

**MINUTES OF THE  
BELTON CITY COUNCIL  
REGULAR MEETING  
JANUARY 23, 2018  
CITY HALL ANNEX, 520 MAIN STREET  
BELTON, MISSOURI**

Mayor Davis called the regular meeting to order at 7:30 P.M.

Mayor Davis announced the agenda is being amended and Resolution R2018-09 is being pulled from the agenda. Alexa Barton, City Manager said staff is working with the developer in streamlining the process and is not ready and this time and it is in the best interest of the city to pull it from the agenda.

Councilman Newell led the Pledge of Allegiance to the Flag.

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

**CONSENT AGENDA:**

Councilman Chet Trutzel moved to approve the consent agenda consisting of a **motion approving the minutes of the January 9, 2018 City Council Regular Meeting and January 16, 2018 City Council Special Meeting; and a motion approving the December 2017 Municipal Police Judge's Report.** Councilman Lathrop seconded. All present voted in favor. Councilman Savage absent. Consent agenda approved.

**PERSONAL APPEARANCES:**

Cynthia Randazzo, Cass Community Health Foundation (2316 E Meyer Blvd, KCMO) appeared before the Council to request approval for the 24<sup>th</sup> Annual 5K Walk/Run for Health, on May 5, 2018, sponsored by Belton Regional Medical Center and Cosentino's Price Chopper, and approval of the road closure for the proposed course. A copy of the map showing the proposed course and requested road closure and a copy of the insurance was provided in the agenda packet. She thanked the Council for their past support. The funds raised are for the dental clinic and for scholarships.

James Person, Police Chief, said he has been on the board for many years and they have done good things over the years. He said he would like to point out that the Raymore mayor is on the committee and has committed a team. It would be nice for the Belton council to be represented. Councilman Fletcher said he will get a group together.

Councilman Lathrop moved to **approve the Cass Community Health Foundation 5K Walk/Run for Health on Saturday, May 5, 2018 at 8:00 a.m.** Councilman Trutzel seconded. All present voted in favor. Councilman Savage absent. Motion approved.

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Councilwoman Lorrie Peek read a Proclamation for National Children's Oral Health Month – February. It was presented to Cynthia Randazzo, President and CEO of Cass Community Health

Foundation; James Person, Vice Chairman and Sara Jones, Treasurer.

## **ORDINANCES:**

Patti Ledford, City Clerk, read Bill No. 2018-06: **An ordinance approving a TIPS hotline contract with the Kansas City Metropolitan Crime Commission.** Presented by Councilman Newell, seconded by Councilwoman Peek. Vote on the first reading was recorded with all present voting in favor. Councilman Savage absent. First reading passed.

Ms. Ledford read Bill No. 2018-07: **An ordinance of the City of Belton, Missouri authorizing and approving change order No. 4 with Foley Company for the wastewater treatment facility improvements project construction contract for the reduced amount of \$181,332.19.** Presented by Councilwoman Peek, seconded by Councilman Trutzel. Don Tyler, Water Services Manager, said basically this is the final change order to the wastewater treatment plant improvements that started 4-5 years ago with council and voter support. The last 4-5 months we have been preparing to close out the documents. We appreciate the new upgrades at the plant. There is a reduction in overall costs of roughly \$181,332.19. We are asking for approval to close out the project. Mayor Davis commented it is really nice. We are partnering with other cities and talking with the City of Peculiar. He congratulated everyone on the project. Vote on the first reading was recorded with all present voting in favor. Councilman Savage absent. First reading passed.

## **RESOLUTIONS:**

Ms. Ledford read Resolution R2018-08: **A resolution approving task agreement 2017-3 with TranSystems Corporation under the on-call engineering agreement per ordinance 2015-4089 to perform evaluation and engineering design for the Bel-Ray Connector Trail in a not-to-exceed amount of \$67,551.00.** Presented by Councilwoman Peek, seconded by Councilman Newell. Councilman Lathrop said it does not say it is for the park. Sheila Ernzen, Finance Director, said this is a park project and the park is part of the city. The governing body is able to enter into contracts and that is why it does not say the park but it is a park trail. Ms. Barton said it is detailed purview of the resolution. Mayor Davis said we passed legislation on that in 2015. Shane DeWald, Park Director, said when he came on board as the Park Director, the former Park Director, Todd Spalding, and the City of Raymore had talked about this. In 2016, we were granted an extension for 2 more years. Any additional extension beyond this we will miss the funding. It has been put off for a number of years and it is time to get it done. Mayor Davis said we get grant money and will get 80% reimbursed. Mr. DeWald said it is very vital to the Belton and Raymore community; it connects the two cities and is part of the master trail plan. Mayor Davis said it is a great thing for the city and asked how far it is if we connect to the Grandview Longview Trail. Mr. DeWald said he does not know exactly but to his knowledge it is probably not more than a mile. Mayor Davis said this is a big benefit and a big draw. Mr. DeWald then said this will be his last meeting. He has been with the City for 11 years and thanked everyone for their support over the years. Mayor Davis said he appreciates all he has done and we will miss him. Vote on the resolution was then recorded with all voting in favor. Councilman Savage absent. Resolution passed.

Ms. Ledford read Resolution R2018-10: **A resolution of the City of Belton, Missouri formally**  
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**accepting the Cedar Tree Shopping Center's public infrastructure of 330 feet of 8" water line and 20 feet of 6" water line with an encroachment waiver agreement for the monument sign along East North Avenue at Powell Parkway.** Presented by Councilman Lathrop, seconded by Councilman Trutzel. Councilwoman Peek had a couple of questions pertaining to

the encroachment waiver agreement on page 110 of the agenda #2, she went on to read “the city shall maintain the sanitary sewer and/or any other utilities that is placed within the easement a necessary and shall not be responsible for damage, repair, or replacement of any portion of the monument sign arising out of the city’s repair, construction, and or maintenance activity on the sanitary sewer and/or any other utilities within the easement. Provided, however, that should the city or any employee, agent, or contractor of the city damage the sign in connection with any such activities, the city shall promptly cause repair of any such damage and repair the monument sign at least as good as existed prior to such damage with repair cost equally split between the city and the developer. Provided further however, if such damage should occur, at the developer’s election the developer may relocate, reconstruct or install a new sign immediately north of the existing sign out of the easement, as provided above, and the city shall reimburse developer of an amount of half the cost of repairing any such damage caused by city, employee, agent or contractor”. She said the first sentence says the city shall not be responsible. Megan McGuire, City Attorney, said the city is not responsible to pay for the whole thing if we damage it, but if we do damage it we will split the cost if the developer elects to keep the sign where it is at. Ms. McGuire went on to say this was a situation that was tough to manage through and happened over a 6-8 month period where we had two plans that were simultaneously crossing in their review. There has been a sign for a long time at the Cedar Tree Shopping Center and the developer that went through the development decided to increase the base of the sign to a beautiful brick base, however, no one caught it on the developer side or city side, because of a change over in the planning department and the extension of the Freddy’s sewer, so the actual base of the sign is over top of our easement and is barely over the top of the sewer line. So, everybody recognized that we could have the developer get rid of sign right now at an expensive cost, but instead we actually went through and detailed what the risks were. The sanitary sewer line is protected in an encased area. So the likelihood that we are going to have to repair that area is very small, so we didn’t feel it was appropriate to ask the developer to move sign at this time, but in the future if we would have to do repairs, it was a shared mistake so it would be a shared cost and that is what we are proposing to the City Council.

Councilwoman Peek asked if there has to be repair or maintenance to the sign, are both parties going to be in agreement, and will the city be protected. Ms. McGuire said yes. We have pictures of the sign and easements so if any damage would occur at the time of our workers working in the area, we would obviously go through the process. We have procedures when we are working within our easement. Water services staff is very familiar with those procedures. This is not a perfect solution, but we have worked for six months with the developer. Ms. McGuire said she would have loved to have had a full indemnification, but after the research that we did, we felt it was a shared risk, and a shared cost was probably more appropriate.

Mayor Davis asked the city manager how in the future we are going to guarantee this sort of thing does not happen again; do we have a checklist. Ms. Barton said we have staff in house now that has more experience at planning and looking at reviews, Dave Clements, Building and Planning Director.

Councilman Lathrop asked if it has to be moved in the future, is the city is liable for half. Ms. McGuire said no, the city would only be liable for half of the cost of damage at the election of the

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developer, if the developer choses after the damage to move the sign out of the easement for may risk of future damage, we will contribute to that at the level of our cost of damage, the city is not going to pay for half of a whole new sign.

Councilman Finn asked how much we are looking at that we could possibly be liable for. Ms.

McGuire said she didn't know but the base of the sign can cost in the neighborhood of \$20,000-\$30,000, so it could be several thousand dollars the city could be liable for.

Councilman Trutzel asked if 58 Highway is widened will that be an issue. Ms. McGuire said she can't really address that as it is not her area of expertise, but she knows that this sign and the easement that we have does allow us quite a bit of area between the right of way and the road where the utility easement is.

Being no further discussion, vote on the resolution was recorded with all present voting in favor. Councilman Savage absent. Resolution approved.

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

Councilwoman Peek said the Tree Board met last week. It was the first meeting of the year. New officers were elected: Jana Dillon, President and Don Schuster, Vice President. They went over their strategic plan and upcoming events throughout the city that they will be involved in i.e. Fall festival, Community Days/Summerfest. She was not able to attend the Park Board meeting last week because we had a Council meeting, so Shane DeWald, Park Director, gave his final report. He said the community wellness initiative we put forth has had an overwhelming response with police and fire and other city employees taking advantage of the program, and we are up to about 30 city employees that have signed up as new members and taken advantage of the program. Mayor Davis said it is nice to see the presence of our first responders at the community center. Mr. DeWald said they have been interviewing for the recreation manager position and are wrapping up the FY2019 budget. His position for Park Director was posted last Friday.

Mayor Davis asked Mr. DeWald some questions about how the Park got involved in Community Days. Mr. DeWald said Ms. Barton had met with Connie Hubbard, BCPI, about the Park becoming more involved. When the Park held its first Summerfest last year and when BCPI said they were not going to have Community Days, we started venturing in to having some pieces of Community Days intertwine with Summerfest. It is our intent to have the events moved from Markey Park to Memorial Park and add an extra day to include the parade and fireworks. Mayor Davis asked what other events the Park has acquired from BCPI. Mr. DeWald said the Veteran's Day Parade.

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

The Belton Emergency Management Association (BEMA) banquet was held January 20 at Memorial Station. He, along with Councilmen Trutzel, Lathrop, Newell and Councilwoman Peek and the City Manager, City Clerk, Police Chief and Fire Chief were in attendance. Fred Olinger received his 40 year award. It was a great fellowship time.

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

Ms. Barton said the next few meetings will be starting a half an hour early to allow time for budget work sessions. They are as follows:

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#### February 2018 meetings

2/6 budget work session & work session – 6:30 pm

2/13 budget work session & regular session – 6:30 pm

2/27 regular session – 7:00 pm

**OTHER BUSINESS:**

Police Chief James Person said the DARE graduation is this Thursday at 7:00 at the High School. He also said Saturday is the Polar Bear Plunge at Longview Lake for Special Olympics. The Police Department will be involved in that. Captain Don Spears has been active with Special Olympics for close to 25 years and our school district and several others have a competition for fundraising.

At 8:07 P.M. Councilman Trutzel moved to enter Executive Session to discuss matters pertaining to the hiring, firing, disciplining or promotion of personnel, according to Missouri Statute 610.021.3, and to discuss matters pertaining to the leasing, purchase or sale of Real Estate, according to Missouri Statute 610.021.2, and that the record be closed. Councilwoman Peek seconded. The following vote was recorded; Ayes: 8, Mayor Davis, Councilmen Fletcher, Trutzel, Lathrop, Newell, VanWinkle, Councilwoman Peek, and Councilman Finn; Noes: None; Absent: 1, Councilman Savage.

The Council returned from Executive Session at 9:06 P.M. Being no further business, Councilman Lathrop moved to adjourn, seconded by Councilwoman Peek. All voted in favor. Councilman Savage absent. Meeting adjourned.

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Patti Ledford, City Clerk

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Jeff Davis, Mayor