



**Agenda of the Belton City Council
Regular Meeting
September 11, 2018 – 7:00 p.m.
City Hall Annex
520 Main Street, Belton, Missouri**

- I. CALL REGULAR MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE – Councilwoman Davidson
- III. ROLL CALL
- IV. CONSENT AGENDA

One motion, non-debatable, to approve the “recommendations” noted. Any member of the Council may ask for an item to be taken from the consent agenda for discussion and separate action.

- A. **Motion approving the minutes of the August 28, 2018, City Council Regular Meeting.**

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- V. PERSONAL APPEARANCES

- A. Proclamation for National Suicide Awareness Month

- VI. ORDINANCES

- A. Motion approving first reading of Bill No. 2018-61:
An ordinance approving the agreement to amend the dues deduction section of the 2015-2018 Collective Bargaining Agreement between the city of Belton, Missouri and Local No. 42 of the International Association of Fire Fighters in accord with a recent U.S. Supreme court case.

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- VII. RESOLUTIONS

- A. Motion approving Resolution R2018-45 :
A resolution appointing members to the Board of Directors of the Belton/Raymore Interchange Transportation Development District.

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VIII. CITY COUNCIL LIAISON REPORTS

IX. MAYOR'S COMMUNICATIONS

X. CITY MANAGER'S REPORT

September and October 2018 meetings

9/25 regular session – 7:00 p.m.

10/2 work session – 7:00 p.m.

10/9 regular session – 7:00 p.m.

10/23 regular session – 7:00 p.m.

XI. OTHER BUSINESS

XII. Motion to enter Executive Session to discuss matters pertaining to the leasing, purchase or sale of real estate, according to Missouri Statute 610.021.2; and matters pertaining to legal actions, according to Missouri Statute 610.021.1, and that the record be closed.

XIII. ADJOURN

SECTION IV

A

**Minutes of the Belton City Council
Regular Meeting
August 28, 2018
City Hall Annex
520 Main Street, Belton, Missouri**

Mayor Davis called the regular meeting to order at 7:01 p.m.

Andrew Seibert with Boy Scout Troop 111 led the Pledge of Allegiance to the Flag.

Councilmembers present: Councilwomen Stephanie Davidson, Lorrie Peek, Mayor Jeff Davis, Councilmen Tim Savage, Jeff Fletcher, Ryan Finn, Gary Lathrop, Chet Trutzel, and Dean VanWinkle.

Staff present: Alexa Barton, City Manager; Megan McGuire, City Attorney; and Andrea Cunningham, City Clerk.

CONSENT AGENDA

Councilman Lathrop moved to approve the consent agenda consisting of a motion:

- **approving the minutes of the August 14, 2018, City Council Regular Meeting**

Councilman Savage seconded. All voted in favor. Consent agenda approved.

Mayor Davis read a letter from a visitor to Belton who had a very positive experience with our police and fire departments in a time of need.

Jason McDaniel, 811 Herschel, represented the City/Community Partnership: Take Back Belton. Mr. McDaniel presented a petition the group has put together. The group has pledged to remain active in the process of the city government; to be watchful and coordinate with the police department; and to organize and participate in neighborhood watches. The group has asked the city to streamline the budget; to increase the number of police officers; to increase nuisance enforcement; to increase police assistance with neighborhood watch programs; to adopt a rental inspection program; and to address the homeless issue.

Mayor Davis addressed the group and thanked them for coming. He said the recent neighbor meetings have gone well. He said staff share these concerns. The city is forming an eight member citizen/volunteer/city staff committee to help address these things. The citizens will be from each ward.

ORDINANCES

Andrea Cunningham, City Clerk, gave the final reading of Bill No. 2018-55: An ordinance levying and fixing the rate of tax for Municipal Purposes, for the Park Fund, and the Debt Service Fund for fiscal year 2019.

Presented by Councilman Trutzel, seconded by Councilwoman Peek. Vote on the final reading was recorded:

Ayes: 9 Councilwoman Davidson, Councilmen Finn, Trutzel, Mayor Davis, Councilmen Lathrop, Fletcher, VanWinkle, Councilwoman Peek, and Councilman Savage

Noes: 0

Absent: 0

Bill No. 2018-55 was declared passed and in full force and effect as **Ordinance No. 2018-4457**, subject to Mayoral veto.

Ms. Cunningham gave the final reading of Bill No. 2018-56: An ordinance approving a replat of the final plat of R.S. Maier Business Park Lot 6, a subdivision of land in the southeast quarter of section 2, township 46, range 33, City of Belton, Cass County, Missouri.

Presented by Councilwoman Peek, seconded by Councilman Lathrop. Vote on the final reading was recorded:

Ayes: 9 Councilwoman Peek, Councilmen Finn, VanWinkle, Mayor Davis, Councilmen Savage, Fletcher, Councilwoman Davidson, Councilmen Lathrop, and Trutzel

Noes: 0

Absent: 0

Bill No. 2018-56 was declared passed and in full force and effect as **Ordinance No. 2018-4458**, subject to Mayoral veto.

Ms. Cunningham gave the final reading of Bill No. 2018-57: An ordinance amending Chapter 14 – Nuisances, Sections 14-5 and 14-10 of the Belton Code of Ordinances regarding administrative search warrant procedures and requirements along with Disposition of Nuisance Property guidelines.

Presented by Councilman Lathrop, seconded by Councilwoman Peek. Sheila Ernzen, Finance Director, said the flowcharts outlining the procedures are on our website. Vote on the final reading was recorded:

Ayes: 9 Councilmen Savage, Finn, Councilwomen Davidson, Peek, Councilmen VanWinkle, Fletcher, Mayor Davis, Councilmen Lathrop, and Trutzel

Noes: 0

Absent: 0

Bill No. 2018-57 was declared passed and in full force and effect as **Ordinance No. 2018-4459**, subject to Mayoral veto.

Ms. Cunningham gave the final reading of Bill No. 2018-58: An ordinance readopting ordinance No. 91-2073, as amended, establishing a procedure to disclose potential conflict of interest and substantial interest for certain municipal officials.

Presented by Councilman Trutzel, seconded by Councilman Savage. Vote on the final reading was recorded:

Ayes: 9 Councilmen Lathrop, Savage, Councilwomen Davidson, Peek, Councilmen VanWinkle, Fletcher, Finn, Mayor Davis, and Councilman Trutzel

Noes: 0

Absent: 0

Bill No. 2018-58 was declared passed and in full force and effect as **Ordinance No. 2018-4460**, subject to Mayoral veto.

Ms. Cunningham read Bill No. 2018-59: An ordinance accepting a Mid-America Regional Council (MARC) grant and approving an agreement between MARC and the City of Belton, Missouri to continue services for individuals at the Belton Senior Center.

Presented by Councilman Lathrop, seconded by Councilwoman Peek. Councilman Savage asked why we're doing both readings tonight. Alexa Barton, City Manager, explained this agreement went into effect on July 1, but we just received the documents last week.

Vote on the first reading was recorded with all voting in favor. First reading passed.

Councilman Trutzel moved to hear the final reading. Councilman Finn seconded. Vote to hear the final reading was recorded with all voting in favor. Motion passed. The final reading was read.

Presented by Councilwoman Peek, seconded by Councilman Trutzel. Vote on the final reading was recorded:

Ayes: 9 Councilwomen Davidson, Peek, Councilman Trutzel, Mayor Davis, Councilmen Lathrop, VanWinkle, Fletcher, Finn, and Savage

Noes: 0

Absent: 0

Bill No. 2018-59 was declared passed and in full force and effect as **Ordinance No. 2018-4461**, subject to Mayoral veto.

Ms. Cunningham read Bill No. 2018-60: An ordinance approving a Public Service Agreement between Oats, Inc. and the City of Belton, Missouri to provide site transportation for individuals to and from the Belton Senior Center.

Presented by Councilman Trutzel, seconded by Councilwoman Peek. Councilman Lathrop asked how much MARC is providing. Ms. Barton said \$6/rider each way. Councilman Savage asked if the City pays it and then MARC reimburses us. Ms. Barton said yes.

Vote on the first reading was recorded with all voting in favor. First reading passed.

Councilman Trutzel moved to hear the final reading. Councilman Lathrop seconded. Vote to hear the final reading was recorded with all voting in favor. Motion passed. The final reading was read.

Presented by Councilman Trutzel, seconded by Councilman Lathrop. Vote on the final reading was recorded:

Ayes: 9 Mayor Davis, Councilmen Trutzel, Savage, Lathrop, Councilwoman Davidson, Councilmen Fletcher, VanWinkle, Finn, and Councilwoman Peek

Noes: 0

Absent: 0

Bill No. 2018-60 was declared passed and in full force and effect as **Ordinance No. 2018-4462**, subject to Mayoral veto.

RESOLUTIONS

Ms. Cunningham read Resolution R2018-41: A resolution appointing members of the Belton Nature Area Advisory Board.

Presented by Councilwoman Peek, seconded by Councilman Savage.

Vote on the resolution was recorded with all voting in favor. Resolution passed.

Ms. Cunningham read Resolution R2018-42: A resolution approving Task Agreement 2018-5 with Trekk Design Group, LLC to perform design and construction services for the Hargis Lake area sanitary sewer in the amount of \$42,330.88.

Presented by Councilman Trutzel, seconded by Councilman VanWinkle. Councilman Lathrop asked about the cost of the project manager for this project and the project in the next resolution. They are both by Trekk Design Group, LLC. Celja Duran, Public Works Director, said these projects are handled by two different divisions of Trekk. These costs were negotiated.

Vote on the resolution was recorded with all voting in favor. Resolution passed.

Ms. Cunningham read Resolution R2018-43: A resolution of the City of Belton, Missouri approving Task Agreement 2018-4 with Trekk Design Group, LLC to provide engineering design services for replacement of approximately 4,000 linear feet of water main in the amount of \$109,400.45.

Presented by Councilwoman Peek, seconded by Councilman VanWinkle.

Vote on the resolution was recorded with all voting in favor. Resolution passed.

Ms. Cunningham read Resolution R2018-44: A resolution creating a nine member Public Safety Sales Tax Oversight Committee, defining the purpose and duties of the committee, and providing for its organization and plan of operation.

Presented by Councilman VanWinkle, seconded by Councilwoman Peek. Councilman Savage questioned why we are creating this committee now when we may not need it. Shouldn't we wait to see if the tax passes? Ms. Barton said no committee members will be appointed until the tax passes, but by passing this resolution now it ensures there will be an oversight committee. Councilman Savage said our other restricted funds don't have an oversight committee; the City Council is responsible for overseeing the funds. Ms. Barton said the Park Department has a finance subcommittee.

Vote on the resolution was recorded with all voting in favor except Councilman Savage voting no. Resolution passed.

CITY COUNCIL LIAISON REPORTS

Councilwoman Davidson gave a Park report

- Charlie Brown play is September 7 at Memorial Park
- Oktoberfest is September 29 at Memorial Park
- Doggie Dip Day is September 8, 2018 from 9-11 a.m. at the outdoor pool

MAYOR'S COMMUNICATIONS

- City hall is closed on Labor Day
- Fall Festival is September 7-8
- The Veteran's Day parade is November 11
- There will be a POW event on September 22 in Memorial Park
- Main Street Theater play is September 7

Police Chief James Person said Belton CARES will host a police tailgate party at Southwick Stadium on September 7.

CITY MANAGER'S REPORT

- The September 4 City Council Work Session is canceled.
- The October 2 City Council Work Session may begin at 6:30 p.m. Please let Ms. Barton know if you are available for the October 2 meeting.
- The fall city-wide bulky pick up is September 14 for Monday trash residents and September 21 for Tuesday trash residents

September and October 2018 meetings

9/4 work session – canceled
9/11 regular session – 7:00 p.m.
9/25 regular session – 7:00 p.m.
10/2 work session – 7:00 p.m.
10/9 regular session – 7:00 p.m.

OTHER BUSINESS

Councilman Trutzel asked if there are numerous police calls to a particular address can we evict the residents? Is this legal? Chief Person said the police can't evict, but they can contact the landlords. Megan McGuire, City Attorney, said the city doesn't evict, but we do work with landlords, code enforcement, and within our dangerous building code. Councilman Trutzel said perhaps there are ways to do things quicker. Chief Person said that's what we're trying to accomplish with the new flowcharts.

Councilman Savage asked if the councilmen are getting all their emails from the city email address. Ms. Barton said she believes so, but she will look into it.

Ms. Ernzen gave the July 2018 financial report. The variation from projected funds to actual funds is from franchise tax. Sales tax is about ¼ of the general fund's budget.

At 8:17 p.m. Councilman Trutzel moved to enter Executive Session to discuss matters pertaining to preparation, including any discussion or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups according to Missouri Statute 610.021.9; matters pertaining to the leasing, purchase or sale of real estate, according to Missouri Statute 610.021.2; and matters pertaining to legal actions, according to Missouri Statute 610.021.1, and that the record be closed. Councilman Savage seconded. The following vote was recorded:

Ayes: 9 Councilmen Fletcher, VanWinkle, Savage, Finn, Councilwomen Peek, Davidson, Councilmen Trutzel, Lathrop, and Mayor Davis

Noes: 0

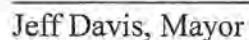
Absent: 0

The Council returned from Executive Session at 9:00 p.m.

Being no further business, Councilwoman Peek moved to adjourn at 9:01 p.m. Councilman Lathrop seconded. All voted in favor. Meeting adjourned.



Andrea Cunningham, City Clerk



Jeff Davis, Mayor

SECTION VI

A

AN ORDINANCE APPROVING THE AGREEMENT TO AMEND THE DUES DEDUCTION SECTION OF THE 2015-2018 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI AND LOCAL NO. 42 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS IN ACCORD WITH A RECENT U.S. SUPREME COURT CASE.

WHEREAS, the City of Belton, Missouri (hereinafter "City") and Local No. 42 of the International Association of Fire Fighters (hereinafter "IAFF") entered into a Collective Bargaining Agreement (hereinafter "CBA") on March 24, 2015 for a three year term; and

WHEREAS, the City and IAFF have amended certain provisions from time to time and the current CBA is extended until November 14, 2018; and

WHEREAS, on June 27, 2018, the Supreme Court of the United States in the *Janus v. American Federation of State, County and Municipal Employees, Council 31*, 138 S.Ct. 2448 case invalidated certain conditions which compel a person to subsidize the speech of other private speakers in violation of First Amendment rights, as may be demonstrated in the current CBA, Article 1, Section 3 in the sections highlighted below:

"Section 3: Dues Deduction

The City agrees to deduct each pay period, dues and assessments in amount certified to be current by the Secretary – Treasurer of the Local Union from the pay of those employees who submit payroll deduction forms to be provided by the Union. The City shall forward the dues deducted to the Secretary – Treasurer of the Union.

A. Within thirty (30) days of the effective date, employees covered by this Agreement shall be required, as a condition of continued employment and to the extent permissible under Missouri law, to become members of the Union or pay a service and representation fee.

B. Commencing no later than the thirtieth (30th) day following employment in the bargaining unit, employees hired, rehired, reinstated or transferred into the bargaining unit after the effective date of this Agreement and covered by this Agreement shall to extent permissible under Missouri law, shall be required as a condition of employment to become members of the Union or pay a service and representation fee.

C. The City shall deduct Union dues from the salaries of those members of Local No. 42 who authorize such in writing (pursuant to the authorization from attached as Appendix A) and shall deduct the service and representation fee (pursuant to the authorization form attached as Appendix B) from the salaries of those bargaining unit members who authorize such in writing. Dues deductions and service fee authorizations shall be irrevocable for a period of one (1) year or the expiration of this Agreement, whichever occurs first. Revocation of such authorization must be in writing, with a copy to the Secretary – Treasurer of the Union and the City, and shall be in accordance with the procedure set forth in the authorization form.

D. The service and representation fee shall be a percentage of the amount paid by members for Union dues, based on the amount reasonably calculated by the Union as appropriate for the performance of collective bargaining, contract administration and other permissible activities related to service and representation, but shall not include amounts utilized to finance the Union's political and fraternal activities unrelated to collective bargaining or contract administration.

E. Dues and service and representation fees deducted, as provided for above, will be forwarded to the Secretary – Treasurer of Local No. 42. The City agrees to provide these services without charge to the Union.”

WHEREAS, the IAFF has proposed the attached Agreement, deleting the sections in question and adding an indemnification provision should any other aspect of the dues deduction process be challenged; and

WHEREAS, the City Council believes it is in the best interest of the citizens of Belton to amend the CBA in accordance with the ruling of the Supreme Court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI:

Section 1. That the Agreement Between the City of Belton, Missouri and Local No. 42 of the International Association of Fire Fighters To Amend the 2015-2018 Collective Bargaining Agreement, herein attached and incorporated as Exhibit A, is hereby approved.

Section 2. That this ordinance shall be in full force and effect from and after its passage.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

READ FOR THE FIRST TIME: September 11, 2018

READ FOR THE SECOND TIME AND PASSED:

Mayor Jeff Davis

Approved this ____ day of _____, 2018.

Mayor Jeff Davis

ATTEST:

Andrea Cunningham, City Clerk
City of Belton, Missouri

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

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the 11th day of September, 2018, and thereafter adopted as Ordinance No. 2018-____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the ____ day of _____, 2018, after the second reading thereof by the following vote, to-wit:

AYES:	COUNCILMEN:
NOES:	COUNCILMEN:
ABSENT:	COUNCILMEN:

Andrea Cunningham, City Clerk
City of Belton, Missouri



**AGREEMENT BETWEEN THE CITY OF BELTON, MISSOURI
AND
LOCAL NO. 42 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
TO AMEND THE 2015 - 2018 COLLECTIVE BARGAINING AGREEMENT**

WHEREAS, the City of Belton, Missouri (City) and Local No. 42 of the International Association of Fire Fighters (Local 42) (the City and Local 42 may be collectively referred to as the Parties) have entered into a binding Collective Bargaining Agreement (CBA); and

WHEREAS, the CBA includes, in Article I, § 3, provisions that provide for the payment of a “service and representation fee,” to be paid by non-members, and which authorizes the City to collect such fees from non-members and to remit them to Local 42; and

WHEREAS, the validity and legality of portions of Article I, § 3, of the CBA, have been invalidated by the United States Supreme Court decision in *Janus v. AFSCME, Council 31*; and

WHEREAS, Article XXIV of the CBA provides that: “If any provision of this agreement or the application of such provision should be rendered or declared by any court or be reason of any existing or subsequently enacted legislation, the remaining parts or portions of this agreement shall remain in full force and effect.” And

WHEREAS, the City and Local 42, pursuant to Article XXIV have met and negotiated the following amendment to the CBA to ensure that it complies with *Janus*,
THE PARTIES HEREBY AGREE that Article I, § 3, will be revised and amended as set forth below.

ARTICLE I

RECOGNITION AND UNION SECURITY

Section 3. Dues Deduction

- A. The City shall deduct Union dues from the salaries of those members of Local No. 42 who authorize such in writing (pursuant to the authorization form attached as Appendix A). Dues deductions shall be irrevocable for a period of one (1) year or the expiration of this Agreement, whichever occurs first. Revocation of such authorization must be in writing, with a copy to the Secretary-Treasurer of the Union and the City, and shall be in accordance with the procedure set forth in the authorization form.
- B. Dues deducted, as provided for above, will be forwarded to the Secretary-Treasurer of Local No. 42. The City agrees to provide these services without charge to the Union.

C. The Union agrees to defend, indemnify and hold the City harmless in the event any employee brings a claim against the City based on the City's compliance with the provisions of this Section.

Dated this Day ___ of _____, 2018.

FOR THE CITY:

FOR LOCAL 42:

Alexa Barton
City Manager

TIM DUPIN
President

SECTION VII

A

R2018-45

A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE BELTON/RAYMORE INTERCHANGE TRANSPORTATION DEVELOPMENT DISTRICT.

WHEREAS, on August 22, 2006, the City Council of the City of Belton, Missouri, (the “City”) adopted Ordinance No. 2006-3274, which approved and authorized the Mayor to enter into a First Amended and Restated Cooperation Agreement (the “Cooperation Agreement”) among the City, the City of Raymore (“Raymore”), Good Otis, L.L.C. (“Good Otis”), BKO Estate Liquidating Company, LLC (“BKO”), and James D. and Toni P. Graham (the “Grahams”); and

WHEREAS, the Cooperation Agreement, which was fully executed by the parties thereto on September 7, 2006, established the obligations of the parties to form and operate the Belton/Raymore Interchange Transportation Development District (the “District”); and

WHEREAS, on September 18, 2006, pursuant to Section 238.207.5, RSMo, the City and Raymore filed in the Cass County Circuit Court a petition to create the District, which petition was joined by Good Otis, BKO and the Grahams; and

WHEREAS, Section 238.220.3, RSMo, provides that where a district is comprised of two local transportation authorities, the district’s board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation district within the district; and

WHEREAS, the Cooperation Agreement provides that the District’s board of directors will consist of the Mayor of the City, the Mayor of Raymore, a representative appointed by the City Council, a representative appointed by Raymore, a representative nominated by the Grahams to be appointed by the City Council, and a representative nominated by Good Otis to be appointed by Raymore; and

WHEREAS, the Grahams have nominated Jim Graham to be appointed by the City Council to the District’s Board of Directors; and

WHEREAS, the City Council now desires to make appointments to the District’s Board of Directors.

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

SECTION 1. Gary Lathrop is appointed as the Belton Appointed Advisory Director of the District.

SECTION 2. Jim Graham is appointed as the Graham/Belton Nominated Director of the District.

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

Duly read and passed this 11th day of September, 2018.

Mayor Jeff Davis

ATTEST:

Andrea Cunningham, City Clerk
of the City of Belton, Missouri

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

I, Andrea Cunningham, 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 11th day of September, 2018 and adopted at a regular meeting of the City Council held the 11th day of September, 2018 by the following vote, to wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Andrea Cunningham, City Clerk
Of the City of Belton, Missouri

