell, Mayor Davis; Noes: None; Absent: 1, Councilman Savage. Bill No. 2017-96 was declared passed and in full force and effect as Ordinance No. 2017-4399, subject to Mayoral veto.

Ms. Cunningham gave the final reading of Bill No. 2017-98: **An ordinance of the City of Belton, Missouri, calling for and establishing the date of the general city election for municipal officers to be held on April 3, 2018.** Presented by Councilman Fletcher, seconded by

Councilwomen Peek. The Council was polled and the following vote recorded; Ayes: 8, Councilmen Fletcher, Mayor Davis, Councilman Trutzel, Councilwoman Peek, Councilman Finn, Lathrop, Newell, and VanWinkle; Noes: None; Absent: 1, Councilman Savage. Bill No. 2017-98 was declared passed and in full force and effect as Ordinance No. 2017-4398, subject to Mayoral veto.

Ms. Cunningham read Bill No. 2017-101: **An ordinance amending Chapter 36 – subdivision regulations, section 36-35 (a) (3), section 36-35 (b) (10) and section 36-36 (b) of the Unified Development Code to consolidate and revise the regulations on final plat submissions and professional land surveyor duties, to be consistent with Missouri Revised Statute RSMo 327.272.**

Presented by Councilman Trutzel, seconded by Councilwoman Peek. Vote on the first reading was recorded with all present voting in favor. Councilman Savage absent. First reading passed.

RESOLUTIONS:

Ms. Cunningham read Resolution R2017-56: **A resolution approving task agreement #2017-3 #2017-4* with Pyramid Excavation and Construction, Inc. to make emergency public storm pipe repairs on Markey Road east of Bales Road in the amount of \$21,182.00 with a 20% contingency totaling \$25,418.40.** Presented by Councilman Finn, seconded by Councilwoman Peek. Councilman Trutzel asked if the 20% contingency is working. Michael Doi, Public Works Director, said the contractors are staying pretty close the original bid amounts. Mayor Davis asked what the repair will look like. Mr. Doi said it will be a culvert. It will last longer than what's currently there. Vote on the resolution was recorded with all voting in favor. Councilman Savage absent. Resolution passed. *A scrivener's error was discovered while processing the resolution.

OTHER BUSINESS:

Alexa Barton, City Manager, said Robert Powell, the owner of Main Street Theater, LLC, located at old city hall/museum, asked if Main Street Theater could utilize the outside electrical plug at (current) city hall for their grand opening lighted sign. They want to open in the next week or so but there aren't any electrical plugs on the outside of old city hall/museum. Using the electrical outlet would be on a limited basis. But he also asked if they could use it for their other performance nights. Councilman Finn asked about it possibility being a trip hazard. Will they be taping down the cords? Is the outside plug a GFCI outlet? Ms. Barton said she will verify these things with Mr. Powell and his electrician. Councilman Trutzel said perhaps in the future the cords could be buried. Megan McGuire, City Attorney, said there are other options for a lighted sign (e.g. solar power). Councilman Lathrop asked if we allow the theater to use it, will we be setting a prescient for other businesses/people to ask to use it? Ms. Barton said not necessarily – the City owns old city hall/museum. It's city property being leased by BCPI who is leasing it to Main Street Theater, LLC. The general consensus of the Council was that it's ok for this one time (their grand opening) but if it's going to continue, the lease needs to be amended to allow for a long-term use of the outlet. Ms. Barton also said Mr. Powell is going to ask his electrician to look at the broken outside light at (current) city hall and see if it can be fixed.

Being no further input, Councilman Lathrop moved to adjourn at 7:55 P.M. Councilwoman Peek seconded. All present voted in favor. Councilman Savage absent. Meeting adjourned.

Andrea Cunningham, Executive Secretary

Jeff Davis, Mayor