



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 19, 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 - May 5, 2014 7:00 PM**
- 6. Agenda Items**
 - A. Heartland Baptist Fellowship requests approval of a Special Event Permit for a Walk/Fundraiser**
 - B. Wal-Mart DC requests approval of a Right of Way Solicitation Permit to raise funds for Children's Miracle Network**
 - C. Suspension Hearing of B A Y Ventures, LLC d/b/a Jimmy Johns**
 - D. Council Bill 25: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A DEVELOPMENT AGREEMENT TO ALLOW FOR THE CONCURRENT CONSTRUCTION OF INFRASTRUCTURE/COMPLETION OF PLATTING PROCESS DURING THE DEVELOPMENT OF THE SITE IMPROVEMENTS AS OUTLINED IN THE ATTACHED DEVELOPMENT FOR A RETAIL BUILDING LOCATED AT 1411 S. COMMERCIAL STREET, HARRISONVILLE.**
- 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 15th day of May

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
MAY 5, 2014
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	Absent	
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, Public Works Director Jerry Gibbs, Assistant Public Works Director Eric Patterson, Community Development Director Rick DeLuca, Street Superintendent Rodney Jacobs, Public Information Officer Sheryl Stanley, Police Chief John Hofer, and City Clerk Kim Hubbard

3. **Ceremonial Matters**
 - A. **Re-Appointments of David Atkinson, Nancy Linthicum and Ed Long to three-year terms on the Historic Preservation Commission**

Mayor asked the Board if they would like to take the re-appointments and new appointment to the Historical Preservation Committee (HPC) all at one time. The consensus of the Board was to do so.

Mayor Wood made the recommendations to re-appointment David Atkinson, Nancy Linthicum, and Ed Long and recommended Claudia Kauzlarich to fill the unexpired term of Don Bockelman who had resigned.

Minutes Acceptance: Minutes of May 5, 2014 7:00 PM (Approval of Minutes)

RESULT:	APPROVED [5 TO 1]
MOVER:	David Dickerson, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Mollenhour, Reece, Dickerson, Stull, Milner
NAYS:	Morris Coburn
ABSENT:	Doug Meyer, Stacey Dahlman

B. Appointment of Claudia Kauzlarich to fill an unexpired term on the Historic Preservation Commission

Ms. Kauzlarich's appointment was approved under Item 3.A of the agenda.

4. Public Participation

A. Public Participation

John Coffey requested permission from the Board to pour concrete for the rough slab for the plumbing and electrical and defer the storm water plan submittal for two weeks. There was discussion that the storm water plan, development agreement, and plat needed to be submitted. Mr. DeLuca stated staff requires the same information from every developer and the requirements were made clear to Mr. Coffey during the submittal of the initial paperwork.

Mr. Coffey stated his engineer, Sam Styron, had submitted a letter to the City and City Engineer Ted Martin regarding his opinion that a storm water plan was not needed. Mr. DeLuca noted he has not had the opportunity to discuss this matter with Mr. Martin and feels Mr. Coffey should not proceed until there has been direction received from Mr. Martin.

It was noted by City Clerk Hubbard and City Attorney Mauer this discussion was not an item on the agenda and therefore the Board was unable to make any motions or vote.

Mr. Moody asked Mr. Coffey if he was aware of the risks he will be taking if he was allowed to move forward pouring the concrete for the rough slab before having all documentation turned in and the possibility of changes having to be made to the footing. Mr. Coffey stated he understood the risk he was assuming.

It was also noted that if City Engineer Martin thinks a storm water plan needs to be done the plan would be expected to be provided to the City before the next Board meeting. It was also noted that Mr. Martin had asked Mr. Styron for calculations verifying a storm water plan was not needed. Mr. Coffey stated the calculations were going to cost him \$1,000 and he did not want to do this if he didn't have to. Mr. Patterson also noted that in Mr. Styron's communication regarding the storm water it was noted by Mr. Styron that the changes being made were insignificant to the storm water and would not warrant a plan.

Staff was given directive to work with Mr. Coffey on getting his footing in and the rough slab for the plumbing and electrical and no buildings were to be erected. Mr. Coffey was told he needed to be prepared by the Board's next meeting with his development agreement and storm water study turned into staff.

Brian Hasek, 1300 E Pine made the following inquiries to the Board:

The status of the Tri-Gen Project. City Attorney Mauer stated the ball is back in the County's court and it was his understanding that their attorney would discuss it with them at their next meeting.

The status of the KC Water Line. Mayor Wood stated this was a discussion item at the last public works committee meeting, Mr. Gibbs stated a hydraulic model had been done by Black & Veatch which the City of Kansas City had, but had not released it.

Is there an agreement between the Central Cass Fire Protection District (CCFPD) and the City regarding annexed property. Mr. Moody explained the current state law which impacts the City of Harrisonville only.

Mr. Hasek asked if the City owed money to CCFPD or has the City already been paying them. It was reported there had been no property removed from the district since the law was put in place except for the annexation last year and there are no taxes due yet.

Then Mr. Hasek asked if the City had been pushing Representative Pfautsch to have the law overturned. It was noted that the Senators and Representatives understand that one city should not be treated differently than another city and that is what happened.

Asked where the money came from to pay for the construction of the police facility. It was noted the cost of the facility was under \$2million and direction was taken from the citizen satisfaction survey for the need of the new facility. The previous ballot question gave the option to the residents to implement a sales tax to pay for a city hall/police facility which was going to cost approximately \$7million. Mr. Hasek noted there was still a lot of discontent out in the public.

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Apr 21, 2014 7:00 PM

Minutes were approved.

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

6. Agenda Items

A. Stacy Cox Memorial Scholarship 5K Run/Walk

Chief Hofer reviewed the request for the Stacy Cox Memorial Scholarship scheduled for this Saturday and noted there have been no complaints or concerns in the past. Chief Hofer said it was staff's recommendation for approval.

Special Event Permit was approved.

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

B. A Request from Angi Morriss, 709 S. Oakland, to Keep Chickens at Her Residence

Mayor Wood reviewed the request and the applicant stated they plan on having eggs, teaching their children about small farming and do composting. Ms. Morris stated she had talked with a number of her neighbors and there was no opposition.

Request to keep chickens was approved.

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

C. A Request from Ricky and Janie Painter, 901 Park Lane, to Keep Chickens at Their Residence

Mayor Wood reviewed the request of Mr. & Mrs. Painter. Mr. Painter stated he would like for his chicken coop to be a model for others and he had signatures from their neighbors with no opposition.

The request to keep chickens was approved.

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

D. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH MILNER O'QUINN FORD FOR THE PURCHASE OF ONE (1) POLICE INTERCEPTOR SEDAN AND TWO (2) POLICE INTERCEPTOR SUV'S IN AN AMOUNT NOT TO EXCEED \$78,878.00

City Attorney Mauer read Council Bill 023 by title only. Chief Hofer reviewed the request for the purchase of vehicles.

Alderman Milner recused herself by stepping down from the dais.

Alderman Reece moved to amend the resolution of the dollar amount from \$78,878 to \$78,867. Alderman Dickerson seconded the motion and it was approved by a voice vote.

Council Bill became Resolution 016

RESULT:	ADOPTED AS AMENDED [5 TO 0]
MOVER:	Ivan Stull, Board Member
SECONDER:	Bret Reece, Board Member
AYES:	Mollenhour, Reece, Dickerson, Stull, Coburn
ABSENT:	Doug Meyer, Stacey Dahlman
RECUSED:	Marcia Milner

E. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CHANGE ORDER NO. 1 WITH YOUNG'S WATERPROOFING & CONSTRUCTION FOR THE 2013 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$79,000 TO BE PAID FROM THE GENERAL FUND

City Attorney Mauer read Council Bill 024 by title only.

Mr. Patterson reviewed the proposed change order and reported this item had been to the public works committee which has recommended approval from the Board.

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

7. Aldermen and Committee Reports

No reports.

8. Report from the City Administrator

Mr. Moody told the Board about the landscaping that had been done at the new police facility and expressed his appreciation to Mr. Jacobs and the Street Department for their assistance in getting it done. Mr. Moody also stated the sod should be done this week.

9. Report from the Mayor

Mayor Wood said he had no report and noted how hard everyone is working.

It was noted the Independence Bridge may open tomorrow.

10. Questions from the Media

There were no questions.

11. Adjourn to Executive Session

There was no executive session.

12. Adjourn From Regular Session

Alderman Dickerson moved to adjourn the meeting. Alderman Coburn seconded the motion and it was approved by a voice vote. The meeting adjourned at 7:42 p.m.

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

ATTEST:

Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of May 5, 2014 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: May 13, 2014
SUBJECT: Heartland Baptist Fellowship Walk/Fundraiser

Type of Item: *Approval*

Issue: Heartland Baptist Fellowship 4.1 mile Walk event
 scheduled for August 30, 2014 from 8 am to Noon.

Background: The applicant, David Cundiff, with Heartland Baptist Fellowship Ministry, is requesting approval of an event permit to host a 4.1 mile walk in Harrisonville. This is the second year for this event with no noted complaints or concerns with last year's event. The requested event is scheduled as a fundraiser for the Addiction Recovery Ministry, a ministry of the Heartland Baptist Fellowship. There is no assistance requested however, we will try to have an on-duty, depending on availability, patrol unit lead the walkers during the event. The applicant has secured volunteers to monitor and block intersections as needed for the event.

The proposed route is as follows: south from the Justice Center on the Clearwater Drive to Anaconda Drive, east on Anaconda Drive to Brickplant Road, south on Brickplant Road to the SW Outer Road, south on the SW Outer Road to the church on 283rd Street. There is no cost for the City services and the required insurance coverage for the event has been submitted to the City by the applicant.

This application will cover the use of the City of Harrisonville roads and the use of any State or County roads will need to be granted by the respective governing body.

Recommendation: With no noted complaints or concerns associated with last years event staff recommends approval for this event as long as all state laws and city ordinances are complied with.

A. Action Item (ID # 1400)

Heartland Baptist Fellowship requests approval of a Special Event Permit for a Walk/Fundraiser

Attachments:

Heartland BC Event 2014 (PDF)

Hland BC Event 14 Letter (TIF)

Hland BC Event 14 INS (TIF)

SPECIAL EVENTS APPLICATION

A. FILING PERIOD: An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.

B. CONTENTS: The application for an event permit shall set forth the following information.

1. Organization: HEARTLAND BAPTIST FELLOWSHIP
2. Name of Applicant: DAVID CUNDIFF
 Address: 1302 S. INDEPENDENCE ST, HARRISONVILLE, MO 64701
 Phone: _____ Cell: 816 258-0871
3. Purpose of Event: FUNDRAISER FOR "LIFE ISSUES" ADDICTION RECOVERY MINISTRY
4. Proposed date(s) and time(s) of Event: AUGUST 30, 2014 8:00 - 12:00 noon
5. Location(s) where event will be held: STARTING AT THE CASS COUNTY JUSTICE CENTER AND ENDING AT HEARTLAND BAPTIST FELLOWSHIP
6. Anticipated crowd size: 100 - 250
7. City services requested: (Please check all that apply) Provide detailed letter for these requests.
☐ Electricity ☐ Police Protection ☐ Traffic Control ☐ Ambulance Standby
☐ Cones ☐ Barricades ☐ Street or parking lot clean up
8. Any additional information: SEE INCLOSURE

APPROVED this _____ day of _____, 20 ____.



 Chief of Police

 City Clerk

Attachment: Heartland BC Event 2014 (1400 : Heartland Baptist Fellowship Walk/Fundraiser)

On August 30, 2014, from 8:00 am until 12:00 noon, the Life Issues ministry of Heartland Baptist Fellowship will conduct its second annual fundraiser walk, to raise money for its addiction recovery ministry.

The walk will start at the Cass County Justice Center, 2501 W. Wall Street, Harrisonville, MO. The walk will take the following route: From the Justice center, right on Clearwater Drive, left on Brickplant Road, Left on S. Brookhart, continuing on as S. Brookhart becomes SW Outer Road, turning right on 283rd Street and concluding at Heartland Baptist Fellowship, 21203 E. 283rd Street, Harrisonville, MO.

The point of contacts for Heartland Baptist Fellowship are as follows:

Brian Hedges, Senior Pastor, 380-3033

Steve Fleshman, Life Issues Ministry Leader, 896-5621

David Cundiff, Applicant, 258-0871

Life Issues is a not for profit addiction recovery ministry of Heartland Baptist Fellowship, an independent Baptist church.

No animals will be involved, and Life Issues will have a lead and trail vehicle.

The event will occupy a portion of the street, a little less than one lane.

We successfully conducted this walk last year, with little or no disturbance of the traffic patterns. This walk is in a mainly industrial area on the city boundary, with very little traffic on weekends.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/28/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 816-525-0765 x4 816-525-0866 Moyer & Moyer Insurance Agency, Inc. 600 SW Jefferson, Suite 102 Lees Summit MO 64063	CONTACT NAME: Becky Moyer PHONE (A/C, No, Ext): 816-525-0765 x4 FAX (A/C, No): 816-525-0866 E-MAIL ADDRESS: becky@moyerinsuranceagency.com
INSURER(S) AFFORDING COVERAGE	
INSURER A : GuideOne Elite Insurance Company	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
 Heartland Baptist Fellowship
 PO Box 351
 Harrisonville MO 64701

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY			1255-547	04/25/2014	04/25/2015	EACH OCCURRENCE	
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	
	GEN'L AGGREGATE LIMIT APPLIES PER:							MED EXP (Any one person)
	☒ POLICY ☐ PROJECT ☐ LOC						PERSONAL & ADV INJURY	
	OTHER:						GENERAL AGGREGATE	
							PRODUCTS - COMP/OP AGG	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	
	☐ ANY AUTO						BODILY INJURY (Per person)	
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident)	
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB						EACH OCCURRENCE	
	EXCESS LIAB						AGGREGATE	
	DED							
	RETENTION \$							
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTH-ER	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT	
							E.L. DISEASE - EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of insurance as respects Life Issues Next Step 4K Walk to be held August 30, 2014 on City streets.

CERTIFICATE HOLDER**CANCELLATION**

City of Harrisonville Missouri
 300 E. Pearl St.
 Harrisonville MO 64701

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Becky Moyer



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: May 14, 2014
SUBJECT: Wal-Mart DC CMN Solicitation Permit

Type of Item: *Approval*

Issue: The Wal-Mart Distribution Center (DC) is requesting a right-of-way solicitation event permit for May 23, 2014 from 3:00 pm to 6:00 pm and May 24, 2014 from 11:00 am to approximately 3:00 p.m. In the event of inclement weather the applicant has asked for the same times for the alternative dates of June 13 and 14, 2014 .

Background: The Walmart DC has submitted a permit application for a fundraiser to benefit the Children's Miracle Network. The applicant has requested to solicit funds (donations) at the intersection of Highway 291 and North Commercial Street. Similar events have occurred several times in the past with the most recent in 2009 by the Civil Air Patrol. In the past, we use to receive annual solicitation permit requests from the Harrisonville Fire Department (MDA Boot Block Fundraiser), the Harrisonville Rotary (Rotary Day Fundraiser), and the Civil Air Patrol (Civil Air Patrol Fundraiser). In 2007 the Board of Aldermen modified ordinance, 300.030 due to numerous safety concerns with this type of solicitation. If approved, there are no costs for City services for this event and on-duty police personnel will periodically monitor the event. City Ordinance mandates the use of safety vests (Ansi certified) for all solicitors and limits the number of solicitors to eight (8) per intersection along with required signage and postings.

Recommendation: Staff does not recommend approval for this event, as it has been five years since we received such a request and it is our opinion this is a very unsafe manner of fundraising. Looking back at prior events, we did have one known traffic accident (rear end collision) as a direct result of such an event. If the Board of Aldermen chooses to allow this permit I would strongly discourage allowing it on Memorial Day weekend and all Fridays as lake traffic in that area on Friday nights is dreadful. Additionally, at this point the applicant will not be able to advertise the event as required by ordinance for the dates requested in May. If accepted in any form, the applicant will need to adhere to all City Ordinances (300.030) and State Laws and ensure that the event has been properly published, and the proper insurance is obtained.

Due to numerous safety concerns with this request staff would encourage the applicant to seek other options of fundraising such as soliciting at the walk in doors of Wal-Mart as others have

tried.

B. Action Item (ID # 1403)

Wal-Mart DC requests approval of a Right of Way Solicitation Permit to raise funds for Children's Miracle Network

Attachments:

Walmart DC Event 2014 (TIF)



PERMIT APPLICATION RIGHT-OF-WAY SOLICITATION

Revised 9/1/05

Name of Organization Children's Miracle Network via Walmart
 Address 5100 Brookhart Dr.
 Contact Person Courtney Koenig Telephone No. 816-887-5425
 Purpose of Organization:

☒ Charitable ☐ Educational ☐ Religious ☐ Other

Explain CMN - Child Health & Wellness

Is this Organization Classified as a Not-for-Profit Organization under Federal Tax Codes?

☒ Yes

☐ No

If yes, applicable section: _____

Is this Organization Registered as a Not-for-Profit Organization with the Missouri Secretary of State?

☒ Yes

☐ No

Purpose of Solicitation We are requesting to solicit money from the public at the intersection of 291 & Commercial. All money collected will be donated to Children's Miracle Network.

Location of Proposed Solicitation 291 & Commercial

Dates of Proposed Solicitation May 23-24 OR June 13-14

Times of Proposed Solicitation Friday 3-6pm, Saturday 11am-3pm

The City of Harrisonville requires the following of organizations who solicit in City rights-of-way (Ord. 2804-03):

- Provide proof of liability insurance of at least one million dollars (\$1,000,000) for the event and name the City of Harrisonville as an additional insured prior to the solicitation event.
- Establish temporary signage along the applicable roadway announcing the solicitation immediately prior to starting the solicitation event. Said signage shall be placed approximately 200 feet on each side of the solicitor(s) and all signs shall be removed immediately after the solicitation is completed. Said signage shall be four (4) square feet in size and visible to oncoming traffic.
- Advertise the solicitation event in a publication of general circulation in Harrisonville a minimum of seven (7) days prior to the event. Said advertisement shall outline the location(s), time(s), purpose and organization conducting the solicitation event.
- Only solicit during daylight hours.
- Ensure that all solicitors are seventeen (17) years of age or older.

I, Courtney Koenig (Print Name), understand and agree to the requirements of the City of Harrisonville regarding solicitation in the right-of-way. I further understand that if these conditions are not met, any permit issued shall become immediately null and void.

Courtney Koenig
Signature

(For City Use Only)

Date Application Received _____

Date Heard by Board of Aldermen _____

Application was: ☐ Approved

☐ Rejected

Attachment: Walmart DC Event 2014 (1403 : Wal-Mart DC CMN Solicitation Permit)



STAFF REPORT

TO: Board of Aldermen
FROM: Kim Hubbard, City Clerk
DATE: May 16, 2014
SUBJECT: Suspension Hearing of B A Y Ventures, LLC d/b/a Jimmy Johns

Type of Item: *Approval*

A sales tax revocation notice has been received from the State of Missouri for B A Y Ventures, LLC d/b/a Jimmy Johns.

The Board of Aldermen approved Ordinance 3258 to amend the City's revocation process and allow the opportunity for a business who is delinquent in their sales tax to remain open. The ordinance sets forth that the hearing is set by the City and the business owner shall be given, in writing, the date, time and place. A copy of Ordinance 3258 is attached.

The City has been in contact with the Department of Revenue and due to confidentiality, they are unable to verify how much sales tax is due and how far back the delinquency goes. They are also unable to provide information to us whether B A Y Ventures is making an attempt to resolve the situation. This is the fourth (4th) sales tax license revocation that the City has received for this in four years.

As of this writing, a representative from B A Y Ventures has not been in contact with the City.

C. Action Item (ID # 1407)

Suspension Hearing of B A Y Ventures, LLC d/b/a Jimmy Johns

Attachments:

Jimmy Johns Sales Tax License Revocation (PDF)



City of

Harrisonville^{est. 1836}

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

May 08, 2014

Mike Yarbrough
B A Y Ventures LLC
d/b/a Jimmy Johns
15616 Slater St
Overland Park, KS 66221-8104

Re: A Suspension Hearing has been set before the Board of Aldermen, due to a Revocation Notice from the State of Missouri, Notice Number: **201333605250141 B A Y Ventures LLC, d/b/a Jimmy Johns.**

The City of Harrisonville has received a sales tax license revocation notice from the State of Missouri due to delinquent payment of sales tax collected by **B A Y Ventures LLC, d/b/a Jimmy Johns at 301 S Commercial St, Harrisonville, MO 64701.**

A Business License Suspension hearing has been set for **May 19, 2014 at 7:00pm in Council chambers** before the Board of Aldermen of the City of Harrisonville, MO at 300 E Pearl St, Harrisonville, MO. **Mike Yarbrough** will need to bring proof showing that he is actively attempting to negotiate an agreement resolving the delinquent sales tax payments with the Department of Revenue. **If the dispute has been resolved a State of Missouri No Tax Due Letter should be presented.**

The decision to toll the suspension or revocation of a business license is in the sole discretion of the Board of Aldermen (Ordinance 3258 Amend section 605.90 of the Harrisonville, Missouri Code or Ordinances).

You may contact the Department of Revenue, Kansas City office at 816-889-2944. All questions you may have regarding the delinquent taxes should be directed to them. The phone number for the main office in Jefferson City is 1-573-526-5102.

If you have any questions concerning the hearing you may contact the City Collector at 816-380-8908.

Sincerely,

Donna Crow
City Collector
City of Harrisonville, MO
cc Attached copy of Revocation notice

Attachment: Jimmy Johns Sales Tax License Revocation (1407 : Suspension Hearing of B A Y Ventures, LLC d/b/a Jimmy Johns)



MISSOURI DEPARTMENT OF REVENUE
PO BOX 1646
JEFFERSON CITY MO 65105-1646
(573) 526-5102

Next Board Meeting 5

6.C.a

REVOCATION NOTICE

FORM P601 (Rev 02-14)	Date MAY 02, 2014
	MO Tax ID Number 20879202
Notice Number: 201333605250141	
PHONE (573) 526-5102	

CITY CLERK
PO BOX 367
HARRISONVILLE MO 64701

RECEIVED
MAY -8 2014
CITY OF HARRISONVILLE

The Missouri Department of Revenue is hereby notifying you that the Missouri sales tax license, previously issued to the debtor named below, has been revoked. The debtor is delinquent in the payment of tax as required to be paid under Chapters 143, 144, 66, 67, 70, 92, 94, 190, 238, 321, and 644, RSMo.

Name of Debtor(s): **B A Y VENTURES LLC**

Business Name: **JIMMY JOHNS**

Property Location: **301 S COMMERCIAL HARRISONVILLE MO**

Section 144.083.2, RSMo, states:

"The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

Therefore, the Department of Revenue requests that you inform the above individual that his occupational and/or merchants license is null and void, and note this on your records. If your ordinance provides you with authority to close a business that does not have a valid license, we request that you do so.

Council Bill 081- 13

Ordinance 3258

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

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri desire to amend Chapter 605.090 regarding the revocation of business licenses.; and

WHEREAS, such revocations have been governed by Chapter 605, Section 605.090; and

WHEREAS, the City desires to establish a procedure for suspending and revoking these licenses; and

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

SECTION ONE: That Section 605.090 shall read as follows:

SECTION 605.090: PENALTIES

- A. Non-Compliance Or Violation A Misdemeanor. In addition to any other penalties prescribed under this Chapter or any related Chapters, any failure to comply with or any violation of any provision of this Chapter shall be a misdemeanor and shall be punishable, upon conviction thereof, by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Each day such failure or non-compliance shall continue shall constitute a separate offense.
- B. Suspension Or Revocation. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter.
 1. Suspension.
 - a. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension by the Board of Aldermen.
 - b. Notice of the hearing for suspension of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Board of Alderman with respect to said suspension. All decisions of the Board of Aldermen following the hearing shall be final.
 - c. The City can toll the suspension of a business license, upon the licensee or

applicant's request and in the event the licensee or applicant makes a good faith showing that he/she is disputing the taxes at issue or is actively attempting to negotiate an agreement resolving the delinquent sales tax payments with the Department of Revenue. The decision to toll the suspension or revocation of a business license is in the sole discretion of the Board of Alderman.

d. No suspension shall last for longer than 90 days.

2. Revocation.

a. After any 60 day consecutive period that a licensee or applicant's business license has been suspended as a result of a violation of this Chapter, may be cause for revocation of such license by the Board of Aldermen.

b. Any failure to comply with or any violation of any provision of this Chapter may be cause for revocation of such license by the Board of Aldermen upon its own recommendation or the recommendation of the City Administrator for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license;
2. Fraud, misrepresentation or false statement made in the course of carrying on his/her business within the City of Harrisonville;
3. Any violation of this Chapter;
4. Failure to pay sales tax or in any way allowing the sales tax for the business to become delinquent;
4. Conviction of any crime or misdemeanor involving moral turpitude; or
5. Conducting of business in an unlawful manner so as to constitute a breach of the peace or menace to health, safety or general welfare of the public.

c. Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Board of Alderman with respect to said revocation. All decisions of the Board of Alderman following the hearing shall be final.

C. Unlawful Continuation-Further Remedies Authorized. In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to

operate following suspension or revocation of such license pursuant to Subsection 605.090(B) hereof, the City Administrator, the City Clerk, the Board of Aldermen, the Mayor, or any other official authorized to enforce City license ordinances may seek injunctive relief from the Circuit Court or order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction, costs of such enforcement proceedings may be taxed against the offending party. The remedies provided for by this Subsection (C) shall be in addition to all other costs and penalties prescribed under this Chapter.

SECTION TWO: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Governing Body would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION THREE: This Ordinance shall be in full force and effect both from and after its passage and approval by the Mayor.

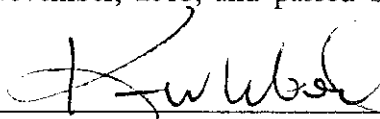
Ayes: Aldermen Meyer, Coburn, Milner, Dickerson, Reese, Stull and Mollenhour

Nays: None

Absent: Alderman Dahlman

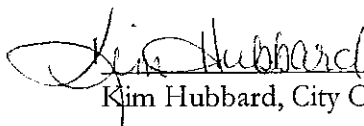
Abstain: None

Read two times by title only on the 4th day of November, 2013, and passed by the Board of Aldermen this 4th 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 4th day of November, 2013



STAFF REPORT

TO: Board of Aldermen
FROM: Rick Deluca, Director
DATE: May 14, 2014
SUBJECT: Coffey Development Agreement

Type of Item: *Approval*

Type of Item: Action item

Issue: Development Agreement.

Background:

Attached is a development agreement that would allow Mr. Coffey to complete infrastructure (very little is needed) and complete the platting process concurrently with the development of the site.

Recommendation.

Approval

Council Bill No. 25**Resolution No.**

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
EXECUTE A DEVELOPMENT AGREEMENT TO ALLOW FOR THE
CONCURRENT CONSTRUCTION OF INFRASTRUCTURE/COMPLETION OF
PLATTING PROCESS DURING THE DEVELOPMENT OF THE SITE
IMPROVEMENTS AS OUTLINED IN THE ATTACHED DEVELOPMENT FOR
A RETAIL BUILDING LOCATED AT 1411 S. COMMERCIAL STREET,
HARRISONVILLE.**

WHEREAS, developer agrees to assume all development obligations of the City as described in the attached agreement and City ordinances; and

WHEREAS, the City of Harrisonville desired to ensure that developer will accomplish certain things in order to protect the public health, safety and welfare.

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 developer for the completion of the platting process, installation of infrastructure and issuance of a building permit in connection with the development of a commercial structure located at 1411 S. Commercial Street, Harrisonville.

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 ____ day of May, 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 ____ day of May, 2014.

April 17, 2014

City of Harrisonville
Community Development
Mr. Rick DeLuca
300 E. Pearl
Harrisonville, MO 64701

Re: Restaurant and subdivision

Dear Board of Aldermen,

I am requesting permission to proceed on the construction of a building in conjunction with the plat and site improvements that have been proposed. The plat for the one-lot subdivision will be delivered to the city of Harrisonville within 30 days of the date of this letter.

Respectfully,

John Coffey

Attachment: Development Agreement Coffey Letter (1402 : Coffey Development Agreement)

DEVELOPMENT AGREEMENT

Coffey Site Development

THIS AGREEMENT, MADE THIS ____ day of May 2014, by and between, John Coffey, hereinafter referred to as "Subdivider" and the City of Harrisonville, Missouri, a Municipal Corporation, hereinafter referred to as "City".

WHEREAS, subdivider seeks to obtain approval from the City a subdivision to be known as _____, which is located in the City of Harrisonville, Cass County, Missouri, and;

WHEREAS, the subdivider, herein defined, agrees to assume all subdivision development obligations of the City as described in this agreement and City ordinances, and;

WHEREAS, the subdivider desires to construct the private on-site improvements concurrently with public infrastructure improvements and dedications during the plat approval process, and;

WHEREAS, the City desires to ensure that the subdivider will accomplish certain things in order to protect the public health, safety and welfare.

NOW, THEREFORE, in consideration of the promises and covenants herein set forth, and receipt by the City of fees and costs as required by the City Of Harrisonville, the parties agree as follows:

GEOGRAPHIC LOCATION:

1. The terms of this agreement apply to the following property:

ALL THAT PART OF A TRACT OF LAND DESCRIBED IN BOOK 3507, AT PAGE 761, REFERENCED AS BEING TRACT I, TRACT II AND TRACT III IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE WEST HALF OF LOT 2 OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44, RANGE 31, CASS COUNTY MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH AND EASTERLY MOST CORNER OF LOT 58, OF THE RESURVEY OF HARVEY'S SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI AS PREVIOUSLY PLATTED AND RECORDED, SAID POINT BEING THE NORTHWESTERLY CORNER OF THAT TRACT OF LAND DESCRIBED AS TRACT I IN BOOK 3507 AT PAGE 761, AFORESAID, RUN THENCE NORTH 45°25'00" EAST ALONG THE EASTERLY LINE OF LOTS 58 THRU 62 IN SAID RESURVEY OF HARVEY'S SUBDIVISION, 244.00 FEET TO A SOUTHEASTERLY

CORNER OF SAID LOT 62; THENCE SOUTH 0°22'49" EAST, 37.02 FEET; THENCE NORTH 89°33'33" EAST 160.26 FEET TO THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND DESCRIBED IN BOOK 3383, PAGE 242 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, THENCE SOUTH 0°40'50" EAST ALONG THE EAST LINE OF SAID CERTAIN TRACT OF LAND, 60.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89°33'33" WEST, 35.26 FEET TO THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND DESCRIBED IN BOOK 2364, AT PAGE 3 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI; THENCE SOUTH 0°40'50" EAST ALONG THE WEST LINE OF SAID CERTAIN TRACT OF LAND DESCRIBED IN BOOK 2364, AT PAGE 3, ALSO BEING THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2989, AT PAGE 524 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, 188.96 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2989 AT PAGE 524; THENCE SOUTH 89°43'49" WEST, 68.35 FEET; THENCE SOUTH 43°23'26" WEST, 178.80 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COMMERCIAL STREET AS NOW LOCATED; THENCE NORTH 46°36'30" WEST ALONG SAID RIGHT-OF-WAY LINE, 251.71 FEET; THENCE NORTH 45°25'00" EAST, 101.23 FEET TO THE POINT OF BEGINNING. CONTAINS 2.06 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS.

INSTALLATION OF INFRASTRUCTURE, COMPLETION OF THE FINAL PLAT & ISSUANCE OF BUILDING PERMIT/CERTIFICATE OF OCCUPANCY

1. The construction of the public infrastructure, compilation/approval of the final plat may be completed concurrently with the construction of the improvements on the subject property with the following conditions.

- A temporary certificate of occupancy may be granted at the discretion of the Building Official.
- The subdivider shall install all public improvements, as shown on the approved construction plans (and the City must accept) and as outlined in City ordinances, prior to receiving a certificate of occupancy. Said improvements shall include, but shall not be limited to, any required off site improvements.
- Subdivider must complete the final plat (including all dedications) and have the approved copy of the plat recorded prior to the issuance of any occupancy.

2. The subdivider shall be responsible for the installation of all improvements in accordance with the approved construction plans, subdivider hereby agrees to indemnify and hold harmless the City and its past, present and future employees, officers and agents from any and all claims arising from the construction of the improvements located on subdivider's property or off site improvement locations or from the City's plan review and inspection services, practices and policies relating to the improvements to be placed on the subdivider's property. Subdivider hereby agrees to pay to the City all damages, costs and reasonable attorney's fees incurred by the City and its employees, officers and agents in defending said claims.

3. The subdivider agrees to provide the City of Harrisonville "as-built" plans for all public improvements as required by the City Of Harrisonville subdivision regulations. Said plans shall be considered a part of the improvements for the purpose of acceptance by the City.

FEES & BONDS

1. The subdivider agrees to pay all fees as typically required by the City of Harrisonville.

GENERAL PROVISIONS

1. The parties agree that execution of this agreement in no way constitutes a waiver of any requirements of applicable City ordinances with which the subdivider must comply and does not in any way constitute prior approval of any future proposal for development.

2. The covenants herein shall run with the land described in this agreement and shall be binding and insure to the benefit of the parties hereto and their successors or assigns and on any future and subsequent purchasers.

3. This agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing, subject to the approval of the parties.

4. If, at any time, any part hereof has been breached by subdivider, the City may withhold or revoke approval of any or all building permits and/or certificates of occupancy applied for in the subdivision, until breach or breaches has or have been cured.

5. This agreement shall be enforced until the completion of the project.

6. Any provision of this agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.

7. The undersigned represent that they each have the authority and capacity from the respective parties to execute this Agreement. This Agreement shall not be effective

until approved by ordinance duly enacted by the Board of Aldermen of the City of Harrisonville, Missouri.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Subdivider

Keith Moody
City Administrator