



**CITY OF BELTON  
CITY COUNCIL  
WORK SESSION  
TUESDAY, JUNE 5, 2018 – 7:00 P.M.  
CITY HALL ANNEX  
520 MAIN STREET  
AGENDA**

- I. CALL WORK SESSION TO ORDER
- II. ITEMS FOR REVIEW AND DISCUSSION
  - A. Presentation of MCImetro Fiber Optic Telecommunications Project in Belton  
Manoj Devadas from Verizon to present their routing plan and project.  
Page 3
  - B. Presentation of Charter Review Commission Final Report  
Page 7
  - C. Meadow Creek rezoning from R-1 to R-2  
Page 50
  - D. Monthly Financial Report
  - E. Other Business
- III. ADJOURN

**SECTION II**  
**A**

## **MCI metro Fiber Optic Telecommunications Project in Belton**

Verizon subsidiary MCI metro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services (“MCI metro”) is planning to construct a fiber optic based telecommunications network in Belton. MCI metro has drafted and the city staff is negotiating a Right-of-Way Use Agreement for Communications Facilities.

Manoj Devdas, Right-of Way Specialist from Verizon, is flying in from Dallas, Texas along with a local project manager to present their routing plan and project to the Council.

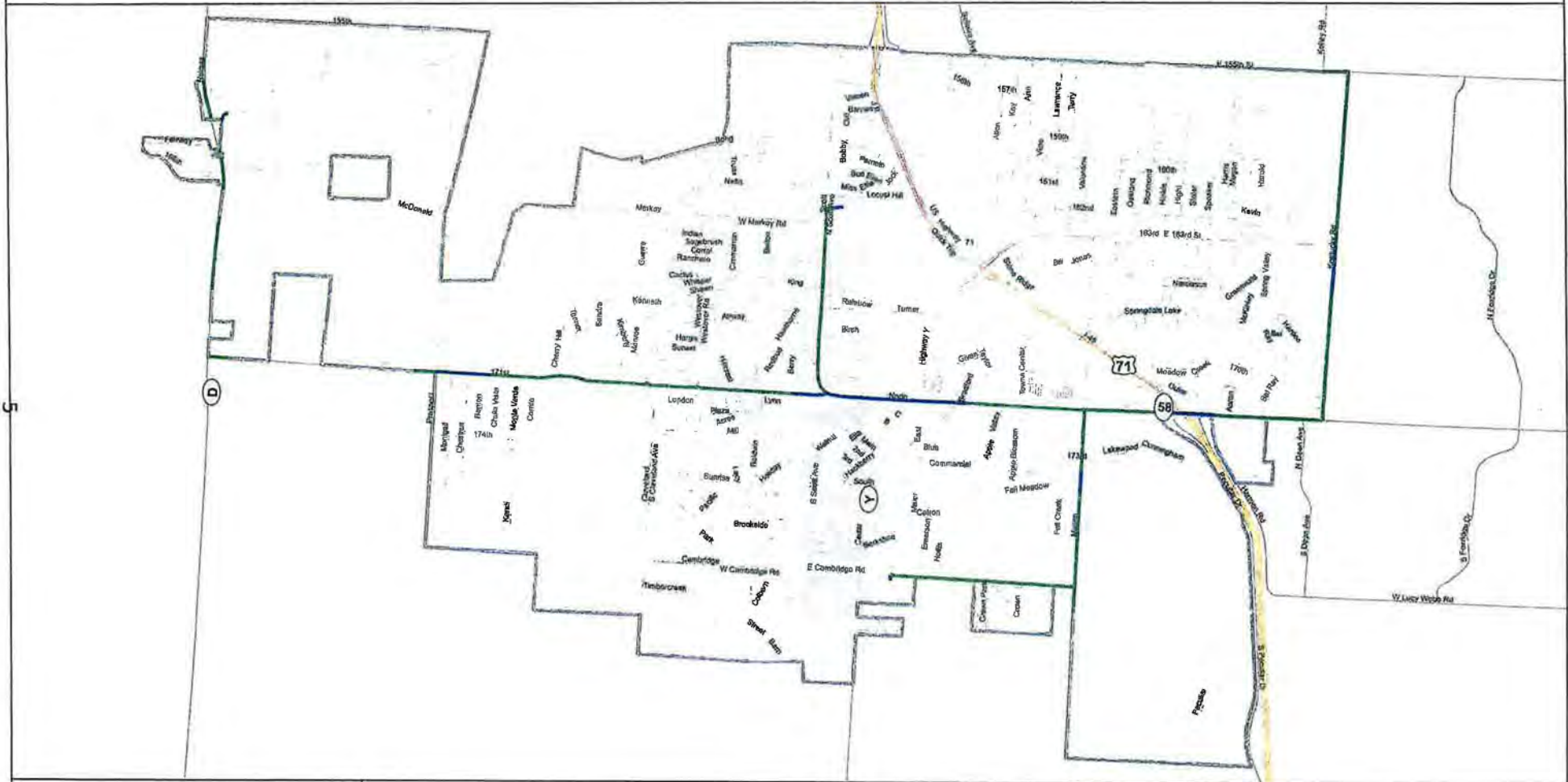
Please see attached the presentation information that will be reviewed by these representatives Tuesday evening.

Verizon, through its wholly owned subsidiary MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services ("MCImetro"), is planning to construct a fiber optic telecommunications network in the public rights-of-way of Belton. MCImetro became a wholly-owned subsidiary of Verizon by virtue of Verizon's acquisition of MCI in 2006. MCImetro is a competitive telecommunications company, authorized to provide telecommunications services throughout the State of Missouri.

MCImetro intends to offer one or more of the following services to business and government customers: competitive local exchange voice and data services, internet access, private line service, cell site front-haul and back-haul capacity using fiber optic cables, and leasing of conduit and dark fiber to third parties as well as future services when they become available. At this time, MCImetro does not intend to offer services to residential customers. MCImetro will not offer cable TV video service or personal wireless service.

MCImetro plans to deploy fiber-optic facilities to existing and new cell sites, as well as, business customers within your community. Fiber-optic cable will be installed within the public right-of way (underground within conduit or aerial on poles). MCImetro will deploy fiber only to existing structures (cell towers, buildings, water towers, utility poles, parking garages, etc.), and no new structures are planned. MCImetro will not construct new cellular towers, small cells, antennas, or other wireless facilities.

# MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services Planned Fiber Routes City of Belton, MO



- Planned Buried 9,674 Ft.
- Planned Aerial 46,025 Ft.
- Belton

**Note: This is a PRELIMINARY VIEW only**  
 Final design not yet completed, thus routes subject to change.  
 Cables shown in Blue and Green represent backbone fiber to existing or new cell sites. Not shown above are additional laterals off backbone cables to be determined to serve business customers along the routes.

Confidentiality Statement: Verizon/Chorus  
 Confidential and Proprietary. May Contain Trade  
 Secrets, or Sensitive Commercial or Financial  
 Information. Any Unauthorized Review, Use,  
 Dissemination, Distribution, or Copying is  
 Prohibited.

Data Source: V29  
 Projection: GCS, NAD83, UTM  
 Map Created: 3/14/2018  
 Map Created By: Matt Schomp



NTS

**SECTION II**  
**B**

**2017-2018**

**City of Belton Charter  
Review Commission**



**Final Report**

# **City of Belton Charter Review Commission 2017-2018**

## **Commission Members**

Gary Mallory, Chairman

Elmer Larkey, Vice Chairman

Scott Von Behren, Commissioner

Rusty Sullivan, Commissioner

Diane Huckshorn, Commissioner

Mike Miller, Commissioner

Tom MacPherson, Commissioner

Matthew Mills, Commissioner

Heather Shelton, Commissioner

Terry Ward, Commissioner

Gary Skidmore, Commissioner

Kara Anderson, Commissioner

## **Supporting Staff**

Alexa Barton, City Manager

Megan McGuire, City Attorney

Patti Ledford, City Clerk

Andrea Cunningham, Executive Secretary

City of Belton  
506 Main Street  
Belton, MO 64012  
816.331.4331  
[www.belton.org](http://www.belton.org)



## Table of Contents

Letter From the Charter Review Committee	Page 3
Resolutions Establishing Charter Review Commission	Page 5
2017-2018 Belton Charter Review Commission Recommendations	Page 10
Recommended Ballot Language	Page 41

## Letter From the Charter Review Committee



### **City of Belton, Cass County, Missouri Charter Review Commission Executive Summary**

May 21, 2018

To: Honorable Mayor Davis, Councilmembers and Citizens of Belton,

Section 15.8 – Charter Review Commission of the City of Belton Charter, provides that “from time to time, but no less often than every ten years, the City Council shall provide for a Charter Review Commission to review this Charter and to recommend to the voters of the city proposed amendments, if any to this Charter.”

In accord with Section 15.8, the Belton City Council established a Charter Review Commission procedure and schedule on September 12, 2017 with the passage of Resolution 2017-36. On October 10, 2017, the Belton City Council approved the appointments of the Charter Review Commission members with the passage of Resolution 2017-43. Twelve citizens across all four wards were selected to serve on the Commission. The Commission was required to complete their work and present to the City Council by June 5, 2018, for calling the election, if necessary, for November 6, 2018.

The first meeting of the Commission was held on November 1, 2017, at which time Commission member Gary Mallory was elected as Chairman and Commission member Elmer Larkey was elected as Vice Chairman. Commission meetings continued on the following dates with public input solicited:

- December 13, 2017
- January 10, 2018
- February 14, 2018
- March 14, 2018
- April 11, 2018
- April 25, 2018
- May 9, 2018
- May 16, 2018

The Commission appointed a sub-committee to create and conducted a survey to send to all City employees and all City committee/commission members. The questions asked were about familiarity with the City Charter; suggestions for improvement; opinion on an elected vs. appointed Police Chief; and opinion on an administrative vs. advisory Park Board.

The Commission concluded amendments are recommended to four articles for consideration by the voters of Belton as follows:

**Article VIII** – Chief of Police – recommend change from elected to appointed;

**Article IX** – Parks and Recreation Board – recommend minor changes to administrative board duties and communications with City staff and City Council;

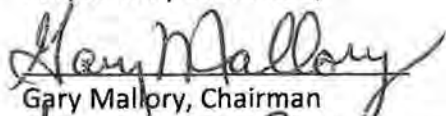
**Article XVI** – Transitional Provisions – clean up language that is no longer applicable from original transition between fourth class city and Charter City or revised to fit current amendment;

**Article XVII** – Schedule – clean up language that is no longer applicable from original transition between fourth class city and Charter City or revised to fit current amendment.

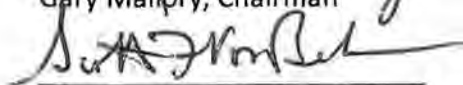
The specifics are included in this Final Report with **additions in bold print** and ~~deletions with strikethrough notation~~. The Commission has provided the reasoning on the Chief of Police and Parks and Recreation Board amendments.

The members of the Charter Commission wish to thank the Mayor and City Council for extending the opportunity to serve the community in this appointment. Appreciation is also extended to those who attended the open sessions and voiced their knowledge and opinions to the Commission and to the City Staff for their support.

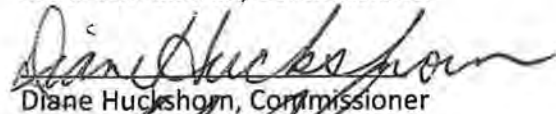
Respectfully Submitted,



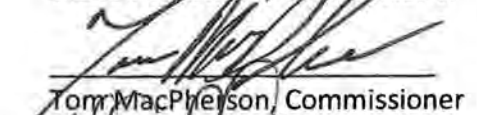
Gary Mallory, Chairman



Scott Von Behren, Commissioner



Diane Huckshorn, Commissioner



Tom MacPherson, Commissioner




Heather Shelton, Commissioner



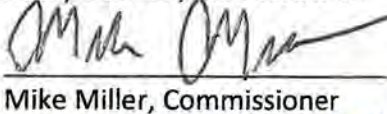
Gary Skidmore, Commissioner



Elmer Larkey, Vice Chairman




Rusty Sullivan, Commissioner



Mike Miller, Commissioner



Matthew Mills, Commissioner



Terry Ward, Commissioner



Kara Anderson, Commissioner

# Resolutions Establishing Charter Review Commission

R2017-36

**A RESOLUTION OF THE BELTON, MISSOURI CITY COUNCIL PROVIDING A PROCEDURE AND SCHEDULE FOR ESTABLISHING THE CHARTER REVIEW COMMISSION AS REQUIRED BY SECTION 15.8 OF THE BELTON CITY CHARTER.**

WHEREAS, Belton City Charter Section 15.8 provides that from time to time, but no less often than every ten (10) years, the Council shall provide for a Charter Review Commission to review the City Charter and to recommend to the voters of the City any proposed amendments, if any, to the Charter; and

WHEREAS, the City Charter was adopted in November 2008, and the City Council finds that a review of the City Charter shall be conducted.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:**

**SECTION 1.** The application form attached hereto as Exhibit A shall be used for citizens wishing to serve on the Belton Charter Review Commission.

**SECTION 2.** From the applications, City Council members from each Ward shall nominate up to four candidates for consideration from their Ward.

**SECTION 3.** From the pool of nominated candidates, the City Council shall select eight (8) members for the Commission.

**SECTION 4.** The Mayor shall select at large the ninth (9<sup>th</sup>) member of the commission.

**SECTION 5.** The timeline to establish the Commission is as follows:

- 1) Publication and campaign to attract qualified volunteers to serve on the Commission begins August 28, 2017.
- 2) Applications shall be accepted in the office of the City Clerk through September 28, 2017.
- 3) At the work session on October 3, 2017, the City Council shall review the applications submitted by each Ward, and put forth up to at least (8) qualified voters of the city, none of whom shall be an elected officials and no more than thirty percent of the commission members shall reside in any one city council ward
- 4) A Resolution approving Commission appointments determined at the October 3, 2017 work session shall be approved on October 10, 2017, providing for an effective date of November 1, 2017;
- 5) The Charter Review Commission shall begin their review at a meeting held on November 1, 2017.

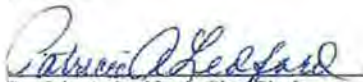


- 6) The Charter Review Commission shall complete their work and report to the City Council by the June 5, 2018.
- 7) If amendments are recommended, the City Council shall approve an Ordinance calling for the November 2018 election no later than August 28, 2018. (Final certification date for the November 6, 2018 election is August 28, 2018.)
- 8) Any recommended amendments to the Charter shall be placed on the November 6, 2018 ballot for voter consideration

Duly read and passed this 12<sup>th</sup> day of September, 2017.

  
 \_\_\_\_\_  
 Mayor Jeff Davis

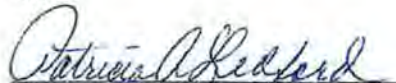
ATTEST:

  
 Patricia A. Ledford, City Clerk  
 of the City of Belton, Missouri

STATE OF MISSOURI )  
 COUNTY OF CASS ) SS.  
 CITY OF BELTON )

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the 12<sup>th</sup> day of September, 2017, and adopted at a regular meeting of the City Council held the 12<sup>th</sup> day of September, 2017 by the following vote, to-wit:

AYES: 8	COUNCILMEN:	Mayor Davis, Savage, Lathrop, VanWinkle, Trutzel, Peek, Finn, Fletcher
NOES: 0	COUNCILMEN:	
ABSENT: 1	COUNCILMEN:	Newell

  
 Patricia A. Ledford, City Clerk  
 of the City of Belton, Missouri



506 Main Street • Belton, MO 64012  
(816) 331-4331 • [www.belton.org](http://www.belton.org)

Exhibit A

**Application to Serve on Belton Charter Review Commission**

I, \_\_\_\_\_, wish to be considered for one of the positions on the Belton Charter Review Commission.

I currently reside at: \_\_\_\_\_

My telephone number(s) is (are): \_\_\_\_\_

My email address is: \_\_\_\_\_

I have been a resident of Belton for \_\_\_\_\_ years.

I have been a resident of Ward \_\_\_\_\_ since \_\_\_\_\_.

I am registered to vote in this Ward (provide copy of voter registration card).

Brief summary of education, training or experience I have that would be of benefit to the Belton Charter Review Commission: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brief statement of why I want to serve on the Belton Charter Review Commission: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information set forth is true and correct to my best knowledge and belief.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Please return applications to Belton City Hall, City Clerk's Office, Charter Review Commission, 506 Main St, Belton MO 64012 or [pledford@belton.org](mailto:pledford@belton.org).

**The application deadline for the Charter Review Commission is September 28, 2017, at 5:00 pm.**

R2017-43

**A RESOLUTION OF THE CITY OF BELTON, MISSOURI CITY COUNCIL AMENDING RESOLUTION 2017-36 TO INCREASE THE NUMBER OF CHARTER REVIEW COMMISSION MEMBERS; AND APPROVE APPOINTMENTS TO THE CHARTER REVIEW COMMISSION, AS REQUIRED BY SECTION 15.8 OF THE BELTON CITY CHARTER.**

**WHEREAS**, Belton City Charter Section 15.8 provides that from time to time, but no less often than every ten (10) years, the Council shall provide for a Charter Review Commission to review the City Charter and to recommend to the voters of the City any proposed amendments, if any, to the Charter; and

**WHEREAS**, the City Charter was adopted in November 2008, and the City Council finds that a review of the City Charter shall be conducted; and

**WHEREAS**, the City Council approved Resolution R2017-36 on September 12, 2017, providing for a procedure and schedule for establishing the Charter Review Commission; and

**WHEREAS**, due to the number of qualified candidates submitting applications, the City Council is amending the number of commission members to twelve (12) commission members; and

**WHEREAS**, the Belton City Charter states, "No more than 30 percent of the commission members shall reside in any one City Council Ward." Furthermore, having an additional "at-large" appointment will exceed the 30 percent allowed; and

**WHEREAS**, during the October 3, 2017 City Council work session, the City Council members, submitted the names of three appointees per ward, for a total of twelve appointees.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:**


**SECTION 1.** The City Council approves the appointment of the following persons to serve on the Belton Charter Review Commission:

Diane Huckshorn	Ward 1
Tom MacPherson	Ward 1
Scott Von Behren	Ward 1
Kara Anderson	Ward 2
Heather Shelton	Ward 2
Gary Skidmore	Ward 2
Elmer Larkey	Ward 3
Gary Mallory	Ward 3
Russell "Rusty" Sullivan	Ward 3
Mike Miller	Ward 4
Matthew Mills	Ward 4
Terry Ward	Ward 4

**SECTION 2.** That the Charter Review Commission shall begin their review on or about November 1, 2017 and submit any proposed amendments to the City Council in June 2018.

**SECTION 3.** That this Resolution shall take effect and be in full force from and after its passage and approval.

Duly read and passed this 10<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Mayor Jeff Davis

ATTEST:

  
\_\_\_\_\_  
Patricia A. Ledford, City Clerk  
of the City of Belton, Missouri

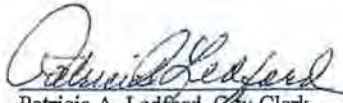
STATE OF MISSOURI )  
COUNTY OF CASS ) SS.  
CITY OF BELTON )

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the 10<sup>th</sup> day of October, 2017, and adopted at a regular meeting of the City Council held the 10<sup>th</sup> day of October, 2017, by the following vote, to-wit:

AYES: 9 COUNCILMEN: Mayor Davis, Trutzel, VanWinkle, Savage, Lathrop, Peek,  
Newell, Finn, Fletcher

NOES: 0 COUNCILMEN:

ABSENT: 0 COUNCILMEN:

  
\_\_\_\_\_  
Patricia A. Ledford, City Clerk  
of the City of Belton, Missouri



## **2017-2018 Belton Charter Review Commission Recommendations**

### **PREAMBLE**

We, the People of Belton, Missouri, in order to build on a proud heritage, promote the well-being of our community, and secure the benefits and advantages of constitutional home rule under the Missouri Constitution, do hereby establish this Charter for the better government of our city.

*Charter Review Commission Recommendation – no change*

### **ARTICLE I. INCORPORATION, NAME AND BOUNDARIES**

#### **Sec. 1.1. Incorporation, Name and Boundaries.**

The inhabitants of the City of Belton, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name of the City of Belton, Missouri.

*Charter Review Commission Recommendation – no change*

### **ARTICLE II. POWERS**

#### **Sec. 2.1. Powers.**

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Missouri Constitution and are not limited or denied either by this Charter or by statute. In addition to its home rule powers, the city shall have all powers conferred by law.

#### **Sec. 2.2. Construction.**

The powers of the city shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the city.

*Charter Review Commission Recommendation – no change*

### **ARTICLE III. CITY COUNCIL**

#### **Sec. 3.1. Where Powers Vested.**

Except as this Charter provides otherwise, all powers of the city shall be vested in the City Council. The City Council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

Sec. 3.2. Composition; Qualifications; Election and Terms.

- (a) *Composition.* The City Council shall consist of nine members, one of whom shall be the Mayor. The Mayor shall be elected by qualified voters, as provided in section 10.1(d), Definition of Qualified Voter, of the city at large. The remaining eight members shall be elected as follows. Two City Council members shall be elected by qualified voters from each of the four respective wards of the city, as provided by section 10.4, City Council Wards. Wherever used in this Charter, the term "entire City Council" shall mean a City Council of nine members, regardless of vacancies.
- (b) *Qualifications.* A City Council member shall have been a resident of the city for two years next preceding election and a qualified voter and shall remain a resident of his or her ward and a qualified voter. A City Council member shall have been a resident of his or her respective ward for six months next preceding election.
- (c) *Election and Terms.* City Council members shall be elected to serve staggered three-year terms as provided by section 17.2(b), Election of City Officials; City Council. At each regular municipal election, City Council members shall be elected to fill the offices of those whose terms expire.

Sec. 3.3. Compensation.

The City Council may determine the annual compensation of City Council members by ordinance, but no ordinance changing such compensation shall become effective for a Council member until the commencement of a new term of office.

Sec. 3.4. Mayor Pro Tempore.

The City Council shall elect annually from among its members a Mayor Pro Tempore. The Mayor Pro Tempore shall assume the powers and duties of the Mayor during the absence or disability of the Mayor, or if a vacancy occurs. While assuming the powers and duties of the Mayor, the Mayor Pro Tempore shall retain his or her vote as a City Council member, but shall not possess the additional mayoral voting power provided by section 4.3, General Powers and Duties, and shall not possess the mayoral veto power provided by section 4.4, Veto.

Sec. 3.5. Administrative Policy Matters.

Except for the purpose of inquiries, information and investigations under section 3.11, Investigations, the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately. Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or the City Manager's subordinates are empowered to appoint, but the City Council as a group may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

**Sec. 3.6. Prohibition.**

Holding other office. Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no City Council member shall hold any other city office or city employment during the term for which the City Council member was elected to the City Council, and no former City Council member shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the City Council member was elected to the City Council.

**Sec. 3.7. Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) *Vacancies.* The office of a City Council member shall become vacant upon the City Council member's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (b) *Forfeiture of Office.* A City Council member shall forfeit office:
  - (1) If at any time during the term of office a City Council member becomes ineligible for the office as provided under this Charter or by operation of law; or
  - (2) If a City Council member violates any prohibition as provided in section 3.6, Prohibition; or
  - (3) If a City Council member willfully violates the requirements of section 15.1, Personal Financial Interest.
- (c) *Filling of Vacancies.* The City Council by a majority vote of all its remaining members shall appoint a qualified person to fill a City Council member vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

**Sec. 3.8. Judge of Qualifications.**

The City Council shall:

- (a) Be the judge of the qualifications of its members, and the Chief of Police and of the grounds for forfeiture of their offices;
- (b) Determine disputes as to whether a forfeiture or vacancy has occurred; and
- (c) For these purposes proscribe the proceedings thereon, including having the power to subpoena witnesses, administer oaths and require the production of evidence.

An elected official charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand.

**Sec. 3.9. City Clerk.**

The City Manager shall appoint a City Clerk with the advice and consent of a majority of the City Council. The City Clerk shall keep the journal of City Council proceedings, authenticate by signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The City Clerk shall perform such other duties as may be required by law, by this Charter, by ordinance, or by the City Manager.



Sec. 3.10. Law Department.

There shall be a Law Department of the city directed and supervised by the City Attorney.

- (a) *City Attorney.* There shall be a City Attorney appointed by a majority of the entire City Council. The City Attorney shall serve as the chief legal advisor to the Mayor, the City Council, administrative staff and all the city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by law, by this Charter, by ordinance or as may be required of the City Attorney by the Mayor, City Council or City Manager. The person appointed shall serve for an indefinite term. The City Attorney may be removed on recommendation of the Mayor or the City Manager with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative.
- (b) *Accountability.* In all respects except in their capacity as legal advisor to the City Council, the City Attorney shall report to and be accountable to the City Manager, and the City Manager shall render an annual performance review of the City Attorney to the City Council.
- (c) *Attend City Council Meetings.* An attorney of the Law Department shall attend all City Council meetings if required by the City Council or City Manager. The City Attorney shall receive notice of all meetings.
- (d) *Staff Attorneys.* The City Attorney may appoint and remove staff attorneys, who shall be responsible to the City Attorney for the fulfillment of their duties. The City Council may further provide for the appointment of temporary or special counsel to assist the City Attorney in matters requiring specialized knowledge, including but not limited to the issuance of bonds, or in litigation.
- (e) *Prosecuting Attorneys.* The City Council shall appoint Prosecuting Attorneys for the prosecution of violations of city ordinances before the Municipal Court. Any Prosecuting Attorney may be removed on recommendation of the Mayor with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative. It shall be the duty of the prosecuting attorney to prosecute the violations of the city's ordinances before the municipal judge or before any circuit judge hearing violations of the city's ordinances. The salary or fees of the prosecuting attorney and actual, reasonable and necessary expenses incurred in such prosecutions shall be paid by the city. The compensation of such attorney shall not be contingent upon the result in any case.
- (f) *Qualifications.* The City Attorney and Prosecuting Attorneys shall be licensed members of the Missouri Bar and shall have been in active practice of law in the State of Missouri for at least three years immediately preceding their appointment. The requirement that such prior active law practice be in the State of Missouri may be waived by a two-thirds vote of the entire City Council.
- (g) *Compensation.* The City Council shall provide for the compensation of the City Attorney and Prosecuting Attorneys. The Law Department shall be subject to the administrative policies and procedures of the city. At the option of the City Attorney, with the concurrence of the City Council, attorney compensation may be provided by fees and may be paid directly to such officers or to the law firm or firms of which they are members or employees.

**Sec. 3.11. Investigations.**

The City Council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the City Council shall be subject to punishment as prescribed by law.

**Sec. 3.12. Independent Audit.**

The City Council shall provide for an independent audit of all city accounts and a management report at least once a year. Such audits shall be made in accordance with generally accepted accounting principles by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit report and management report prepared by the certified public accountant or firm of such accountants shall be kept in the City Clerk's office and shall be open to public inspection.

**Sec. 3.13. Legislative Proceedings.**

- (a) *Meetings.* The City Council shall meet regularly at least once each month at such times and places as the City Council may prescribe. The Mayor, upon the Mayor's own motion, may, or at the request of four members of the City Council, shall call a special meeting of the City Council for a time not earlier than 24 hours after notice is given to all members of the City Council then in or near the City of Belton, or who can otherwise be contacted with reasonable effort.
- (b) *Rules and Journals.* The City Council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept, and this journal shall be open to public inspection.
- (c) *Voting.* Voting shall be by voice vote, except on the adoption of any ordinance which shall be by roll call and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the City Council shall be called randomly. A majority of the members of the City Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this Charter, the affirmative vote of a majority of the entire City Council shall be necessary to adopt any ordinance.
- (d) *Form of Ordinances.* Proposed ordinances and resolutions shall be introduced in the City Council only in written or printed form.

The enacting clause of all ordinances shall be:

"Be It Ordained By the City Council of the City of Belton, Missouri."

The enacting clause of all ordinances submitted by initiative shall be:

"Be It Ordained By the People of the City of Belton, Missouri."

- (e) *Procedure.* Every proposed ordinance shall be read by title, except emergency ordinances, in an open City Council Meeting two times before final passage. A copy of each proposed ordinance shall be provided for each City Council member at the time of its introduction, and at least three copies shall be provided for public inspection in the office of the City Clerk until it is finally adopted or fails adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the City Council in accordance with such rules and regulations as the City Council may adopt. If the City Council adopts an amendment to a proposed ordinance that constitutes a change in substance, a majority of the members of the City Council, in attendance, may require that the proposed ordinance as amended be placed on file for public inspection in the office of City Clerk for one additional week before final passage. In the absence of such a request, the City Council may consider the amended ordinance at the same meeting.
- (f) *Emergency Ordinances.* All emergency ordinances shall be read in full one time in open City Council meetings before final passage. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the affirmative vote of two-thirds of the entire City Council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.
- (g) *Effective Date.* Every adopted ordinance shall become effective immediately upon passage, adoption and approval by the Mayor, including deemed approval by the Mayor failing to either sign or disapprove the same within ten days of receipt, as provided in section 4.4, Veto, or any later date specified therein.
- (h) *Authentication and Recording.* All ordinances and resolutions adopted by the City Council shall be authenticated by the signature of the Mayor and City Clerk. The City Clerk shall record, in a properly indexed book kept for such purpose, all ordinances and resolutions adopted by the City Council.

**Sec. 3.14. Revision of Ordinances.**

Within three years after adoption of this Charter, all ordinances and resolutions of the city of a general and permanent nature shall be revised, codified and promulgated according to a system of continuous numbering and revision as specified by ordinance.

*Charter Review Commission Recommendation – no change*

**ARTICLE IV. MAYOR**

**Sec. 4.1. Qualifications; Election and Term.**

- (a) *Qualifications.* The Mayor shall have been a resident of the city for two years next preceding election and a qualified voter and shall remain a resident and qualified voter of the city.
- (b) *Election and Term.* At the regular municipal election, the Mayor shall be elected by the qualified voters of the city at large to serve a four-year term as provided by section 17.2(c), Election of City Officials; Mayor.

**Sec. 4.2. Compensation.**

The City Council shall determine the annual compensation of the Mayor by ordinance, but no ordinance changing such compensation shall become effective for the Mayor until the commencement of a new term of office.

**Sec. 4.3. General Powers and Duties.**

The Mayor shall be a voting member of the City Council and shall attend and preside at meetings of the City Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions, present an annual state of the City message, appoint the members and officers of council committees, assign [the] subject to the consent of [the] City Council agenda items to committees, and perform other duties specified by [the] City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

**Sec. 4.4. Veto.**

An ordinance adopted by the City Council shall be presented to the Mayor for the Mayor's approval. The Mayor shall either sign the same or, within ten days of receipt of the ordinance, return it with a written statement of the Mayor's reasons for disapproval. Ordinances vetoed by the Mayor shall be considered at the next regular meeting of the City Council, and the City Council may pass the ordinance over the veto by an affirmative vote of two-thirds of the entire City Council. An ordinance passed by the City Council over the veto of the Mayor may not be vetoed a second time. If any ordinance be neither signed nor returned by the Mayor within ten days of receipt by the Mayor, the same shall be deemed approved by the Mayor as if the Mayor had signed it.

**Sec. 4.5 Prohibition.**

Holding other office. Except where authorized by law, or pursuant to an agreement between the city and another entity of government, the Mayor shall not hold any other city office or city employment during the term for which the Mayor was elected, and no former Mayor shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the Mayor was elected.

**Sec. 4.6. Vacancy; Forfeiture of Office; Filling of Vacancy.**

- (a) *Vacancy.* The office of the Mayor shall become vacant upon the Mayor's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (b) *Forfeiture of Office.* The Mayor shall forfeit office:
  - (1) If at any time during the term of office the Mayor becomes ineligible for the office as provided under this Charter or by operation of law; or
  - (2) If the Mayor violates any prohibition as provided in section 4.5, Prohibition; or
  - (3) If the Mayor willfully violates the requirements of section 15.1, Personal Financial Interest.



- (c) *Filling of Vacancy.* A vacancy in the office of Mayor shall be filled by the City Council appointing a qualified person to serve until the next regular municipal election established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

*Charter Review Commission Recommendation – no change*

## **ARTICLE V. CITY MANAGER**

### **Sec. 5.1. Appointment and Term.**

There shall be a City Manager appointed by a majority of the entire City Council. The City Manager and the Assistant City Manager shall be appointed solely on the basis of such person's executive and administrative qualifications. The person appointed shall serve for an indefinite term. The City Manager may be removed on recommendation of the Mayor with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative. The City Manager shall be compensated as established by the City Council. The person appointed to the office of City Manager shall become a resident of and reside within the city limits within six months of appointment and possess qualifications provided by ordinance. The residency requirement may be waived by a two-thirds vote of the entire City Council.

### **Sec. 5.2. Powers and Duties of the City Manager.**

The City Manager shall be the chief executive officer of the City, responsible to the City Council for the management of all city affairs placed in the manager's charge by or under this charter. The City Manager shall:

- (a) Appoint and suspend or remove all city employees and appointive administrative officers provide for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, officers and agencies of the city, except as otherwise provided by this charter or by law;
- (c) Attend all city council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
- (d) See that all laws, provisions of this charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (e) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by City Council to achieve the goals of the City;
- (f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (g) Make such other reports as the City Council may require concerning operations;



- (h) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (i) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- (j) Provide staff support services for the Mayor and City Council members;
- (k) Assist the City Council to develop long term goals for the City and strategies to implement these goals;
- (l) Encourage and provide staff support for regional and intergovernmental cooperation;
- (m) Promote partnerships among [the] City Council, staff and citizens in developing public policy and building a sense of community; and
- (n) Perform such other duties as are specified in this charter or may be required by the City Council.

**Sec. 5.3. Acting City Manager.**

By letter filed with the City Clerk, the City Manager shall designate a qualified person to exercise the powers and perform the duties of the City Manager during the temporary absence or disability of the City Manager. During such absence or disability, the Mayor, with the consent of the City Council, may revoke such designation at any time and appoint another qualified person to serve.

**Sec. 5.4. Performance Review.**

The City Manager shall receive a performance review from the City Council at least once each year. Each performance review shall be made part of the confidential personnel file of the City Manager.

*Charter Review Commission Recommendation – no change*

**ARTICLE VI. ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM**

**Sec. 6.1. Administrative Organization.**

- (a) *Departments, Authorities and Offices.* Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.
- (b) *Committees, boards and commissions.* Existing committees, boards and commissions shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

**Sec. 6.2. Personnel System.**

The City Council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees. The personnel code shall provide that all appointments and promotion of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code may authorize the City Manager to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

*Charter Review Commission Recommendation – no change*

**ARTICLE VII. MUNICIPAL COURT**

**Sec. 7.1. Jurisdiction.**

There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases involving alleged violations of ordinances of the city, and to assess punishment, by fine or incarceration, as therein provided. This court is a continuation of the municipal court of the city as previously established under the Seventeenth Judicial Circuit Court of the State of Missouri. Additional divisions of the Belton Municipal Court may be added when necessary, as provided by law. The Municipal Court shall be subject to the rules of the Missouri Supreme Court and the Circuit Court of which it is part.

**Sec. 7.2. Judges.**

The Municipal Court shall initially be composed of one division, having its own judge.

- (a) *Municipal Judge Selection.* The judge of the city's municipal court shall be known as a municipal judge of the Seventeenth Judicial Circuit Court, and shall be appointed by the mayor, with advice and consent of a majority of the entire City Council for a term of four years.
- (b) *Powers and Duties.* The Municipal Judge shall have such powers and duties as are conferred upon such officers by law or by ordinance and shall establish a traffic violations bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and section 479.050 of the Revised Statutes of Missouri [RSMo 479.050], as amended.
- (c) *Qualifications for Office; Outside Employment.* The Municipal Judge shall possess and maintain the following qualifications before and after taking office:
  - (1) Must be a licensed attorney, qualified to practice law within the State of Missouri.
  - (2) Need not reside within the city.
  - (3) Must be a resident of the State of Missouri and have resided in the state for one year next preceding the appointment.
  - (4) Must be at least 21 years of age and less than 75 years of age.
  - (5) May serve as municipal judge for any other municipality.

- (6) May not hold any other office within the city government. The municipal judge shall be considered holding a part-time position, and as such may accept other employment within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2.
- (d) *Prohibition.* No Municipal Judge shall hold any other city office or city employment during the term for which the judge was appointed, and no former Municipal Judge shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the judge was appointed.
- (e) *Vacancies.* An office of Municipal Judge shall become vacant upon the judge's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (f) *Forfeiture of Office.* A Municipal Judge shall forfeit office:
  - (1) If at any time during the term of office he or she lacks any qualification for the office prescribed by this Charter or by law; or
  - (2) If the judge violates any prohibition as provided in section 7.2(d), Prohibition; or
  - (3) If a judge willfully violates the requirements of section 15.1, Personal Financial Interest.
- (g) *Removal from Office.* Municipal judges may be removed from office in any manner provided by law or the Rules of the Missouri Supreme Court.
- (h) *Incumbent Term of Office.* The incumbent municipal judge shall continue in office for the duration of the incumbent appointed term.
- (i) *Compensation.* Compensation of Municipal Judges shall be determined by ordinance, and shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected. No change in compensation of an incumbent Municipal Judge shall become effective during that judge's term of office. Municipal Judges shall be entitled to receive reimbursement for actual, reasonable and necessary expenses provided that such expenses are supported by appropriate documentation or are authorized by city policy.

### Sec. 7.3. Court Administration.

The City Council shall provide personnel for the Municipal Court, with management assistance from the department which administers the financial affairs of the city. All personnel of the Municipal Court shall be subject to the administrative policies and procedures of the city, except as otherwise provided by law. All Municipal Court personnel who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting or recording of funds which come into their hands shall enter such surety bonds, payable to the city and such other governmental unit in whose behalf such funds have been collected, as may be required by the judges or by ordinance. The cost of the premium for such surety bonds shall be paid by the city.

Sec. 7.4. Traffic Violations Bureau.

The city shall have a Traffic Violations Bureau which shall be supervised by the Presiding Municipal Judge. The Traffic Violations Bureau shall have authority to collect fines for violations of traffic and other municipal ordinances not deemed by the Municipal Judges to require a personal appearance before the Municipal Court by an accused desiring to plead guilty.

*Charter Review Commission Recommendation – no change*

**~~ARTICLE VIII. CHIEF OF POLICE~~**

~~Sec. 8.1. Police Department and General Responsibility of Chief of Police.~~

~~There shall be a Police Department directed and supervised by the Chief of Police. The Chief of Police shall direct the police work of the city and be responsible for the enforcement and maintenance of law and order as prescribed by ordinances.~~

~~Sec. 8.2. Qualifications; Election and Term.~~

~~a) *Qualifications.* The Chief of Police shall possess the following minimum qualifications:~~

- ~~(1) The Chief of Police shall have been a resident of the city for two years next preceding election and a qualified voter and shall remain a resident and qualified voter of the city for the term of the office.~~
- ~~(2) Possess a bachelors, or higher, degree from an accredited college or University in the field of public administration, criminal justice or other related fields; or equivalent combination of training and experience which provides comparable knowledge, abilities and skills.~~
- ~~(3) Considerable knowledge of the principles and practices of modern police administration and police methods.~~
- ~~(4) Considerable knowledge of the principles and accepted good practices and procedures as applied to patrol, traffic control, criminal investigation and crime prevention.~~
- ~~(5) Knowledge of the standards by which the quality of police service is evaluated and of the use of police records and their application to police administration.~~
- ~~(6) Knowledge of the types and uses of firearms, communications and automotive equipment in modern police work.~~
- ~~(7) Knowledge of the functions of federal, state and local jurisdictions and authorities as they relate to police work.~~
- ~~(8) Ability to establish and maintain effective working relationships with other city officials, state, county and federal authorities, civic leaders and the general public.~~

~~b) *Election Term at Each Regular Municipal Election.* The Chief of Police shall be elected by the qualified voters of the city at large to serve a four year term as provided by section 17.2(d).~~

~~Sec. 8.3. Police Department Administration.~~

~~The City Council shall provide the Chief of Police with an annual police department budget and capital program pursuant to the requirements of law, this Charter or ordinance. All personnel of the Police Department shall be subject to the administrative policies and procedures of the city, including the personnel code.~~



~~Sec. 8.4. General Powers and Duties of the Chief of Police.~~

- ~~a) The Chief of Police shall formulate and prescribe work methods and procedures to be followed by members of the department; appraise conditions of work in the department and take necessary steps to improve police operations; plan and supervise the enforcement of traffic and safety regulations and crime prevention and detection activities; supervise the guidance and control of juvenile offenders; prepare a complete report each year of the financial requirements of the department, attend meetings and conferences; and perform related work as required.~~
- ~~b) On an annual basis prior to budget consideration, the Chief of Police shall present to the City Council the police department budget, including recommendations of personnel positions to efficiently perform the duties and responsibilities of the department. The City Council shall make final city budget decisions.~~
- ~~c) The Chief of Police shall organize the department in such a manner as to efficiently and properly conduct the duties and responsibilities of the department as prescribed by law.~~
- ~~d) The Chief of Police shall assign officers to each division of the department. Reassignment from one division to another shall only be made by the Chief of Police.~~
- ~~e) The Chief of Police is authorized to establish a police reserve unit.~~
- ~~f) The animal control function shall work under the supervision of the police chief.~~
- ~~g) The Chief of Police shall at all times be subject to and operate within the approved budget, personnel code and administrative procedures of the city.~~

~~Sec. 8.5. Compensation.~~

~~The City Council shall determine the annual compensation of the Chief of Police by ordinance, but no ordinances changing such compensation shall become effective for the Chief of Police until the commencement of a new term of office.~~

~~Sec. 8.6. Prohibition, Holding Other Office.~~

~~Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no Chief of Police shall hold any other city office or city employment during the term for which the Chief of Police was elected, and no former Chief of Police shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the Chief of Police was elected.~~

~~Sec. 8.7. Vacancies; Forfeiture of Office; Filling of Vacancies.~~

- ~~(a) Vacancies. The office of a Chief of Police shall become vacant upon the Chief of Police's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.~~
- ~~(b) Forfeiture of Office. A Chief of Police shall forfeit office:
  - ~~(1) If at any time during the term of office a Chief of Police becomes ineligible for the office as provided under this Charter or by operation of law; or~~
  - ~~(2) If a Chief of Police violates any prohibition as provided in section 8.6, Prohibition; or~~
  - ~~(3) If a Chief of Police willfully violates the requirements of section 15.1, Personal Financial Interest.~~~~

~~(c) *Filling of Vacancies.* The City Council by a majority vote of all its members shall appoint a qualified person to fill a Chief of Police vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.~~

*Charter Review Commission Recommendation – Chairman Mallory moved to recommend a change to the Charter for the Police Chief to be an appointed position. Commissioner Larkey seconded. Vote on the motion was recorded with all present voting in favor. Commissioner VonBehren absent. Motion carried.*

Amended and revised shown with **additions in bold print** and ~~deletions with strikethrough notation.~~

#### Reasoning

The Commission believes it is now time for the voters of Belton to consider moving away from the elected Police Chief model for the following reasons:

1. *Residency.* An elected official requires residency within the City limits of Belton which limits the pool of qualified candidates. (Residency requirement for Police Chief also listed in Code of Ordinances.)
2. *Accountability.* An elected official does not have the same level of internal checks and balances.
3. *Compensation.* An elected official pay must be set in advance for the entire four-year term.

## **ARTICLE IX. PARKS AND RECREATION BOARD**

### Sec. 9.1. Composition.

- (a) *Appointment and Terms.* There shall be a board of directors to be known as the Parks and Recreation Board. The Board shall consist of nine citizen members who shall reside in the city and who shall not be elected officers or employees of the city. **In addition, the City Manager or designee shall be a non-voting administrative liaison to the Parks and Recreation Board.** The Mayor, with the advice and consent of a majority of the entire City Council, before the first day of June each year, shall appoint three directors of the Board who shall hold office for a term of three years and until successors are appointed. All vacancies on the Board shall be reported to the Mayor and City Council; thereafter the Mayor, with the advice and consent of a majority of the entire City Council, shall appoint a qualified citizen to fill the remainder of the unexpired term. All directors shall serve without compensation. The first appointees to the Board shall be the same persons who were duly appointed to the Board under the former government and they shall serve until the scheduled expiration of their terms unless sooner removed as provided by this Charter.
- (b) *City Council Liaison.* The Mayor, with the advice and consent of a majority of the entire City Council, shall appoint a City Council member as a non-voting liaison to the Parks and Recreation Board.



- (c) *Officers.* The Parks and Recreation Board shall elect from its members a president and such other officers it deems necessary. The organizational meeting for electing such officers shall take place in odd number years at the first meeting after the three annually appointed directors take office.
- (d) *Removal.* A director of the Parks and Recreation Board may be removed for cause upon the recommendation of the Mayor with the consent of a majority of the entire Council, or by a two-thirds affirmative vote of the entire City Council on its own initiative.

Sec. 9.2. Powers and Duties.

- (a) *General.* The Parks and Recreation Board shall make and adopt such bylaws, rules and regulations for its own guidance and for the governance of the parks and recreation activities as may be expedient. In so doing, the Board shall ~~emulate~~ **follow** city policies and procedures regarding finance, procurement and personnel; however, all decision making authority shall remain with the Board. The Board shall have control of the supervision, improvement, care and custody of the parks and recreation activities. The Board shall appoint, suspend or remove, and render the annual performance review of the Parks and Recreation Director. ~~The City Manager shall not direct or supervise the Parks and Recreation Director or the Parks and Recreation Department.~~ The Parks and Recreation Director shall appoint, suspend or remove all employees of the Parks and Recreation department. The Board shall have control of the expenditures of all monies collected for and deposited to the credit of the parks and recreation fund.
- (b) ***Annual Report and Budget.* No later than ninety days prior to the first day of each fiscal year, the Parks Board shall submit to the City Council a year-end report and proposed annual budget, setting forth expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal year, and a budget message which sets forth the operation and capital improvement plans for such fiscal year. The City council may review and comment to the Parks Board on this proposed budget, but if such comments are given, the City Council shall provide such written comments to the Parks Board no later than sixty days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.**
- ~~(b)~~ (c) *Property.* ~~The Parks and Recreation Board shall have the power to acquire an interest in real property for parks and recreation purposes by purchase, gift, exchange or otherwise. The Board shall also have the power to dispose of real property by sale or otherwise, but only when this disposition is consistent with the original grant, or the public use has been abandoned, or the property has become unsuitable or inadequate for parks and recreation purposes. All real properties held by the Board shall be titled in the name of the City of Belton. In addition, the City Council may purchase or otherwise secure an interest in real property and designate the real property as parkland to be used as parkland under the subsequent supervision, improvement, care and custody of the Park[s] and Recreation Board. All real properties designated as parkland shall be titled in the name of the City of Belton. The City of Belton shall have the power to receive an interest in real property for~~

**parcs and recreation purposes by purchase, gift, donation, exchange or otherwise with advice and consent as to operations and maintenance of the subject property by the Park Board. The City of Belton shall also have the power to dispose of real property by sale or otherwise in consultation with the Park Board; provided that this disposition is consistent with the original grant, or the public use has been abandoned, or the property has become unsuitable or inadequate for parks and recreation purposes .**

Sec. 9.3. Parks and Recreation Fund.

- (a) *Tax Levy.* As provided by state law, the city is authorized and empowered to continue to levy taxes for the operation of public parks and recreation grounds and facilities, and such taxing authority and such taxes shall supersede the special tax heretofore levied for parks under authority of section 90.500, RSMo 1986 [RSMo 90.500].
- (b) *Separate Fund.* Any tax for parks and recreation purposes shall be levied and collected in like manner with other general taxes of the city, but the funds received therefrom shall be kept separate and apart from all other funds of the city and shall be deposited in a fund designated "parks and recreation fund." All monies received for parks and recreation, including proceeds from the disposition of parks and recreation property, shall be deposited in the city treasury to the credit of the parks and recreation fund, shall be kept separate and apart from other monies of the city, and shall be drawn upon by the proper officers of the city upon the properly authenticated vouchers of the Parks and Recreation Board.

~~Sec. 9.4. Annual Report.~~

~~The Parks and Recreation Board shall, not less than 30 days prior to annual city budget adoption, make a report to the City Council containing such information as the City Council shall require.~~

Sec. ~~9.5~~ 9.4. Review of Board Decisions.

Upon the written certification of three City Council members, the City Council may review any action or decision of the Parks and Recreation Board, except a personnel matter. This certification shall state with particularity the action(s) or decision(s) to be reviewed and shall establish a hearing date that is not less than 30 days from delivery of the certification to the Board. The City Council shall hear testimony and rule on the appeal. It shall require a two-thirds affirmative vote of the entire City Council to set aside, reverse or modify a Board action or decision.

*Charter Review Commission Recommendation – Commissioner Shelton moved to approve the proposed amendment to Article IX, as written. Commissioner Skidmore seconded. Vote on the motion was recorded with all present voting in favor. Commissioners Von Behren and Anderson absent. Motion carried.*

Amended and revised shown with **additions in bold print** and ~~deletions with strikethrough notation.~~



### Reasoning

The Commission believes the administrative board structure and functions of the Park and Recreation Board are supported by the citizens, Park employees and the Board. However, the extent of the coordination and joint planning required for an efficient and effective Park system could be enhanced with the proposed changes in the Charter for the following reasons:

1. **Budget.** The budget is more than just numbers. It is a financial checks and balances. It reflects the multi-year planning, management and financing of an operation. Better communications through the budget process between the Park staff, Park Board, City departments and City Council will enhance the Park system.
2. **Real Property.** Because the Park is not its own legal entity, all real property is owned, inspected, insured/annually valued, policed and titled by the City of Belton. Again, the efforts to manage property is joint must be coordinated between the Parks and City.
3. **City Manager Role.** The Park relies on the time, expertise and monitoring of not only its own staff reporting to the Parks Director, but also of city staff reporting to the City Manager. Chain of command will not change. Improved coordination and collaboration between the Park Director and the City Manager on operations, training, capital projects and risk management issues will strengthen prudent and responsible management of the parks as a valued City asset. Feedback on citizen needs and expectations will be broadened and performance will be enhanced for more effective and efficient Park operations.

## **ARTICLE X. NOMINATIONS AND ELECTIONS**

### **Sec. 10.1. Municipal Elections.**

- (a) *Regular Elections.* The regular municipal election shall be held on the first Tuesday in April, or such day as may be mandated by state law.
- (b) *Special Elections.* The City Council may by ordinance order special elections, fix the time for such elections, and provide for holding such elections.
- (c) *Conduct of Elections.* All municipal elections shall be non-partisan and governed by the provisions of this Charter and applicable state law. The City Council, by ordinance, may further regulate elections, subject to the provisions of this Charter and applicable state law.
- (d) *Definition of Qualified Voter.* Wherever used in this Charter, the term "qualified voter" means a registered voter who is eligible to vote in the city at large or in a City Council ward, whichever is applicable.

### **Sec. 10.2. Nominations.**

Declaration of candidacy. Nomination of candidates for election to city office shall be made by declaration of candidacy filed with the City Clerk. No person shall file a declaration of candidacy for one city office and, without withdrawing, file for another city office to be filled at the same election. Any person violating this section shall be disqualified from running for any city office at the subject election.

Sec. 10.3. Determination of Election Results.

The City Council shall canvass the election returns and declare the results of any municipal election, regular or special, at the next regularly scheduled City Council meeting following certification of the election returns by the respective verification board of the county. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

Sec. 10.4. City Council Wards.

There shall be four City Council wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

*Charter Review Commission Recommendation – no change*

## **ARTICLE XI. INITIATIVE, REFERENDUM AND RECALL**

Sec. 11.1. General Authority.

- (a) *Initiative*. The qualified voters of the city shall have the power to propose ordinances to the City Council and, if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a municipal election, provided that such power shall not extend to the budget or capital program, any ordinance relating to the levy of taxes, zoning or salaries of city employees, or any ordinance relating to any appropriation of money unless such ordinance provides for additional revenues therefor. The term "city employees" in this section shall not include elected officials. A proposed initiative ordinance shall contain only one subject, which shall be clearly expressed in its title. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.
- (b) *Referendum*. The qualified voters of the city shall have the power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any zoning or land use issues, or any ordinance levying a special assessment or providing for the issuance of special tax bills, appropriation of money, levy of taxes or salaries of city employees. The term "city employees" in this section shall not include elected officials. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.
- (c) *Recall*. Any elected official, whether popularly elected or appointed, may be removed by qualified voters. No elected official shall be subject to recall within six months after induction into office nor during the last six months of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with



state law, for which timely notice may be given. The recall question shall be submitted to the voters in substantially the following form:

Shall \_\_\_\_\_ [Name]  
\_\_\_\_\_ [Title of Office] be removed from office?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**Sec. 11.2. Commencement of Proceedings; Petitioners' Committee; Notarized Affidavit.**

Any five qualified voters may commence initiative, referendum or recall proceedings by filing with the City Clerk a notarized affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, consenting that notice by United States certified mail return receipt requested to such address shall constitute valid notice to the committee, and setting out in full the proposed initiative ordinance, or citing the ordinance sought to be reconsidered, or specifying the name and title of office of the elected official to be recalled. Not more than three business days after the notarized affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

**Sec. 11.3. Petitions.**

**(a) Number of Signatures.**

- (1) Initiative.** An initiative petition shall be signed by qualified voters of the city equal in number to at least ten percent of the total number of qualified voters registered to vote at the last regular municipal election.
- (2) Referendum.** A referendum petition shall be signed by qualified voters of the city equal in number to at least ten percent of the total number of qualified voters registered to vote at the last regular municipal election.
- (3) Recall.** A recall petition shall be signed by qualified voters for that office in number equal to at least 30 percent of the total number of qualified voters registered to vote at the last regular municipal election.

**(b) Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. A recall petition shall state the name and title of office of the elected official sought to be recalled and a general statement of the reason(s) for the recall on the top and bottom of all pages of the petition. No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

**(c) Notarized Affidavit of Circulator.** When filed, each paper of a petition shall have attached to it a notarized affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be

reconsidered. A petition circulator need not be a member of the petitioners' committee, but shall be a qualified voter.

(d) *Time for [Filing] Petitions.*

- (1) *Initiative.* An initiative petition shall be filed within 90 calendar days of the issuance of the appropriate petition forms to the petitioners' committee.
- (2) *Referendum.* A referendum petition shall be filed within 45 calendar days after adoption by the Council of the ordinance sought to be reconsidered.
- (3) *Recall.* A recall petition shall be filed within 60 calendar days of the issuance of the appropriate petition forms to the petitioners' committee.

Sec. 11.4. Procedure After Filing.

- (a) *Certificate of City Clerk; Amendment.* Within 30 calendar days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by United States certified mail return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two business days after receiving the copy of the City Clerk's certificate and files a supplement to the petition within ten business days after receiving the copy of such certificate. Such supplement to the petition shall comply with the requirements of subsections (b) and (c) of section 11.3, Petitions, and within five business days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by United State certified mail return receipt requested as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not amend within the time required, the City Clerk shall promptly present the City Clerk's certificate to the City Council, and the certificate then shall be a final determination as to the sufficiency of the petition.
- (b) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 11.5. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition; or
- (b) The petitioners' committee withdraws the petition; or
- (c) The City Council repeals the ordinance; or
- (d) The election results sustaining the ordinance have been certified by the election authorities.

Sec. 11.6. Action on Initiative, Referendum and Recall Petitions.

- (a) *Initiative and Referendum; City Council Action.* When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed

initiative ordinance in the manner provided in section 3.13, Legislative Proceedings, or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within 60 calendar days, or fails to repeal the referred ordinance within 30 calendar days after the date the petition was finally determined sufficient, it shall at the next meeting of the City Council thereafter fix a date for holding the election to submit the proposed or referred ordinance to the voters of the city.

- (b) *Initiative and Referendum; Submission to Voters.* The vote on a proposed or referred ordinance shall be held not less than 90 calendar days from the date the petition was finally determined sufficient and not later than the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) *Recall.* When a recall petition has been certified to the City Council as sufficient by the City Clerk, the City Council shall, at its next meeting after receipt of such certification, fix a date for holding the election. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.
- (d) *Withdrawal of Petitions.* An initiative, referendum or recall petition may be withdrawn at any time prior to 5:00 p.m. on the final day for certification, as prescribed by state law, by filing with the City Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such requests, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### Sec. 11.7. Results of Election.

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council and approved by the Mayor. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote to repeal it, it shall be considered repealed upon certification of the election results.
- (c) *Recall.* If a majority of the qualified electors voting at a recall election shall vote in favor of the proposition to remove an official, a vacancy shall exist in the office and such vacancy shall be filled as provided by this Charter. If a majority of the qualified electors voting at a recall election shall vote against the proposition to remove an official, the official shall remain in office. An official who has been removed from office by recall shall be ineligible to be appointed to serve as a city official in any capacity at any time during the remainder of the term for which the official was elected.

*Charter Review Commission Recommendation – no change*

## **ARTICLE XII. FINANCIAL PROCEDURES**

### **Sec. 12.1. Fiscal Year.**

The City Council shall determine the fiscal year of the city.

### **Sec. 12.2. Submission of Budget and Budget Message.**

Before the beginning of the fiscal year, the City Manager shall submit to the Mayor and City Council a budget for the ensuing fiscal year and an accompanying message.

### **Sec. 12.3. Budget.**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. In no event shall the total proposed expenditures exceed the estimated revenues to be received plus any unencumbered cash reserves estimated to be on hand at the beginning of the budget year.

### **Sec. 12.4. Capital Program.**

(a) *Submission to City Council.* The City Manager shall prepare and submit to the Mayor and City Council a five-year capital program prior to the final date for submission of the budget. The City Council by resolution shall adopt the capital program with or without amendment on or before the last day of the month of the current fiscal year.

(b) *Contents.* The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements that are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Costs estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Sec. 12.5. City Council Action on Budget.**

(a) *Notice and Hearing.* The City Council shall publish in one or more newspapers of general circulation in the city a general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public; and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) *Amendment Before Adoption.* After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for elimination of a projected cash deficit.



- (c) *Adoption.* The City Council by ordinance shall adopt the budget on or before the last day of the month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

**Sec. 12.6. Public Records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city. The City Council shall publish annually, in one or more newspapers of general circulation in the city, a summary accounting of the receipts and expenditures for the preceding year.

**Sec. 12.7. Amendment After Adoption.**

- (a) *Supplemental Appropriations.* If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager, and recommendations as to any other steps to be taken. The City Council then shall take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (c) *Transfer of Appropriations.* At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the City Manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (d) *Emergency Appropriations; Effective Date.* The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of section 3.13(f), Emergency Ordinances.

**Sec. 12.8. Tax rates and Tax Rolls.**

After the budget is finally adopted, the City Council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the City Clerk to the appropriate officials, who shall compute the taxes and extend them upon the tax rolls.

**Sec. 12.9. Sale of Bonds.**

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Except as otherwise required by law or this Charter, all bonds issued by the city shall be sold as prescribed by ordinance.

*Charter Review Commission Recommendation – no change*

**ARTICLE XIII. FRANCHISES**

**Sec. 13.1. Granting of Franchises.**

All public franchises or privileges which the city is authorized to grant, and all renewals, extensions and amendments thereof, shall be granted only by ordinance. No such ordinance shall be adopted within less than 30 days after application therefor has been filed with the City Council, nor until a full public hearing has been held thereon. Notice of all public hearings conducted hereunder shall be given at least 15 days prior to such hearing by publishing such notice at least once in a newspaper of general circulation within the city. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than 20 years. No such franchise shall be transferable directly or indirectly, except with the approval of the City Council expressed by ordinance after a full public hearing.

**Sec. 13.2. Right of Regulation.**

All public franchises and privileges, whether or not provided for in the ordinance, shall be subject to the right of the City Council to:

- (a) *Misuse-Nonuse.* Repeal the same for misuse or nonuse, or for failure to comply therewith, or shorten the term thereof for failure to comply with the provisions of this section and regulations adopted in accordance with this section or with the provisions of the franchise ordinance.
- (b) *Efficiency.* Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of efficiency.
- (c) *Non-discrimination.* Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) *Audit of Accounts.* Make an independent audit and examination of accounts at any time and require reports annually.
- (e) *Service to Public.* Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (f) *Use of City Property.* Control and regulate the use of the city streets, alleys, bridges, easements, rights-of-way and public places, and the space above and beneath them.
- (g) *Rates and Charges.* Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by an applicable local, state or federal agency.
- (h) *Other Regulations.* Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.



Sec. 13.3. Temporary Permits.

Temporary permits for the operation of public services utilizing public streets, alleys, bridges, easements, rights-of-way and public places for a period not to exceed two years may be granted by the City Council by ordinance without public hearing. Such permit shall be subject to amendment, alteration or revocation at any time at the will of the City Council, whether so provided in the ordinance or not. Any permit granted hereunder shall in no event be construed to be a franchise, or an extension or amendment of a franchise.

Sec. 13.4. - Operation Beyond Franchise Period.

Any operation by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted shall under no circumstance be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit subject, like other permits, to amendment, alteration or revocation at any time at the will of the City Council.

*Charter Review Commission Recommendation – no change*

**ARTICLE XIV. LICENSING, TAXATION AND REGULATION OF BUSINESS, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS**

Sec. 14.1. Objects of Licensing, Taxation and Regulation.

The City Council shall have the power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of any class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

*Charter Review Commission Recommendation – no change*

**ARTICLE XV. GENERAL PROVISIONS**

Sec. 15.1. Personal Financial Interest.

Any elected or appointed officer, employee, or member of any committee, authority, board or commission of the city who has any direct or indirect substantial financial interest (as defined by the conflict of interest statutes of Missouri):

- (a) In any party transacting business with the city; or
- (b) In the subject matter of any city transaction;

shall make known that interest and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer, employee or member in such transaction. Any city officer, employee or member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the express or implied knowledge of the party transacting business with the city shall render the transaction voidable by the city.

Sec. 15.2. Prohibitions.

(a) *Activities Prohibited.*

- (1) *Discrimination.* No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any city position or appointive city administrative office because of race, sex, age, disability, national origin, political or religious opinions or affiliations.
  - (2) *False Reports.* No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
  - (3) *Undue Influence.* No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (b) *Penalties.* Any person who willfully violates any of the provisions of section 15.2(a), Activities Prohibited, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as may be provided by ordinance.

Sec. 15.3. Political Activity.

All employees may exercise their rights as private citizens to express opinions and, if a qualified voter of the city, to vote in any municipal election. Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, committee, authority, board or commission member, or employee shall use official authority or official influence for the purpose of interfering with or affecting the result of an election to a Belton city office or any ballot proposition. No city officer, committee, authority, board or commission member, or employee shall directly or indirectly coerce or command a city employee to pay, lend or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for Belton city office or any ballot proposition.

Sec. 15.4. - All Ordinances Effective on Municipal Land.

In addition to all other powers herein granted, the City of Belton shall have the right and authority to administer and enforce all its municipal ordinances within all areas owned or occupied by the city which are outside of the corporate city limits.

Sec. 15.5. Notice of Suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the Mayor within 90 days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Sec. 15.6. Official Bonds.

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other officers and employees as the City Council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance or law, and subject to approval by the City Council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Sec. 15.7. Charter Amendment.

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the Missouri Constitution for framing and submitting a complete charter. Amendments may also be proposed by the City Council, by the Charter Review Commission, or by petition of not less than ten percent of the qualified electors of the city, filed with the City Clerk, in the manner prescribed for initiative petitions in Article X, setting forth the proposed amendment(s). The City Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than 60 days after its passage, or at a special election held as provided by law and the Constitution for a charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of this Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete charter.

Sec. 15.8. Charter Review Commission.

From time to time, but no less often than every ten years, the City Council shall provide for a Charter Review Commission to review this Charter and to recommend to the voters of the city proposed amendments, if any, to this Charter. The members of the Charter Review Commission shall be selected as provided by the City Council. The Charter Review Commission shall consist of at least eight qualified voters of the city, none of whom shall be an elected official of the city. No more than 30 percent of the commission members shall reside in any one City Council ward. The Charter Review Commission shall, within 12 months of its first meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

Sec. 15.9. Public Improvements and Special Assessments.

- (a) *Improvements.* The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.
- (b) *Special Assessments.* The procedure for levying, collecting and enforcing payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.

Sec. 15.10. Proof of Ordinance.

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the city. When printed and published by authority of the city, the certified copy shall be received in evidence in all courts, or other places, without further proof of authenticity.

Sec. 15.11. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

*Charter Review Commission Recommendation – no change*

## **ARTICLE XVI. TRANSITIONAL PROVISIONS**

~~Sec. 16.1. Personnel System.~~

~~An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to section 6.2, Personnel System.~~

~~Sec. 16.2~~ **16.1.** Continuance of Taxes, Assessments and Fees.

Except as otherwise provided by this Charter, all existing taxing authorizations, assessments and fees adopted by the people of the city, or authorized by the city, are hereby continued in full force and effect until modified or discontinued in the manner provided by this Charter or law.

~~Sec. 16.3~~ **16.2.** Ordinances to Remain in Force.

All ordinances, resolutions and regulations in force at the time this Charter takes effect, or at the time this Charter is amended, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

~~Sec. 16.4~~ **16.3.** Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending at the time this Charter or any amendment hereto shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything contained herein.

~~Sec. 16.5~~ **16.4.** Continuance of Contracts, Public Improvements and Taxes.

All contracts entered into by the city or for its benefit prior to the taking effect of this Charter or any amendment hereto shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other



obligations owing to the city that are uncollected at the time this Charter becomes effective shall continue in full force and effect and shall be collected as if no change had been made.

*Charter Review Commission Recommendation* – Commissioner Shelton moved to approve the amendment to Article XVI. Commissioner Sullivan seconded. Vote on the motion was recorded with all present voting in favor. Commissioners Von Behren and Anderson absent. Motion carried.

Amended and revised shown with **additions in bold print** and ~~deletions with strikethrough notation~~.

#### Reasoning

The Commission believes language in this Article is no longer applicable from the original transition between fourth class city and Charter City and/or should be revised to fit current amendment.

## ARTICLE XVII. SCHEDULE<sup>[2]</sup>

### Footnotes:

~~(2)~~

~~Editor's note – Although this article expired by its own terms, as provided in section 17.5 below, it has been retained at the request of the city for historical reference.~~

### Sec. 17.1. Election to Adopt Charter **Amendments**.

~~This~~ **The Charter amendments** shall be submitted to a vote of the electors of the City of Belton at the regular municipal election to be held on November ~~4, 2008~~ **6, 2018**. The election shall be administered by the officials now charged with the responsibility for the conduct of municipal elections.

### ~~Sec. 17.2. Election of City Officials.~~

~~(a) Incumbents. All officials elected prior to April 7, 2009, who would continue in office shall continue in office for the duration of the term to which they were elected.~~

~~(b) City Council. At the municipal election in April of 2009, City Council members elected to fill offices with expiring terms from all wards shall serve three year terms. At each regular municipal election thereafter, City Council members shall be elected to fill the offices of those whose terms expire and shall serve full three year terms.~~

~~(c) Mayor. At the municipal election in April of 2009, and every fourth year thereafter, the Mayor shall be elected to serve a full four year term.~~

~~(d) Chief of Police. At the municipal election in April of 2009 and every fourth year thereafter, the Chief of Police shall be elected to serve a full four year term.~~



~~Sec. 17.3~~ **17.2. Time of Taking Full Effect.**

~~After its adoption by the voters, this~~ **The Charter amendments, if approved,** shall be in effect at the first meeting after certification of those election results. ~~with the Mayor and Council members in office at the date this Charter is adopted operating within the Charter as Mayor and City Council members.~~

~~Sec. 17.4. Temporary Ordinances.~~

~~At its first meeting, or at any meeting held within 60 days thereafter, the City Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure likely would cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption, or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in section 3.13, Legislative Proceedings, for ordinances of the kind concerned.~~

~~Sec. 17.5. Purpose of Schedule.~~

~~The purpose of the foregoing provisions is to provide a transition from the present government of the City of Belton, Missouri, to the new government provided for in this Charter, and to inaugurate the new government under the provisions of this Charter. They shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.~~

*Charter Review Commission Recommendation – Commissioner Mills moved to approve the amendment to Article XVII. Commissioner Skidmore seconded. Vote on the motion was recorded with all present voting in favor. Commissioners Von Behren and Anderson absent. Motion carried.*

Amended and revised shown with **additions in bold print** and ~~deletions with strikethrough notation.~~

Reasoning

The Commission believes language in this Article is no longer applicable from the original transition between fourth class city and Charter City and/or should be revised to fit current amendment.

**CHARTER COMPARATIVE TABLE**

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Date	Section	Section this Charter
	11- 4-2008(Ref.)		Art. I— Art. XVII

## Recommended Ballot Language

### **Question 1**

Shall the City of Belton amend the Charter to delete Article VIII setting forth an elected Chief of Police and provide instead for an appointed Chief of Police in the same manner as all other department directors under the charge of the City Manager effective April 13, 2021 at the end of the current Chief of Police's elected term?

### **Question 2**

Shall the Charter of the City of Belton, Missouri, Article IX, Parks and Recreation Board be amended in several sections to enhance communications between the Parks Board, City Council and staff by appointing the City Manager as a non-voting administrative liaison to the Parks and Recreation Board, improving collaboration and planning through the annual report and budget process, and defining the real property ownership and land management process?

### **Question 3**

Shall the Charter of the City of Belton, Missouri, Article XVI – Transitional Provisions and Article XVII – Schedule, be amended to remove, clarify and update certain language that provided direction when the city was transitioning to a Charter City and now provides further direction for implementation of the City Charter provisions and any amendments?

# **SECTION II**

## **C**





# CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: June 5, 2018

DIVISION: Planning and Building Department

COUNCIL:  Regular Meeting     Work Session     Special Session

<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order	<input type="checkbox"/> Motion
<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

**ISSUE/RECOMMENDATION:**

Discussion of a rezoning from the existing R-1 Single-Family zoning district to an R-2 Single-Family and Two-Family Planned Unit Development, located north of Meadow Creek Parkway, east of the South Outer Road, just north of Belton Regional Medical Center.

**BACKGROUND:**

The preliminary plat for Meadow Creek Subdivision was originally approved in 2004. A final plat for construction of new homes in Phase I was recorded in August of 2005. Phase I consisted of 55 lots, and most of these lots have been developed with new homes. The preliminary plat for Phase II in Meadow Creek provided for 83 additional lots.

This application was filed to rezone Phase II of Meadow Creek to an R-2 Planned Unit Development to allow the construction of thirty-nine (39) single-family homes and forty-two (42) duplex lots, with a club house and swimming pool. The plan would provide 81 single-family and two-family buildings, totaling 123 units.

The applicant initially proposed a development of approximately fifty-five (55) four unit buildings for a total of 220 units on the site. After discussions with staff, the site plan was revised to the current single-family and two-family design in order to be more compatible with surrounding properties, and better meet the Future Land Use map.

**PROPOSED PLANNED UNIT DEVELOPMENT**

The Planned Unit Development (PUD) classification was chosen as the best way to design the property to be compatible with surrounding single-family homes, and to provide a buffer to the adjoining mobile home community, Springdale Lake. The following is a summary of the PUD details:

*Single-Family lots*-The 39 single-family lots range in area from 8,400 square feet to approximately 15,400 square feet. These lot sizes exceed the minimum square footage requirement of 6,000 square feet. The single-family area of the plan is designed to be compatible with Meadow Creek Phase I to the south, and the existing single-family neighborhood to the east, Bel-Ray Estates.

- An exception to the 120 foot minimum lot depth requirement is requested for Lots 9, 10, 17, 20, 23, 34, and 37 due to the design of the roads and location of the cul-de-sacs. As stated, these lots exceed the minimum lot area requirement.
- A six foot wooden privacy fence separates the single-family lots from the duplex area to the north.

*Two-family lots*-The 42 duplex lots range in area from 8,000 square feet to 15,000 square feet for the larger cul-de-sac lots. These lot sizes exceed the minimum square footage requirement of 6,000 square feet. The two-family duplexes are designed to provide a buffer between Springdale Lake and the single-family portion of Meadow Creek. Other details of two-family area of the PUD are summarized below:

- The two-family homes will have three elevations and three color schemes and material options.
- The PUD includes a condition that no two identical duplexes shall be constructed side-by-side.
- The two-family duplexes will be constructed at alternating 25 foot and 30 foot front setbacks to reduce the impact of the garage doors on east/west Maybrook Drive.
- The units will all be three bedroom and two bath homes, with a single car attached garage.
- A pool and clubhouse with a six space parking lot is on Tract A.
- An auxiliary parking lot with 20 overflow/guest parking spaces in on Tract B.
- The R-2 district provides for a maximum lot coverage of 25 percent. The two-family home design results in a lot coverage of 35 percent for the buildings on the interior lots. As stated, these lots exceed the minimum lot area requirement, and all setbacks are met with the design.
- A Fire Department emergency access easement is provided north to Springdale Lake.

*Landscaping* - A landscape plan was submitted with the PUD application. The plan meets all requirements of the Unified Development Code for street trees, on-lot landscaping, and parking lot landscaping. The plan provides for one shade tree in the rear yard of the duplexes abutting Springdale Lake.

*Streets/sidewalks* - All streets will be public streets, with 60 foot right-of-way width, 28 foot pavement width, and sidewalks on both sides of the street.

*Detention* - There are existing stormwater detention basins for Meadow Creek that were provided with Phase I. In order to meet current stormwater detention requirements, these existing detention basins will be redesigned and resized to meet *current* stormwater management requirements. Staff has reviewed the Stormwater Detention Analysis submitted by the applicant, and concur that proper stormwater control can be provided by resizing the existing basins.

*Traffic Impact* - A Traffic Impact Study was prepared for the proposed PUD. The traffic study concludes that traffic as a result of the new plan will have minimal impact on existing conditions. There will not be any appreciable difference in traffic generation as compared to the original plan for Meadow Creek. Staff has reviewed the traffic study and agrees with the level of service.

*Development Agreement*-A Development Agreement will be negotiated and finalized prior to approval of the final development plan and final plat. This will include developer responsibilities for subdivision improvements and future responsibilities of a Home Owners Association for maintenance of common areas, landscaping, detention areas, fencing and emergency access. This agreement will be similar to the agreement approved with The Traditions subdivision.

## **FUTURE LAND USE**

The Future Land Use indicates the property as a Single-Family land-use.

## **REZONING CRITERIA/FINDINGS OF FACT**

The Unified Development Code, Section 20-3, provides certain approval criteria that must be addressed with a rezoning application. These criteria are summarized below, with staff analysis for consideration of the Planning Commission:



(1) *The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.* South and east of the property are existing single-family homes zoned R-1. North of the site is the Springdale Lake mobile home community, zoned an R-3 district. The surrounding area is primarily residential in nature, and the proposed PUD is compatible with existing uses and zoning in the area.

(2) *Consistency with the goals and objectives of the comprehensive plan and other plans, codes and ordinances of the City of Belton.* The Future Land Use Map of the Comprehensive Plan designates this area as single-family residential. The proposed PUD is generally consistent with the goals of the plan and the map. The two-family homes abutting the mobile home community are considered to be a desirable buffer for the area, and can be considered consistent with the plan.

(3) *Suitability of the subject property for the uses permitted under the existing and proposed zoning districts.* The property is currently zoned an R-1 Single-Family district and is suitable for development with the existing zoning district. The proposed PUD allows the two-family duplexes as a buffer between the single-family area and Springdale Lake. The PUD specifies conditions on design and materials for the duplexes that will contribute to the quality of the development.

(4) *The trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district.* The area near the subject property is characterized by single-family homes. Meadow Creek Phase I is the most recent development in the area and indicates a trend of development to residential uses.

(5) *The extent to which the zoning amendment may detrimentally affect nearby property.* The proposed amendment to allow development with a PUD will not detrimentally impact nearby property. The development is residential in nature, consistent with the area, and the proposed duplexes are a desirable transitional use abutting the mobile home community.

Additionally, studies and analysis of stormwater detention and traffic demonstrate that the development will not have any adverse impact on nearby property.

(6) *Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment.* All required public infrastructure and services are available to serve the development. Existing utilities and public streets are sufficient for the proposed development.

(7) *The length of time (if any) the property has remained vacant as zoned.* The property has been vacant since it was originally zoned R-1 in 2004.

(8) *Whether the proposed zoning map amendment is in the public interest and is not solely in the interests of the applicant.* The proposed amendment for a Planned Unit Development can be considered in the public interest as the development will provide a choice of new housing options in the community. The project will generate increased real estate taxes, opportunities for population growth and new residents to support local businesses and services.

### **PLANNING COMMISSION RECOMMENDATION**

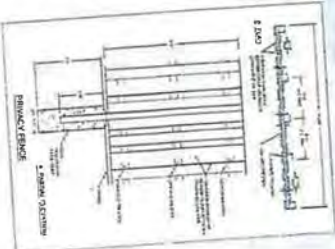
The item was reviewed by the Planning Commission on May 7, 2018. The Planning Commission voted 6-3 to approve the request for a zone change from R-1 (Single Family Residential district) to R-2 PUD (Single and Two-Family Residential Planned Unit Development district), with the following conditions:

1. The rezoning and the preliminary Planned Unit Development are approved as shown on Meadow Creek Phase 2, R-2 Preliminary Development Plan, dated 4/10/18 by Powell CWM-Architectural/Engineering/Surveying.
2. The landscape plan is approved as shown on Preliminary Landscape Plan prepared by Chad D. Weiland, RLA. Dated 3/2/18.
3. Preliminary elevations for the duplexes and clubhouse, including colors and building materials are approved as shown on Meadow Creek Phase 2, R-2 Preliminary Development Plan, dated 4/10/18 by Powell CWM-Architectural/Engineering/Surveying.
4. Development is subject to final PUD development plans, as required in Section 20.6 of the UDC, pursuant to the PUD phasing plan.
5. Stormwater management/detention is preliminarily approved as described in Stormwater Detention Analysis, by Powell CWM, dated 4/12/18, indicating compliance with Section 32 of the UDC.
6. No two identical duplex units, elevations and materials, shall be constructed side-by-side in the PUD.
7. Additional screening or landscaping shall be provided at the rear of the two-family duplexes at the time of final PUD submittals.
8. With the final development plan, submit sample elevations and building material examples for the single family homes.

**LIST OF REFERENCE DOCUMENTS ATTACHED:**

1. Preliminary Development Plan
2. Landscape Plan
3. Duplex and Club House Elevations / Materials





**ZONING:**  
Submittal number: N-1-110  
Revised number: N-1-110  
**PROPERTY DESCRIPTION:**  
Lots: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**TABLE:**

Item	Description	Location
1	Phase 1	Central
2	Phase 2	South

**EXISTING UTILITIES:**  
1. WATER MAINS  
2. SANITARY SEWERS  
3. GAS MAINS  
4. ELECTRIC MAINS  
5. TELEPHONE MAINS  
6. CABLE TV MAINS

- LEGEND:**
- 1. PROPOSED LOT LINES
  - 2. EXISTING LOT LINES
  - 3. PHASE 1
  - 4. PHASE 2
  - 5. R-3 ZONING
  - 6. R-1 ZONING
  - 7. R-2 P.U.D. ZONING
  - 8. SPECIAL ZONE X
  - 9. SPECIAL ZONE A
  - 10. SPECIAL ZONE B
  - 11. FLOOD ZONE
  - 12. EASEMENT
  - 13. UTILITY
  - 14. EXISTING DETENTION BASIN
  - 15. EXISTING DRAINAGE
  - 16. EXISTING CURB
  - 17. EXISTING DRIVE
  - 18. EXISTING SIDEWALK
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**FLOOD INFORMATION:**  
1. FLOOD ZONE  
2. FLOOD ELEVATION

**REVISIONS:**

No.	Revised	Description
1		ISSUED FOR PERMIT
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R-2 P.U.D.  
PRELIMINARY DEVELOPMENT PLAN  
MEADOW CREEK, PHASE 2  
BELTON, CASS COUNTY, MISSOURI

PREPARED FOR:  
THIRD PART, LLC  
3033 S. HANCOCK ST.  
LEES SUMMIT, MO 64082  
913.218.4100



2100 N. First Street, 3rd Fl., Independence, MO 64051  
816.372.8800 | powellcwm.com



**PLANTING LEGEND**

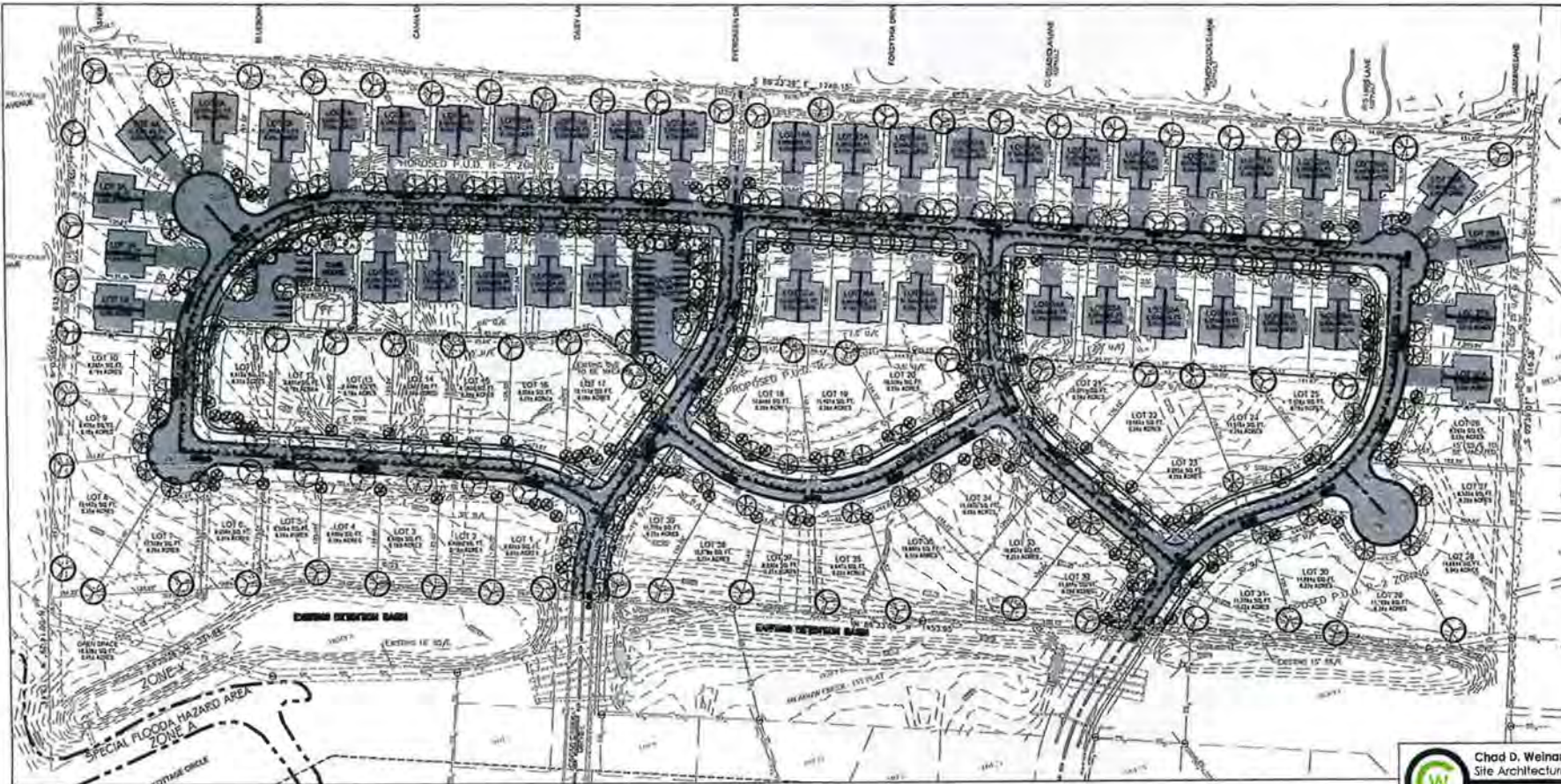
REGULATORY TREE	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	ACE A12	42	Acer's hybrid "Jeffers"	Admiral Star Maple	15 Gal - 1" Cal	Quadrant		JUN TRY	84	Jurpinia virginiana "Taylor"	Taylor Eastern Redstart	5" 18"	1000 / Core
	GYM D0	55	Gymnocladia dioica "Espresso"	Espresso Kentucky Coffeetree	15 Gal - 1" Cal	Quadrant		PN FAB	13	Prunella virginiana "Yankee"	Columbine White Pine	5" 18"	1000 / Core
	QUE RIC	88	Quercus robur	Sweet White Oak	15 Gal - 1" Cal	Quadrant	<b>FLOWERING TREES</b>	<b>CODE</b>	<b>QTY</b>	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>SIZE</b>	<b>CONTAINER</b>
	QUE COC	16	Quercus coccinea	Scarlet Oak	15 Gal - 1" Cal	Quadrant		CSR BAS	12	Cornus canadensis	Eastern Redbud Clump	8" 18"	1000 / Core
	VAM PA	28	Viburnum acerifolium "Pompano"	Winecup Elm	15 Gal - 1" Cal	Quadrant	<b>SHRUBS</b>	<b>CODE</b>	<b>QTY</b>	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>SIZE</b>	<b>CONTAINER</b>
	ZEL MAS	111	Zelkova sericea "Mascot"	Mascot Zelkova	15 Gal - 1" Cal	Quadrant		BLD KA	51	Evonymus kowalickiana "Marlboro"	Marlboro Euonymus	5 Gal	

**LANDSCAPE REQUIREMENTS - BELTON, MISSOURI**

**STREET TREES (1/30 LF FRONTAGE)**  
 Cross Creek Dr. - 500 LF / 30 = 17 Trees - Provided  
 Overland Dr. (East) - 459 LF / 30 = 16 Trees - Provided  
 Overland Dr. (West) - 515 LF / 30 = 18 Trees - Provided  
 Summit Dr. - 603 LF / 30 = 21 Trees - Provided  
 Maybrook Dr. - 1407 LF / 30 = 47 Trees - Provided  
 Claire Dr. - 275 LF / 30 = 10 Trees - Provided  
 Meadow Creek Dr. - 491 LF / 30 = 17 Trees - Provided  
 Cui-de-Sacs (x2) - 70 LF / 30 = 3 Trees - Provided

**SCREENING**  
 Duplex to Single Family (Internal to Development) - Fence Based Perimeter Screening - Not Required per Zoning Differential Chart  
 \*Existing trees at perimeter of development will be preserved where possible.  
 Parking Frontage Screening - Provided

**RESIDENTIAL TREES (1 / 0.75 Dwellings)**  
 123 Dwellings x 0.75 = 93 Trees - 110 Provided



1 LANDSCAPE PLAN  
 1" = 50'

EXISTING ZONING = R-1  
 PROPOSED ZONING = R-2 P.U.D.

SCALE: 1" = 50'

Chad D. Weinand, RIA, LEED  
 Site Architecture  
 15175 N. 147th Terrace, Okla, Wichita 67202  
 313.484.9789 - cweinand@wignand.com

**POWELL**  
 ARCHITECTS/PLANNERS/ENGINEERS



CHAD D. WEINAND, RIA, LEED  
 LA 201600020

PREPARED FOR:  
 THIRD AXIS INVESTMENTS, LLC  
 3352 SW MARKET ST.  
 LEE'S SUMMIT, MO 64082  
 816.215.4184

PRELIMINARY LANDSCAPE PLAN  
**MEADOW CREEK, PHASE 2**  
 BELTON, CASS COUNTY, MISSOURI

REVISIONS  
 DATE REVISION  
 PROJECT # 3352 SW MARKET ST  
 ISSUE DATE 06/05/2014  
 ISSUED FOR: NOT FOR CONSTRUCTION

PRELIMINARY LANDSCAPE PLAN  
 L-101





**DUPLEX OPTION "C"**  
SCALE = 1"



**DUPLEX OPTION "B"**  
SCALE = 1"



**DUPLEX OPTION "A"**  
SCALE = 1"

**MATERIALS LEGEND:**

ARCHITECTURAL SPANGLES		
BRICK FINISH		
BRICK		
ROUGH SCAPE		
EXTERIOR TRIM		

PREPARED FOR:  
THIRD AXIS  
INVESTMENTS, LLC  
3352 SW MARKET ST.  
LEE'S SUMMIT, MO 64082  
816.215.4184

R-2 P. U. D.  
PRELIMINARY DEVELOPMENT PLAN  
MEADOW CREEK, PHASE 2  
BELTON, CASS COUNTY, MISSOURI

DATE	DESCRIPTION

PROJECT # 2016-11-1245  
ISSUE DATE 09/20/2016  
ISSUED FOR  
**NOT FOR CONSTRUCTION**  
PRELIMINARY  
DUPLEX  
ELEVATIONS



Steve Winkler  
Professional Engineer  
License No. 20151  
State of Missouri

PREPARED FOR:  
THIRD AXIS  
INVESTMENTS, LLC  
3332 SW MARKET ST.  
LEE'S SUMMIT, MO 64082  
816.215.4184

R-2 P. U. D.  
PRELIMINARY DEVELOPMENT PLAN  
MEADOW CREEK, PHASE 2  
OF  
BELTON, CASS COUNTY, MISSOURI

NOV 2015	NOV 2015	NOV 2015	NOV 2015
NOV 2015	NOV 2015	NOV 2015	NOV 2015

PROJECT # 2024-17-1245  
ISSUE DATE: 04/20/24  
ISSUED FOR:  
**NOT FOR CONSTRUCTION**

PRELIMINARY  
DUPLEX  
ELEVATIONS



**DUPLEX OPTION "C"**  
SCALE: 1/8" = 1'-0"



**DUPLEX OPTION "B"**  
SCALE: 1/8" = 1'-0"



**DUPLEX OPTION "A"**  
SCALE: 1/8" = 1'-0"

**MATERIALS LEGEND:**

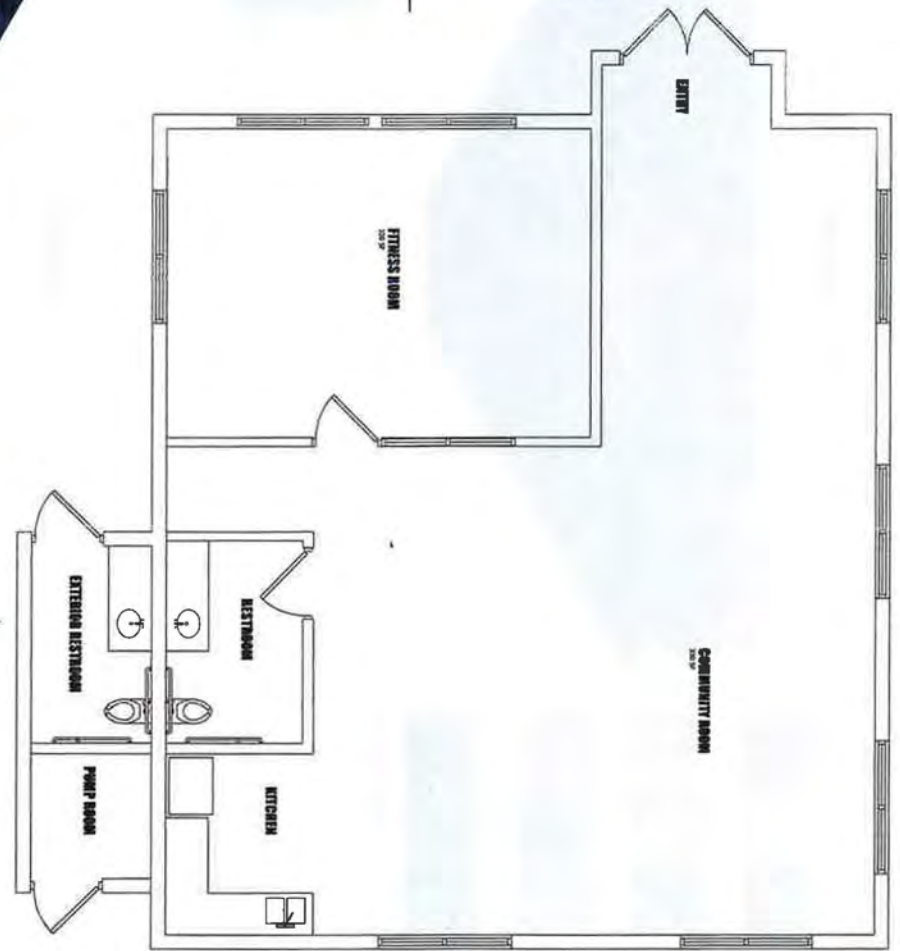
ARCHITECTURAL SHIP LAP		
STUCCO FINISH		
BRICK	CHALK STONE	ROUGH STONE
DECORATIVE FINISH		





CLUB HOUSE ELEVATION - POOL SIDE  
SCALE: 1/8" = 1'-0"

CLUB HOUSE ELEVATION - ENTRY  
SCALE: 1/8" = 1'-0"



CLUB HOUSE PLAN  
SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION
1		PRELIMINARY DEVELOPMENT PLAN
2		
3		
4		
5		
6		
7		
8		
9		
10		

PRELIMINARY DEVELOPMENT PLAN AND ELEVATIONS  
A-102

R - 2 P. U. D.  
PRELIMINARY DEVELOPMENT PLAN  
MEADOW CREEK, PHASE 2  
BELTON, CASS COUNTY, MISSOURI

PREPARED FOR:  
THIRD ANS  
INVESTMENTS, LLC  
10000 W. MAIN ST.  
LEWIS AND CLARK, MO 65066  
916.215.4154



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