City of Harrisonville est. 1836

AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
FEBRUARY 24, 2014
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 - Feb 3, 2014 7:00 PM

6. Agenda Items

- **A. Approval of Proposed Transportation Sales Tax Projects**
- **B. Approval of Municipal Court Records Destruction**
- **C. Council Bill 009: A Resolution Authorizing the City Administrator to Execute An Agreement with Murphy Tractor & Equipment Company for the Purchase of John Deere 444K Loader for the Street Department in an Amount Not to Exceed $116,160**
- **D. Council Bill 010: A Resolution Authorizing the City Administrator to Enter into a Contract with Powers Trenching for the Eastwood Sewer Aerial Replacement Project in an Amount not to Exceed $18,967**
- **E. Council Bill 011: A Resolution Authorizing the City Administrator to Execute Amendment 2 to the Burns and McDonnell Contract in an Amount Not to Exceed for $59,645**
- **F. Council Bill CB 012: An Ordinance Allowing the City of Harrisonville, Missouri to Accept Reimbursement from the Missouri Department of Transportation in an Amount of $99,978 for Design and Surveying of Utilities Associated with the Mechanic Street Project (MoDOT J4P2257)**
- **G. Council Bill 013: An Ordinance to Amend Section 390.140 of the Harrisonville Municipal Code regarding Financial Responsibility**

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 20th day of February

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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
FEBRUARY 3, 2014
7:00 PM

1. Call to Order & Pledge of Allegiance

2. Roll Call

Attendee Name	Title	Status	Arrived
Bill Mollenhour	Board Member	Absent	
Bret Reece	Board Member	Absent	
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	Present	
Kevin Wood	Mayor	Present	

Others Present: City Administrator Keith Moody, City Attorney Steve Mauer, Finance Director Mike Tholen, Community Development Director Rick DeLuca, Public Works Director Jerry Gibbs, Assistant Public Works Director Eric Patterson, Public Information Officer Sheryl Stanley, Police Chief John Hofer and City Clerk Kim Hubbard.

3. Ceremonial Matters

A. Proclamation Honoring National FFA Week

Mayor Wood invited FFA students to join him while he read the Proclamation recognizing February 17 through February 24 as FFA week. The following students were in attendance Jack McCleave, Dusting Wallen, Jessical Poisal, Kaitlin Fifer and FFA teacher Jason Dieckhoff.

4. Public Participation

A. Public Participation

John Pruitt, 2703 E Mechanic, Harrisonville was present regarding the proposed cell tower to be constructed at Antioch Baptist Church. Mr. Pruitt noted he had attended the last Board meeting to share his opposition to the cell tower due to the possibility of the radio waves causing cancer. Mr. Pruitt stated he understood this item was going back to the Planning and Zoning Committee. Mr. Pruitt distributed information to the Board members on the effects of having a cell tower so close to a residence.

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Jan 20, 2014 7:00 PM

Minutes were approved.

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

6. Agenda Items

A. Suspension Hearing of Mainstream Automotive & Performance

Director Tholen explained this was the first scheduled hearing since the Board had amended the revocation process of business licenses. Mr. Tholen reported the business owner of Mainstream Automotive & Performance had been contacted via a certified letter but had not contacted the City regarding the hearing.

Alderman Milner asked if the City had checked to see if they were still doing business, Mr. Tholen stated we had not. Mayor Wood explained the amendment the Board had approved gave business owners the opportunity to extend the revocation process if they were making an effort to pay the sales tax due to the State. Mr. Moody explained the letter that was sent out spelled out the opportunity, the documents needed and the time of the meeting.

Alderman Meyer moved for staff to proceed with the business license revocation of Mainstream Automotive & Performance. Alderman Dahlman seconded the motion and it was approved by a unanimous voice vote of those present.

B. AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AGREEMENT BETWEEN THE CITY OF HARRISONVILLE, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PUBLIC IMPROVEMENT DESIGNATED AS ROUTE 7, CASS COUTNY, JOB J4P2257

City Attorney Steve Mauer read Council Bill 005 for a second time. Mr. Gibbs reported MoDOT had contacted him that they were declining the proposed language to the agreement that was presented by the City.

Mr. Gibbs also noted that in his original staff report that he had stated there was $510,000 in the budget to cover the City's match but it was actually about $80,000 short. Mr. Gibbs shared that he was confident that the shortfall would be able to be met.

Council Bill 005 became Ordinance 3265.

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

C. Junk in the Trunk Event Permit

Mayor Wood noted there were two requests for event permits, Junk in the Trunk and Farmer's Market on the agenda and asked the Board to consider them both at the same time.

Chief Hofer reviewed the requests for both, noted that in the past they have given actual dates for the events and the current requests were noting the months only. Chief Hofer stated there have not been problems in the past with either event, the City is a cosponsor and is providing the insurance.

Both requests were approved and noted that Chief Hofer will be able to approve the requests in the future as long as there are no significant changes.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Marcia Milner, Board Member
SECONDER:	David Dickerson, Board Member
AYES:	Dickerson, Meyer, Stull, Milner, Coburn, Dahlman
ABSENT:	Bill Mollenhour, Bret Reece

D. Farmer's Market Event Permit

This request was reviewed and approved under agenda item 6.D.

E. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH BA DESIGN FOR THE PURCHASE OF FURNITURE FOR THE HARRISONVILLE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED $14,901.09

City Attorney Mauer read Council Bill 006 by title only. Chief Hofer explained this furniture had originally been approved at an earlier meeting and reported that staff was not satisfied after testing the conference room chairs. Staff contacted BA Design which was able to provide the needed furniture that staff was comfortable with and was less expensive than Scott Rice Office Works.

Staff asked for the approval to purchase the conference room furniture from BA Design

Council Bill 006 became Resolution 005.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Doug Meyer, Board Member
SECONDER:	Ivan Stull, Board Member
AYES:	Meyer, Stull, Milner, Coburn, Dahlman
NAYS:	David Dickerson
ABSENT:	Bill Mollenhour, Bret Reece

F. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NINETY (90) DAY EXTENSION TO THE AGREEMENT BETWEEN THE CITY OF HARRISONVILLE EMERGENCY SERVICES AND CASS REGIONAL MEDICAL CENTER FOR THE TRANSPORT OF PATIENTS

City Attorney Mauer read Council Bill 007 by title only. Mr. Moody reviewed that the agreement wiith Cass Regional Medical Center is expiring. Mr. Moody stated that Director Tholen and Francis are compiling more detailed information for the requested amount by City for the agreement.

Council Bill 007 became Resolution 006.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Ivan Stull, Board Member
SECONDER:	Doug Meyer, Board Member
AYES:	Dickerson, Meyer, Stull, Milner, Coburn, Dahlman
ABSENT:	Bill Mollenhour, Bret Reece

G. A RESOLUTION TO APPROVE PP-1402, THE PRELIMINARY PLAT OF LOVE'S ADDITION, LOCATED AT THE INTERSECTION OF COMMERCIAL STREET AND BROOKHART DRIVE.

City Attorney Mauer read Council Bill 008 by title only. Director DeLuca noted that the applicants were present if there were any questions for them, and reviewed some of the details of the project which consisted of just over 24 acres and that Love's would use to approximately 12 acres.

Director DeLuca reviewed the amount of infrastructure that was needed for the construction and the relocation of the roadway due to the intersection and off ramp.

Director DeLuca reported MoDOT has approved the traffic study but he does not know the approval status of the Federal Hwy. Administration.

Director DeLuca discussed the possible road realignment of Brickplant and Brookhart Road during Phase 2 of the project. Director DeLuca noted that there would be a roadway relinquishment agreement, easements and right-of-way agreements coming forward.

Director DeLuca stated that there would be a work session scheduled in the future in which Economic Development Manager Jim Clarke would review Transportation Development District and Community Improvement District.

P & Z and staff recommendation for approval.

Council Bill 008 became Resolution 007.

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

7. Aldermen and Committee Reports

Alderman Dahlman commented on a good job the street crew has done.

Alderman Stull stated he had a good time at the Chamber of Commerce Dinner and Employee Dinner.

Alderman Dickerson inquired why business owners cannot be on Level Pay for utility bills. Director Tholen explained when this policy was put into effect it was approved for residential only. Director Tholen noted this is a policy that can be set by the Board and that he would review how this process would work for businesses.

Alderman Dahlman pointed out that the true-up point could put some businesses and the City in a bind. Alderman Dickerson was asked to get the names of the businesses that were inquiring.

Alderman Milner commented she enjoyed the Employee Dinner.

8. Report from the City Administrator

Mr. Moody noted that at the Employee Recognition Dinner, Rick DeLuca received the Leadership Award, Pam Franse received Employee of the Year and Administration and Finance received Department of the Year which were all well deserved.

Mr. Moody asked the individuals representing Love's to introduce themselves.

Rick Shuffield, Director of Real Estate for Love's noted he had the picked the site.

Ross Grimball, Engineering Consultant and stated he assist in site development and infrastructure

Mr. Moody asked how many Love Stores there were. Mr. Shuffield stated there were 312, and for 2014, it was anticipated they would build 30 more.

Mr. Moody asked how complex this project was, rating it from 1 to 10 with 10 being the most complex. Mr. Shufflield said it was a relatively complex project and would rank it at an 8 or 9. Mr. Moody also inquired as to how Mr. Shuffield ranked working with the city versus other municipalities and a staff. Mr. Shufflield stated the city was in the upper ranks as far as giving guidance compared to other municipalities and that there was not a single time when he emailed or called Director DeLuca that he did not receive an immediate response and answer.

9. Report from the Mayor

Mayor Wood commented on what a good job was done on the employee dinner.

10. Questions from the Media

None

11. Adjourn to Executive Session

Alderman Stull made a motion to adjourn to executive session for the purpose of section 610.021 (3), Personnel. Alderman Milner seconded the motion, and it was approved by the following roll vote:

Ayes: Aldermen Meyer, Dahlman, Coburn, Milner, Dickerson, and Stull

Nays: None

Absent: Aldermen Reece and Mollenhour

Abstain: None

Adjourned to executive session at 7:43 p.m.

Reconvened to regular session at 8:01 p.m.

12. Adjourn From Regular Session

Alderman Coburn made the motion to adjourn from regular session. Alderman Milner seconded the motion and it was approved by a voice vote.

The meeting adjourned at 8:04 p.m.

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

ATTEST:

Kim Hubbard, City Clerk

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jerry Gibbs, Director**

DATE: **January 23, 2014**

SUBJECT: **Transportaion Sales Tax Projects**

Type of Item: *Report*

Background:

The Board of Alderman has approved placing a ½ cent transportation sales tax on the ballot for April 2014. Staff used the Pavement Condition Report by Transystems and updated annually by staff and looked at overall need to develop a prioritized list of street improvement projects.

The attached "Potential Streets for Reconstruction" reflects the streets that have been considered. The Public Works Committee, the Implementation Committee and members of the 2005 Community Transportation Advisory Committee have all reviewed and provided input into the list of streets to be reconstructed. Based on all of the combined input a the street reconstruction project list below was arrived at.

Limiting the term of the sales tax to 10 years required that the list of streets to be reconstructed be limited to an $8 million investment to provide $2 million in funding to complete resurfacing of the balance of city streets. It is essential that the plan identify what improvements will be completed, where and when in order to garner the support of this program from our residents.

	Description	Project Cost	Construction
1	Mechanic	$ 510,000	2015
2	East Elm Street	$1,287,780	2017
3	Jefferson Parkway Phase 1 Construction and Design for Phase 2 of Jefferson Parkway and Design for Waters Rd	$3,136,700	2019
4	West Wall Street	$1,273,364	2021
5	King Street	$1,350,000	2022

6	East Washington	$ 331,080	2023
	Total	**$7,889,000**	

Two sales tax open houses have been scheduled at the Community Center on 2-26 and 3-12 starting at 5:30 as an educational opportunity for the public to gather more information. The attached brochure will be mailed to every resident and be published in the local papers as well as being available through a variety of email and web site postings. Staff will also make informational presentations to local groups.

Recommendation:

The Public Works Committee recommends adoption of the list of six streets to be reconstructed as well as resurfacing the balance of city streets during the ten year term of the transportation sales tax.

A. Discussion Item (ID # 1304)

Approval of Proposed Transportation Sales Tax Projects

History:

02/06/14 Public Works Committee RECOMMENDED

Attachments:

Potential Streets for Reconstruction 1-23-14 (PDF)

History of One Cent General Operating Sales Tax Spent on Streets (PDF)

Campaign Brochure (PDF)

RESULT: **RECOMMENDED [UNANIMOUS]** **Next: 2/24/2014 7:00 PM**

MOVER: David Dickerson, Member

SECONDER: Kevin Wood, Member

AYES: Kevin Wood, Morris Coburn, David Dickerson, Ivan Stull

ABSENT: Doug Meyer, Bill Mollenhour

COLLECTOR STREETS

Item #	Location	Estimated Cost	Accumulative	Location
1	Jefferson Parkway Phase 2	$1,940,000	$1,940,000	Community Center to Waters
2	Waters Road	$2,962,000	$4,902,000	Highway 291 to Jefferson
	SUBTOTAL	**$4,902,000**		

RESIDENTIAL STREETS

Item #	Location	Estimated Cost		Location
3	Highland Drive	$1,306,000	$6,208,000	Mechanic to Short
4	Butler Drive	$549,000	$6,757,000	Mechanic to Polk
5	Bradley Avenue	$1,201,000	$7,958,000	Ash to Pearl
6	North Lexington Street	$2,800,000	$10,758,000	Mechanic to Lancelot
	SUBTOTAL	**$5,856,000**		

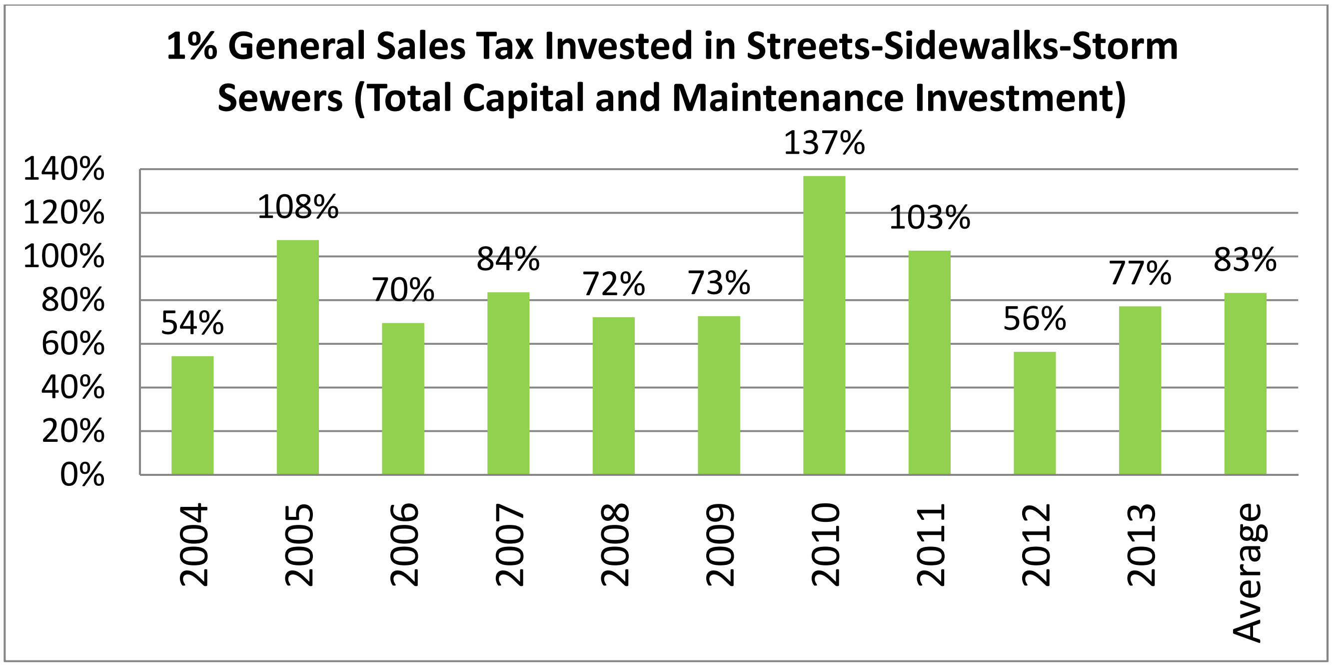
ADDITIONAL RESIDENTIAL STREETS

Item #	Location	Estimated Cost		Location
7	W. Elm Street	$805,000	$11,563,000	Bradley to Price
8	S. Lexington	$1,175,000	$12,738,000	Mechanic to South Street
9	E. Chestnut Street	$800,000	$13,538,000	Independence to Bradley
10	Halsey Avenue	$700,000	$14,238,000	Mechanic to Elm
11	Main Street	$850,000	$15,088,000	Lee to South
12	Lee Street	$535,000	$15,623,000	Independence to Butler Dr.
13	Finney Street	$450,000	$16,073,000	Highland to Eastwood
14	Shady Lane	$350,000	$16,423,000	Lake to Bradley
15	Pine Street	$800,000	$17,223,000	Bradley to Price
16	Forest Street	$650,000	$17,873,000	Lexington to Bradley
	SUBTOTAL	**$7,115,000**		
	TOTAL	**$17,873,000**		* Proposed width = 2 x 12' lanes + 2' C&G each side

History of One Cent General Operating Sales Tax Spent on Streets-Sidewalks-Storm Water

Transportation Sales Tax Question- We received a question asking if the one percent sales tax passed in 1977 was to support street and sidewalks. The 1977 Board did commit 38% of the 1% general operations sales tax to street and sidewalks. That Board passed Ordinance 1160 which indicated how they intended to use the funds, and "challenged" future boards to continue with this allocation. In addition to the 38% committed to streets and sidewalks, that Board committed 53% of the tax to support water and sewer operations, and 9% to parks. Today, the practice of funding utility operations with taxes is contradictory to generally accepted accounting principles.

Staff has compiled the history of how much has been spent on Streets-Sidewalks-Storm Water (maintenance and capital investment) during the last 10 years. During that time 83% of the one cent general sales tax has been invested in this specific service area.



The 1977 Board committed "9% or a maximum of $30,000 a year" to the park system. During the past four years the City's general fund has contributed, on average, $316,000 per year to the Parks (ten times more than the original commitment). This equates to 16% of the annual one cent general sales tax revenue stream. Therefore, between streets-sidewalks-storm water and parks 99% of the one cent sales tax revenues are spoken for leaving roughly $20,000 to support all of the other services funded from the General Fund.

It is also important to know that in 1977-78, the City's total property tax levy was $1.85 whereas our tax levy for 2014 is $.6938 (a 62.5% decrease). In addition to subsidizing utility operations with a portion of the sales tax, the 1977 Board was also subsidizing utility operations with property taxes as 24% of the property tax levy was being used to pay debt service on the water/sewer utility. The City no longer engages in this practice. Utility fees generate the revenue necessary to make debt service payments on utility-related debt.

The point of all this is, historically, Harrisonville had kept utility costs low through higher taxes. However, over the past 37 years, the taxes paid by residents has declined to where, today, Harrisonville has among the lowest tax obligation per family in the metro with no tax subsidy provided to utilities. Taxes are the appropriate method of funding streets and sidewalks and Harrisonville has the benefit of being able to increase taxes while keeping the cost of living well below that of competing communities.

A Ten Year Plan to Improve Our Streets and Neighborhoods

The Election – On April 8, Harrisonville voters will have the opportunity to approve a half-cent sales tax to fund a decade of street improvements and upgrades that will include every street within the city. The sales tax will end in ten years, requires a simple majority to pass, and will generate $10 million for our streets.

The Need – Motorists in Harrisonville deserve streets that are wide, smooth, engineered for safety and efficiency, and able to carry today's vehicles at posted speeds. Most of our major streets need upgrades to provide us with these benefits.

Pedestrians in Harrisonville deserve level, unbroken and unbuckled sidewalks on both sides of our major streets so they can safely walk to parks, churches, the post office, and other points of interest. Children, our smallest and most vulnerable pedestrians, need sidewalks and cross walks so they can safely walk to school, a friend's house, to the Community Center, or to the sports fields.

Residents in Harrisonville deserve modern efficient storm drainage systems to protect homes and businesses from the street flooding that can follow spring and summer storms.

The Plan – Each year, Harrisonville city staff craft a budget that includes funds for street and sidewalk repair and additional funds for special projects. While these funds are enough to keep streets and sidewalks in good repair and correct some pressing problems, the city needs additional funding to address the long standing issues associated with our older streets and neighborhoods. With a dedicated revenue stream such as the transportation sales tax could provide, we can develop plans to improve every street in Harrisonville within the next ten years.

The Streets -- With research from a traffic study undertaken in 2008, the city has compiled a list of five of Harrisonville's most heavily-traveled streets that need substantial upgrades to make them a true network capable of carrying traffic from one area of town to another in a manner that is quick, efficient and safe. Most need full depth reconstruction to give them strong stable foundations as well as widening to modern standards and curbing added along with sidewalks. Plans call for these streets to striped, so drivers can anticipate and react to upcoming changes in traffic flow.

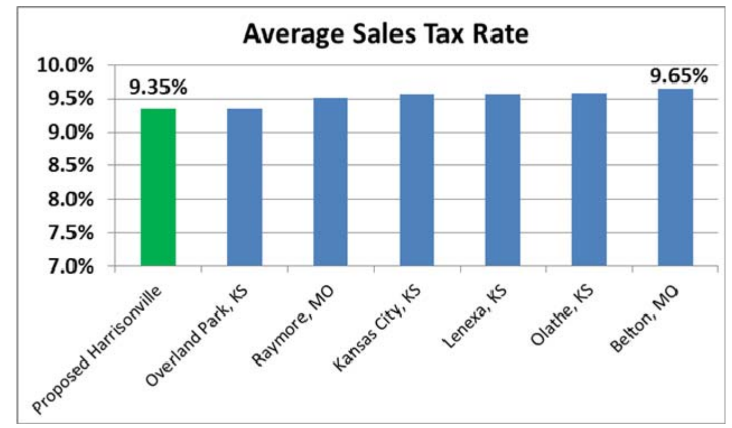
All other streets in Harrisonville will be resurfaced during the 10 year lifespan of the sales tax. This will entail chip sealing, slurry sealing or mill and overlay.

Everyone will benefit from the transportation sales tax.

The Sidewalks – Many of our busiest streets have sidewalks on only one side, or worse yet, no sidewalks at all. This can be especially dangerous for pedestrians who might like to walk to church, the post office, or just next door to visit a neighbor. Children who are attempting to walk to school, playgrounds or sports are at dangerous risk. We need to craft a network of broad smooth sidewalks to connect our neighborhoods and make walking a pleasure again. With a transportation sales tax, Harrisonville can have those neighborhood sidewalks restored and developed into a continuous system.

Storm Drainage – Without curbs and gutters, rainwater can quickly flood streets or run off into ditches where it becomes a hazard for motorists and a public health risk. Funds from the transportation sales tax can be used to build storm inlets and drainage channels to swiftly carry the runoff from the roads before it can threaten homes and neighborhoods.

The Current Sales Tax — Currently, the sales tax rate is 7.85%, community wide, and in transportation development districts and community improvement districts, the rate is 8.85%. If the ballot question passes, the new rate will be 8.35% and 9.35%, respectively. Under the new rate, a family of four will pay approximately $113 in additional sales tax per year. Even with this increase, Harrisonville will still have a lower sales tax rate than Raymore, Belton and many other Kansas City suburbs.



The Map — The map included in this brochure gives an overview of the ten year plan. Streets to be reconstructed are lined in blue. All others, those that will be resurfaced during the ten year period, are indicated in red.

"The Promise to the People" — Many people in Harrisonville remember that when Mayor Robert Johnson and the 1977 Board of Aldermen made their "Promise to the People" regarding how the one-cent general sales tax revenue would be allocated, they challenged future boards to follow their example. In the last ten years, Harrisonville has more than met the challenge, spending 83% of the one-cent general sales tax revenues on maintaining and improving streets, sidewalks and storm sewers. We need the new transportation sales tax to provide an income stream that will allow us to improve all city streets and address the larger projects that we have not been able to afford.

We encourage all residents to study the issue thoughtfully and to vote on April 8. If you are not registered to vote, please do so in the County Clerk's office, 102 E. Wall St., before March 12.

— LEGEND —

Streets to be reconstructed: new paving, widening, curb and gutters, striping, sidewalks.

Streets to receive resurfacing during the ten year plan.

Harrisonville 10-Year Transportation Plan

to be funded with a voter-approved one-half cent transportation sales tax

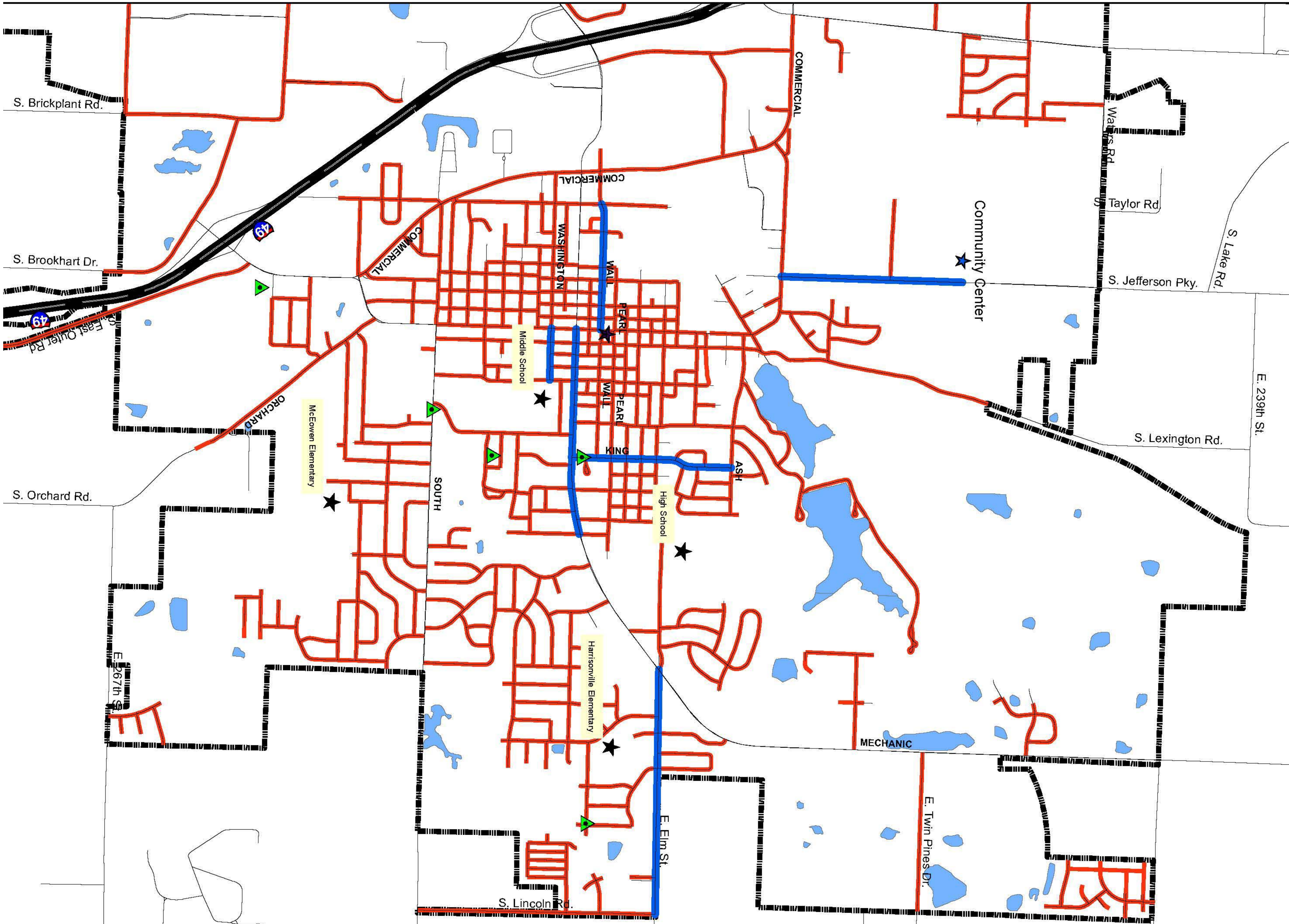
Please vote on April 8

Community Ctr.

Local Schools

Courthouse

Planned Stormwater Improvements



Attachment: Campaign Brochure (Transportaion Sales Tax Projects)

City of Harrisonville est. 1836

STAFF REPORT

TO: Board of Aldermen

FROM: Kim Hubbard, City Clerk

DATE: February 12, 2014

SUBJECT: Approval of Municipal Court Records Destruction

Type of Item: *Approval*

See the attached memo from Court Administrator Raschelle Perry requesting approval for records destruction.

B. Action Item (ID # 1318)

Approval of Municipal Court Records Destruction

Attachments:

Records Destruction-Court (PDF)

HARRISONVILLE MUNICIPAL COURT MEMORANDUM

TO: Kim Hubbard

FROM: Raschelle Perry, Court Clerk

RE: Authorization request for records destruction 2000 through 2008

DATE: February 11, 2014

CC: Judge Anderson, File

I am formally requesting the Board of Alderman's approval for the annual destruction of Municipal Court records for years 2000 through 2008. The Municipal Court follows the Office of State Court Adminstrator's guidelines and Court Operating Rule 8 for this determination. Listed below are the requested records to be destroyed and the method of destruction.

TYPE OF RECORDS	DATE	RETENTION SOURCE	METHOD
Open Tickets A-Z	2000	Court Operating Rule 8	Shred
Closed Tickets A-Z	2000	(COR8)	S
Open/ Closed A-Z	2002	(COR8)	S
Open/ Closed A-Z	2003	(COR8)	S
Open/ Closed A-Z	2004	(COR8)	S
Open/ Closed A-Z	2005	(COR8)	S
Open/ Closed A-Z	2006	(COR8)	S
Open/ Closed A-Z	2007	(COR8)	S
Open Tickets A-C	2008	(COR8)	S
Open Tickets D-H	2008	(COR8)	S
Open Tickets I-Mc	2008	(COR8)	S
Open Tickets Me-R	2008	(COR8)	S

Open Tickets S-Z	2008	(COR8)	S
Closed Tickets A-D	2008	(COR8)	S
Closed Tickets E-J	2008	(COR8)	S
Closed Tickets K-Q	2008	(COR8)	S
Closed Tickets R-Z	2008	(COR8)	S
Financial Records January – May	2008	(COR8)	S
Financial Records June – August	2008	(COR8)	S
Financial Records September – December	2008	(COR8)	S
Open Tickets A-C	2009	(COR8)	S
Open Tickets D-J	2009	(COR8)	S
Open Tickets K-M	2009	(COR8)	S
Open Tickets N-R	2009	(COR8)	S
Open Tickets S-Z	2009	(COR8)	S
Closed Tickets A-F	2009	(COR8)	S
Closed Tickets G-O	2009	(COR8)	S
Closed Tickets P-Z	2009	(COR8)	S
Open/Closed A-C	2010	(COR8)	S
Open/Closed D-Ha	2010	(COR8)	S
Open/Closed He-Mc	2010	(COR8)	S
Open/Closed M-R	2010	(COR8)	S
Open/Closed S-V	2010	(COR8)	S
Open/Closed W-Z	2010	(COR8)	S

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI
MUNICIPAL DIVISION
FOR THE CITY OF HARRISONVILLE

ORDER FOR DESTRUCTION OF RECORDS

Now on this 7 day of February 2014, comes on for hearing a request by the Municipal Division for the City of Harrisonville to allow destruction of certain records, pursuant to the attached list; and the Court, being fully advised in the premises, does hereby order the records described in the attached list to be destroyed by shredding.

SO ORDERED,

2·7·14
DATE

WILLIAM B. COLLINS
Presiding Judge
17th Judicial Circuit

FILED
CIRCUIT CLERK
CASS CO., MO
14 FEB -7 PM 1:04

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rodney Jacobs, Director**

DATE: **January 22, 2014**

SUBJECT: **Purchase of replacement Loader for the Street Department**

Type of Item: *Approval*

Type of Item: *Administrative*

Issue:

Purchase of replacement wheel loader for the Street Department

Summary Recommendation:

Requesting approval for the purchase of a John Deere 444K loader for the Street Department from Murphy Tractor & Equipment Company for the total price not to exceed $116,160 and sell the 1994 Caterpillar IT24F loader on an online marketplace.

Background:

The wheel loader housed and operated by the Street Department, purchased in 1994 for $74,321 from Dean Machinery Company is budgeted for replacement in 2014. The 20 year old unit with 11,766 hours on the meter is in good mechanical shape but is nearing the 12,000 hours where major repair is probable.

With direction from the City Administrator several options for replacement was explored to determine the most cost effective way to replace or repair the unit. The options included: refurbishing, buy new, buy used, use government discount bid verses. MODOT bid.

Item to be replaced: 1994 Caterpillar IT24F, hours on unit 11,766 Estimated Value $27,000

***Replacement Options*:**
Rebuild current loader without tires, paint or rust repair Approximate cost $106,000

Expected to last 15 years, warranty 3 years on engine and power train Annual Depreciation: $4,637

New loader equivalent to current unit: John Deere 444K $116,160 (MODOT bid expires March 31, 2014)
Excepted to last 20 years warranty 3 years, 5 year warranty available for $2,180
Annual Depreciation: $4,356

Used machine, 2005 John Deere 444J under 7,500 hours, w/o shipping: $75,000 Expected to last 6 years before reaching 12,000 hours Annual Deprecation $6,250 Warranty none

Use government discount bid vs. MODOT bid on a John Deere 444K

List price	$201,884
HGAC (MARC)	$145,356
Regular Governmental Pricing	$133,147
MODOT State Bid Pricing	$116,160

Mr. Moody has created a Wheel Loader Replacement Analysis to illustrate the Depreciation Cost.

Wheel Loader Analyses Replacement 2014

Model Year	Make	Model Name	Description	Total Cost of Each Item	Useful Life (Years)	Replace-ment Year	Estimated Resi dual Value	Annual Depreciation Cost	
1994	Cat	IT24F	Refurbish Our 4X4 Wheel Loader (Replace at 21,000 hours)	$180,321	35	2029	$18,032	$4,637	3 year warranty on rebuilt parts
2014	John Deere	444K	New 4X4 Wheel Loader (Replace at 12,000 hours)	$116,160	20	2034	$29,040	$4,356	manufactures 3 year warranty
2005	John Deere	444J	Purchase Used < 8,400 hrs. 4X4 Wheel Loader (replace at 12,000 hours)	$75,000	6	2020	$37,500	$6,250	no warranty

<u>Options:</u>

Listed below are prices from four vendors on the MODOT 2013 governmental bid sheet selected for review. John Deere is the lowest bid. An optional five year or 6,000 hours warranty on power train and hydraulic system is available for $2,180 which the dealer said should be considered due to all the electronics on the unit.

Selected bids without optional five year warranty are:

Budgeted $121,000	John Deere 444K	Case 521F	Caterpillar 924K	Volvo L60G
MODOT Bid	$116,160	$117,775	$126,300*	$126,926*

*does not include optional third hydraulic spool

Recommendation:

Staff has reviewed all the options of purchase bids for a wheel loader. While the purchase of a used unit has a less initial cost, the analysis above shows the estimated annual depreciation expense is least for the purchase of a new loader and provides for the best warranty coverage. It is staff's recommendation to purchase a John Deere 444K at the delivered price of $116,160 without the extended warranty from Murphy Tractor & Equipment Company, a representative dealer for the John Deere Corp. They are the low bidder and have a good reputation as a qualified service provider.

Disposition of the old wheel loader will be by selling it online after receiving the replacement loader. The trade in allowance is minimal and the City's experience with selling equipment online has been favorable compared to trading equipment in on trade.

Thank you,

Rodney Jacobs

Council Bill No. 009

Resolution No. 2014-008

A Resolution Authorizing the City Administrator to Execute An Agreement with Murphy Tractor & Equipment Company for the Purchase of John Deere 444K Loader for the Street Department in an Amount Not to Exceed $116,160

WHEREAS, the City of Harrisonville has funds budgeted for a replacement wheel loader for the Street Department, and

WHEREAS, Murphy Tractor & Equipment Co. was the low bidder for the equipment with a price of $116,160

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

Section 1: That the City Administrator is authorized to execute an agreement with Murphy Tractor & Equipment Company for the purchase of John Deere 444K Loader for the Street Department in an amount not to exceed $116,160

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 24th day of February 2014.

____

Kevin W. Wood, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 24th day of February 2014

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jerry Gibbs, Director**

DATE: **February 12, 2014**

SUBJECT: **EASTWOOD SEWER AERIAL REPLACEMENT**

Type of Item: *Bid*

The Eastwood Aerial Crossing Replacement Project replaces an eight inch sewer line aerial crossing of a drainage ditch in a wooded area subject to high flows during storm events. City staff has removed trees and brush that have fallen in to the drainage ditch upstream to minimize potential problems. The project received funding of $130,200 in the 2013 budget was based on the conceptual plan the Eastwood Sewer line would need to be extended south under Hwy 2 before tying into the sewer interceptor.

City Engineer Ted Martin and our consultant Bower's Engineering determined during the preliminary planning phase there was adequate fall to bury the sewer line below the bottom of the ditch. By adding concrete encasement around the sewer pipe insures the pipe will not be washed out. This approached reduced the cost of the project by over $100,000.

Four proposals were received.

COMPANY	PROPOSAL	Notes
Powers Trenching	**$18,967**	**Low bid**
Hettinger Excavation	$59,300	Add 3% Bonding
MidWest Excavating	$27,892	
Breit Construction	$37,297	

The Public Works Committee forwards a positive recommendation to the Board of Alderman to award the contract to Powers Trenching.

Council Bill No. 010

Resolution No.

A Resolution Authorizing the City Administrator to Enter into a Contract with Powers Trenching for the Eastwood Sewer Aerial Replacement Project in an Amount not to Exceed $18,967

WHEREAS, the Eastwood Sewer Line is a critical part of the city's infrastructure, and

WHEREAS, the city wishes to replace the current line

WHEREAS, a notice was posted and bids were accepted for this project, and

WHEREAS, Powers Trenching was the low bidder with a bid of $18,967

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 Powers Trenching to replace the Eastwood aerial sewer line

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

____

Kevin W. Wood, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 24rd day of February 2014

STAFF REPORT

TO: Board of Aldermen

FROM: Jerry Gibbs, Director

DATE: January 27, 2014

SUBJECT: Raw Water infrastructure Improvements- Amendment 2

Type of Item: *Agreement*

Background - Phase 1 of the Burns and McDonnell Raw Water Infrastructure Improvements have been completed. Phase 2 started the planning and design phase of critical issues such as Kansas City Power and Light reviewing and providing overhead power to the intake structure and Burns and McDonnell reviewing the Overflow Project schedule for this year. Phase 2 began with the filter evaluation and Capital Facilities plan approval. Lake Harrisonville Overflow project was delayed while staff completed discussions with MDNR dam safety staff to help determine the scope of the project.

Analysis - MDNR Dam Safety agreed there were other styles of overflows to consider. They did concede the abandoning or the existing overflow would have challenges. Burns and McDonnell has submitted a proposal to include:

- the inspection of the existing overflow to determine if repair/replacement is critical to be completed now or if scheduling in the future would be appropriate;
- a hydrological study would be completed to determine the maximum flow the overflow/ spillway would need to carry;
- determine if there is additional capacity available by raising the lake elevation without significant structural impacts, and;
- a conceptual design and probable cost would be completed. The first would consider repair and/or replacement of the existing overflow and the second would be s spillway addition at the emergency spillway or down at the south end of the dam.

The estimated price is $59,645.

The Public Works Committee sends a positive recommendation to approve amendment #2 of the Burns and McDonnell contract to include the Lake Harrisonville Overflow Preliminary Engineering Study in the amount of $59,645.

Council Bill No. 011

Resolution No.

A Resolution Authorizing the City Administrator to Execute Amendment 2 to the Burns and McDonnell Contract in an Amount Not to Exceed for $59,645

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 include the Lake Harrisonville Overflow Preliminary Engineering Study

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 2 to the contract with Burns and McDonnell in an amount not to exceed $59,645 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 24th day of February 2014

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

ATTEST:

Kim Hubbard, City Clerk

WITNESS my hand and seal this 24th day of February 2014

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
ENGINEER-OWNER AGREEMENT

AMENDMENT No. 2 **Date: December 31, 2013**

THIS AMENDMENT modifies the Agreement dated January 24, 2013 and amended November 14, 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 as shown in Exhibit A.

1. The parties agree that ARTICLE II ENGINEER's SCOPE OF SERVICES is amended as follows:
   34. Perform investigation of principal spillway via closed-circuit television to assess its current condition.
   35. Develop Lake Harrisonville design inflow hydrographs for assessment of principal and emergency spillways. If currently adequate, also determine if small incremental increase in normal lake elevation is feasible without significant infrastructure impacts.
   36. Develop conceptual design for replacement principal spillway at Lake Harrisonville.
   37. Develop "order of magnitude" opinions of probable cost for the proposed spillway replacement project.
   38. 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 constructability and permitting issues. After receipt of City comments, issue a final TM for the spillway preliminary engineering study.
   39. 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 $59,645.

3. The time for completion of ENGINEER's Services is adjusted as follows:
   The draft TM will be issued within three 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.

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

Exhibit A

Spillway Preliminary Engineering Study
STAFF HOURS & FEE

Harrisonville. MO

Scope	Hours	Fee	Labor Subtotal	Expenses	Total
SPILLWAY PRELIMINARY ENGINEERING STUDY					
1 Spillway condition investigation (via CCTV)					
Water Resources Engineer (Level 16)	12	2,448			
Civil Engineer (Level 11)	24	3,696			
Detailer (Level 12)	2	328	6,472	4,678	11,150
2 Develop design inflow hydrographs					
Water Resources Engineer (Level 16)	18	3,672			
Civil Engineer (Level 11)	62	9,548			
GIS Specialist (Level 13)	8	1,416	14,636	876	15,512
3 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
4 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
5 Develop draft/fiinal TM.					
Project Manager (Level 16)	2	408			
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	9,192	537	9,729
6 PM / QA/QC					
Project Manager (Level 16)	8	1,632			
QA/QC Engineer (Level 16)	6	1,224	2,856	139	2,995
TOTALS	**306**	**52,300**	**52,300**	**7,345**	**59,645**

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jerry Gibbs, Director**

DATE: **January 27, 2014**

SUBJECT: **Utility Design Reimbursement**

Type of Item: *Presentation*

Background

The Mechanic Street Project (MoDOT J4P2257) is approximate 0.655 miles length and will rebuild the existing three lane road and add a third lane with curb & gutter/sidewalks between Independence and Price Street. The second reading of the Municipal Agreement for this project is schedule for 2-3. The Agreement outlines MoDOT and the city's responsibilities. The City is required to provide the $2.05 M in STP funding received from MARC and the $510,000 match. MoDOT will be required to pay for all additional costs including R/W, City utilities required to be moved or replace and project overruns.

Analysis

Staff had an opportunity to see the draft preliminary plans for the first time on Tuesday.

The tentative project schedule is:

- Preliminary Plans Review by Core Committee
- Public Works Committee 3-6-14
- Public Meeting - 03/11/2014
- Preliminary Plans Approved - March 2014
- Right of Way Plans Approved - March 2014
- Right of Way Acquisition - 11/15/2014
- PS&E Submittal - 12/15/2014
- City Funds Deposited - 01/2015
- Letting - 02/2015
- Project Length -1 construction season

Staff had an opportunity to see the draft preliminary plans for the first time on Tuesday. Initial observation was the widening of the road and maintaining a reasonable grade through the drainage areas is creating challenges to keep water from ponding at each driveway entrance. No cross sections were available to determine the impact to R/W and provide insight in to the drainage issues. MoDOT has requested additional time to work through these problem areas. The meeting with the Committee and the public is postponed until March.

MoDOT has agreed to verbally to reimburse the City for the design of the utilities and surveying. The city entered into a contract with TREKK Design in the amount of $99,978. The Utility Agreement could not be adopted until the Municipal Agreement was approved. The Public Works Committee sends a positive recommendation to adopt the resolution to allow city reimbursement for the utility design for MoDOT Project J4P2257 - Mechanic Street.

Council Bill No. CB 012

Ordinance No.

An Ordinance Allowing the City of Harrisonville, Missouri to Accept Reimbursement from the Missouri Department of Transportation in an Amount of $99,978 for Design and Surveying of Utilities Associated with the Mechanic Street Project (MoDOT J4P2257)

WHEREAS, the City of Harrisonville and the Missouri Department of Transportation have entered into agreement to complete the Mechanic Street Project (MoDOT J4P2257), and

WHEREAS, MoDOT has agreed to reimburse the City for the design of the utilities and surveying associated with this project, and

WHEREAS, the city entered into a contract with TREKK Design in the amount of $99,978 to complete this work

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

Section 1: That the City hereby agrees to accept reimbursement from the Missouri Department of Transportation in the amount of $99,978 and stipulates the mayor will sign the attached agreement

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

Vote taken as follows:

Ayes:

Nayes:

Absent:

Abstain:

READ TWO TIMES BY TITLE ONLY ON FEBRUARY 24, 2014 AND DULY APPROVED BY THE BOARD OF ALDERMEN THIS 24TH DAY OF FEBRUARY 2014

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

Kim Hubbard, City Clerk

APPROVED by the Mayor this 24th day of February 2014

CCO Form: UT04
Approved: 1/98 (BDG)
Revised: 12/12 (AR)
Modified:

Route 7
County Cass
Job No. J4P2257

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
UTILITY AGREEMENT-ACTUAL COST

(For Utility Work That is to be Included in the
Missouri Highways and Transportation Commission's Road Project)

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

WITNESSETH:

WHEREAS, the Commission proposes to construct and improve a section of state highway designated as Job No. J4P2257, Route 7, Cass County, in the vicinity of Stella Avenue, in accordance with certain road plans on file in the office of the County Clerk of Cass, Missouri; and

WHEREAS, in order to improve said highway in accordance with said plans it will be necessary to adjust certain facilities at the Commission's cost in accordance with Paragraph 11(E) in the Municipal Agreement marked Exhibit "C" in order to maintain the present services of the City, such changes being generally shown in legend on plan marked Exhibit "A" and estimate of cost marked Exhibit "B" attached hereto and each made a part hereof.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

(1) <u>RELEASE</u>: The City releases to the Commission such right, title, and interest which the City may have in and to the right of way of said state highway, as specifically described in a separate easement.

(2) <u>COMPLY WITH FEDERAL AID POLICY GUIDE (FAPG)</u>: The City agrees that the detail plan and estimate of cost for the required adjustment of City's facilities has been prepared in accordance with the provisions of the Federal-Aid Policy Guide (FAPG), 23 C.F.R. 645A, dated December 9, 1991, and any amendments thereto which by reference are made a part of this Agreement.

(3) <u>UTILITY WORK TO BE INCLUDED IN COMMISSION'S PROJECT</u>: The Commission hereby agrees to include, as part of its contract for the public improvement contemplated above, all labor, equipment, and materials necessary to adjust the City's utility facilities in accordance with plans and specifications prepared by the City and

approved by the Commission. The plans and specifications shall be furnished to the Commission in sufficient time for the Commission to include them in the public improvement contract. The plans, specifications and estimate of cost shall be used by the Commission to establish funding for this project. The Commission will advertise the public improvement, receive bids, and award a contract for the public improvement in accordance with its normal practice for awarding contracts for highway construction.

(4) NOTICE OF CONTRACT PRICE: Upon execution of the contract for construction of highway improvements, the Commission shall notify the City of the contract unit price for installation of said utility facility.

(5) CITY CONTRACTING OPTION: If the City has an obligation for part of the cost as shown in Paragraph (8)(B) and it determines the contract unit prices in paragraph (4) are excessive, the City shall inform the Commission that it will arrange for the relocation work to be performed by its contractor. The City's contractor shall be ready to perform the relocation work and shall coordinate the work with the Commission's contractor so there are no delays to the Commission contractor's work schedule.

(6) CHANGE ORDER: If any substantial change is made in the original plan and extent of the work, the City/Company agrees that changes in the costs will be covered by a change order having approval of the City, Commission and Federal Highway Administration PRIOR to the performance of the work, as set out in FAPG 23 C.F.R. 645A.

(7) MAINTENANCE: Upon completion of the project, the utility facilities will become the property of the City and the City agrees to accept responsibility for all maintenance work thereon. All obligations of the Commission under this Agreement shall thereupon cease and terminate. The City shall maintain such property in a way that no personal or property damage occurs to the Commission or the general public. The City shall indemnify and save harmless the Commission from damages or injuries resulting from City maintenance of the property. Any future work on the adjusted facilities requiring excavation or any future maintenance work in or under Commission right of way will be performed in accordance with the terms of a permit that will be issued to the City by Commission's District Engineer for such work.

(8) COST: The obligation toward cost of work under this Agreement is as follows:

(A) Consultant Engineering: The maximum not to exceed fee for surveying and engineering services by consultant engineers is $99,978. The Commission's obligation toward the cost of design and construction engineering shall be 100% of the actual cost thereof, which obligation is now estimated to be $99,978. The City's obligation toward the cost of design and construction engineering shall be 0% of the actual cost thereof, which obligation is now estimated to be $99,978. The Commission shall deliver a check in the amount of $99,978 to the City within sixty (60) days after the execution of this Agreement for the cost of surveying and engineering services performed by consulting engineers. If 100% of the actual cost of surveying and engineering services by consulting engineers is less than $99,978, the City shall refund the excess amount to the Commission. If 100% of the actual cost is greater than $99,978, the City shall invoice the Commission for the amount in excess of $99,978. The maximum design and construction engineering fee of $99,978 shall not be exceeded without the Commission's approval.

(B) Obligations: The total cost of the utility adjustment is estimated to be $446,500. The Commission's obligation toward the cost of this work shall be 100% of the actual cost thereof, which obligation is now estimated to be $446,500. The City's obligation toward the cost of this work shall be 0% of the actual cost thereof, which obligation is now estimated to be $0. The Commission's obligation shall extend only to those costs incurred under the provisions of FAPG 23 CFR 645A.

(9) DEPOSITED FUNDS: The City agrees that all funds deposited by it with the Commission under this Agreement may be commingled by the Commission with similar monies deposited from other sources. Such deposits may be invested at the discretion of the Commission in such investments allowed for other state funds. All interest income shall be payable to the fund and credited to the City on its pro rata share of the investment. If the amount deposited with the Commission shall be less than the actual obligation of the City, any interest credited to the City shall be used by the Commission in fulfillment of the City's obligation. If the actual cost of the City's obligation exceeds both the deposit and interest accrued, the City shall, upon written request by the Commission's District Engineer, forward to the Commission any amount necessary to pay the actual cost of the City obligation under this Agreement. If the actual cost of the City's obligation is less than the deposit and interest accrued, the excess amount shall be refunded to the City.

(10) COMMISSION'S USE OF CITY'S EASEMENT: The City agrees to allow the Commission's contractor and sub-tier contractors access to the City's easements to make the adjustment to the City's facilities. The City agrees to acquire and allow access to temporary construction easements to make the necessary utility adjustments.

(11) AUDIT OF RECORDS: The City shall require its staff and consulting engineer to accumulate and retain detailed and accurate account of all labor, supplies, incidentals, and necessary costs involved with design and construction engineering for utility facilities as stated in paragraph 8. These records must be available to the Commission during this contract period and any extension thereof, and for three (3) years from the date of final payment at no cost to the Commission.

(12) FINAL INVOICE SUBMITTAL: After completion of the utility work, the City agrees to submit a final invoice for the cost of reimbursable engineering and other eligible City costs to the Commission within sixty (60) days or as mutually agreed to by the Commission's resident engineer or his/her representative. The final invoice shall be in as much detail as possible to verify the cost of the completed work. It should follow

the format of the original cost estimate (Exhibit B) when possible to promote timely processing by the Commission. The Commission's resident engineer will process the final invoice as soon as possible after receipt of the final invoice. The Commission's resident engineer will submit a final invoice to the City for its obligation of the total cost of the utility work.

(13) 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 representative of the City and the Commission.

(14) COMMISSION REPRESENTATIVE: The Commission's resident 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.

(15) CITY REPRESENTATIVE: The City will provide a duly authorized representative to perform inspection and approve changes to the plan of adjustment which may add or delete work from this Agreement. The resident engineer's staff will provide inspection for the adjustment of the City's facilities.

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

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

(18) 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.

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

(20) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

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

Executed by the City this ____ day of ______________, 20__.

Executed by the Commission this ____ day of ________________, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

____

Title ____________________________

ATTEST:

____
Secretary to the Commission

Approved as to Form:

____
Commission Counsel

CITY (City of Harrisonville)

By _______________________________

Print Name ________________________

Title ______________________________

ATTEST:

By _______________________________

Title _____________________________

Approved as to Form:

By _______________________________

Title _____________________________

[If needed to authorize a city official to execute the agreement.]

Ordinance No. _________________

f:\de\utility\ut4 reimbursable agreement actual cost (commission project).doc

ACKNOWLEDGMENT BY CITY

STATE OF____________________)
) ss
COUNTY OF___________________)

On this _____ day of ___________, 20__, before me appeared ____________________________ personally known to me, who being by me duly sworn, did say that he/she is the _________ of the City of _________________ and that the foregoing instrument was signed and sealed on behalf of the City of _____________________ and that he/she acknowledged said instrument to be the free act and deed of the City of ___________________________ and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

____
Notary Public

My Commission Expires: ______________________________

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **John Hofer, Director**

DATE: **February 18, 2014**

SUBJECT: **Financial Responsibility Update**

Type of Item: *Amendment*

The motor vehicle financial responsibility (insurance) law has recently been amended to include the options of proof of financial responsibility by either showing a photocopy or an image displayed on a mobile electronic device. Current city ordinance does not provide these options. We would like to amend city ordinance to include these options.

Council Bill No. 013

Ordinance No.

An Ordinance to Amend Section 390.140 of the Harrisonville Municipal Code regarding Financial Responsibility

WHEREAS, the State of Missouri now allows motorists to show an electronic image of proof of insurance on a mobile electronic device, and

WHEREAS, the City of Harrisonville wishes its Municipal Code of Ordinances to reflect the same,

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

Section 1: That Section 390.140 of the Harrisonville Code of Ordinances be amended as follows. Insert "4. An electronic image displayed on a smartphone or other mobile electronic device as specified in Section 303.024.5, RSMo."

Section 2. A red-lined version of this section with the insertion is attached to this bill.

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

Vote taken as follows:

Ayes:

Nays:

Abstain:

Absent:

READ ONE TIME BY TITLE ONLY ON FEBRUARY 24, 2014. READ FOR A SECOND TIME BY TITLE ONLY ON FEBRUARY 24, 2014 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS 24TH DAY OF FEBRUARY 2014.

____

Kevin W. Wood, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

APPROVED by the Mayor this 24th day of February 2014

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 390.140: FINANCIAL RESPONSIBILITY REQUIRED

A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

B. For purposes of this Section, the term *"financial responsibility"* shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

1. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.

2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.

3. A surety bond according to Section 303.230, RSMo.

4. An electronic image displayed on a smartphone or other mobile electronic device as specified in Section 303.024.5, RSMo.

Attachment: Electronic proof of insurance (Financial Responsibility Update)

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.

F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every violation.