

**MINUTES OF THE
BELTON CITY COUNCIL
REGULAR MEETING
FEBRUARY 28, 2017
CITY HALL ANNEX, 520 MAIN STREET
BELTON, MISSOURI**

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

Councilman Van Winkle 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 Van Winkle. Also present: Acting City Manager Alexa Barton; City Attorney, Megan McGuire; and Patti Ledford, City Clerk.

ORDINANCES:

Patti Ledford, City Clerk, gave the final reading of Bill No. 2017-11: **AN ORDINANCE ACCEPTING A DONATION FROM AUSTIN AND ROBERTA LANDRETH FOR THE PURCHASE OF A NEW TELEVISION FOR FIRE STATION #1 AND APPROVING A RE-APPROPRIATION AND REVISION OF THE FISCAL YEAR 2017 ADOPTED CITY BUDGET TO PROPERLY ACCOUNT FOR THE DONATION AND EXPENDITURE.** Presented by Councilman Trutzel, seconded by Councilman Peek. Fire Chief Norman Larkey said the donation is from a couple west of town on behalf of his wife who has had some medical issues and numerous ambulance runs to the residence. Vote on the final reading was read and the following vote recorded: Ayes: 9, Councilmen Trutzel, Finn, Peek, Mayor Davis, Councilmen Lathrop, Fletcher, Newell, Van Winkle and Savage; Noes; None; Absent: None. Bill No. 2017-11 was declared passed and in full force and effect as Ordinance No. 2017-4314, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2017-13: **AN ORDINANCE APPROVING AN ACQUISITION FUNDING AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI, AND BELTON 58 CHOPPER, LLC. FOR RIGHT-OF WAY ACQUISITION.** Presented by Councilman Lathrop, seconded by Councilman Savage. Mayor Davis asked Jay Leipzig, Community and Economic Developer Director, how long they have been working on the project. Mr. Leipzig said well over two years. The building has been vacant for a number of years. The developer has been trying to work on a development plan to make it feasible to renovate. It is a high priority issue for economic development. There is a funding agreement, TIF agreement and site plan. It should be ready for the Planning Commission to discuss at their March 6, 2017 meeting and it will come to the Council after that. It will go through the TIF process. Mayor Davis asked if it is a blighted area and why. Mr. Leipzig said it is blighted because it is a vacant building and it has some structural issues. The roof has been leaking and there have been some water issues in the building – it is in poor condition. The parking lot has pot holes, there has been illegal dumping and transients. Mayor Davis asked what kind of public improvements they are looking for. Mr. Leipzig said the project involves the relocation of Peculiar Drive which hopefully will address some traffic concerns on 58 Highway. Mayor Davis asked if the police and fire been involved in the process. Police Chief James

Person said yes, and this will be an improvement. Mr. Leipzig said the project will be reviewed by the Planning Commission, Missouri Department of Transportation, the fire marshal and fire chief. Councilman Trutzel clarified that this is a renovation of the old Price Chopper building and not a tear down. Mr. Leipzig said yes, it will be cheaper to renovate but will almost be a complete renovation. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Savage, Trutzel, Mayor Davis, Councilmen Lathrop, Peek, Fletcher, Van Winkle, Finn and Newell; Noes: None; Absent: None. Bill No. 2017-13 was declared passed and in full force and effect as Ordinance No. 2017-4315, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2017-15: **AN ORDINANCE APPROVING THE ENGAGEMENT OF TROUTT, BEEMAN AND COMPANY TO AUDIT THE CITY FINANCIAL RECORDS FOR FISCAL YEAR 2017.** Presented by Councilman Trutzel, seconded by Councilman Peek. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Lathrop, Peek, Savage, Mayor Davis, Councilmen Trutzel, Fletcher, Newell, Van Winkle and Finn; Noes: None; Absent: None. Bill No. 2017-15 was declared passed and in full force and effect as Ordinance No. 2017-4316, subject to Mayoral veto.

Ms. Ledford gave the final reading of Bill No. 2017-16: **AN ORDINANCE OF THE CITY OF BELTON, MISSOURI AUTHORIZING AND APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO SERVICE AGREEMENT FOR ON-CALL WATER, WASTEWATER, AND STORMWATER SERVICES BETWEEN THE CITY OF BELTON AND WIEDENMANN, INC.** Presented by Councilman Newell, seconded by Councilman Peek. The Council was polled and the following vote recorded; Ayes: 9, Councilmen Lathrop, Newell, Finn, Savage, Peek, Fletcher, Mayor Davis, Councilmen Trutzel, and Van Winkle; Noes: None; Absent: None. Bill No. 2017-16 was declared passed and in full force and effect as Ordinance No. 2017-4317, subject to Mayoral veto.

Ms. Ledford read Bill No. 2017- 21: **AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO APPROVE A WATER SHUT-OFF AGREEMENT FOR NON-PAYMENT OF SEWER SERVICES BETWEEN THE CITIES OF BELTON AND RAYMORE, MISSOURI AND DANNY AND PHYLLIS BERRY TO FACILITATE AND COORDINATE PROVIDING SANITARY SEWER TO THE BERRY PROPERTY ADJACENT TO THE CITY OF BELTON.** Presented by Councilman Lathrop, seconded by Councilman Peek. Councilman Savage said he thought the Council already approved this. Megan McGuire, City Attorney, explained in June 2016 staff brought almost an identical agreement to Council – a global agreement asking Raymore to help in coordinating shutoffs. Raymore was uncomfortable with the blanket agreement and preferred a custom agreement. This will be recorded and will run with land and with the Berry property. We are fine with this agreement. We don't know if we will ever have another Raymore property like so this makes sense to do it property by property. Councilman Lathrop noted a \$2.50 per month charge – is this charged back to the customer? Ms. McGuire said yes, we are not going to subsidize it. Councilman Lathrop also asked about the liability mutual agreement on hold harmless. Ms. McGuire said the city is not liable. It is a fairly limited liability procedure. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2017- 22: **AN ORDINANCE DETERMINING THE SALARY OF THE POLICE CHIEF POSITION TO BE ELECTED ON APRIL 4, 2017.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Mayor Davis said since the Police Chief position is an elected position this has to be discussed in open session. It was noted his salary has to be set prior to the election for the next four years. There was discussion on the history of setting his salary. Councilman Newell asked if the City runs into budget constraints can it be

changed. Ms. Barton said no it has to be set for the four year term. Mayor Davis noted this creates absolute parity. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2017- 23: **AN ORDINANCE APPROVING A LEASE AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. FOR A CANON 7570 COPIER FOR CITY HALL TO REPLACE THE CURRENT CANON 7270 COPIER.** Presented by Councilman Savage, seconded by Councilman Lathrop. Mayor Davis asked why we are replacing the copier. Ms. Barton said the lease is over on it. We found a co-op bid through the National Intergovernmental Purchasing Alliance (NIPA) that was competitively bid and in all actuality we were able to reduce the cost a bit for the copier. She said she doesn't like to keep copies over 4 years. Vote on the first reading was recorded with all voting in favor. First reading passed.

Ms. Ledford read Bill No. 2017- 24: **AN ORDINANCE APPROVING A SPECIAL-USE PERMIT TO ALLOW USED AUTO SALES AND SERVICE ON PROPERTY ZONED C-2- (GENERAL COMMERCIAL) TO BE LOCATED AT 1421 E. NORTH AVENUE IN BELTON, MISSOURI.** Presented by Councilman Lathrop, seconded by Councilman Savage. Councilman Trutzel questioned why the SUP requires all repair work be done inside of the building when there are some businesses with tractor trailers multi-parked and are allowed to work on the semi-trucks outside of the building. Megan McGuire asked him to hold that thought; it can be discussed under other business. Councilman Savage said this particular piece of property has been a nice dealership and with the exception of detailing that might be done at the door of the garage, he doesn't see it as a problem. Councilman Peek said Belton currently has about 14 car lots and she doesn't feel we need another used car lot. That is not her vision to have another one and feels it is not the best usage of the area. She went on to say that the Cedar Tree Shopping Center across the street has been cleaned up and revitalized. Councilman Newell said with the plans going forward with Price Chopper LLC., when people come off of 58 Highway and see the new businesses, unless this is a brand new car lot, he doesn't think he likes the idea of a used car lot at this location. Megan McGuire, City Attorney, distributed to the Council the duties and obligations of special use permits and reviewed with them what staff is mandated to look at when a special use permit (SUP) is brought forward. She explained in detail to the Council the requirements when approving a special use permit. She went on to say there are private property rights in Missouri for the buyer, seller and development of tracts as long as they meet the requirements. Whether or not a particular tract of land may be used for other things is not the issue before the Council. Councilman Savage believes this SUP to be reasonable and everyone has the right, after meeting the criteria spelled out in the SUP, to make a living. He believes they have met the requirements and said he supports it. Mayor Davis said we do have a site plan. He said an adjoining property owner stated at the Planning Commission meeting that it would have a negative impact on his property value. Vote on the first reading was recorded with all voting in favor, except Councilmen Peek and Newell who voted no. First reading passed.

The Mayor allowed Mark Rutt - 18863 Sunrise Drive, Belton - to speak. Mr. Rutt said he didn't know how this would devalue anyone's property when it was a car lot before. They do a lot of internet sales. He said he is in favor of the SUP and he is not associated with the business.

Councilman Savage said he has never been a strong supporter of both readings at the same meeting and asked why it is requested. Mr. Leipzig said the owner wants to close on the property March 6 and staff was not aware that the Council meeting on February 14 was going to be canceled. **Councilman Savage moved to hear the final reading.** Councilman Van Winkle seconded. Vote to hear the final reading was recorded; Ayes: 3, Councilmen Van Winkle,

Lathrop and Savage; Noes: 6, Councilmen Peek, Newell, Finn, Fletcher, Trutzel and Mayor Davis; Absent: None. Motion to hear the final reading failed.

MAYOR’S COMMUNICATIONS:

Mayor Pro Tem Fletcher said the City Council and staff received a Valentine card from Stacks Youth Group at the Chamber of Commerce luncheon on February 14 thanking us for all we do to run the City.

CITY MANAGER’S REPORT:

Alexa Barton, Acting City Manager, announced the southbound lanes on North Scott are being moved around to do some repairs. Michael Doi, Public Works Director, said it is for the gas company; they are connecting services. The project is to go from yesterday through March 10 and then should be complete. It is from Hargis to Aspen. They are moving traffic to the middle turn lane.

OTHER BUSINESS:

Councilman Trutzel said the semi-tractor trailers are an absolute eye sore at Xtreme Transmission. The semi-trucks are parked on Saturday night and they are constantly working on the units. We are asking car dealers to do work inside building and yet there is no way semi-trucks can fit inside the building. It is a disaster. Police Chief James Person said he doesn’t know why we ever issued licenses and permits for this business, but the police department is not writing tickets for it. Why were they given a business license to work on diesels in such a small area? It goes back to issuing a license and whether it is appropriate to be located in that area. How are we going to go into a court if we are writing a summons when we gave them authority to do it in the first place? Jay Leipzig, Community and Economic Development Director, said we are aware of the concerns at that location and are looking at that from a variety of issues. Why the license is renewed is concerning to us to. Councilman Newell said there is curbing on the street and he has seen them pull over the curb and run over it. Chief Person said we have written them tickets for illegally parked vehicles but the owner said it is cheaper to pay tickets then to relocate the business. Chief Person said there is a similar problem at 600 North Scott, but it has been under construction since last year so it hasn’t been a current issue.

Councilman Lathrop moved to adjourn at 7:52 P.M. Councilman Finn seconded. All voted in favor. Meeting adjourned.

Patti Ledford, City Clerk

Jeff Davis, Mayor