



**Agenda of the Belton City Council
Work Session & Regular Meeting
December 10, 2019 – 6:00 p.m.
City Hall Annex
520 Main Street, Belton, Missouri**

- I. CALL THE REGULAR MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE – Councilmember Peek
- III. ROLL CALL
- IV. PERSONAL APPEARANCES
 - A. Administration of oaths to two new employees of the Fire Department.
 - B. Recognition of Steve Polen & Heather Wolverton for bravery shown at High Blue Wellness Center on November 26, 2019.

Recess for a reception for all present

- V. ADJOURN REGULAR MEETING
- VI. CALL WORK SESSION TO ORDER
- VII. ITEMS FOR REVIEW AND DISCUSSION
 - A. Water Infrastructure
 - B. Rental Inspection Program
- VIII. ADJOURN WORK SESSION
- IX. CALL REGULAR MEETING BACK TO ORDER
- X. 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 November 26, 2019, City Council Regular Meeting.**

- B. **Motion authorizing the sale of surplus city inventory/personal property by Mayo Auction & Realty.**

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- C. **Motion approving a bid from Dayco Painting to paint the Police Department building in the amount of \$11,521.00.**

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- D. Motion approving Resolution R2019-103
A resolution appointing Bryan Murdock to the Municipal Park Board.

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XI. PERSONAL APPEARANCES

XII. ORDINANCES

- A. Motion approving the final reading of Bill No. 2019-60
An ordinance of the City of Belton, Missouri approving the Agency Participation Agreement among the Mid-America Regional Council (MARC), Traffic Technology Services, Inc. (TTS), and the City of Belton, Missouri in conjunction with the Data Authorization Agreement between MARC and TTS to provide real time traffic data at \$0.00 cost to the City.
- B. Motion approving the final reading of Bill No. 2019-61
An ordinance approving a Fire Protection Agreement between the City of Belton and the Mount Pleasant Fire Protection District.
- C. Motion approving both readings of Bill No. 2019-62
An ordinance determining and declaring the necessity of acquiring for public use temporary construction and permanent utility easements for the construction and maintenance of stormwater system improvements related to the repair and upgrade of two storm water culverts under East Cambridge Road generally located in Section 13, Township 46 North, Range 33 West, all in the City of Belton, Cass County, Missouri; authorizing the city and its designees to negotiate for the purpose of acquiring the easement by contract of condemnation; and authorizing the City Attorney and his designees to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

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XIII. RESOLUTIONS

XIV. CITY COUNCIL LIAISON REPORTS

XV. MAYOR'S COMMUNICATIONS

XVI. CITY MANAGER'S REPORT

December 2019/January 2020 meetings

12/24 work session & regular meeting – Canceled

01/14 work session & regular meeting – 6:00 p.m.

01/28 work session & regular meeting – 6:00 p.m.

XVII. OTHER BUSINESS

XVIII. Motion to enter Executive Session to discuss matters pertaining to negotiated contracts, according to Missouri Statute 610.021.12; and Legal Actions, according to Missouri Statute 610.021.1, and that the record be closed, and the meeting adjourn from there.

SECTION X

A

**Minutes of the Belton City Council
Regular Meeting
November 26, 2019
City Hall Annex
520 Main Street, Belton, Missouri**

Mayor Davis called the Regular Meeting to order at 6:00 p.m.

Councilmember Davidson lead the Pledge of Allegiance to the Flag.

Councilmembers present: Mayor Davis, Gary Lathrop, Dean VanWinkle, Ryan Finn, Stephanie Davidson, and Lorrie Peek

Councilmembers absent: Tim Savage, Chet Trutzel, and Dave Clark

Staff present: Alexa Barton, City Manager; Padraic Corcoran, Attorney; and Andrea Cunningham, City Clerk

CONSENT AGENDA

Councilmember Peek moved to approve the consent agenda consisting of a motion:

- approving the minutes of the November 12, 2019, City Council Work Session & Regular Meeting.
- authorizing the sale of surplus city inventory/personal property by Mayo Auction & Realty.
- approving the October 2019 Municipal Division Summary Report for Municipal Court.
- approving Resolution R2019-101: **A resolution approving actions of the City Manager to engage Breit Construction, LLC for emergency sinkhole repairs located at 411-412 Hargis Lane and ratifying Task Agreement No. 2019-5 in the amount of \$67,456.12.**
- approving Resolution R2019-102: **A resolution approving Task Agreement No. 2020-4 with FTC Equipment, LLC to replace sludge pump #1 at the Wastewater Treatment Plant in a not-to-exceed amount of \$10,984.67.**

Councilmember Lathrop seconded. All present voted in favor. Consent agenda approved.

ORDINANCES

Andrea Cunningham, City Clerk, gave the final reading of Bill No. 2019-57: **An ordinance approving an amendment to the City's Zoning Map to authorize the creation of a Planned Unit Development in an existing R-2 (Single Family and Two Family Planned Unit Development) District, subject to plan documents and conditions herein specified, for Shady Lane, an existing two-family neighborhood located North of East North Avenue and East of Shady Lane, Belton, Cass County, Missouri.**

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

Ayes: 6 Mayor Davis, Peek, Davidson, Finn, VanWinkle, Lathrop

Noes: 0

Absent: 3 Savage, Trutzel, Clark

Bill No. 2019-57 was declared passed and in full force and effect as **Ordinance No. 2019-4543**, subject to Mayoral veto.

Mayor Davis stated the developer has requested the reading of Bill No. 2019-58 be postponed until January 14, 2020. Councilmember Lathrop moved to postpone Bill No. 2019-58 until January 14, 2020, seconded by Councilmember Peek. All present voted in favor. Motion passed.

Ms. Cunningham read Bill No. 2019-59: **An ordinance approving the vacation of public streets and right of ways as part of a Final Development Plan for the Shady Lane Planned Unit Development, in the City of Belton, Cass County, Missouri.**

Presented by Councilmember Lathrop, seconded by Councilmember Peek. Vote on the first reading was recorded with all present voting in favor. First reading passed. **Councilmember Lathrop moved to hear the final reading.** Councilmember Finn seconded. Vote to hear the final reading was recorded with all present voting in favor. Motion passed. The final reading was read. Presented by Councilmember Peek, seconded by Councilmember Lathrop. Vote on the final reading was recorded:

Ayes: 6 VanWinkle, Peek, Davidson, Lathrop, Finn, Mayor Davis

Noes: 0

Absent: 3 Savage, Trutzel, Clark

Bill No. 2019-59 was declared passed and in full force and effect as **Ordinance No. 2019-4544**, subject to Mayoral veto.

Ms. Cunningham read Bill No. 2019-60: **An ordinance of the City of Belton, Missouri approving the Agency Participation Agreement among the Mid-America Regional Council (MARC), Traffic Technology Services, Inc. (TTS), and the City of Belton, Missouri in conjunction with the Data Authorization Agreement between MARC and TTS to provide real time traffic data at \$0.00 cost to the City.**

Presented by Councilmember Peek, seconded by Councilmember VanWinkle. Vote on the first reading was recorded with all present voting in favor. First reading passed.

Ms. Cunningham read Bill No. 2019-61: **An ordinance approving a Fire Protection Agreement between the City of Belton and the Mount Pleasant Fire Protection District.**

Presented by Councilmember Lathrop, seconded by Councilmember Peek. Vote on the first reading was recorded with all present voting in favor. First reading passed.

CITY COUNCIL LIAISON REPORTS

Councilmember Davidson gave a Park report.

- High Blue Wellness is collecting toys, food, hats, and mittens for area charities
- December 14, Kids' Night Out, High Blue Wellness
- High Blue Wellness is hiring
- Basketball league signups at High Blue Wellness
- December 2, 5:30 p.m., Mayor's Christmas Tree Lighting, Memorial Station. Bring food and toy donations for the Belton Welfare Association/Operation Santa.

MAYOR'S COMMUNICATIONS

- Thank you to the staff for putting up the Christmas lights on Main Street

CITY MANAGER'S REPORT

December 2019/January 2020 meetings

12/10 work session & regular meeting – 6:00 p.m.

12/24 work session & regular meeting – Canceled

01/14 work session & regular meeting – 6:00 p.m.

01/28 work session & regular meeting – 6:00 p.m.

OTHER BUSINESS

Councilmember Davidson asked for the City Council to receive additional information regarding the potential rental inspection program at an upcoming work session. Alexa Barton, City Manager, asked if they would like to see the same ordinance from last time or would they like to discuss changes. Councilmember Davidson asked to discuss changes. Ms. Barton said it will be added to the December 10, 2019, Work Session.

At 6:13 p.m. Councilmember Finn moved to enter Executive Session to discuss matters pertaining to individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, according to Missouri Statute 610.021.13 and that the record be closed, and the meeting adjourn from there. Councilmember Peek seconded. The following vote was recorded.

Ayes: 6 Davidson, Peek, VanWinkle, Lathrop, Finn, Mayor Davis

Noes: 0

Absent: 3 Savage, Trutzel, Clark

Being no further business, the meeting was adjourned following the executive session.

Andrea Cunningham, City Clerk

Mayor Jeff Davis

SECTION X

B

Items for Auction 12/10/19 - IT Department

Located at City Hall

Quantity	Item
2	Dell E198WFP Monitor
1	Dell P22101 Monitor
1	Dell P2312Ht Monitor
3	Dell Precision Tower 3620 i3 4GB RAM (No Hard Drive)
2	Dell Precision Tower 5810 Xeon 8GB RAM (No Hard Drive)
1	Dell Vostro 2420 i3 (No Hard Drive)
2	Engenius Wireless N300 Access Point
1	HP Compaq dc7800 Core 2 4 GB RAM (No Hard Drive)
1	HP Ink Cartridge 45 Black
1	HP Ink Cartridge 564XL Black
1	HP Ink Cartridge 564XL Cyan
1	HP Ink Cartridge 564XL Magenta
1	HP Ink Cartridge 564XL Yellow
1	HP Ink Cartridge 61 Tri-Color
1	HP Ink Cartridge 78XL Tri-Color
1	HP Ink Cartridge 88 Black/Yellow
1	HP Ink Cartridge 88XL Black
1	HP Ink Cartridge 88XL Yellow
1	HP Ink Cartridge 940XL Cyan
1	HP Ink Cartridge 940XL Magenta
1	HP Ink Cartridge 940XL Yellow
1	HP Pro 3400 i3 4GB RAM (No Hard Drive)
1	Lenovo LS2223wc Monitor
9	Lenovo ThinkCentre 001RUS i3 8GB RAM (No Hard Drive)
1	Ruckus 7363 Access Point
1	Ruckus 7372 Access Point
1	Swan Security DVR (No Hard Drive)

SECTION X

C



**CITY OF BELTON
CITY COUNCIL INFORMATION FORM**

AGENDA DATE: December 10, 2019
 ASSIGNED STAFF: James R. Person
 DEPARTMENT: Police

Approvals

Engineer: Dept. Dir: Attorney: City Admin.:

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

ISSUE/REQUEST: For the City Council to approve a bid for painting the Police Department building. The original request has been changed due to no communication with the company.

PROPOSED CITY COUNCIL MOTION: To approve the bid from Dayco Painting to paint the Police Department building for the amount of \$11,521.00.

BACKGROUND: *(including location, programs/departments affected, and process issues)*
 The City Council approved \$10,000.00 for the FY20 budget to paint the Police building. There were two bids left to choose from.

Patrick's Painting for \$9,950.00 – This is with many areas eliminated.
 Dayco Painting - \$11,521.00 – This is with many areas eliminated.

IMPACT /ANALYSIS:
 The original request was for Top Coat to paint the inside of the building. However, in trying to contact the company, they have not returned any calls or e-mails to get a start date. This has forced the Belton Police Department to go to the next bid which is from Dayco Painting.

FINANCIAL IMPACT

Contractor:	Dayco Painting
Amount of Request/Contract:	
Amount Budgeted:	\$10,000.00
Funding Source:	010-4400-4957300
Additional Funds	\$1,521.00
Funding Source	010-3800-400-2055
Encumbered:	\$
Funds Remaining:	\$

TIMELINE	Start: Now	Finish:
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OTHER INFORMATION/UNIQUE CHARACTERISTICS:

STAFF RECOMMENDATION: Approved

OTHER BOARDS & COMMISSIONS ASSIGNED:
 Date:
 Action:

Memo from Sergeant J.J. Mosby
 Bid from Patrick's Painting
 Bid from Dayco Painting



**Belton Police
Department**

Memo

To: Capt. D Spears
From: Sgt. J Mosby
Date: 11-25-2019
Re: BUILDING IMPROVEMENTS

It is my regret I must advise you the building painting approved by the City Council with Top Coat painting has fallen through. The company has either closed their business or for some other reason they are not returning my phone calls or e-mails. Never the less we must move to the next bid presented by DAYCO PAINTING INC.



DAYCO PAINTING INC.

500 Zumwalt • Grandview, MO 64030
(816) 761-3353 • FAX (816) 763-2703

Proposal

Date: *October 8, 2019*

Submitted To: *Belton Police Station*

Attention: *Jimmy Mosby*

Job Name: *Belton Police Station Interior*

We hereby submit estimates for all painting as specified.

Includes:

- ALT # 1 ADD: 1067LF Hallways: Patch, Prime, & 1 Full Coat of Pro Mar 200 HP "Eggshell" to Gypsum & CMU Walls ADD: \$4,376.00
- ALT # 2 ADD: 44 Hollow Metal Door Frames: Split All Corridor Side- Sand, Wipe, & 1 Coat of Finish ADD: \$2,220.00

Excludes:

- Overtime and Night Labor

NOTE: *Estimate is contingent upon positive results of adhesion test on all walls that have semi-gloss, prior to the project beginning*

Nathan Underwood
Estimator/Project Manager

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Owner subject to full attorneys fees, legal fees and court cost for collection of past due invoices.

"The company that believes in personalized service"



DAYCO PAINTING INC.

500 Zumwalt • Grandview, MO 64030
(816) 761-3353 • FAX (816) 763-2703

Revised Proposal

Date: *October 4, 2019*

Submitted To: *Belton Police Station*

Attention: *Jimmy Mosby*

Job Name: *Belton Police Station Exterior*

We hereby submit estimates for all painting as specified.

Includes:

- Exterior:
- 390 LF - Roof Cap: Power wash, Chemical Wipe, Sand, & 1 Coat Sherwin Williams Bond Plex
- 30' Metal Panel: Power wash, Chemical Wipe, Sand, & 1 Coat Sherwin Williams Bond Plex
- Split Large 12'x12' Window & Door Set: Chemical Wipe, Sand, & 1 Coat Sherwin Williams Bond Plex
- Split 3 Windows 2'x3': Chemical Wipe, Sand, & 1 Coat Sherwin Williams Bond Plex
- 5 Hollow Metal Doors & Frames: Chemical Wipe, Sand, & 1 Coat Sherwin Williams Bond Plex
- 4 Raw Concrete Columns: 1 coat Loxon Surface primer, 2 coat A-100 Exterior

Total for Materials and Labor: \$4,925.00

Excludes:

- Overtime & Night Labor
- All Other Work Not Included In My Inclusions

Nathan Underwood
Estimator/Project Manager

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owners to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Owner subject to full attorneys fees, legal fees and court cost for collection of past due invoices.

"The company that believes in personalized service"

Patrick's Painting

Quote

Patrick O'Hara
7853044892
7853044892
Patrickspaintingcompany@gmail.com

QUOTE NO. 169 ISSUE DATE 8/29/2019 VALID UNTIL 9/19/2019

FROM

Patrick's Painting
1419 South Sheridan Bridge Place
Olathe KS 66062
United States

FOR

SGT. JJ Mosby
7001 East 163rd Street
Belton MO 64012
United States

DESCRIPTION	QTY.	UNIT PRICE (\$)	AMOUNT (\$)
Exterior fascia painting	1	4,500.00	4,500.00
Exterior doors painting (6) Exterior window trim painting (3)	1	350.00	350.00
Exterior columns painting (4)	1	400.00	400.00
Total (USD):			\$5,250.00

Proposal includes the costs of all paint, materials, and labor.

We will power wash all of the exterior fascia, doors, and columns prior to painting.

We will use Sherwin Williams "DTM" exterior paint on all of the fascia work, window trim, and doors.

The concrete columns will be Sherwin Williams exterior "loxon" primer, followed with 2 coats of "Superpaint"

Estimated time to complete job - 5 days.

Patrick's Painting

QUOTE NO. 171 ISSUE DATE 8/29/2019 VALID UNTIL 9/19/2019

FROM Patrick's Painting
1419 South Sheridan Bridge Place
Olathe KS 66062
United States

FOR SGT. JJ Mosby
7001 East 163rd Street
Belton MO 64012
United States

DESCRIPTION	QTY.	UNIT PRICE (\$)	AMOUNT (\$)
Interior hallway walls and door jams (Minus 150 feet of hallway and 11 door jams)	1	4,700.00	4,700.00

Total (USD): \$4,700.00

Proposal includes the costs of all paint, materials and labor.

*Cover all flooring in working area
Fill and repair all dings/dents in walls.
Use frog tape to ensure clean, straight lines throughout
Apply 2 coats of Sherwin Williams "Superpaint" throughout.*

We will remove coving to paint then apply adhesive and re-install same coving on walls.

Estimated time to complete job - 10 days

Police dept. is responsible for moving furniture in rooms we will be painting.

SECTION X

D

R2019-103

A RESOLUTION APPOINTING BRYAN MURDOCK TO THE MUNICIPAL PARK BOARD.

WHEREAS, Section 17-40 of the Belton Code of Ordinances provides for the appointment of nine (9) directors to the Municipal Park Board by the Mayor of the City, subject to the approval of the City Council; and

WHEREAS, George Shrum has resigned his position on the Park Board; and

WHEREAS, Bryan Murdock is hereby appointed to serve as a member of the Park Board to fill George's unexpired term until June 1, 2022, or until his successor is appointed.

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

SECTION 1. That the following named individuals shall constitute the Municipal Park Board with terms of office as shown:

<u>NAME</u>	<u>TERM</u>
David Daniels	June 1, 2020
Jennifer Garner	June 1, 2020
Barbara Miller	June 1, 2020
Charlie Dalzell	June 1, 2021
Mike Miller	June 1, 2021
Terry Ward	June 1, 2021
Zebadiah Morlok	June 1, 2022
Bryan Murdock	June 1, 2022
Rusty Sullivan	June 1, 2022
Councilman Liaison – Stephanie Davidson	

SECTION 2. This resolution shall take effect and be in full force from and after its passage and approval.

SECTION 3. That all resolutions or parts of resolutions in conflict with this resolution are hereby repealed.

Duly read and passed this 10th day of December, 2019.

Mayor Jeff Davis

ATTEST:

Andrea Cunningham, City Clerk
of the 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, Missouri, and that the foregoing Resolution was regularly introduced at a regular meeting of the City Council held on the 10th day of December, 2019, and adopted at a regular meeting of the City Council held the 10th day of December, 2019 by the following vote, to-wit:

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

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



CITY OF BELTON, MISSOURI
APPLICATION FOR APPOINTMENT TO CITY
BOARDS AND COMMISSIONS

Date November 28th 2019

*Board/Commission of interest Parks and Recreation

*Name Bryan Muddock

*Phone# (816) 304-6539

*Home Address 7219 Bryan Way
Belton, Mo 64012

*Do you reside within the city
limits of Belton? (circle one)

Yes No

*E-mail bryannmuddock@hotmail.com

Length of residence in Belton 15 years

Why are you interested in serving on this Board or Commission? I am passionate
about serving on the Board for the greater good
of the Community.

List other service on local boards or commission: None

Other qualifications you have that may be helpful in serving on this particular board:

Certified State of Missouri teacher and coach for over 20 years.
Masters Degree in Education - Coaching.
Over the years I've been involved in community outreach programs.

Signature: Bryan Muddock

*Required information

Updated 1/6/2015
F:\Board and Commission info\application board & commissions.doc

SECTION XII

C

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE TEMPORARY CONSTRUCTION AND PERMANENT UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF STORMWATER SYSTEM IMPROVEMENTS RELATED TO THE REPAIR AND UPGRADE OF TWO STORM WATER CULVERTS UNDER EAST CAMBRIDGE ROAD GENERALLY LOCATED IN SECTION 13, TOWNSHIP 46 NORTH, RANGE 33 WEST, ALL IN THE CITY OF BELTON, CASS COUNTY, MISSOURI; AUTHORIZING THE CITY AND ITS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE EASEMENT BY CONTRACT OF CONDEMNATION; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

WHEREAS, pavement over two 48-inch culverts located on Cambridge Road between Mullen Road and South Peculiar Drive has experienced deterioration and settlement. Based upon a site inspection by Olsson, the pipe joints have separated and the soil from around both pipes is being washed through the pipes resulting in undermining the road bed. Using Olsson’s On-Call Engineering Professional Services Agreement (Ordinance No. 2016-4187), Task Agreement 2019-02 was approved on April 15, 2019 by R2019-34 to design storm improvements including replacement of the existing culvert with two 48-inch concrete pipes to provide additional capacity including preliminary and final design, bid phase, and construction phase services; and

WHEREAS, the City Council of the City of Belton, Missouri pursuant to the advice and recommendation of the City Manager, deems it necessary, desirable, advisable and in the public interest to acquire temporary construction and permanent utility easements, together with all appurtenances related thereto, necessary for the purpose of construction and maintenance of stormwater system improvements related to the repair and upgrade of two storm water culverts under East Cambridge Road and other related public improvements associated with the operation of the City’s storm water system, which property is generally located in Section 13, Township 46 North, Range 33 West, all within the City of Belton, Cass County, Missouri, and as legally described on the attached Exhibit A (collectively, the “Project”); and

WHEREAS, the City has the authority by virtue of Section 82.240 and Chapter 523 of the Revised Statutes of the State of Missouri (2006, as amended) and by virtue of the Charter of the City of Belton, Missouri, to acquire private property, or any interest therein, by condemnation

proceedings as it determines is necessary for any public use, including such uses of purposes stated herein.

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

SECTION 1. It is hereby found, determined, and declared that it is necessary and in the public interest for the public purpose of constructing and maintaining the public improvements that are part of the Project, and which are for the benefit of the citizens of the City, pursuant to the plans and specification on file at Belton City Hall, to acquire, by purchase or condemnation proceedings temporary and permanent easements necessary for construction and maintenance of the Project over, under and through the tracts of land legally described and depicted on Exhibit A attached hereto.

SECTION 2. That the City Manager and their designees are hereby authorized to negotiate with the owners of the easement property as herein described for the purpose of acquiring the easements.

SECTION 3. That the City Manager and their designees are hereby authorized to execute necessary documents to pay and disburse funds to such owner, and any other party holding property rights or interests, and escrow agents pursuant to negotiated agreements associated with the acquisition of the easements.

SECTION 4. That, in the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for the Easements and the acquisition thereof by purchase, the City Attorney and their designees are hereby authorized and directed to institute condemnation proceedings for the purpose of acquiring the Easements in the manner provided by the Revised Statutes of the State of Missouri.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and approval.

READ FOR THE FIRST TIME: December 10, 2019

READ FOR THE SECOND TIME AND PASSED:

Mayor Jeff Davis

Approved this ____ day of _____, 2019.

Mayor Jeff Davis

ATTEST:

Andrea Cunningham, City Clerk
of the 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 ____ day of _____, 2019, and thereafter adopted as Ordinance No. 2019-____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the ____ day of _____, 2019, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

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



CITY OF BELTON CITY COUNCIL INFORMATION FORM

AGENDA DATE: December 10, 2019

DIVISION: Public Works/Transportation

COUNCIL: Regular Meeting Work Session Special Session

<input checked="" 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 type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Presentation	<input type="checkbox"/> Both Readings

ISSUE/RECOMMENDATION:

Pavement over two 48-inch culverts located on Cambridge Road between Mullen Road and South Peculiar Drive has experienced deterioration and settlement. Based upon a site inspection by Olsson, the pipe joints have separated and the soil from around both pipes is being washed through the pipes resulting in undermining the road bed. Using Olsson’s On-Call Engineering Professional Services Agreement (Ordinance No. 2016-4187), Task Agreement 2019-02 was approved on April 15, 2019 by R2019-34 to design storm improvements including replacement of the existing culvert with two 48-inch concrete pipes to provide additional capacity including preliminary and final design, bid phase, and construction phase services.

Temporary and permanent easements are necessary to acquire in order to construct the improvements. Before the property acquisition phase begins, Staff recommends approving an ordinance determining and declaring the necessity of acquiring for public use temporary construction easements and permanent easement for the construction and maintenance of storm drainage improvements; authorizing the City and its designees to negotiate for the purpose of acquiring the easements and property acquisition by contract or condemnation; and authorizing the City Attorney and his designees to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

IMPACT/ANALYSIS:

FINANCIAL IMPACT

Contractor:	N/A
Amount of Request/Contract:	\$ N/A
Amount Budgeted:	\$ N/A
Funding Source:	N/A

STAFF RECOMMENDATION, ACTION, AND DATE:

Approve an ordinance determining and declaring the necessity of acquiring for public use temporary construction and permanent utility easement for the construction and maintenance of stormwater system improvements related to the repair and upgrade of two stormwater culverts under East Cambridge Road generally located in Section 13, Township 46 North, Range 33 West, all in the City of Belton, Cass County, Missouri; authorizing the City and its designees to negotiate for the purpose of acquiring the easement by contract of condemnation; and authorizing the City Attorney and his designees to institute condemnation proceedings if such interest in land cannot be acquired by purchase through good faith negotiations.

LIST OF REFERENCE DOCUMENTS ATTACHED:

- Ordinance
- Exhibit A – Legal Descriptions and Easement Drawings

File No.: A16-0894
PARCEL 1
Permanent Drainage Easement
& Temporary Construction Easement
July 26, 2019

Permanent Drainage Easement Description:

All that part of Government Lot 1 of the Southwest Quarter of Section 18, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 18-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the South line of the Southwest Quarter of said Section 18-T46N-R32W, a distance of 523.70 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said South line, a distance of 25.00 feet to the North right of way line of East 79th Street, as now established, being the POINT OF BEGINNING of said Permanent Drainage Easement; thence continuing North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 40.00 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said North right of way line, a distance of 25.00 feet; thence South 86 degrees 30 minutes 11 seconds East, a distance of 40.00 feet; thence South 03 degrees 29 minutes 49 seconds West, a distance of 25.00 feet, to said North right of way line, being the POINT OF BEGINNING of said Permanent Utility Easement, containing 1,000 square feet or 0.0230 acres, more or less.

Temporary Construction Easement Description:

All that part of Government Lot 1 of the Southwest Quarter of Section 18, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 18-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the South line of the Southwest Quarter of said Section 18-T46N-R32W, a distance of 493.52 feet, thence North 03 degrees 29 minutes 49 seconds West, departing said South line, a distance of 25.00 feet to the North right of way line of East 79th Street, as now established, being the POINT OF BEGINNING of said Temporary Construction Easement; thence North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 30.18 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said North right of way line, a distance of 25.00 feet; thence North 86 degrees 30 minutes 11 seconds West, a distance of 40.00 feet; Thence South 03 degrees 29 minutes 49 seconds West, a distance of 25.00 feet, to said North right of way line; thence North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 11.42 feet to the East line of an existing 100 foot wide Electric Easement, as established in Book 506, Page 84; thence North 32 degrees 00 minutes 00 seconds West, along said East line, a distance of 14.54 feet; thence North 47 degrees 08 minutes 47 seconds East, departing said East line, a distance of 26.83 feet; thence North 82 degrees 29 minutes 28 seconds East, a distance of 32.07 feet; thence South 43 degrees 28 minutes 29 seconds East, a distance of 54.77 feet, to said North right of way line, being the POINT OF BEGINNING of said Temporary Construction Easement, containing 1,178 square feet or 0.027 acres, more or less.



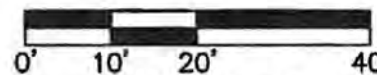
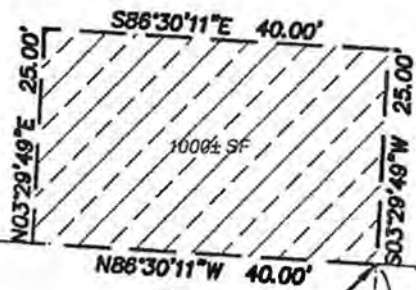
Olsson
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170
MOLS-366

Owner: James & Toni Graham



Owner: Sallee
Real Estate
Investments, LLC

East 50' of 100'
Electric Easement
Bk. 506, Pg. 84



SCALE IN FEET

Point of Beginning
South Line, SW 1/4,
Sec. 18, T46N, R32W

North R/W Line
E. 179th Street

N86°30'11"W 523.70'
E. 179th Street

Point of Commencing
South 1/4 Cor.,
Sec. 18, T46N, R32W

PDE = Permanent Drainage Easement
Area = ± 1,000 sq. ft. or 0.0230 acres

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USER: mibogha
XREFS:

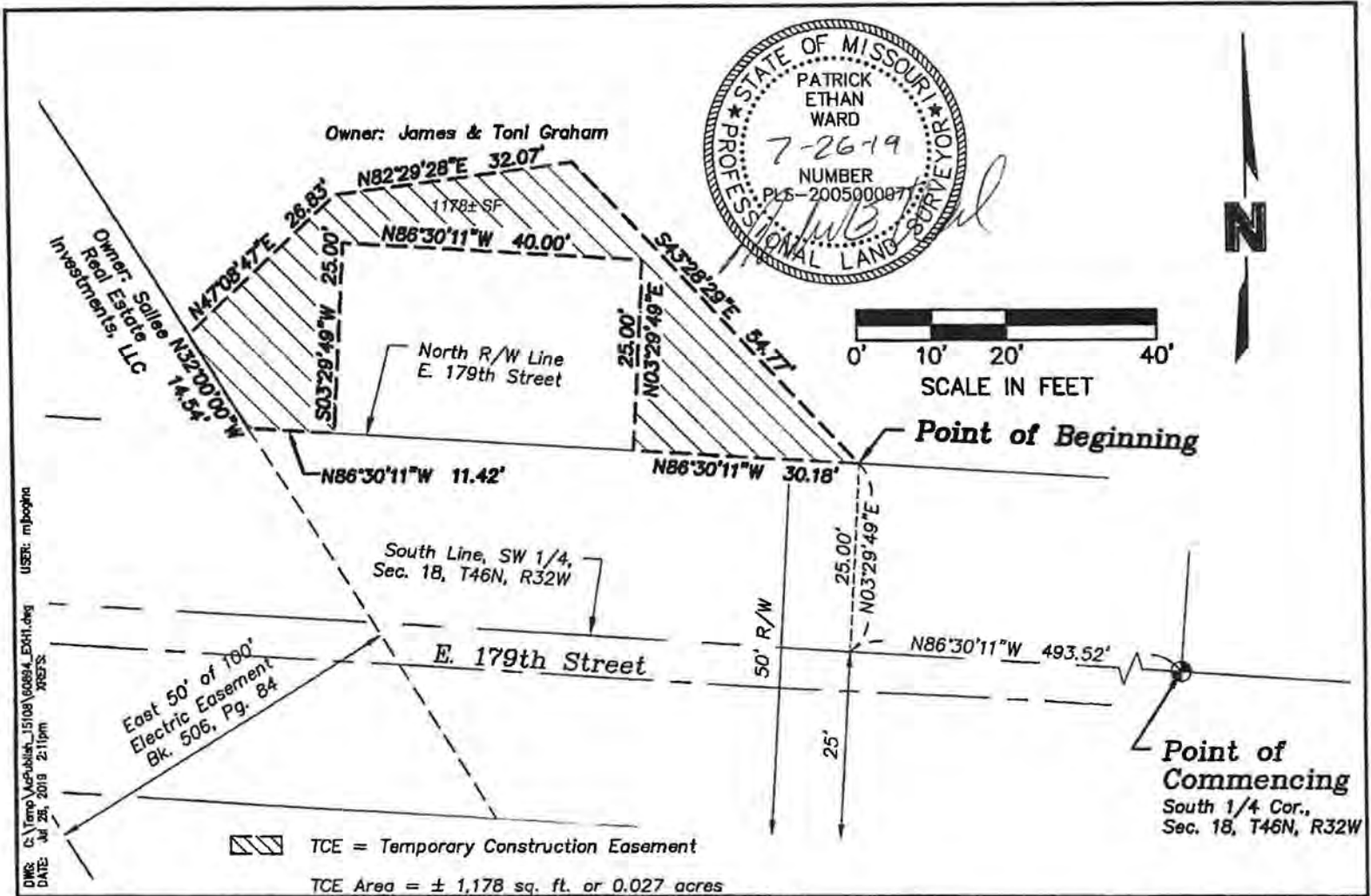
PROJECT NO: 016-0894
DRAWN BY: EDV
DATE: 07/26/19

PERMANENT DRAINAGE
EASEMENT OVER PART OF THE
SW 1/4, SEC. 18 - 46N - 32W

olsson

7301 West 133rd Street
Suite 200
Overland Park, KS 66213-4750
TEL 913.381.1170
MOLS-366

EXHIBIT
1-DE



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 DATE: Jul 26, 2018 2:11pm
 XREFS:

TCE = Temporary Construction Easement
 TCE Area = ± 1,178 sq. ft. or 0.027 acres

PROJECT NO: 016-0894 DRAWN BY: EDV DATE: 07/26/19	TEMPORARY CONSTRUCTION EASEMENT OVER PART OF THE SW 1/4, SEC. 18 - 46N - 32W		7301 West 133rd Street Suite 200 Overland Park, KS 66213-4750 TEL 913.381.1170
			EXHIBIT 1-TCE

File No.: A16-0894
PARCEL 2
Permanent Drainage Easement
& Temporary Construction Easement
July 26, 2019

Permanent Drainage Easement Description:

All that part of Government Lot 1 of the Southwest Quarter of Section 18, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 18-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the South line of the Southwest Quarter of said Section 18-T46N-R32W, a distance of 50.41 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said South line, a distance of 25.00 feet to the North right of way line of East 79th Street, as now established, being the POINT OF BEGINNING of said Permanent Drainage Easement; thence North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 50.00 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said North right of way line, a distance of 20.00 feet; thence South 86 degrees 30 minutes 11 seconds East, a distance of 50.00 feet; thence South 03 degrees 29 minutes 49 seconds West, a distance of 20.00 feet, to said North right of way line, being the POINT OF BEGINNING of said Permanent Utility Easement, containing 1,000 square feet or 0.0230 acres, more or less.

Temporary Construction Easement Description:

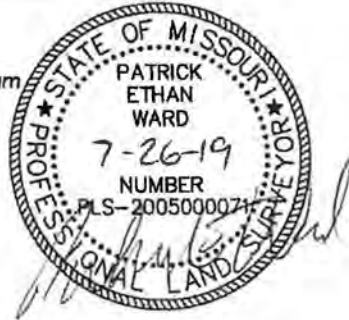
All that part of Government Lot 1 of the Southwest Quarter of Section 18, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 18-T46N-R32W, thence North 04 degrees 26 minutes 19 seconds East, along the East line of the Southwest Quarter of said Section 18-T46N-R32W, a distance of 25.00 feet to the North right of way line of East 179th Street, as now established, being the POINT OF BEGINNING of said Temporary Construction Easement; thence North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 50.82 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said North right of way line, a distance of 20.00 feet; thence North 86 degrees 30 minutes 11 seconds West, a distance of 50.00 feet; Thence South 03 degrees 29 minutes 49 seconds West, a distance of 20.00 feet, to said North right of way line; thence North 86 degrees 30 minutes 11 seconds West, along said North right of way line, a distance of 38.14 feet; thence North 55 degrees 37 minutes 02 seconds East, a distance of 65.15 feet; thence South 86 degrees 30 minutes 11 seconds East, a distance of 43.58 feet; thence South 48 degrees 48 minutes 36 seconds East, a distance of 55.68 feet, to said East line of the Southwest Quarter; thence South 04 degrees 26 minutes 19 seconds West, along said East line, a distance of 5.96 feet to said North right of way line, being the POINT OF BEGINNING of said Temporary Construction Easement, containing 2,784 square feet or 0.064 acres, more or less.

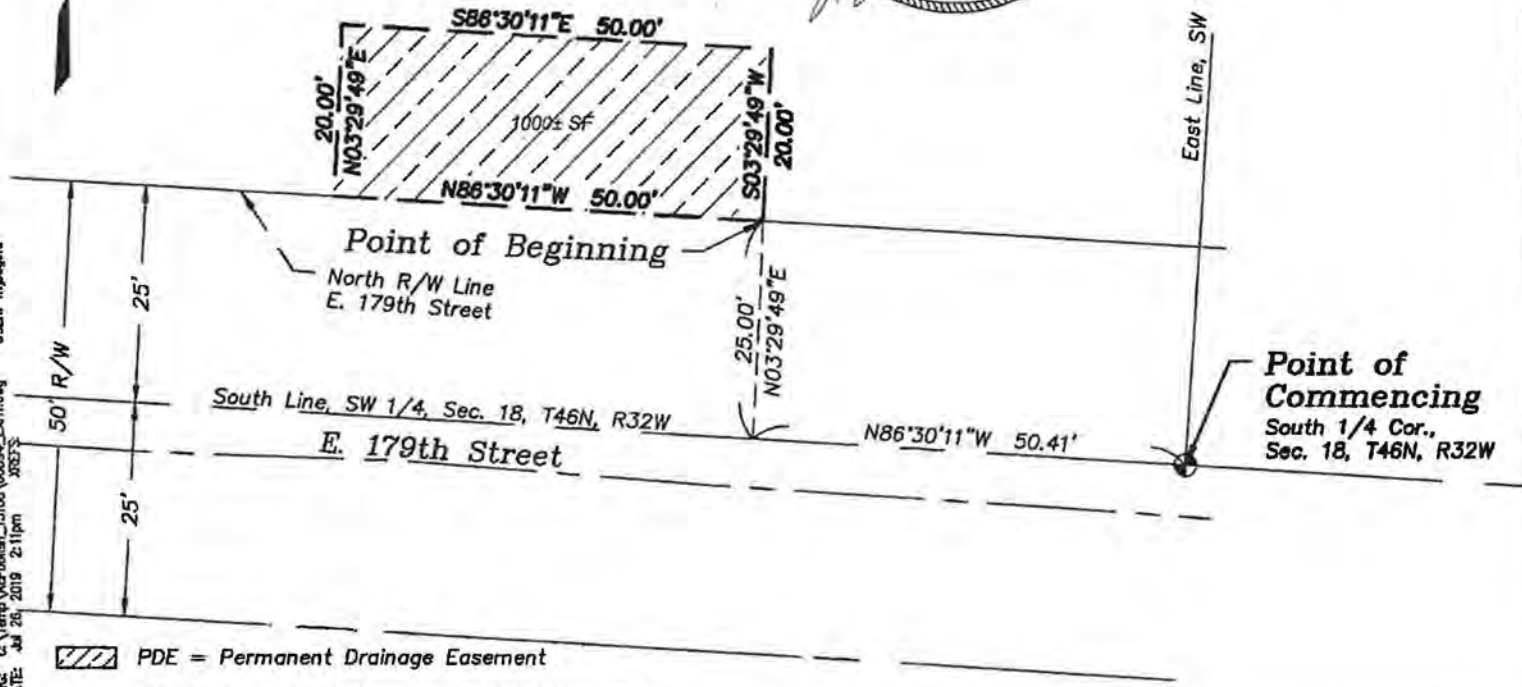


Olsson
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170
MOLS-366

Owner: James & Toni Graham



USER: mbojgha
 DATE: Jul 26, 2019 2:11pm
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PDE = Permanent Drainage Easement
 PDE Area = ± 1,000 sq. ft. or 0.0230 acres

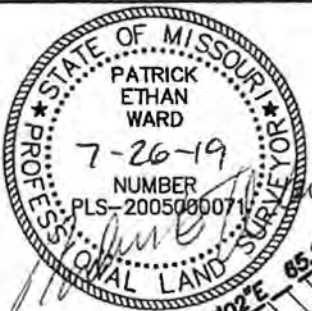
PROJECT NO: 016-0894
 DRAWN BY: EDV
 DATE: 07/26/19

PERMANENT DRAINAGE
 EASEMENT OVER PART OF THE
 SW 1/4, SEC. 18 - 46N - 32W

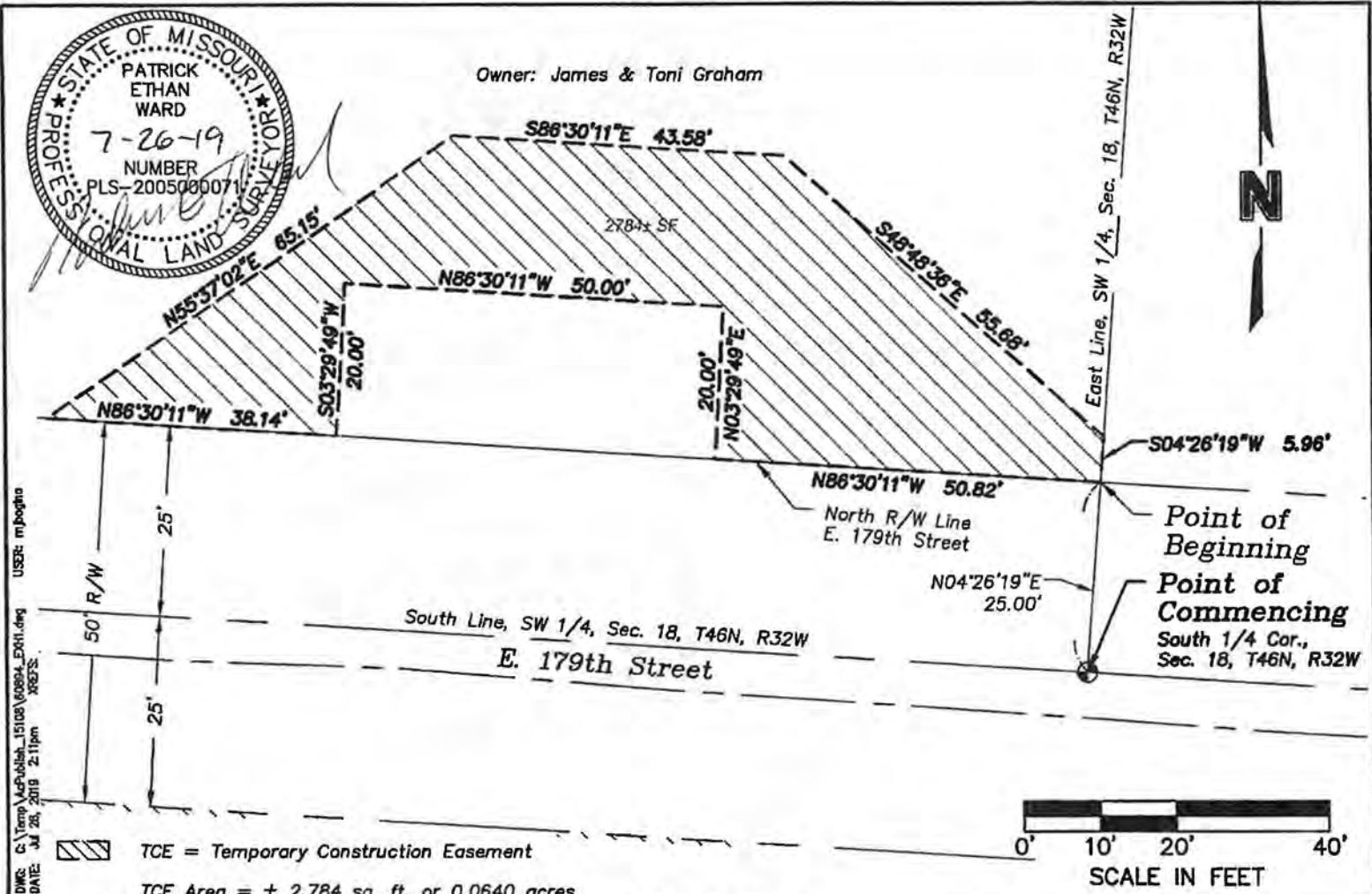


7301 West 133rd Street
 Suite 200
 Overland Park, KS 66213-4750
 TEL 913.381.1170
 MOLS-365

EXHIBIT
 2-DE



Owner: James & Toni Graham



TCE = Temporary Construction Easement
 TCE Area = ± 2,784 sq. ft. or 0.0640 acres

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 DATE: Jul 26, 2018 2:11pm
 USER: mjbogdan

PROJECT NO: 016-0894
 DRAWN BY: EDV
 DATE: 07/26/19

TEMPORARY CONSTRUCTION
 EASEMENT OVER PART OF THE
 SW 1/4, SEC. 18 - 46N - 32W

olsson
 7301 West 133rd Street
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 Overland Park, KS 66213-4750
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 MCLS-366

EXHIBIT
2-TCE

File No.: A16-0894
PARCEL 3
Permanent Drainage Easement
& Temporary Construction Easement
July 26, 2019

Permanent Drainage Easement Description:

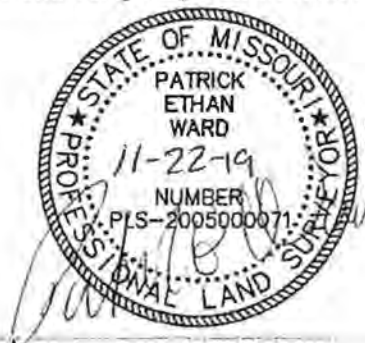
All that part of the Northwest Quarter of Section 19, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 19-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the North line of said Northwest Quarter of said Section 19-T46N-R32W, a distance of 43.59 feet; thence South 03 degrees 29 minutes 49 seconds West, departing said North line, a distance of 25.00 feet to the South right of way line of East 179th Street, as now established; thence North 86 degrees 30 minutes 11 seconds West, along said South right of way line, a distance of 24.99 feet to the POINT OF BEGINNING of said Permanent Drainage Easement; thence South 03 degrees 30 minutes 01 seconds West, a distance of 25.01 feet; thence North 86 degrees 29 minutes 59 seconds West, a distance of 40.00 feet; thence North 03 degrees 30 minutes 01 seconds East, a distance of 25.01 feet, to said South right of way line; thence South 86 degrees 30 minutes 11 seconds East, along said South right of way line, a distance of 40.00 feet, to the POINT OF BEGINNING of said Permanent Drainage Easement, containing 1,000 square feet or 0.0230 acres, more or less.

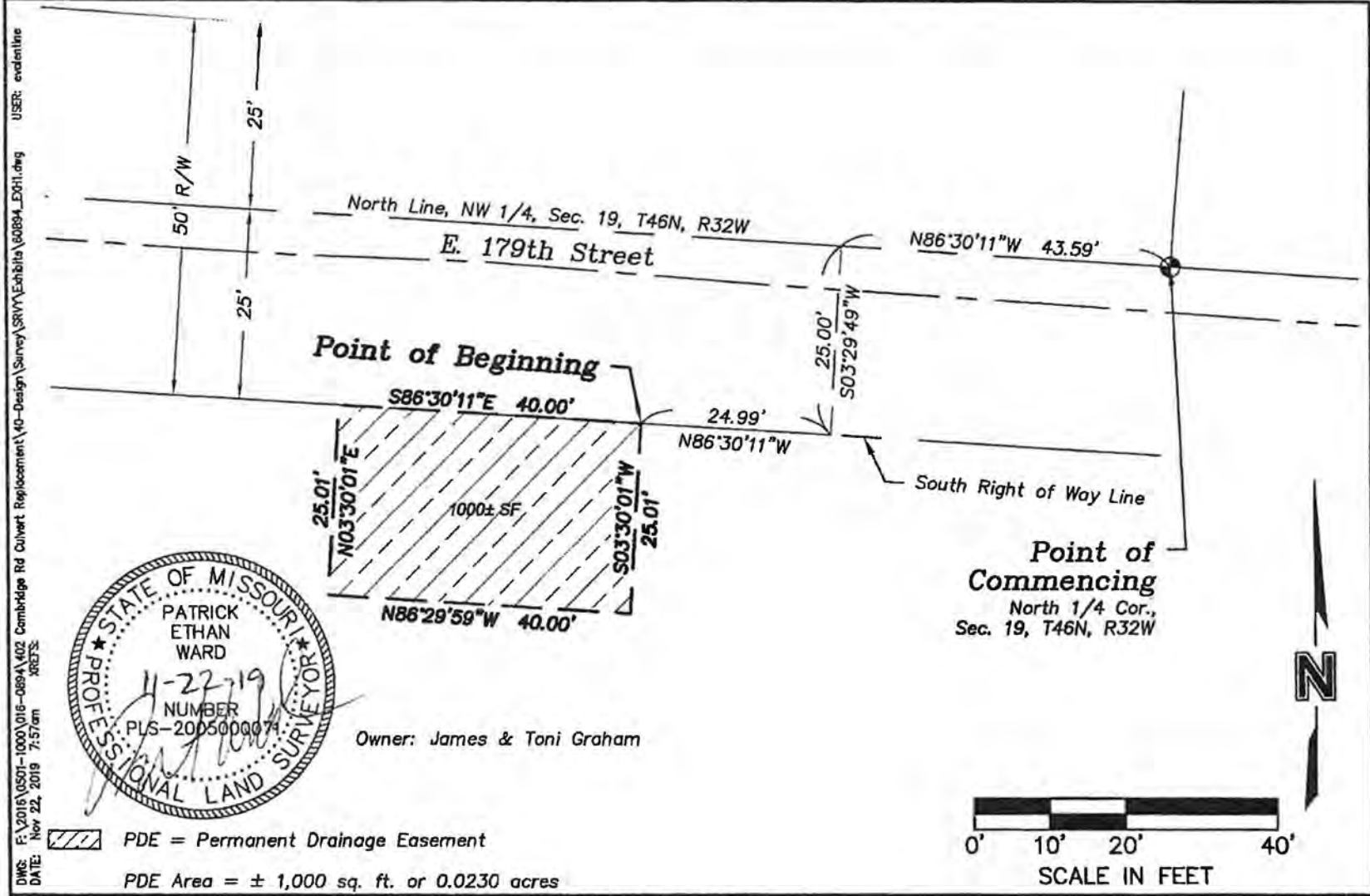
Temporary Construction Easement Description:

All that part of the Northwest Quarter of Section 19, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 19-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the North line of said Northwest Quarter of said section, a distance of 43.59 feet; thence South 03 degrees 29 minutes 49 seconds West, departing said North line, a distance of 25.00 feet to the South right of way line of East 179th Street, as now established, being the POINT OF BEGINNING of said Temporary Construction Easement; thence South 03 degrees 29 minutes 49 seconds West, departing said South line, a distance of 13.27 feet; thence South 46 degrees 21 minutes 49 seconds West, a distance of 29.67 feet; thence North 86 degrees 29 minutes 59 seconds West, a distance of 46.77 feet; thence North 47 degrees 21 minutes 38 seconds West, a distance of 39.97 feet; thence North 03 degrees 30 minutes 03 seconds East, to said South right of way line, a distance of 9.77 feet; thence South 86 degrees 30 minutes 11 seconds East, along said South right of way line, a distance of 32.97 feet; thence South 03 degrees 30 minutes 01 seconds West, departing said South right of way line, a distance of 25.01 feet, thence South 86 degrees 29 minutes 59 seconds East, a distance of 40.00 feet; thence North 03 degrees 30 minutes 01 seconds East, to said South right of way line, a distance of 25.01 feet; thence South 86 degrees 30 minutes 11 seconds East, along said South right of way line, a distance of 24.99 feet to the POINT OF BEGINNING of said Temporary Construction Easement, containing 1,818 square feet or 0.042 acres, more or less.



Olsson
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170
MOLS-366



Owner: James & Toni Graham

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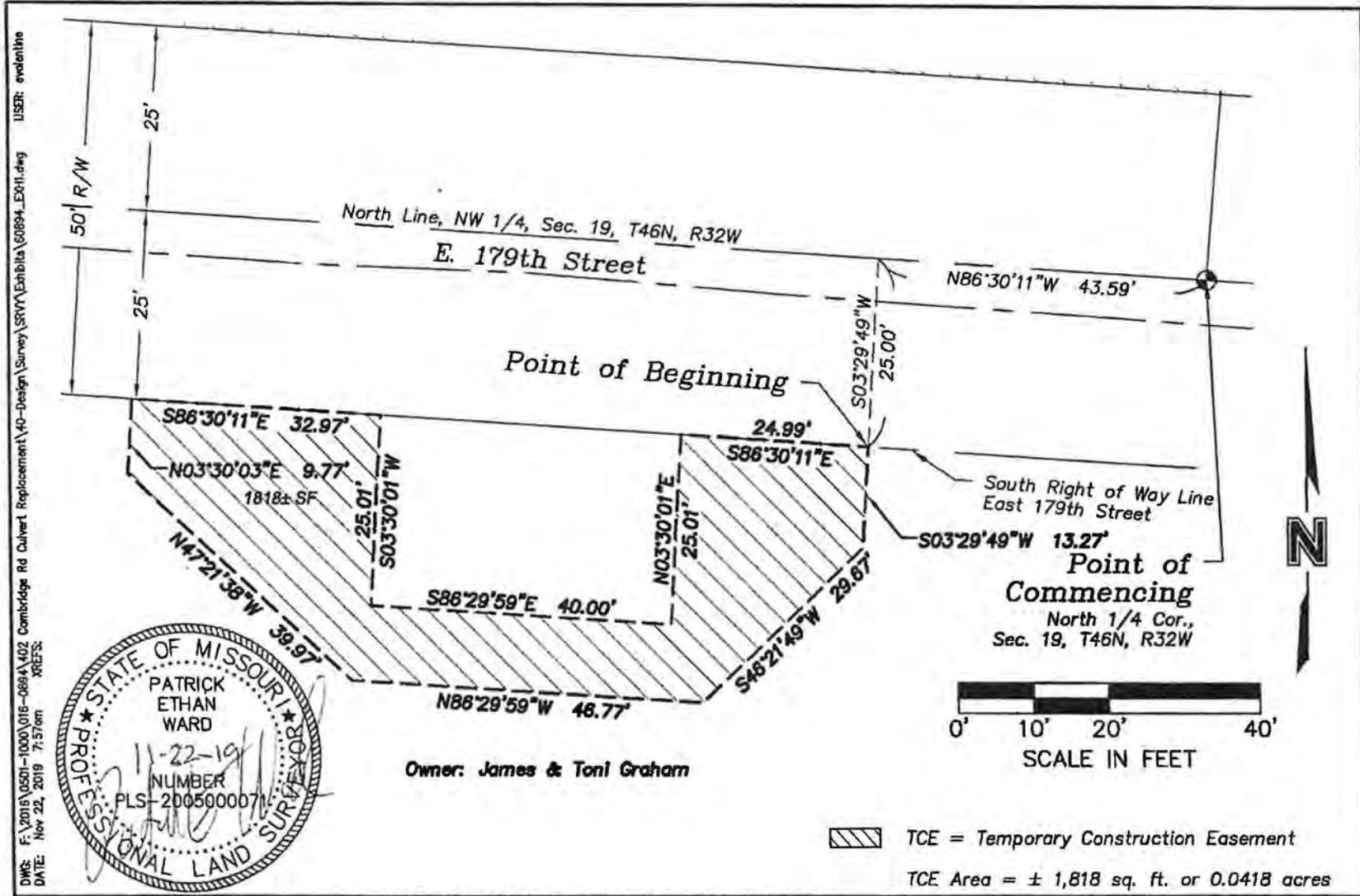
PDE = Permanent Drainage Easement
 PDE Area = ± 1,000 sq. ft. or 0.0230 acres

PROJECT NO:	016-0894
DRAWN BY:	EDV
DATE:	07/26/19

**PERMANENT DRAINAGE
 EASEMENT OVER PART OF THE
 NW 1/4, SEC. 19 - 46N - 32W**

7301 West 133rd Street
 Suite 200
 Overland Park, KS 66213-4750
 TEL 913.381.1170
 MOLS-360

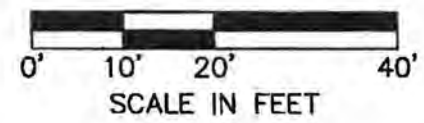
EXHIBIT
3-DE



USER: evdentho
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 DATE: Nov 22, 2019 7:57am
 XREFS:



Owner: James & Toni Graham



TCE = Temporary Construction Easement
 TCE Area = ± 1,818 sq. ft. or 0.0418 acres

PROJECT NO:	016-0894
DRAWN BY:	EDV
DATE:	07/26/19

**TEMPORARY CONSTRUCTION
 EASEMENT OVER PART OF THE
 NW 1/4, SEC. 19 - 46N - 32W**

7301 West 133rd Street
 Suite 200
 Overland Park, KS 66213-4750
 TEL 913.381.1170
 MOLS-366

EXHIBIT
3-TCE

File No.: A16-0894
PARCEL 4
Permanent Drainage Easement
& Temporary Construction Easement
July 26, 2019

Permanent Drainage Easement Description:

All that part of the Northwest Quarter of Section 19, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 19-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the North line of said Northwest Quarter of said Section 19-T46N-R32W, a distance of 499.01 feet; thence South 03 degrees 29 minutes 49 seconds West, departing said North line, a distance of 25.00 feet to the South right of way line of East 179th Street, as now established, to the POINT OF BEGINNING of said Permanent Drainage Easement; thence South 03 degrees 29 minutes 49 seconds West, departing said South right of way line, a distance of 32.50 feet; thence North 86 degrees 30 minutes 11 seconds West, a distance of 35.00 feet; thence North 03 degrees 29 minutes 49 seconds East, a distance of 32.50 feet, to said South right of way line; thence South 86 degrees 30 minutes 11 seconds East, along said South right of way line, a distance of 35.00 feet, to the POINT OF BEGINNING of said Permanent Drainage Easement, containing 1,137 square feet or 0.0261 acres, more or less.

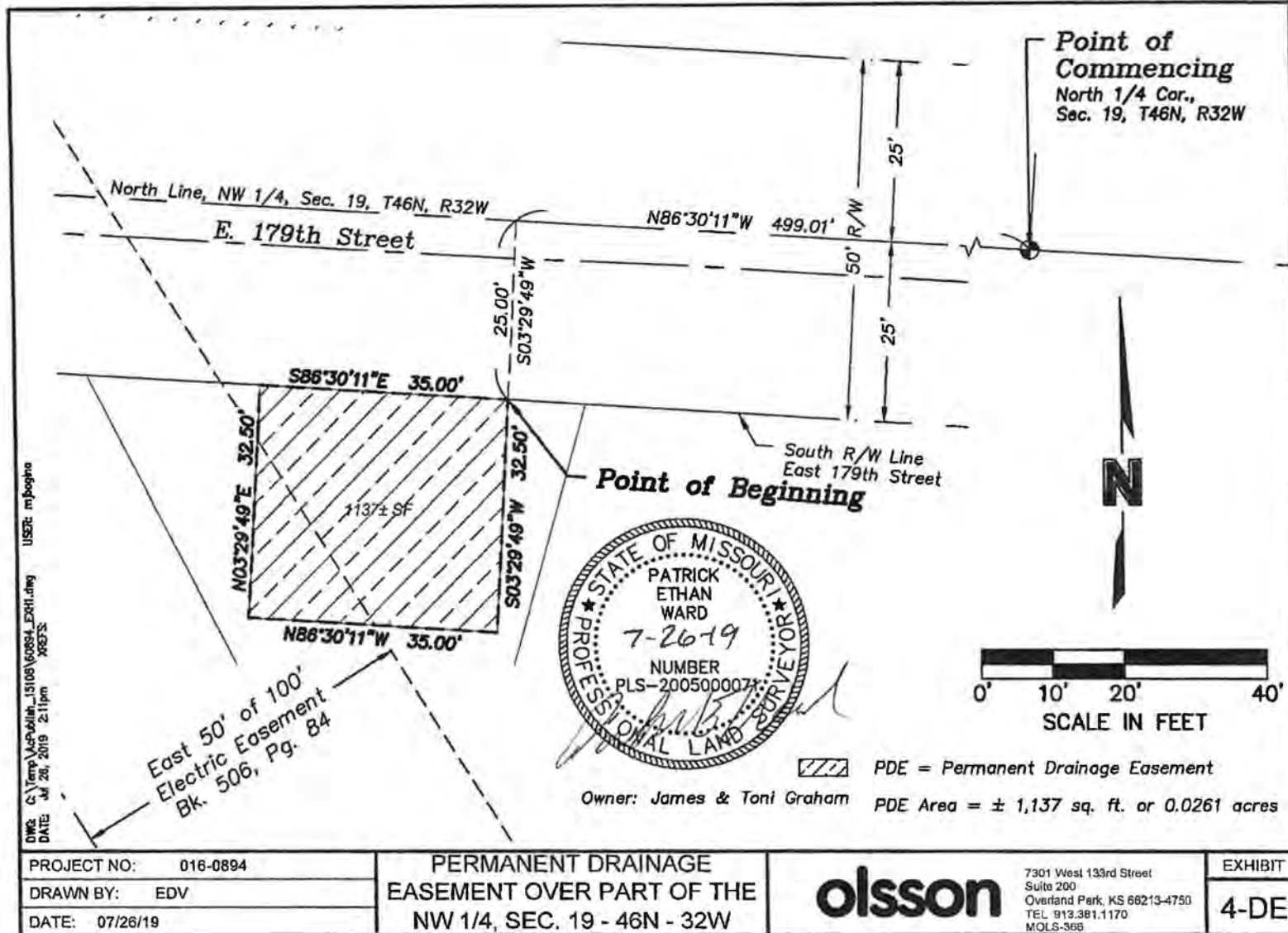
Temporary Construction Easement Description:

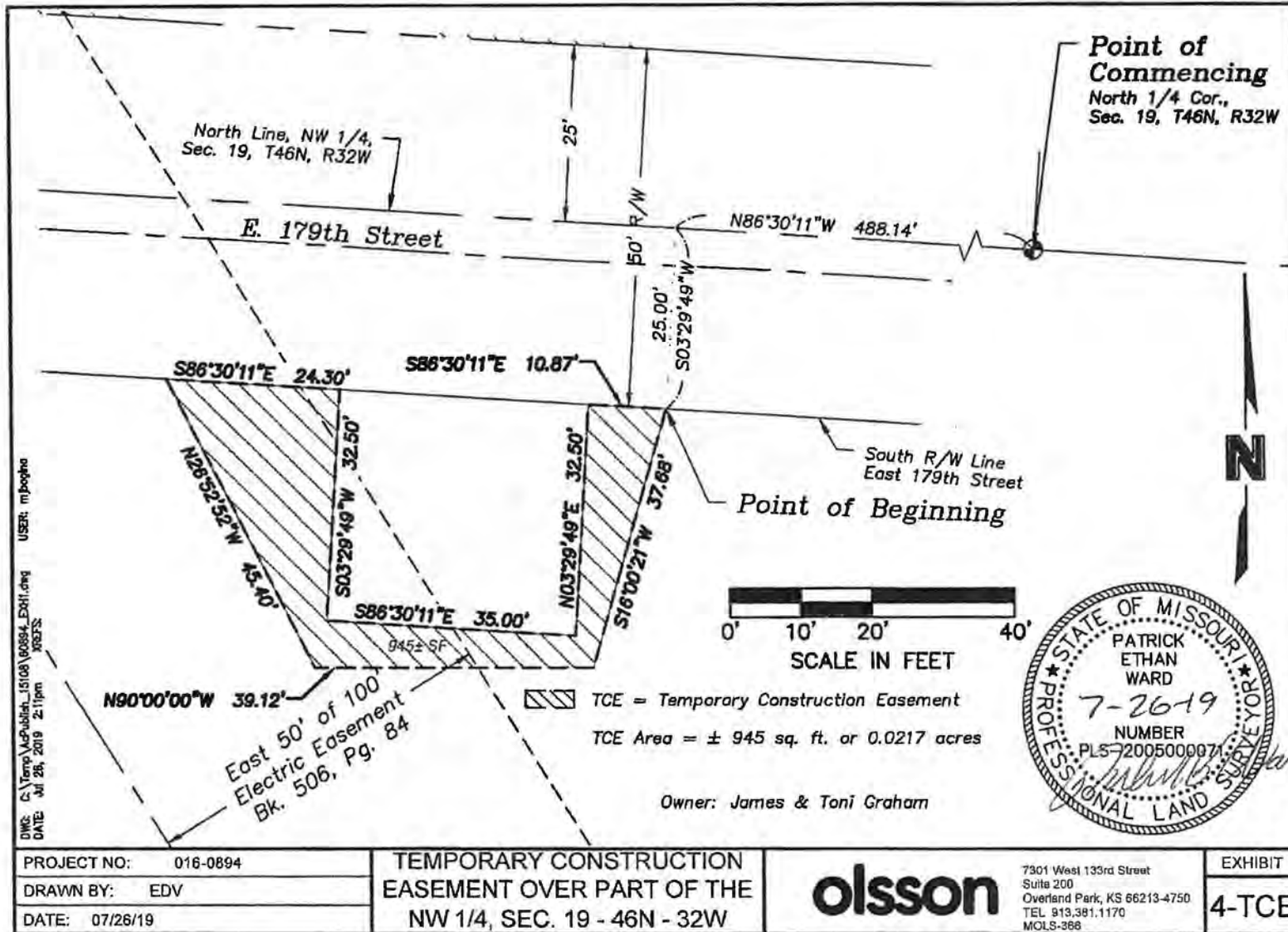
All that part of the Northwest Quarter of Section 19, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 19-T46N-R32W, thence North 86 degrees 30 minutes 11 seconds West, along the North line of said Northwest Quarter of said section, a distance of 488.14 feet; thence South 03 degrees 29 minutes 49 seconds West, departing said North line, a distance of 25.00 feet to the South right of way line of East 179th Street, as now established, being the POINT OF BEGINNING of said Temporary Construction Easement; thence South 16 degrees 00 minutes 21 seconds West, departing said South line, a distance of 37.68 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 39.12 feet; thence North 26 degrees 52 minutes 52 seconds West, to said South right of way line, a distance of 45.40 feet; thence South 86 degrees 30 minutes 11 seconds East, along said South right of way line, a distance of 24.30 feet; thence South 03 degrees 29 minutes 49 seconds West, departing said South right of way line, a distance of 32.50 feet, thence South 86 degrees 30 minutes 11 seconds East, a distance of 35.00 feet; thence North 03 degrees 29 minutes 49 East seconds, to said South right of way line, a distance of 32.50 feet, thence South 86 degrees 30 seconds 11 minutes East, along said South right of way line, a distance of 10.87 feet, to the POINT OF BEGINNING of said Temporary Construction Easement, containing 945 square feet or 0.0217 acres, more or less.



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Overland Park, KS 66213
(913) 381-1170
MOLS-366





File No.: A16-0894
PARCEL 5
Temporary Construction Easement
July 26, 2019

Temporary Construction Easement Description:

All that part of Government Lot 1 of the Southwest Quarter of Section 18, Township 46 North, Range 32 West, in the City of Belton, Cass County, Missouri, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 18-T46N-R32W; thence North 86 degrees 30 minutes 11 seconds West, along the South line of said Southwest Quarter of said Section, a distance of 575.12 feet; thence North 03 degrees 29 minutes 49 seconds East, departing said South line, a distance of 25.00 feet to the North right of way line of East 179th Street, as now established, being the POINT OF BEGINNING of said Temporary Construction Easement; thence North 86 degrees 30 minutes 11 seconds West, along the North right of way line of said East 179th Street, a distance of 19.73 feet; thence North 47 degrees 08 minutes 47 seconds East, departing said North right of way line, a distance of 16.36 feet to a point on the East line of an existing 100 foot wide Electric Easement, as established in Book 506, Page 84; thence South 32 degrees 00 minutes 00 seconds East, along said East line, a distance of 14.54 feet to the POINT OF BEGINNING of said Temporary Construction Easement, containing 117 square feet or 0.003 acres, more or less.



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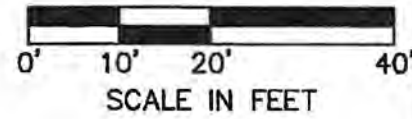
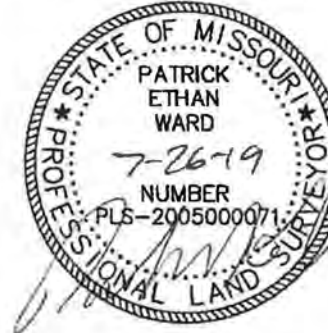
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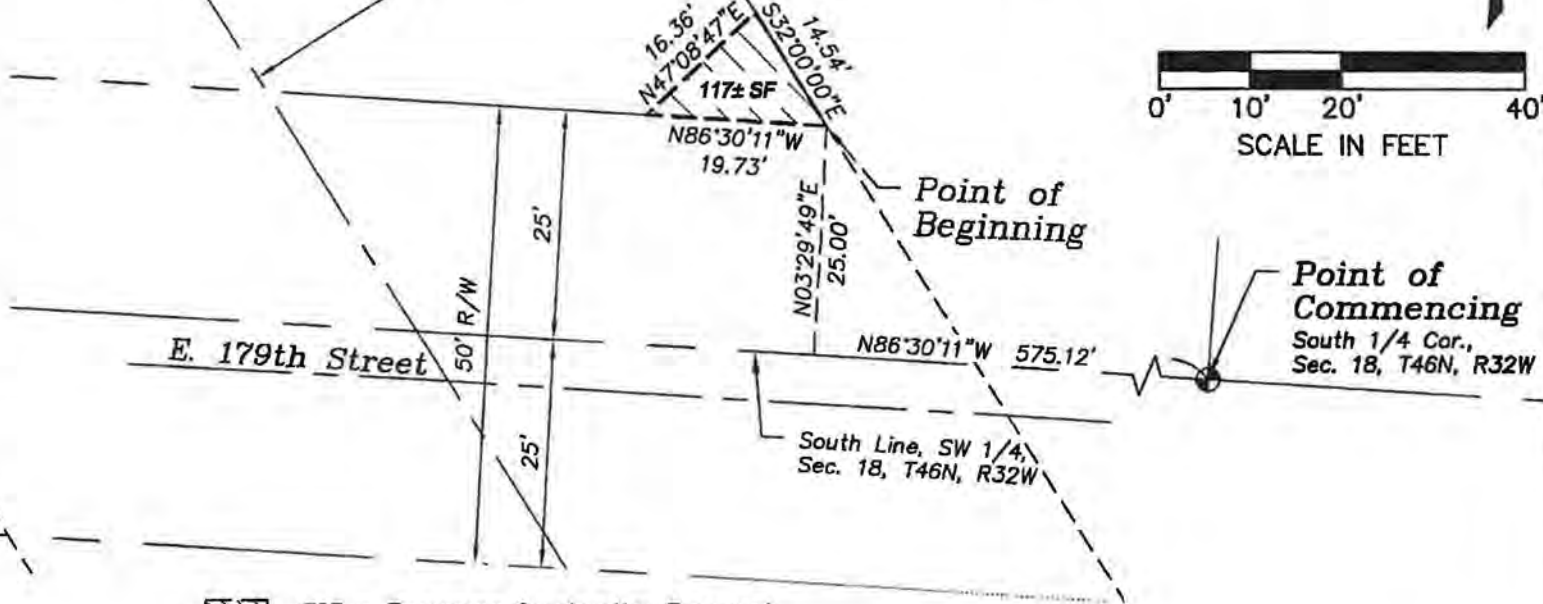
Owner: Sallee Real Estate Investments, LLC

Owner: James & Toni Graham

East 50' of 100'
Electric Easement
Bk. 506, Pg. 84



SCALE IN FEET



TCE = Temporary Construction Easement
TCE Area = ± 117 sq. ft. or 0.003 acres

PROJECT NO: 016-0894
DRAWN BY: EDV
DATE: 07/26/19

TEMPORARY CONSTRUCTION
EASEMENT OVER PART OF THE
SW 1/4, SEC. 18 - 46N - 32W



7301 West 133rd Street
Suite 200
Overland Park, KS 66213-4750
TEL 913.381.1170
MOLS-366

EXHIBIT
5-TCE