AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
NOVEMBER 18, 2013
7:00 PM

1. Call to Order & Pledge of Allegiance

2. Roll Call

A. Roll Call

3. Ceremonial Matters

4. Public Participation

A. Public Participation

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Nov 4, 2013 7:00 PM

6. Agenda Items

A. Gaslight Plaza Driveway Appeal

B. Council Bill 80: 1222 :Second Reading: Implementation of Board Policies

C. Council Bill 82: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH INSITUFORM TECHNOLOGIES USA, INC. IN AN AMOUNT NOT TO EXCEED $42,734.90 TO REPAIR THE ANN STREET SANITARY SEWER LINE.

D. Council Bill 83: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT 1 TO THE BURNS AND MCDONNELL CONTRACT IN AN AMOUNT NOT TO EXCEED $117,890 FOR FILTER EVALUATION AND COMPLETION OF A FACILITIES PLAN FOR THE HARRISONVILLE WATER TREATMENT PLANT

E. Council Bill 84: AN ORDINANCE TO AMEND THE 2013 BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI FOR THE FISCAL YEAR JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

F. Council Bill 85: AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION EMERGENCY AIRPORT AID AGREEMENT BETWEEN THE CITY OF HARRISONVILLE, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING FOR THE REPLACEMENT OF THE RUNWAY LIGHT CONTROLLER AT THE LAWRENCE SMITH MEMORIAL AIRPORT IN AN AMOUNT OF $8,100. This will replace Ordinance 3209

7. Aldermen and Committee Reports

8. Report from the City Administrator

9. Report from the Mayor

10. Questions from the Media

11. Adjourn to Executive Session

12. Adjourn From Regular Session

Posted on City Hall Bulletin Board this 14th day of November

Kim Hubbard, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that

comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman

DRAFT

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
NOVEMBER 4, 2013
7:00 PM

1. Call to Order & Pledge of Allegiance

2. Roll Call

Attendee Name	Title	Status	Arrived
Bill Mollenhour	Board Member	Present	
Bret Reece	Board Member	Present	
David Dickerson	Board Member	Present	
Doug Meyer	Board Member	Present	
Ivan Stull	Board Member	Present	
Marcia Milner	Board Member	Present	
Morris Coburn	Board Member	Present	
Stacey Dahlman	Board Member	Absent	
Kevin Wood	Mayor	Present	

Others Present: City Administrator Keith Moody, Finance Director Mike Tholen, City Attorney Steve Mauer, Police Chief John Hofer, City Clerk Kim Hubbard, Emergency Services Director Larry Francis, Public Works Director Jerry Gibbs, and Public Information Officer Sheryl Stanley.

3. Ceremonial Matters

A. Service Award to Honor Doug Rose, Police Department, for 25 Years of Loyal Service

Agenda stated 25 years of service should have read 15 years of service.

Mayor Wood and Police Chief Hofer presented Police Officer Doug Rose with a certificate for 15 years of service.

Mayor Wood reported that at the last executive session the Board had a consensus to appoint an investigative committee due to information coming out of executive session.

Alderman Milner made the motion to appoint three from the Board of Aldermen to serve on the committee. Alderman Meyer seconded the motion and it was approved by a voice vote of those present with Alderman Dickerson voting No.

Mayor Wood recommended Aldermen Milner, Stull and Meyer to serve on the investigative committee.

Alderman Mollenhour made the motion to accept Mayor Wood's recommendation. Alderman Reece seconded the motion and it was approved by a voice vote of those present with Alderman Dickerson voting No.

4. Adjourn to Executive Session

This item was moved from #11 to #4 on the agenda.

Alderman Meyer made the motion to adjourn to Executive Session for the purpose of Section 610.021 legal actions. Alderman Mollenhour seconded the motion and it was approved by the following roll call vote:

Ayes: Aldermen Stull, Meyer, Coburn, Milner, Reece and Mollenhour

Nays: Alderman Dickerson

Absent: Alderman Dahlman

Abstain: None

Board adjourned to executive session at 7:03pm.

Alderman Meyer moved to reconvene back to regular session. Alderman Reece seconded the motion and this approved by a voice vote of those present. Regular session reconvened at 7:15pm.

5. Public Participation

A. Public Participation

Minutes Acceptance: Minutes of Nov 4, 2013 7:00 PM (Approval of Minutes)

Norman Jones, Peculiar, MO shared his disagreement with the ordinance that the Board passed regarding the pre-pay at the pump at businesses that sell gas inside city limits. Mr. Jones also shared that he has received a lot of misinformation, that he has found out that all stations are doing this, and does not understand why the City is taking it upon itself to make sure a business makes a profit.

Mr. Jones shared with the Board that he pays cash, that he does not have credit or debit cards and by having this law implemented he has to stand in line to give the cashier his money then go pump the gas and then go back in to get his change. Mr. Jones stated that he did not see how the City had the power to pass laws by picking and choosing what crimes would be investigated.

Mr. Jones expressed that he feels this law is unjust, illegal, does not see how we can do this and feels this is not a way to solve an issue. Mr. Jones stated he wanted to make sure his voice was heard.

Mayor Wood thanked Mr. Jones for coming and sharing his thoughts.

There was no other participation. Public participation closed at 7:25.

6. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Oct 21, 2013 7:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Ivan Stull, Board Member
SECONDER:	David Dickerson, Board Member
AYES:	Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn
ABSENT:	Stacey Dahlman

7. Agenda Items

A. A RESOLUTION APPROVING AN UPDATED EMERGENCY OPERATIONS PLAN FOR THE CITY OF HARRISONVILLE, MISSOURI, EFFECTIVE JANUARY 1, 2014

City Attorney Mauer read Council bill 079 by title only.

Minutes Acceptance: Minutes of Nov 4, 2013 7:00 PM (Approval of Minutes)

Director Francis reported the Emergency Operations Plan is reviewed every year with minor housekeeping changes being made and the plan comes before the Board every three years for approval of changes and updates.

Director Francis stated this item has been before the Public Safety Committee with a recommendation for approval.

Council Bill 079 became Resolution 045.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David Dickerson, Board Member
SECONDER:	Morris Coburn, Board Member
AYES:	Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn
ABSENT:	Stacey Dahlman

B. AN ORDINANCE TO AMEND CHAPTER 110: MAYOR AND BOARD OF ALDERMEN, OUTLINING BOARD PROCEDURES

City Attorney read Council Bill 080 by title only.

City Clerk Hubbard reported the proposed implementation of Board Policies was an outline of procedures for Board meetings and that this item had been before the Finance/Personnel Committee with a recommendation for approval.

Alderman Dickerson shared his apprehension of passing the section regarding the suspension of rules and passing an ordinance to its second reading with only a majority vote. Mayor Wood explained it has not been an issue in the past for an item to be tabled to allow the Board and the public more time to review.

Council Bill 080 will go to the next meeting for its second reading.

RESULT:	**SUSPENDED THE RULES [6 TO 1]** **Next: 11/18/2013 7:00 PM**
MOVER:	Bill Mollenhour, Board Member
SECONDER:	Ivan Stull, Board Member
AYES:	Mollenhour, Reece, Meyer, Stull, Milner, Coburn
NAYS:	David Dickerson
ABSENT:	Stacey Dahlman

C. AN ORDINANCE TO AMEND SECTION 605.090 OF THE HARRISONVILLE, MISSOURI MUNICIPAL CODE OF ORDINANCES, REVOCATION OF BUSINESS LICENSE

City Attorney Mauer read Council Bill 081 by title only.

Mr. Moody reported this was a policy inquiry by Alderman Meyer and Mayor Wood and that this item has been before the Finance/Personnel Committee with a recommendation for approval.

Mr. Moody the proposed policy would allow a business who is delinquent in remitting sales tax collections to remain open if the business makes an appeal to the Board of Aldermen and the Board approves the request. Mr. Moody stated this policy is similar to to what the City of Raymore has adopted.

Director Tholen asked about the process from the staff's perspective and how they would need to proceed. Mr. Tholen also asked how staff would know that the business was making a good faith effort on paying their sales tax. There was discussion that a notice would be sent to the business notifying them that they would have until certain date to request an appeal and if they did not make such an appeal by the due date given, then their business license would be revoked the following business day.

Alderman Coburn inquired to what Raymore's process was.

There was discussion regarding the state's reaction to the City allowing a business to remain open. It was stated that not all cities require a business to get a city license and that by letting a business remain open the City is just postponing the enforcement of the City's ordinance and the business still has to work an agreement out with the state.

Motion to suspend the rules and move to a second reading was made by Alderman Milner and seconded by Alderman Reece. The motion carried with the following roll call vote:

Ayes: Aldermen Dickerson, Stull, Mollenhour, Meyer, Reece, Milner, and Coburn

Nays: None

Absent: Alderman Dahlman

Abstain: None

City Attorney Mauer read Council Bill 081 by title only for a second time.

Council Bill 081 became Ordinance 3258

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn
ABSENT:	Stacey Dahlman

8. Aldermen and Committee Reports

Alderman Reece stated he had the opportunity to take his children up and down Pearl Street on Halloween and commented on how busy the street was.

Alderman Dickerson made a motion to review at the next Public Safety Committee the recently implemented policy on gas pre-pays, Alderman Coburn seconded the motion. The motion was approved by a voice vote of those present.

9. Report from the City Administrator

A. 2012 ICMA Performance Measures- Part 3

Keith reviewed Part 3 of the 2012 Performance Measurements which included Fire, Ambulance and Police.

Mr. Moody asked Chief Hofer to explain what Part 1 Crimes were, what stack time was and the difference between a clearance and a conviction.

Mr. Moody noted these measurements take a lot of work on the staff's part, but allows the City to communicate more effectively with the Board and the citizens and this is how we can compare to the competition.

10. Report from the Mayor

No report given.

11. Questions from the Media

No questions.

12. Adjourn From Regular Session

Alderman Dickerson made a motion to adjourn, Alderman Coburn seconded and it was approved by a voice vote.

Meeting adjourned at 8:15 pm

____
Kevin Wood, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

____
Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Nov 4, 2013 7:00 PM (Approval of Minutes)

STAFF REPORT

TO: **Board of Aldermen**
FROM: **Jerry Gibbs, Director**
DATE: **October 4, 2013**
SUBJECT: **Gaslight Plaza Driveway Appeal**

Type of Item: *Approval*

MoDOT and Tim Soulis have reached an agreement to allow him to have a right in only access (with no median on Commercial) located just west of the culvert. The MoDOT design is included with the staff report and will be added to the 291 plans. The right in will be designed for autos and will impact about five parking spaces.

The right in only access will be on a city street and therefore is subject to approval by the City. The Public Works Committee sends a positive recommendation to accept the negotiated outcome.

Discussion Item (ID # 1206)

Gaslight Plaza Driveway Appeal

History:

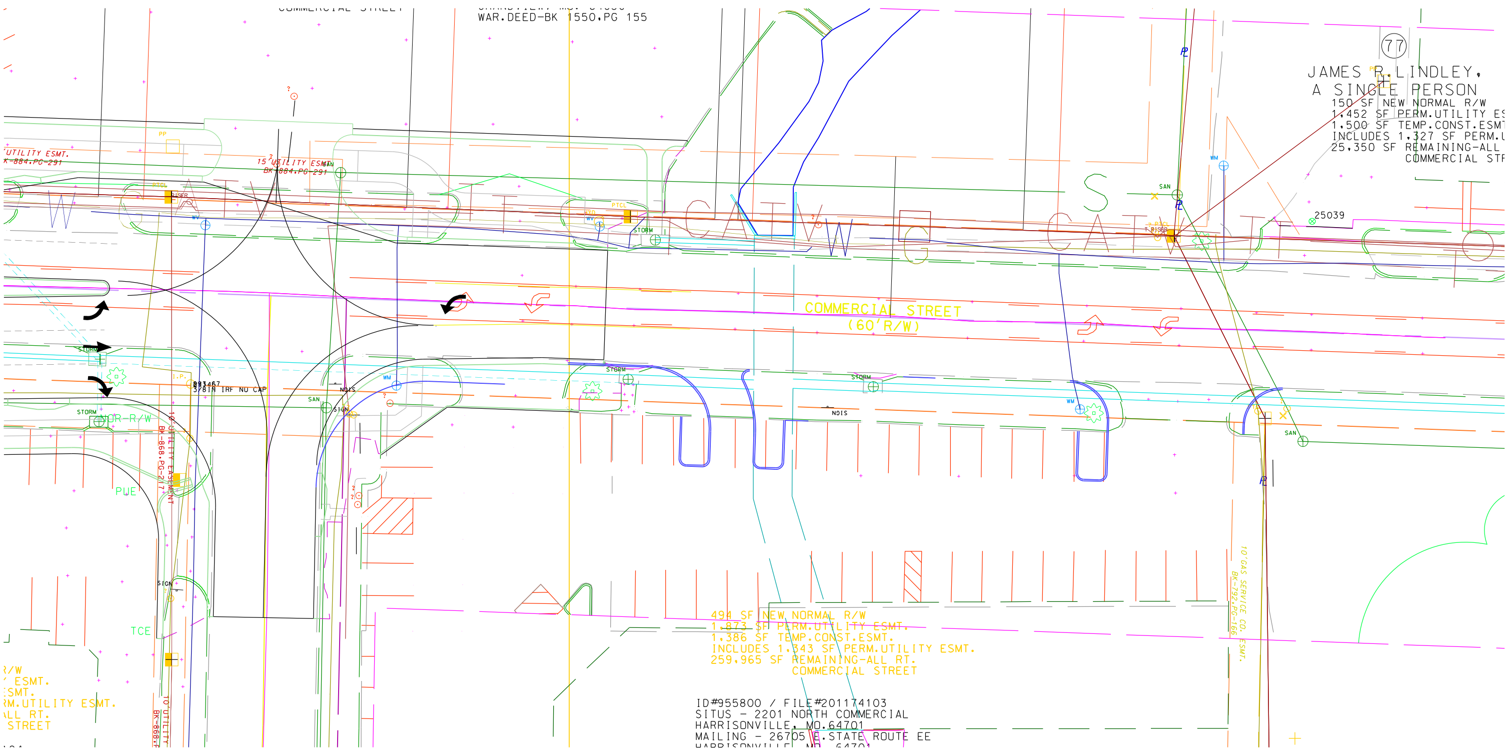
11/07/13 Public Works Committee RECOMMENDED

Attachments:

RTE291_PLAN1_J4P1475_RI.pdf (PDF)

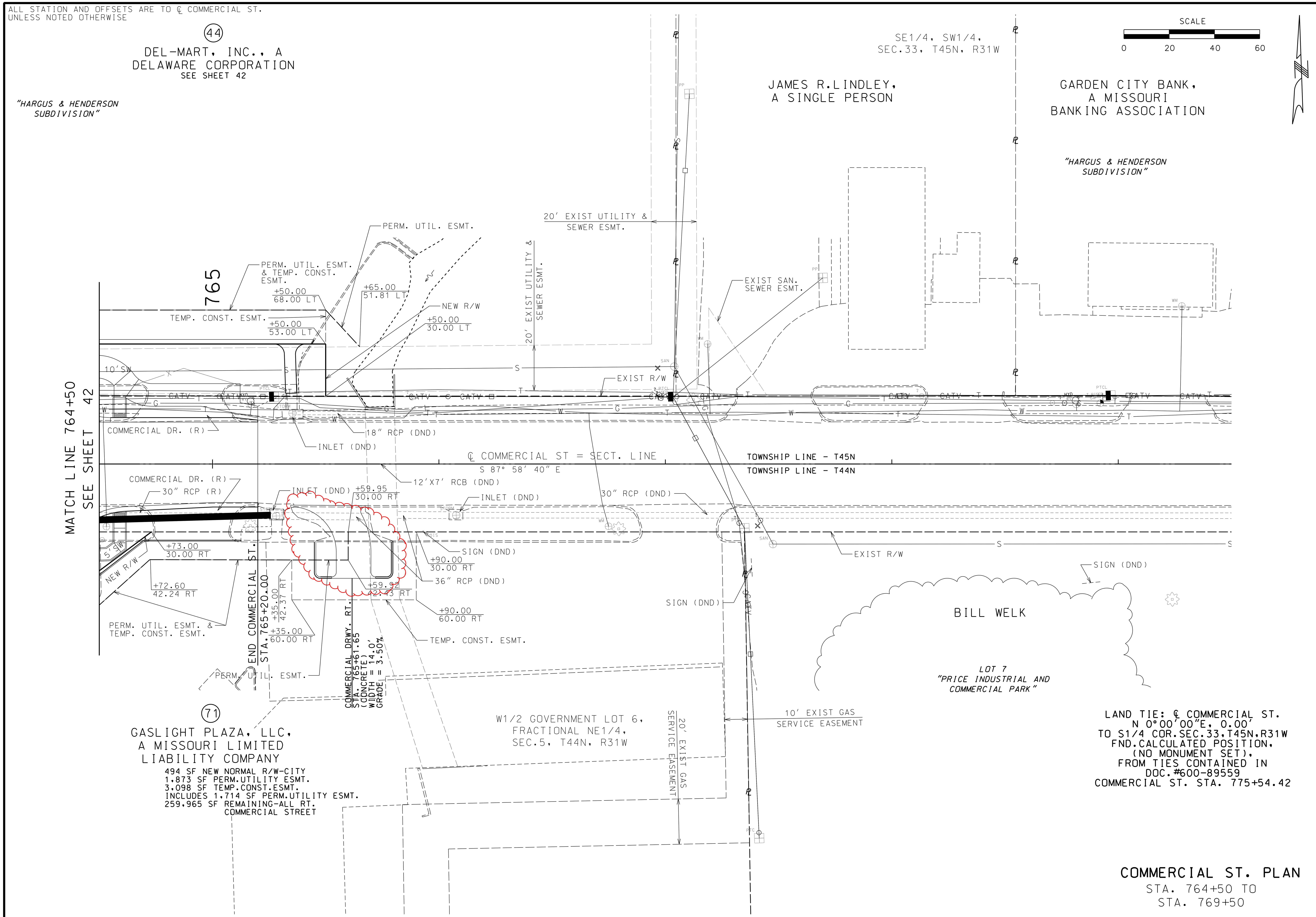
J4P1475 Sheet 44 ROW Update Gaslight Plaza 11-04-13 pdf (PDF)

RESULT: **RECOMMENDED [UNANIMOUS]** **Next: 11/18/2013 7:00 PM**
MOVER: Kevin Wood, Member
SECONDER: David Dickerson, Member
AYES: Wood, Coburn, Dickerson, Stull, Mollenhour
ABSENT: Doug Meyer



Attachment: RTE291_PLAN1_J4P1475_RI.pdf (Gaslight Plaza Driveway Appeal)

6.A.b



COMMERCIAL ST. PLAN
STA. 764+50 TO
STA. 769+50

DATE PREPARED	11/4/2013
ROUTE	71/I49
STATE	MO
DISTRICT	KC
SHEET NO.	44
COUNTY	CASS
JOB NO.	J4P1475
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO.	

DESCRIPTION

DATE

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

105 WEST CAPITOL
JEFFERSON CITY, MO 65102
1-888-ASK-MODOT (1-888-275-6636)

TRANSYSTEMS CORP.
2400 PERSHING ROAD
SUITE 400
KANSAS CITY, MO 64108
PHONE: (816)329-8600
FAX: (816)329-8601

MO STATE CERTIFICATE OF AUTHORITY # 273
ENGINEERING

REV.

G:\KC10\0181\Road\Plan_Sheets\Phase_1\20_e\PLAN_015_J4P1475_I20_COMM.dgn 11:13:54 AM 11/4/2013

Attachment: J4P1475 ROW Update Gaslight Plaza 11-04-13 pdf (Gaslight Plaza Driveway Appeal)

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Kim Hubbard, City Clerk**

DATE: **October 30, 2013**

SUBJECT: **Implementation of Board Policies**

Type of Item: *Amendment*

As a city, we have many polices in place but when it comes to a policy on how board meetings should be conducted, we do not have this in our code. There have been questions regarding our policy of suspending the rules and moving an ordinance to a second reading. The city code states that an ordinance needs to be read twice (2) prior to passage and that both readings may occur at a single meeting. The practice of requiring a unanimous vote to move to the 2nd reading is not required by our code or state law. Alderman Reece requested a policy be drafted that allows the 2nd reading of an ordinance at the same meeting if a majority of the elected officials vote to do so. The redline policy attached reflects this language.

Ms. Stanley and myself attended the City Clerk's Regional meeting October 3rd and 4th and one of the topics was a Review of Robert's Rules and the importance of having a policy in place on how meetings will be conducted. Since we were looking at clarifying meeting procedures we took this opportunity to add clarification on other procedures that have been questioned in the past. The proposed language has been borrowed from other cities and has been reviewed by the City attorney.

This item has been presented to the Finance/Personnel Committee and during that meeting Alderman Coburn inquired about the word "inhabitant" which appears in section 110.020 Aldermen Qualifications and does not appear in section 110.030 Mayor Qualifications. I reviewed Missouri State Statutes (79.070 and 79.080) and our code mirrors the State Statutes, so I did not make any changes. Alderman Coburn also inquired about section 110.110 regarding the filing of semi-annually report and I have added "within 90 days of the reporting period". The Statute (79.160) states that the times can be set by the board of aldermen.

This comes with a recommendation for approval from staff and the Finance/Personnel Committee.

Council Bill No. 80

Ordinance No.

AN ORDINANCE TO AMEND CHAPTER 110: MAYOR AND BOARD OF ALDERMEN, OUTLINING BOARD PROCEDURES

Section 1: That Chapter 110 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended as follows:

Section 2: That the attached redline version of changes will be added to this section.

Section 3: That this order shall become effective immediately upon its passage and approval.

Vote taken as follows:

Ayes:

Nayes:

Absent:

Abstain:

READ ONE TIME BY TITLE ONLY ON NOVEMBER 4, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON NOVEMBER 18, 2013 AND DULY APPROVED BY THE BOARD OF ALDERMEN THIS 18TH DAY OF NOVEMBER 2013

____

Kevin W. Wood, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

APPROVED by the Mayor this 18th day of November 2013

CHAPTER 110: MAYOR AND BOARD OF ALDERMEN

ARTICLE I. IN GENERAL

SECTION 110.010: COMPOSITION OF BOARD

The Board of Aldermen shall be composed of eight (8) members, two (2) elected from each ward in the City. (CC 1977 §2-26; Rev. Ords. 1939 Ch. 4 Art. 1 §2)

SECTION 110.020: ALDERMEN QUALIFICATIONS AND TERM IN OFFICE

No person shall be an Alderman unless he/she is at least twenty-one (21) years of age, a citizen of the United States and an inhabitant and resident of the City for one (1) year next preceding his/her election and a resident of the ward from which he/she is elected. Pursuant to Section 79.050, ~~RSMo.,~~RSMo. and a vote of the citizens of Harrisonville on April 2, 2002, Aldermen shall be elected for a term of four (4) years. (CC 1977 §2-35; Ord. No. 237-B §2, 10-9-39; Ord. No. 2769(29-02) §1, 4-15-02)

SECTION 110.030: MAYOR QUALIFICATIONS AND TERM IN OFFICE

No person shall be Mayor unless he/she is at least twenty-five (25) years of age, a citizen of the United States and a resident of the City at the time for at least one (1) year next preceding his/her election. Pursuant to Section 79.050, ~~RSMo.,~~RSMo. and a vote of the citizens of Harrisonville on April 2, 2002, the Mayor shall be elected for a term of four (4) years. (CC 1977 §2-34; Rev. Ords. 1939 Ch. 5 Art. 1 §1; Ord. No. 2768(28-02) §1, 4-15-02)

SECTION 110.040: BOARD TO SELECT AN ACTING PRESIDENT -- TERM

The Board shall in April elect one (1) of their own number who shall be styled *"Acting President of the Board of Aldermen"* and who shall serve for a term of one (1) year.

SECTION 110.050: ACTING PRESIDENT TO PERFORM DUTIES OF MAYOR -- WHEN

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return. The Mayor Pro-Tem may move, second and debate when he/she is serving as the presiding officer and shall not be deprived of any of the rights and privileges of a board member.

SECTION 110.060: MAYOR AND BOARD -- DUTIES

The Mayor and Board of Aldermen shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

SECTION 110.070: MAYOR MAY SIT IN BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

SECTION 110.080: ORDINANCES -- PROCEDURE TO ENACT

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Harrisonville, as follows:" ~~No~~ No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing. No ordinance shall be passed to a second reading, unless after the first reading of either the title of the ordinance or a full reading of the ordinance, a majority of the elected Board of Aldermen votes to pass the ordinance to a second reading at the same meeting. If the majority of the elected Board of Aldermen does not vote to pass the ordinance to a second reading then the ordinance shall be tabled until the following meeting. ~~and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen.~~ If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

SECTION 110.090: BILLS MUST BE SIGNED -- MAYOR'S VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

SECTION 110.100: BOARD TO KEEP JOURNAL OF PROCEEDINGS

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

SECTION 110.110: BOARD SHALL PUBLISH SEMI-ANNUAL STATEMENTS

The Board of Aldermen shall semi-annually each year, within ninety (90) days of the reporting period ~~at times to be set by the Board of Aldermen~~, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

SECTION 110.120: NO MONEY OF CITY TO BE DISBURSED UNTIL STATEMENT IS PUBLISHED -- PENALTY

In the event the financial statement of the City is not published as required by Section 110.110, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of ~~a~~an ordinance violation.

SECTION 110.130: BOARD MAY COMPEL ATTENDANCE OF WITNESSES -- MAYOR TO ADMINISTER OATHS

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

SECTION 110.140: MAYOR TO SIGN COMMISSIONS

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

SECTION 110.150: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with

Attachment: Board procedures-1 (Implementation of Board Policies)

promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

SECTION 110.160: MAYOR -- COMMUNICATIONS TO BOARD

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

SECTION 110.170: DISCIPLINE STANDARDS FOR ALDERMEN

A. *Causes For Disciplinary Action.*

1. Incompetence or inability to perform the duties as required.

2. Offensive conduct that brings discredit upon the City.

3. Misappropriation, destruction, theft or conversion of City property.

4. Conviction or admission to crime involving moral turpitude.

5. Conviction of two (2) or more misdemeanor violations which reflect a disregard for the law.

6. Including or attempting to induce any officer or employee in the City service to commit an illegal act or to act in violation of any departmental order.

7. Solicitation or acceptance for personal use of any fee, gift or other valuable thing in the course of service as an Alderman by any person in expectation of receiving more favorable treatment or a favorable vote.

8. Any undisclosed conflict of interest which discredits the Board of Aldermen.

9. Failure to attend four (4) consecutive regular Board meetings or six (6) regular meetings within a twelve (12) month period. When considering whether to take action, the Board may consider an explanation or if the absence was "excused" (i.e., medical or family emergency).

B. *Procedure For Investigation Hearing And Discipline.*

1. Any Board member may initiate an investigation by introducing a motion requesting a committee to be appointed by the Mayor or Acting President of the Board of

Attachment: Board procedures-1 (Implementation of Board Policies)

Aldermen to investigate the alleged offense. The committee must be appointed on the next regular or special meeting of the Board.

a. If the conduct of more than one (1) Alderman is at issue, the investigation may be combined to investigate all conduct, however, any vote regarding whether to charge, discipline, etc., will address each Board member individually.

2. After appointment, the committee members must be approved by a majority of individual roll call vote of the Board. The accused Board member may not vote on this issue or any subsequent vote related to the investigation or discipline.

3. The committee will:

a. Consist of three (3) Board members.

b. Elect a Chairperson to Chair all committee meetings and to report to the full Board.

c. Discretely investigate the alleged offense, including a conference with the accused and the accuser(s).

d. After compilation, present a motion to the full Board to exonerate or to charge. The motion should be supported by specific information regarding the alleged offense.

4. The Board will then vote on the motion to exonerate or to charge.

a. If the Board votes to exonerate, the matter is resolved.

b. If the Board votes to charge, a time and date is set for a hearing.

(1) The accused shall be notified by certified mail of the charge and the time and date of the hearing.

(2) The Chair of the investigatory committee shall represent the committee at the hearing.

5. *The hearing.*

a. The hearing, if possible, should be a closed meeting; witnesses other than Board members should only be present for their testimony.

b. The Mayor, Acting President of the Board of Aldermen or Presiding Officer should read the charge and the accused should enter a plea.

(1) If the plea is guilty, the Board should move to the discipline phase.

(2) If the plea is not guilty, the hearing should continue.

c. Both the accused and the Chair of the investigatory committee shall be allowed to speak and present witnesses. Neither party is bound by the rules of evidence.

d. At the conclusion of the evidence, the Board should debate in accordance with Board rules and Robert's Rules of Order and then vote on guilty or innocent.

(1) If the vote is innocent, the matter is resolved.

(2) If the vote is guilty, the hearing moves into the discipline phase.

6. *The disciplinary phase.*

a. The Board may choose a punishment that it deems acceptable. Punishment could include one (1) or more of the following:

(1) No discipline.

(2) Public or private reprimand.

(3) Public or private apology.

(4) Impeachment.

b. All punishment requires a majority vote of the Board except impeachment which requires a two-thirds (2/3) vote.

(1) A member who has been charged is deprived of all rights of membership including voting rights and a two-thirds (2/3) vote would not include the charged member. Therefore, with eight (8) Aldermen, a two-thirds (2/3) vote would require five (5) votes of the remaining Aldermen.

(2) A motion for impeachment should only contain one (1) name. If a motion for impeachment contains more than one (1) name, then all members are entitled to vote in order to prevent a minority group from expelling members from the Board.

c. The accused should be summoned and informed of the Board's decision on guilt or innocence and discipline. The Board member must carry out the ordered discipline within ten (10) days or the Board must reconvene to consider additional or more severe discipline. (CC 1977 §2-37; Ord. No. 2328 §1, 12-9-96)

ARTICLE II. BOARD OF ALDERMEN MEETINGS

SECTION 110.180: REGULAR MEETINGS

The regular meeting night of the Board of Aldermen shall be the first (1st) and third (3rd) Mondays of each month at 7:00 P.M; provided that when the day fixed for any regular meeting of the board falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday, unless otherwise provided by board.~~—~~(CC 1977 §2-27; Rev. Ords. 1939 Ch. 4 Art. 1 §2; Ord. No. 1571 §1, 2-2-87; Ord. No. 2350 §1, 2-24-97; Ord. No. 2560 §1, 12-14-98)

SECTION 110.185: PUBLIC NOTICE OF PUBLIC MEETINGS; OPPORTUNITY TO BE HEARD

(a) Public notice of all regular and special public meetings conducted by the city board or any other board or commission of the city, except for emergency meetings, shall be given by posting the agenda for such meeting at City Hall in a place accessible to the general public at least 24 hours prior to convening the meeting.

(b) For any public meeting where a vote of the governing body is required to implement a tax increase, or with respect to a retail development project when the governing body votes to utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project or plan, the governing body of the city, or any entity created by the city, shall give notice at least four days before such entity may vote on such issues, exclusive of weekends and holidays when the facility is closed; provided that this section shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two separate readings on different days for their passage. No vote shall occur until after a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard. If the notice required under this section is not properly given, no vote on such issues shall be held until proper notice has been provided under this section. For the purpose of this section, a tax increase shall not include the setting of the annual tax rates provided for under sections RSMo 67.110 and 137.055.

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Attachment: Board procedures-1 (Implementation of Board Policies)

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SECTION 110.186: PRESIDING OFFICER TO CALL BOARD TO ORDER

The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the board to order.

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SECTION 110.187: ROLL CALL:

Before proceeding with the business of the board, the city clerk or the city clerk's deputy shall call the roll of members, and the names of those present shall be entered in the minutes.

SECTION 110.188: QUORUM

Five members of the board shall constitute a quorum at any regular or special meeting of the board; the Mayor shall not be included in calculating the quorum. No action shall be valid without a majority of the board is present, or as otherwise provided in this code or by state law, shall vote in favor of such action.

SECTION 110.189: PUBLIC MEETINGS; ORDER OF BUSINESS

All meetings of the board are open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the board, the city clerk, city attorney and city administrator shall take their customary places in the board chambers and the business of the board shall be taken up for consideration and disposition in the following order:

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(1) Call to Order/Pledge of Allegiance
(2) Roll Call
(3) Ceremonial Matters
(4) Public Participation
(5) Approval of Minutes
(6) Agenda Items
(7) Aldermen and Committee Reports
(8) Report from the City Administrator
(9) Questions from the Media
(10) Adjourn to Executive Session
(11) Adjourn from Regular Session

Attachment: Board procedures-1 (Implementation of Board Policies)

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SECTION 110.190: READING OF MINUTES

Unless a reading of the minutes of a board meeting is requested by a member of the board, such minutes may be approved without reading if the clerk has previously furnished each member with a summary thereof.

SECTION 110.191: PROCEDURE FOR ADDRESSING THE CHAIR; IMPROPER REFERENCE TO BE AVOIDED

Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

SECTION 110.192: INTERRUPTIONS OF SPEAKER

A member, once recognized, shall not be interrupted when speaking unless it is to call such member to order, or as otherwise provided in this chapter. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and if in order the member shall be permitted to proceed.

SECTION 110.193: PRIVILEGE OF CLOSING DEBATE:

The member of the board moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION 110.194: MOTION TO RECONSIDER

A motion to reconsider any action taken by the board may be made no later than the next regular meeting day after such action was taken. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

SECTION 110.195: REQUESTS OF BOARD TO HAVE REMARKS ENTERED IN MINUTES

A member of the Board may request, through the presiding officer, the privilege of having an abstract of such member's statement on any subject under consideration by the board entered in the minutes. If the board consents thereto, such statement shall be entered into the minutes.

SECTION 110:196: SUMMARY OF DEBATE

The clerk may be directed by the presiding officer, with consent of the board, to enter in the minutes a summary of the discussion on any question coming regularly before the board.

SECTION 110:197: PROCEDURE AND CONDITIONS FOR PRIVATE CITIZEN TO ADDRESS BOARD

Any person desiring to address the board shall first obtain the recognition of the presiding officer. The following rules shall govern communications and recognition.

(1) Each person addressing the board shall give his name and address in an audible tone of voice for the records and unless further time is granted by the board, shall limit his/her address to four minutes.
(2) All remarks shall be addressed to the board as a body, and not to any member thereof. No person, other than the board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the board, without the permission of the presiding officer. No question shall be asked of a member of the board except through the presiding officer.
(3) Written Communications: Interested persons, or their representatives, may address the Board by written communications in regard to any matter concerning the city's business by delivering a copy of such communication to the city clerk, either before the board meeting commences or at a recess of such board meeting, or by reading the written communication themselves.
(4) Oral communications: Interested persons, or their representative, may address the board by oral communications with regard to any matter concerning the city business.

SECTION 110:198: ADDRESSING BOARD AFTER MOTION IS MADE

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Attachment: Board procedures-1 (Implementation of Board Policies)

After a motion is made by a board member, no person shall address the board without first securing the permission of the presiding officer to do so.

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SECTION 110.199: DECORUM-REQUIRED OF BOARD OF ALDERMEN AND OTHER PERSONS

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(a) While the board is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the board, nor disturb any member while speaking or refuse to obey the orders of the board or its presiding officer, except as otherwise provided in this chapter.

(b) Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the board shall be forthwith, by the presiding officer, barred from further audience before the board during the meeting, unless permission to continue be granted by a majority vote of the board.

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SECTION 110.~~190~~200: REGULAR MEETINGS MAY BE ADJOURNED

The Board of Aldermen may at any regular meeting in any month by motion duly put and carried and entered in the journal, adjourn a regular meeting to a later date in the month, the date to be specified in a motion, and such meeting shall be known as the regular adjourned meeting for the month. (CC 1977 §2-28; Rev. Ords. 1939 Ch. 41 Art. 1 §6)

SECTION 110.210~~00~~: SPECIAL MEETINGS

The Mayor or any two (2) members of the Board may call special meetings of the Board of Aldermen. All officials of the City shall be properly notified of such special meetings within a reasonable period of time prior thereto. (CC 1977 §2-29; Rev. Ords. 1939 Ch. 4 Art. 1 §2)

SECTION 110.220~~10~~: QUORUM, ADJOURNED MEETINGS

A majority of the Board of Aldermen elected shall constitute a quorum to do business, but a lesser number may adjourn from time to time. (CC 1977 §2-30; Rev. Ords. 1939 Ch. 4 Art. 1 §2)

SECTION 110.230~~20~~: CONDUCT OF MEETINGS

All meetings of the Board of Aldermen shall be governed by the provisions of Robert's Rules of Order. (CC 1977 §2-32)

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Eric Patterson, Asst. Director**

DATE: **November 13, 2013**

SUBJECT: **Ann Street Sanitary Sewer Rehabilitation**

Type of Item: *Agreement*

Issue:

The Ann Street clay tile sewer line has several problems, broken pipe, root infiltration etc.

Background:

Under normal conditions we would look to replace this sewer line, but this line is about 15' deep. If we replace this line it would require replacement out to the middle of the street and about halfway to the houses. Doing this would cause considerable inconvenience to the homeowners for an extended period of time and result in a number of mature trees being removed. Replacement would also far exceed our budget.

For these reasons Staff is recommending the process of "Cured In Place Pipe" or CIPP. This is basically a pipe lining process. This process does not require excavating the entire pipe only "point repair" areas. The rest of the pipe is lined from inside the manholes.

The upstream manhole has a second problem; it does not have a concrete bottom in it. The quote we have received also includes a price to fix this and to seal the inside of any manholes from water infiltration if needed. We would also be asking the contractor to look upstream of this project to determine if we need to do any additional footage. This would still be under the Original budget amount of $135,000.00.

We did not have to put this out for bid because the City of Independence has already put it out for bid and we would be utilizing the quote and prices. Because the City of Independence does such a large quantity every year they receive a lower cost than if we put ours out bid on our own.

Recommendations:

Staff request approval from the Board of Alderman of a contract with Insituform Technologies USA, Inc., in the amount of $42,734.90.

Council Bill No. 82

Resolution No.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH INSITUFORM TECHNOLOGIES USA, INC. IN AN AMOUNT NOT TO EXCEED $42,734.90 TO REPAIR THE ANN STREET SANITARY SEWER LINE.

Whereas, the City of Harrisonville wants to make repairs to the sanitary sewer line serving Ann Street, including upgrading the manholes along this line as needed, and

Whereas, staff has determined that the process known as Cured in Place Pipe (CIPP) is the best way to effect these repairs, and

Whereas, the City of Harrisonville can utilize the quote and prices already received by the City of Independence, Missouri for these services, resulting in markedly lower costs than we could obtain independently,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to enter into an Agreement with Insituform Technologies USA Inc. complete the Ann Street sanitary sewer line repairs in an amount not to exceed $42,734.90

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri this 18th day of November 2013

____

Kevin W. Wood, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 18th day of November 2013

City of Harrisonville est. 1836

STAFF REPORT

TO: Board of Aldermen

FROM: Jerry Gibbs, Director

DATE: November 8, 2013

SUBJECT: Water Treatment Facilities Plan

<u>Type of Item:</u> *Contract*

Background - Phase 1 of the Burns and McDonnell Raw Water infrastructure Improvements have been completed. The results show:

- Taste and odor issues can be eliminated with the addition of ozone generators
- The existing water treatment plant infrastructure can be rehabilitated but a filter evaluation must be completed first to determine if filters can be rated to treat more than 3 mgd. The current rating is limited to 2.4 MGD.
- Lake Harrisonville is viable for another 30 years, however, the power supply and water overflow needs immediate attention.
- The high service pumps and wet well need to be upgraded to allow continual service when a pump needs replacement or maintenance.
- Larger utility connects with PWD #9 are necessary to supply water for any period of time. Final sizing to be determined by modeling. And
- A Facility Plan is required by DNR prior to any improvements or if DNR funds are used for improvements or to file an SRF application

Issue - Phase 2 of the Raw Water Infrastructure Improvements is the beginning of the planning and design phase. Kansas City Power and Light is currently reviewing the infrastructure needs to provide overhead power to the intake structure. Burns and McDonnell are submitting their proposed scope and fees to:

- Complete a filter evaluation to determine the conditions of the filters and requirements to improve rating to excess of 3 mgd;
- Complete a Facilities Plan which will outline costs and identify timing if projects can be funded on a pay as you go or SRF through DNR; and

The work is anticipated to take approximately 6 months. The estimated value for the work is Filter evaluation $37,900, Facility Plan $79,990 or a total not to exceed of $117,890. A representative will be available from Burns and McDonnell to discuss or answer questions concerning their scope of services.

This would be amendment 1 to the original contract for the Facilities Plan and the Filter Evaluation. If you remember it was decided to break the engineering down into more manageable pieces to allow flexibility to change direction if issues suggested a change. An amendment will be necessary for each additional new phase of the overall project.

The Board of Aldermen approve Amendment 1 not to exceed $117,890.

Council Bill No. 83

Resolution No.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT 1 TO THE BURNS AND MCDONNELL CONTRACT IN AN AMOUNT NOT TO EXCEED $117,890 FOR FILTER EVALUATION AND COMPLETION OF A FACILITIES PLAN FOR THE HARRISONVILLE WATER TREATMENT PLANT

WHEREAS, the City of Harrisonville wishes to make improvements to the water treatment plant infrastructure, and

WHEREAS, Burns and McDonnell has completed Phase I of its study and

WHEREAS, Burns and McDonnell must now complete additional work to determine the best way to fund improvements,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to execute Amendment 1 to the contract with Burns and McDonnell in an amount not to exceed $117,890 for filter evaluation and completion of a Facilities Plan, and

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri this 18th day of November 2013

Kevin W. Wood, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

WITNESS my hand and seal this 18th day of November 2013

Table 1

Water System Facility Plan
STAFF HOURS & FEE

Harrisonville. MO

	Scope	Hours	Fee	Labor Subtotal	Expenses	Total
FILTER EVALUATION						
1.	Data collection and review					
	Lead Process Engineer (Level 14)	4	708			
	Process Engineer (Level 9)	12	1,536	2,244	159	2,403
2.	Filter Observation and Evaluation:					
2.1	Media Observation (4 Filters)					
2.2	Underdrain Observation (1 Filter)					
2.3	Backwash Evaluation (4 Filters)					
	Lead Process Engineer (Level 14)	16	2,832			
	Process Engineer (Level 9)	70	8,960	11,792	1,546	13,338
3.	Media Testing					
	Process Engineer (Level 9)	8	1,024	1,024	2,500	3,524
4.	Reports:					
4.1	Prepare draft technical memo (TM) for OWNER review and comment					
	Project Manager (Level 16)	4	816			
	Lead Process Engineer (Level 14)	8	1,416			
	Process Engineer (Level 9)	32	4,096	6,328	438	6,766
4.2	Upon receipt of comments, finalize TM					
	Project Manager (Level 16)	2	408			
	Lead Process Engineer (Level 14)	4	708			
	Process Engineer (Level 9)	16	2,048	3,164	219	3,383
5.	Process Workshop (one)					
	Project Manager (Level 16)	4	816			
	Lead Process Engineer (Level 14)	4	708			
	Process Engineer (Level 9)	6	768	2,292	173	2,465
6.	PM / QA/QC					
	Project Manager (Level 16)	20	4,080			
	QA/QC Engineer (Level 16)	8	1,632	5,712	279	5,991
	TOTALS	**218**	**32,556**	**32,556**	**5,314**	**37,870**

Attachment: Proposed Scope and Fee 101513 amendment 1 (Water Treatment Facilities Plan)

Table 2

Water System Facility Plan
STAFF HOURS & FEE

Harrisonville. MO

Scope	Hours	Fee	Labor Subtotal	Expenses	Total
CAPITAL FACILITIES PLAN					
1 Project initiation workshop.					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	4	736	1,552	114	1,666
2 Develop site layout base map and electrical one-line.					
Process Engineer (Level 9)	2	256			
Electrical Engineer (Level 12)	8	1,312			
Detailer (Level 12)	4	656	2,224	139	2,363
3 Develop concept design for reuse of existing chemical feed/electrical building. Review existing plans and determine phasing for implementation.					
Project Manager (Level 16)	4	816			
Process Engineer (Level 9)	12	1,536			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	20	3,280			
Mechanical Engineer (Level 13)	12	2,124			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	12	1,848			
Detailer (Level 12)	8	1,312	12,332	239	12,571
4 Develop concept design for a new chemical feed/electrical building.					
Project Manager (Level 16)	4	816			
Process Engineer (Level 9)	12	1,536			
Structural Engineer (Level 13)	8	1,416			
Electrical Engineer (Level 12)	12	1,968			
Mechanical Engineer (Level 13)	8	1,416			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	12	1,848			
Detailer (Level 12)	4	656	10,364	199	10,563
5 Develop concept design for a ozone building and associated equipment.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	8	1,024			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	4	656			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	4	616			
Detailer (Level 12)	4	656	4,776	80	4,856
6 Develop concept for the new rapid mix system for both chemical feed building alternatives.					
Lead Process Engineer (Level 14)	2	368			
Process Engineer (Level 9)	4	512			
Structural Engineer (Level 13)	0	0			
Electrical Engineer (Level 12)	0	0			
Mechanical Engineer (Level 13)	0	0			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	0	0			
Detailer (Level 12)	0	0	880	0	880
7 Develop concept for Basin 1 equipment replacement and plate settlers or tube settlers abd Basin 2 concrete repair.					
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	8	1,024			
Structural Engineer (Level 13)	4	708			
Detailer (Level 12)	0	0	2,468	40	2,508
8 Develop concept design for filter improvements based on filter evaluation.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	16	2,048			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	4	656			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	4	616			
Detailer (Level 12)	0	0	5,144	40	5,184
9 Develop yard layout with new facilities, piping, and power and instrument cables.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	8	1,024			
Electrical Engineer (Level 12)	4	656			
Detailer (Level 12)	4	656	2,744	159	2,903
9 Develop economics.					
Project Manager (Level 16)	8	1,632			
Estimator (Level 14)	24	4,512			
Process Engineer (Level 9)	8	1,024	7,168	318	7,486
10 Reports:					
10.1 Prepare draft report for OWNER review and comment.					
Project Manager (Level 16)	16	3,264			
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	20	2,560			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	8	1,312			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	4	616			
Detailer (Level 12)	8	1,312	11,924	159	12,083
10.2 Upon receipt of comments, finalize report.					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	8	1,472	2,288	119	2,407
11 Process Workshops (one)					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	4	736	2,288	153	2,441
12 PM / QA/QC					
Project Manager (Level 16)	40	8,160			
QA/QC Engineer (Level 16)	16	3,264	11,424	557	11,981
TOTALS	**458**	**77,576**	**77,576**	**2,317**	**79,893**

Attachment: Proposed Scope and Fee 101513 amendment 1 (Water Treatment Facilities Plan)

Burns & McDonnell
SINCE 1898

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
ENGINEER-OWNER AGREEMENT

AMENDMENT No. 1 **Date: October 29, 2013**

THIS AMENDMENT modifies the Agreement dated January 24, 2013 made by and between **Burns & McDonnell Engineering Company, Inc.,** hereinafter called ENGINEER, and the City of Harrisonville, a Missouri municipal corporation, hereinafter called the "City," for the following Project: Water Facilities Plan. For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the ENGINEER's Scope of Services is amended as follows:
   a. Prepare and conduct Project Initiation Workshop with City engineering and WTP operations staff to review Phase 1 and 2 recommendations and discuss Phase 3 work which will include a Capital Facilities Plan for the Water Treatment Plant (WTP) and a WTP Filter Evaluation.
   b. Perform WTP Filter Evaulation for all filters consisting of review of historical performance data, physical inspection of media and filter components,gradation analysis of media samples (2 per filter), analysis of media samples for manganese (1 per filter), and backwash inspection; perform underdrain observation for one filter.
   c. Prepare draft Technical Memo (TM) detailing existing filter conditions, results of all tests and observations performed during the Filter Evaulation, and recommended improvements. Upon receipt of City comments, issue a final Filter Evaulation TM.
   d. Prepare and conduct Filter Workshop with City engineering and WTP operations staff to review Filter Evaulation findings and recommendations.
   e. Evaluate feasibility and develop a conceptual design for reuse of existing Chemical Feed/Electrical Building. Existing plans will be reviewed and phasing for implementation will be determined.
   f. Develop a conceptual design for a new Chemical Feed/Electrical Building if reuse of the existing building is not feasible.
   g. Develop a conceptual design for a new Ozone Building and associated ozone equipment.
   h. Develop a conceptual design for a new rapid mix system for reuse of the existing Chemical Feed/Electrical Building; develop a conceptual design for a new rapid mix system for the new Chemical Feed/Electrical Building if reuse of the existing building is not feasible.
   i. Develop a conceptual design for replacement of equipment in Basin 1 and installation of plate settlers or tube settlers. Prepare conceptual design for concrete repairs in Basin 2.
   j. Develop a conceptual design for filter improvements based on Filter Evaluation.
   k. Develop site layout map and electrical one-line for the proposed improvements.
   l. Develop a conceptual design for yard layout with new facilities and major process piping.
   m. Develop economic "order of magnitude" opinion of probable cost for Capital Facilites Plan based on the conceptual designs.
   n. Prepare draft TM detailing the complete Capital Facilities Plan including developed conceptual design and opinion of probable cost. Upon receipt of City comments, issue a final Capital Facilities Plan TM.
   o. Prepare and conduct Process Workshop with City engineering and WTP operations staff to review Capital Facilities Plan.
   p. Provide project management and quality control/assurance.

2. The following adjustments are made to the ENGINEER's compensation:
   The Fee for Work described in this AMENDMENT shall be the not to exceed amount of $117,763.

3. The time for completion of ENGINEER's Services is adjusted as follows:
The draft Filter Evlauation TM will be issued within three months and the draft Facilities Plan TM will be issued to the City within four months from the time that a signed Amendment from the OWNER is received by the ENGINEER.

4. Other changes to the Agreement, if any, are stated below:
None.

5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

THIS AGREEMENT CONTAINS A BINDING ARBITRATION PROVISION, WHICH MAY BE ENFORCED BY THE PARTIES.

CITY: City of Harrisonville, Missouri

By: ______________________

Name: Keith Moody

Title: City Administrator

By: ______________________

Name: ______________________

Title: City Clerk

ENGINEER: Burns & McDonnell Engineering Company, Inc.

By: Peter D. Zanoni

Name: Peter D. Zanoni, P.E.

Title: Vice President

Burns & McDonnell

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

AMENDMENT No. 1 **Date: October 29, 2013**

THIS AMENDMENT modifies the Agreement dated January 24, 2013 made by and between **Burns & McDonnell Engineering Company, Inc.,** hereinafter called ENGINEER, and the City of Harrisonville, a Missouri municipal corporation, hereinafter called the "City," for the following Project: Water Facilities Plan and Preliminary Engineering Study for Lake Harrisonville Spillway Replacement. For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the ENGINEER's Scope of Services is amended as follows:
   a. Prepare and conduct Project Initiation Workshop with City engineering and WTP operations staff to review Phase 1 and 2 recommendations and discuss Phase 3 work which will include a Capital Facilities Plan for the Water Treatment Plant (WTP) and a WTP Filter Evaluation.
   b. Perform WTP Filter Evaulation for all filters consisting of review of historical performance data, physical inspection of media and filter components,gradation analysis of media samples (2 per filter), analysis of media samples for manganese (1 per filter), and backwash inspection; perform underdrain observation for one filter.
   c. Prepare draft Technical Memo (TM) detailing existing filter conditions, results of all tests and observations performed during the Filter Evaulation, and recommended improvements. Upon receipt of City comments, issue a final Filter Evaulation TM.
   d. Prepare and conduct Filter Workshop with City engineering and WTP operations staff to review Filter Evaulation findings and recommendations.
   e. Evaluate feasibility and develop a conceptual design for reuse of existing Chemical Feed/Electrical Building. Existing plans will be reviewed and phasing for implementation will be determined.
   f. Develop a conceptual design for a new Chemical Feed/Electrical Building if reuse of the existing building is not feasible.
   g. Develop a conceptual design for a new Ozone Building and associated ozone equipment.
   h. Develop a conceptual design for a new rapid mix system for reuse of the existing Chemical Feed/Electrical Building; develop a conceptual design for a new rapid mix system for the new Chemical Feed/Electrical Building if reuse of the existing building is not feasible.
   i. Develop a conceptual design for replacement of equipment in Basin 1 and installation of plate settlers or tube settlers. Prepare conceptual design for concrete repairs in Basin 2.
   j. Develop a conceptual design for filter improvements based on Filter Evaluation.
   k. Develop site layout map and electrical one-line for the proposed improvements.
   l. Develop a conceptual design for yard layout with new facilities and major process piping.
   m. Develop economic "order of magnitude" opinion of probable cost for Capital Facilites Plan based on the conceptual designs.
   n. Prepare draft TM detailing the complete Capital Facilities Plan including developed conceptual design and opinion of probable cost. Upon receipt of City comments, issue a final Capital Facilities Plan TM.
   o. Prepare and conduct Process Workshop with City engineering and WTP operations staff to review Capital Facilities Plan.
   p. Develop Lake Harrisonville design inflow hydrographs for assessment of principal and emergency spillways.
   q. Develop conceptual design for replacement principal spillway at Lake Harrisonville.
   r. Develop "order of magnitude" opinions of probable cost for the proposed spillway replacement project.
   s. Prepare draft TM that discusses the need for the spillway rehabilitation, documents the methods and assumptions used in development of the inflow hydrographs, presents the conceptual design for the spillway rehabilitation and an opinion of probable costs for this project, and discusses

Attachment: Harrisonville Amendment 1 updated Burns and McDonnell (Water Treatment Facilities Plan)

constructability and permitting issues. After receipt of City comments, issue a final TM for the spillway preliminary engineering study.

t. Provide project management and quality control/assurance.

2. The following adjustments are made to the ENGINEER's compensation:
The Fee for Work described in this AMENDMENT shall be the not to exceed amount of $166,986.

3. The time for completion of ENGINEER's Services is adjusted as follows:
The draft Filter Evlauation TM will be issued within three months and the draft Facilities Plan TM will be issued to the City within four months from the time that a signed Amendment from the OWNER is received by the ENGINEER.

4. Other changes to the Agreement, if any, are stated below:
None.

5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

THIS AGREEMENT CONTAINS A BINDING ARBITRATION PROVISION, WHICH MAY BE ENFORCED BY THE PARTIES.

CITY: City of Harrisonville, Missouri	**ENGINEER: Burns & McDonnell Engineering Company, Inc.**
By:	By:
Name: Keith Moody	Name: Peter D. Zanoni, P.E.
Title: City Administrator	Title: Vice President
By:	By:
Name:	Name: L. Jeffrey Klein, P.E.
Title: City Clerk	Title: Project Manager

Table 1

Water System Facility Plan
STAFF HOURS & FEE

Harrisonville. MO

Scope	Hours	Fee	Labor Subtotal	Expenses	Total
FILTER EVALUATION					
1. Data collection and review					
Lead Process Engineer (Level 14)	4	708			
Process Engineer (Level 9)	12	1,536	2,244	159	2,403
2. Filter Observation and Evaluation:					
2.1 Media Observation (4 Filters)					
2.2 Underdrain Observation (1 Filter)					
2.3 Backwash Evaluation (4 Filters)					
Lead Process Engineer (Level 14)	16	2,832			
Process Engineer (Level 9)	70	8,960	11,792	1,546	13,338
3. Media Testing					
Process Engineer (Level 9)	8	1,024	1,024	2,500	3,524
4. Reports:					
4.1 Prepare draft technical memo (TM) for OWNER review and comment					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	8	1,416			
Process Engineer (Level 9)	32	4,096	6,328	438	6,766
4.2 Upon receipt of comments, finalize TM					
Project Manager (Level 16)	2	408			
Lead Process Engineer (Level 14)	4	708			
Process Engineer (Level 9)	16	2,048	3,164	219	3,383
5. Process Workshop (one)					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	4	708			
Process Engineer (Level 9)	6	768	2,292	173	2,465
6. PM / QA/QC					
Project Manager (Level 16)	20	4,080			
QA/QC Engineer (Level 16)	8	1,632	5,712	279	5,991
TOTALS	**218**	**32,556**	**32,556**	**5,314**	**37,870**

Table 2

Water System Facility Plan
STAFF HOURS & FEE

Harrisonville. MO

Scope	Hours	Fee	Labor Subtotal	Expenses	Total
CAPITAL FACILITIES PLAN					
1 Project initiation workshop.					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	4	736	1,552	114	1,666
2 Develop site layout base map and electrical one-line.					
Process Engineer (Level 9)	2	256			
Electrical Engineer (Level 12)	8	1,312			
Detailer (Level 12)	4	656	2,224	139	2,363
3. Chemical Building:					
3a Develop concept design for reuse of existing chemical feed/electrical building. Review existing plans and determine phasing for implementation.					
Project Manager (Level 16)	4	816			
Process Engineer (Level 9)	12	1,536			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	20	3,280			
Mechanical Engineer (Level 13)	12	2,124			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	12	1,848			
Detailer (Level 12)	8	1,312	12,332	239	12,571
3b Develop concept design for a new chemical feed/electrical building (if required).					
Project Manager (Level 16)	4	816			
Process Engineer (Level 9)	12	1,536			
Structural Engineer (Level 13)	8	1,416			
Electrical Engineer (Level 12)	12	1,968			
Mechanical Engineer (Level 13)	8	1,416			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	12	1,848			
Detailer (Level 12)	4	656	10,364	199	10,563
4 Develop concept design for a ozone building and associated equipment.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	8	1,024			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	4	656			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	4	616			
Detailer (Level 12)	4	656	4,776	80	4,856
5 Develop concept for the new rapid mix system for reuse of the existing chemical feed/electrical building; if not feasible, develop for new chemical feed/electrical building.					
Lead Process Engineer (Level 14)	2	368			
Process Engineer (Level 9)	4	512			
Structural Engineer (Level 13)	0	0			
Electrical Engineer (Level 12)	0	0			
Mechanical Engineer (Level 13)	0	0			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	0	0			
Detailer (Level 12)	0	0	880	0	880
6 Develop concept for Basin 1 equipment replacement and plate settlers or tube settlers and Basin 2 concrete repair.					
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	8	1,024			
Structural Engineer (Level 13)	4	708			
Detailer (Level 12)	0	0	2,468	40	2,508
7 Develop concept design for filter improvements based on filter evaluation.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	16	2,048			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	4	656			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	0	0			
Architect (Level 11)	4	616			
Detailer (Level 12)	0	0	5,144	40	5,184
8 Develop yard layout with new facilities, piping, and power and instrument cables.					
Project Manager (Level 16)	2	408			
Process Engineer (Level 9)	8	1,024			
Electrical Engineer (Level 12)	4	656			
Detailer (Level 12)	4	656	2,744	159	2,903
9 Develop economics.					
Project Manager (Level 16)	8	1,632			
Estimator (Level 14)	24	4,512			
Process Engineer (Level 9)	8	1,024	7,168	318	7,486
10 Reports:					
10.1 Prepare draft report for OWNER review and comment.					
Project Manager (Level 16)	16	3,264			
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	20	2,560			
Structural Engineer (Level 13)	4	708			
Electrical Engineer (Level 12)	8	1,312			
Mechanical Engineer (Level 13)	4	708			
Civil Engineer (Level 13)	4	708			
Architect (Level 11)	4	616			
Detailer (Level 12)	8	1,312	11,924	159	12,083
10.2 Upon receipt of comments, finalize report.					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	8	1,472	2,288	119	2,407
11 Process Workshops (one)					
Project Manager (Level 16)	4	816			
Lead Process Engineer (Level 14)	4	736			
Process Engineer (Level 9)	4	736	2,288	153	2,441
12 PM / QA/QC					
Project Manager (Level 16)	40	8,160			
QA/QC Engineer (Level 16)	16	3,264	11,424	557	11,981
TOTALS	**458**	**77,576**	**77,576**	**2,317**	**79,893**

Attachment: Harrisonville Amendment 1 updated Burns and McDonnell (Water Treatment Facilities Plan)

Table 3

Water System Facility Plan
STAFF HOURS & FEE

Harrisonville. MO

Scope	Hours	Fee	Labor Subtotal	Expenses	Total
SPILLWAY PRELIMINARY ENGINEERING STUDY					
1 Develop design inflow hydrographs					
Water Resources Engineer (Level 16)	16	3,264			
Civil Engineer (Level 11)	56	8,624			
GIS Specialist (Level 13)	8	1,416	13,304	796	14,100
2 Develop conceptual design for principal spillway					
Water Resources Engineer (Level 16)	12	1,536			
Civil Engineer (Level 11)	40	7,080			
Structural Engineer (Level 13)	16	2,832			
Geotechnical Engineer (Level 16)	8	1,632			
Detailer (Level 12)	8	1,312	14,392	836	15,228
3 Opinion of probable cost					
Water Resources Engineer (Level 16)	4	512			
Civil Engineer (Level 11)	8	1,232			
Estimator (Level 14)	16	3,008	4,752	279	5,031
4 Develop draft/fiinal TM.					
Project Manager (Level 16)	4	816			
Water Resources Engineer (Level 16)	24	4,248			
Civil Engineer (Level 11)	16	2,464			
GIS Specialist (Level 13)	8	1,416			
Detailer (Level 12)	4	656	9,600	557	10,157
5 PM / QA/QC					
Project Manager (Level 16)	16	3,264			
QA/QC Engineer (Level 16)	6	1,224	4,488	219	4,707
TOTALS	**270**	**46,536**	**46,536**	**2,687**	**49,223**

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Mike Tholen, Director**

DATE: **November 14, 2013**

SUBJECT: **2013 budget amendment**

<u>Type of Item:</u> *Budget*

This ordinance includes some adjustments necessary for the end of the fiscal year budget. The impact of these adjustments is felt primarily in the Community Center and Emergency Services funds. A list of the adjustments accompanies the ordinance, and I will provide more explanation and answer questions at the meeting.

The Park Board has reviewed their portion of the adjustments, and both the Park Board and City staff recommend approval of the ordinance.

Council Bill No. 84

Ordinance No.

AN ORDINANCE TO AMEND THE 2013 BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI FOR THE FISCAL YEAR JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the annual budget for the City of Harrisonville, Missouri, for the fiscal year beginning January 1, 2013, and ending on December 31, 2013, is hereby amended. Maximum amounts to be expended by fund are as follows:

FUND	CURRENT EXPENDITURES	PROPOSED EXPENDITURES	CURRENT REVENUES	PROPOSED REVENUES	NET IMPACT
General	10,040,792	10,103,492	7,821,215	7,883,915	0
Park	507,950	512,645	516,094	516,094	4,695
Sales Tax	1,741,250	1,741,250	1,741,250	1,741,250	0
EMS	3,059,880	3,084,880	2,981,400	2,981,400	25,000
Refuse Coll.	472,205	472,205	477,535	477,535	0
Electric	12,350,675	12,350,675	11,694,880	11,694,880	0
CWSS	5,678,843	5,678,843	4,574,428	4,574,428	0
Debt Service	809,665	809,665	809,665	809,665	0
Aquatic Center	228,710	228,710	158,185	158,185	0
Comm. Center	1,305,502	1,402,475	1,261,655	1,289,860	68,768
	36,195,472	36,384,840	32,036,307	32,127,212	98,463

Section 2: That the City Administrator is hereby authorized to amend the line items of the budget as needed, but in no event shall more funds be expended for any particular fund than that authorized by this budget without prior approval of the Board of Aldermen. In addition, any monies set aside for capital outlays shall not be used for any other purposes without prior approval of the Board of Aldermen.

Section 3. That this ordinance shall become effective immediately upon its passage and approval.

Vote taken as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Read two times by title only on November 18, 2013 and adopted by the Board of Aldermen of the City of Harrisonville, Missouri, this 18th day of November, 2013

____

Kevin W. Wood, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

APPROVED by the Mayor this 18th day of November, 2013.

CITY OF HARRISONVILLE
2013 Budget
Yearend adjustments

GENERAL			
01-5626	$62,700	increase MoDOT funding for Independence bridge	
	$62,700		
01-6-0907-1067	$62,700	increase MoDOT funding for Independence bridge	
	$62,700		
			0
PARK			
11-6-0990-4217	$4,695	to restore voided 2012 encumbrance	
11-6-1125-0101	($28,205)	personnel expenses paid by Community Center	
11-6-1125-0402	$28,205	transfer to Community Center to cover personnel expenses	
	$4,695		
			-4,695
COMMUNITY CENTER			
15-5931	$28,205	Transfer from Parks to cover personnel expenses	
	$28,205		
15-6-0103-0101	$51,735	increase admin payroll (include park expenses)	
15-6-0103-0425	$9,466	semi-annual payment for energy loan	
15-6-1124-0101	($22,551)	decrease aquatic payroll	
15-6-1126-0101	$22,495	increase rec. payroll	
15-6-1126-0216	$9,000	replace water heater	
15-6-1119-0101	$6,828	increase maintenance payroll	
15-6-1119-0201	$15,000	higher than budgeted utility payments	
15-6-1119-0216	$5,000	HVAC repairs to roof units	
	$96,973		
			-68,768
EMERGENCY SERVICES			
16-6-0103-0211	$25,000	increased equipment maintenance	
	$25,000		
			-25,000
TOTAL PROPOSED CHANGE (fund balance impact)			**($98,463)**

Attachment: yearend 2013 line item detail (2013 budget amendment)

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Kim Hubbard, City Clerk**

DATE: **November 14, 2013**

SUBJECT: **Agreement for funding for the replacement of the runway light controller**

Type of Item: *Agreement*

This item went before the Board and was approved on June 4, 2012 as Ordinance 3209. Due to personnel turnover at MoDOT, the original agreement was lost and the Transportation Commission is requesting an updated Ordinance. The Council Bill before you, if passed, will replace Ordinance 3209.

Attached is a memo from Airport Manager Green with a more detailed explanation.

Council Bill No. 85

Ordinance No.

AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION EMERGENCY AIRPORT AID AGREEMENT BETWEEN THE CITY OF HARRISONVILLE, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING FOR THE REPLACEMENT OF THE RUNWAY LIGHT CONTROLLER AT THE LAWRENCE SMITH MEMORIAL AIRPORT IN AN AMOUNT OF $8,100. This will replace Ordinance 3209

WHEREAS, the City of Harrisonville Lawrence Smith Memorial Airport has the need for the replacement of the runway light controller

WHEREAS, the Missouri Highways and Transportation Commission will provide funding for this project.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to execute a contract with the Missouri Highways and Transportation Commission for use of emergency airport aid funds to contract out the replacement of the runway light controller for the Lawrence Smith Memorial Airport in an amount of $8,100, that the City Clerk is hereby authorized to attest thereto; that a copy of said contract is attached hereto, and made a part hereof.

Section 2: That this ordinance shall become effective immediately upon its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

Read one time by title only on November 18, 2013. Read for the second time by title only on the 18th of November and passed by the Board of Aldermen of the City of Harrisonville, Missouri, this 18th day of November 2013.

Kevin W. Wood, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

APPROVED by the Mayor this 18th day of November 2013.

AIRPORT LIGHT CONTROLLER

LAWRENCE SMITH MEMORIAL AIRPORT
HARRISONVILLE, MISSOURI

To: **Mayor and Board of Aldermen**

From: **James Green, Airport Manager**

Date: **November 14, 2013**

RE: **Missouri Highways and Transportation Commission Emergency Airport Aid Agreement**

Type of Item:
This item is a procedural item to receive payment for a grant made with the Missouri Highway Transportation Commission to replace a runway light controller damaged by lightning. This grant was approved by the Board of Alderman in May of last year but due to the changeover of personnel at the MoDOT Aviation Section offices the original grant document executed by the City was lost. The project is complete and a new current ordinance is needed to resubmit the documents and receive payment.

Below is the information from the original memo:

Background:
At the airport there are two light controllers, one for the precision approach path indicators (PAPI) and one for the runway light system. During a thunderstorm lighting struck the runway light system at some point and a circuit board in the controller itself (located inside the main hangar) was damaged. The controller was manufactured in 1986 and parts are no longer available commercially.

The state has an emergency fund for airport repair and since the controller failure was due to a lightning strike it qualifies as an emergency project. It is a separate fund from the yearly entitlement we use for our maintenance projects and it is a 100% reimbursement so it will ultimately not cost the city any money.

Project Info:

City staff completed the bidding process as required by MoDOT and received three bids. The lowest bid was given by J&R Engineering out of Kansas City who is also our current lighting technician and has done excellent work for the city in the past.

Shipping time on the controller unit is approximately 6-8 weeks and should only take 3-4 days to install after it arrives on site.

Recommendation:

Staff recommends that this agenda item be approved to update the ordinance so payment can be received.

CCO Form:	AC01	Sponsor	City of Harrisonville
Approved:	02/94 (MLH)	Project No.	AIR 126-110C
Revised:	01/06 (AR)		
Modified:	05/12 (MWH)		

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
EMERGENCY AIRPORT AID AGREEMENT

THIS GRANT AGREEMENT is entered into by the Missouri Highways and Transportation Commission ("Commission") and the City of Harrisonville ("Sponsor").

WITNESSETH:

WHEREAS, the Sponsor has applied to the Commission for a grant of funds under §305.230 RSMo.; and

WHEREAS, the Commission has agreed to make funds appropriated for the purpose of capital improvements or maintenance of airports immediately available to the Sponsor under the provisions of subsection 5 of §305.230 RSMo with the understanding that such funds will be used for the emergency designated project pursuant to this Emergency Agreement for the purposes specifically described as follows:

Replace broken runway light controller

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to provide financial assistance to the Sponsor under subsection 5 of §305.230 RSMo, for the emergency designated project to replace the broken runway light controller damaged by lightning during storms March 17-18, 2012.

(2) AMOUNT OF GRANT: The amount of this grant is Eight Thousand One Hundred Dollars ($8,100.00), which represents One Hundred Percent (100%) of the total eligible costs to replace the broken runway light controller as referenced in paragraph (1) of this Emergency Agreement that was damaged by lightning. The designation of this grant does not create a lump sum quantity contract, but rather only represents the amount of funding available for qualifying expenses. In no event will the Commission provide the Sponsor funding for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all project expenses to ensure that they are qualifying expenses under this program.

(3) PROJECT TIME PERIOD: The project period shall be from the date of execution of this Agreement by the Commission to July 31, 2012. The Commission's representative may, in writing, extend the project time period for good cause as shown

by the Sponsor. The grant funds in paragraph (2) not expended or duly obligated during the project time period shall be released for use in other projects under §305.230 RSMo.

(4) TITLE EVIDENCE TO EXISTING AIRPORT PROPERTY: By signing this Agreement, the Sponsor certifies that it holds satisfactory evidence of title to all existing airport property and avigation easements.

(5) CONTROL OF AIRPORT: The Sponsor agrees to continue to control the airport, either as owner or as lessee, for -0- years following receipt of the last payment from this grant. Applicable agreement periods are as follows:

(A) Land interests - Fifty (50) years.

(B) Improvements - Useful life, as determined by the Commission.

(6) SAFE OPERATION OF AIRPORT: The Sponsor agrees to operate and maintain in a safe and serviceable condition the airport and all connected facilities which are necessary to serve the aeronautical users of the airport other than facilities owned or controlled by the United States. The Sponsor further agrees that it will not permit any activity on the airport's grounds that would interfere with its safe use for airport purposes. Nothing contained in this Agreement shall be construed to require that the airport be operated for aeronautical uses during temporary periods when snow, ice, or other climatic conditions interfere with safe operations.

(7) WITHDRAWAL OF GRANT OFFER: The Commission reserves the right to amend or withdraw this grant offer at any time prior to acceptance by the Sponsor.

(8) PAYMENT: Payments to the Sponsor are made on an advance basis. The Sponsor may request incremental payments during the course of a project or a lump sum payment upon completion of the work. However, this advance payment is subject to the limitations imposed by paragraph (8)(B) of this Agreement.

(A) The Sponsor may request payment at any time subsequent to the execution of this Agreement by both parties. Requests for reimbursement shall be supported with invoices. After the Sponsor pays incurred costs, copies of checks used to pay providers must be submitted to the Commission.

(B) It is understood and agreed by and between the parties that the Commission shall make no payment which could cause the aggregate of all payments under this Agreement to exceed ninety percent (90%) of the maximum state (Aviation Trust Fund) obligation stated in this Agreement or eighty-one percent (81%) of actual total eligible project cost, whichever is lower, until the Sponsor has met and/or performed all requirements of this grant Agreement to the satisfaction of the Commission.

(B) Within ninety (90) days of final inspection of the project funded under this grant, the Sponsor shall provide to the Commission a final payment request and all financial performance and other reports as required by the conditions of this grant.

(D) When land donations are used, the costs for land may be submitted with an appraisal prepared by a MoDOT-certified appraiser. All donations must be preapproved by the Commission to ensure eligibility for funding.

(C) If the Commission determines that the Sponsor was overpaid, the amount of overpayment shall be remitted to the Commission.

(9) AUDIT OF RECORDS: The Sponsor must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(10) FINANCIAL SUMMARY: Upon request of the Commission, the Sponsor shall provide to the Commission a financial summary of the total funds expended. The summary must show the source of funds and the specific items for which they were expended.

(11) NONDISCRIMINATION CLAUSE: The Sponsor shall comply with all state and federal statutes applicable to the Sponsor relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. §2000d and §2000e, *et seq*.); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq*.).

(12) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the Sponsor with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Sponsor.

(13) LACK OF PROGRESS: Any lack of progress which significantly endangers substantial performance of the project within the specified time shall be deemed a violation of the terms of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Sponsor in writing once such a determination is made.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Sponsor shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(16) WORK PRODUCT: All documents, reports, exhibits, etc. produced by the Sponsor at the direction of the Commission and information supplied by the Commission shall remain the property of the Commission.

(17) CONFIDENTIALITY: The Sponsor shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Sponsor shall notify the Commission immediately of any request for such information.

(18) NONSOLICITATION: The Sponsor warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Sponsor, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(19) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(20) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Sponsor shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Sponsor 's wrongful or negligent performance of its obligations under this Agreement.

(B) The Sponsor will require any contractor procured by the Sponsor to work under this Agreement:

(1) To obtain a no cost permit from the Commission’s district engineer prior to working on the Commission’s right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission’s district engineer will not be required for work outside of the Commission’s right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of

Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities ($500,000 per claimant and $3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(21) NOTIFICATION OF CHANGE: The Sponsor shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the project in accordance with the provisions of this Agreement.

(22) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Sponsor and the Commission.

(23) ASSIGNMENT: The Sponsor shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(24) COMMISSION REPRESENTATIVE: The Commission's chief engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(25) AIRPORT USE: The Sponsor agrees to operate the airport for the use and benefit of the public. The Sponsor further agrees that it will keep the airport open to all types, kinds, and classes of aeronautical use on fair and reasonable terms without discrimination between such types, kinds and classes. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Commission. Otherwise, at no time shall the airport be closed to accommodate a non-aeronautical event or activity.

(26) SAFE OPERATION OF AIRPORT: The Sponsor agrees to operate and maintain in a safe and serviceable condition the airport and all connected facilities which are necessary to serve the aeronautical users of the airport other than facilities owned or controlled by the United States. The Sponsor further agrees that it will not permit any activity on the airport's grounds that would interfere with its safe use for airport purposes. Nothing contained in this Agreement shall be construed to require that the airport be operated for aeronautical uses during temporary periods when snow, ice, or other climatic conditions interfere with safe operations.

(27) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Sponsor, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Sponsor responsible for damages.

(28) SAFETY INSPECTION: The Sponsor shall eliminate all deficiencies identified in its most recent safety inspection letter. If immediate elimination is not feasible, as determined by the Commission, the Sponsor shall provide a satisfactory plan to eliminate the deficiencies.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into and accepted this Agreement on the last date written below.

Executed by the Sponsor this _____ day of _____________________, 20____.

Executed by the Commission this ____ day of ___________________, 20____.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

By _________________________

Title _______________________

Attest:

____
Secretary to the Commission

Approved as to Form:

____
Commission Counsel

CITY OF HARRISONVILLE

By ________________________

Title ______________________

Attest:

By ____________________________

Title ____________________________

Approved as to Form:

____

Title:___________________________

Ordinance/Resolution No. __________

Attachment: Grant for Light Controller (Agreement for funding for the replacement of the runway light controller)