



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
APRIL 6, 2020**

In an effort to maintain the COVID-19 social-distancing requirements, all City public meetings are being conducted through a remote, online service. To attend this meeting, please dial 1-646-749-3112. The meeting access code is: 537-895-877

Only residents who have submitted an Agenda Request Form will be able to speak during the meeting.

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Work Session - Mar 16, 2020 12:00 AM**
 - B. Board of Aldermen - Regular Meeting - Mar 16, 2020 6:00 PM**
 - C. Board of Aldermen - Special Meeting - Mar 23, 2020 4:30 PM**
- 5. Agenda Items**
 - A. Council Bill 16: AN ORDINANCE OF THE BOARD OF ALDERMEN AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE MISSOURI TRANSPORTATION COMMISSION AND ESTABLISHING AN EFFECTIVE DATE.**
 - B. Council Bill 17: AN ORDINANCE RELATING TO REMOTE PARTICIPATION FOR DIFFERENT BOARDS AND COMMISSIONS TO MEET AND VOTE; AMENDING EXISTING SECTION 110.240A(8) OF THE CODE OF THE CITY OF HARRISONVILLE, MISSOURI.**
- 6. Aldermen and Committee Reports**
- 7. Report from the City Administrator**

Publish

- 8. Questions from the Media**
- 9. Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 2nd day of April, 2020

Randall K. Jones, City Clerk

Public participation during regular meetings of the Board of Aldermen shall be limited to those who have submitted a completed agenda request form. 2 Each person wishing to address the Board during regular meetings of the Board of Aldermen on a topic not on the agenda shall submit a completed agenda request form five (5) business days prior to the meeting the person wishes to address the Board. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting instead of the meeting immediately following the submission of the agenda request form. 3. Those that have submitted a completed agenda request form shall be limited to three (3) minutes to address the Board, this time cannot be yielded to another person and this time may be extended in three (3) minutes increments only upon a majority vote of the members of the Board of Aldermen, with each additional three (3) minute increment requiring an additional majority vote of the members of the Board of Aldermen.



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
MARCH 16, 2020
12:00 AM

1. Call to Order

The meeting was called to order at 5:30 PM by Mayor Judy Bowman

2. Present

Attendee Name	Organization	Title	Status	Arrived
Mike Zaring	Harrisonville	Board Member	Late	5:35 PM
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Excused	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present were: City Attorney Steve Mauer, City Administrator Brad Ratliff, Parks & Recreation Director Chris Deal, Public Works Director Eric Patterson, IT Director Jeremy Smith, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

3. Discussion Items

A. North Lake Maintenance

Staff report presented by Parks & Recreation Director Chris Deal. The proposal is that the Parks & Recreation Department would take over the supervision of North Lake from the Public Works Department now that it is not a source for drinking water. To contract out mowing for one season would be approximately \$4,000.00. Additional expenses could include trash pick up (looking for a volunteer group to take over) and gravel for drives and parking area. Alderman Turner asked where the parking would be and the answer was at the fishing dock area. There was discussion concerning the fishing permit fees which are currently \$2 per person with age 15 and under free. Mayor Bowman asked about portable restrooms and Mr. Deal said they were not planning on any. Mayor Bowman instructed him to move forward with proposal.

City Administrator Brad Ratliff went over the COVID-19 response report and the precautions to take place at the four different stages. He met with Department Heads along with the Cass County Health Department earlier in the day to review the current findings and protocol for this virus. Mr. Ratliff informed the Mayor and Board that dispatch will be screening all 911 calls for more detailed information concerning the virus. At this time, certain city buildings have limited public access and the Community Center will close to the public on March 18th. He will keep the Mayor and Aldermen apprised of the situation and inform them of changes as they progress. Mayor Bowman stated that the provision for conducting emergency meetings has already been established per City Code.

Meeting adjourned at 5:53 p.m.

Judy Bowman, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Mar 16, 2020 12:00 AM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MARCH 16, 2020
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Mayor Judy Bowman

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Mike Zaring	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Remote	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present were: City Attorney Steve Mauer, City Administrator Brad Ratliff, Police Chief John Hofer, HES Chief Eric Myler, Public Works Director Eric Patterson, IT Director Jeremy Smith, Parks & Recreation Director Chris Deal, Public Information Officer/Deputy City Clerk Daniel Barnett, City Planner Roger Kroh and City Clerk Randall Jones, Recording.

2. Ceremonial Matters

A. Proclamation for Shen Yun Performing Arts

The proclamation for Shen Yun Performing Arts was signed by Mayor Bowman and delivered to Barbara Gay.

B. HHS Wrestling Team Proclamation

The proclamation for the Harrisonville High School Wrestling Team has been postponed.

C. Service Award for Eric Myler

Mayor Bowman and Administrator Ratliff presented HES Chief Eric Myler his certificate for twenty years of service to the City of Harrisonville.

Minutes Acceptance: Minutes of Mar 16, 2020 6:00 PM (Approval of Minutes)

3. Public Participation

City Attorney Steve Mauer shared the following memorandum with the Mayor and Board of Aldermen: " It is regrettable that the City of Harrisonville and its elected officials and staff cannot have a complete open conversation with its citizens regarding flooding problems. However, litigation has been initiated against the City by several individuals which, unfortunately, handcuffs the City in its exchange of information. Before the City could responsibly provide complete and thoughtful information, the City would need assurance from Plaintiff's legal counsel that its continuing efforts to address complaints and issues are not going to be used against the City in litigation. As a result, even though we are not litigation counsel, we have advised the Aldermen and staff to listen to citizens and provide limited information regarding efforts to coordinate with other agencies and stakeholders. We applaud the City's efforts to schedule an informational meeting with the many stakeholders involved including the Army Corps of Engineers, the Missouri Department of Natural Resources and other agencies. Hopefully, at such a meeting those agencies with information and authority can more directly address concerns from citizens. We understand the frustration, but please recognize that the limitation on the City's ability is a result of a decision made by some citizens to bring lawsuits against the City."

Terry Clawson, 501 N. Lexington, and Sara Corniels, 407 N. Lexington, addressed the Mayor and Board regarding problems with Shady Lane and are asking that they consider making it a one-way street.

Pina Murphy, 105 E. Walker, addressed the Mayor and Board and said that they had to hire an attorney because of the length of time waiting for a response. She also asked who was responsible for cutting down the trees in the creek.

Tami Caldwell, 107 E. Walker, addressed concerns about the flooding in the Walker subdivision. She asked for the report from the Army Corp of Engineers, questioned the culvert clean out and asked for transparency from the Board.

Larry Strack, 810 N. Patton, stated he did speak with the Corp of Engineers regarding their report. He asked about the CoronaVirus and the possibility of using the old hospital to assist in the crisis. City Attorney Steve Mauer replied since the City did not own the building we would not have any control over it.

4. Approval of Minutes

Minutes Acceptance: Minutes of Mar 16, 2020 6:00 PM (Approval of Minutes)

A. Board of Aldermen - Work Session - Mar 2, 2020 5:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dave Doerhoff, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

B. Board of Aldermen - Regular Meeting - Mar 2, 2020 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: David Dickerson, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

C. Executive Session Minutes March 2, 2020

A motion was made by Alderman Reece with a second by Alderman Dickerson to approve the Executive Session minutes from March 2, 2020. Motion carried.

5. Agenda Items**A. Library Truck Night 2020**

Staff report presented by Police Chief John Hofer.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Matt Turner, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

B. STEP Grant Authorization

Staff report presented by Police Chief John Hofer. Authorization was signed by all Board of Aldermen.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Mike Zaring, Board Member
SECONDER: Dave Doerhoff, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

C. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO GIVE NOTICE OF INTENT TO WITHDRAW TO MIDWEST PUBLIC RISK EFFECTIVE JULY 1, 2020 AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by City Administrator Brad Ratliff. Upon passage, Mayor Bowman designated it to be Resolution #2020-008.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: David Dickerson, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

- D. A RESOLUTION OF THE BOARD OF ALDERMEN AUTHORIZING THE MAYOR TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN CEDARHURST OF HARRISONVILLE REAL ESTATE, LLC AND THE CITY OF HARRISONVILLE, MISSOURI WITH RESPECT TO AN ASSISTED LIVING AND MEMORY CARE COMMUNITY TO BE DEVELOPED AT 2606 ROCK HAVEN ROAD, HARRISONVILLE, MISSOURI AND ESTABLISHING AN EFFECTIVE DATE.**

Staff report presented by City Planner Roger Kroh. Tina Charleville with Cedarhurst gave an overview of the development and the need for Chapter 100 abatement. Alderman Dickerson asked about the dollar amount that would be given to the school district in lieu of taxes and David Martin with Gilmore & Bell responded with an explanation on how that amount is calculated.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Dickerson, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

- E. A RESOLUTION OF THE CITY OF HARRISONVILLE, MISSOURI TO ALLOW THE SIGNING OF A CONTRACT FOR THE SALE OF REAL ESTATE AND ESTABLISHING AN EFFECTIVE DATE.**

Staff report presented by City Attorney Steve Mauer. Upon passage, Mayor Bowman designated it to be Resolution #2020-010.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Clint Miller, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

- F. AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, AMENDING SECTION 110.197 OF THE HARRISONVILLE CITY CODE OF ORDINANCES TO CHANGE THE PROCEDURE AND CONDITIONS FOR PRIVATE CITIZENS TO ADDRESS THE BOARD OF ALDERMEN AND ESTABLISHING AN EFFECTIVE DATE.**

Staff report presented by City Attorney Steve Mauer. Alderman Turner asked if the Board would be able to make a decision at the time it is presented and Attorney Mauer replied if it is allowed by Code. Alderman Milner asked for clarification on how answers would be given and City Attorney Mauer stated that staff would have time to research and have answers ready for the board at time of question. He also said there was no limit to the number of agenda requests for any meeting. Alderman Milner made a motion to move Council Bill #2020-14 to its second reading with a second by Alderman Doerhoff. Motion carried. Having been read by title only twice, a roll call vote was taken: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye,

Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Motion carried. Upon passage, Mayor Bowman designated it to be Ordinance #2020-3489.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marcia Milner, Board Member
SECONDER: Dave Doerhoff, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

G. AN ORDINANCE TO AMEND CHAPTER 130 FINANCING, PURCHASING POLICY BY REPEALING SECTION 130.020; ENACTING IN LIEU THEREOF A NEW PURCHASING POLICY SECTION 130.020 REDLINE ADDITIONS TO BE APPROVED BY THE BOARD OF ALDERMEN AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by City Administrator Brad Ratliff. Alderman Dickerson said he liked to see what was going on, stating he might have changed his mind since the budget was approved. Alderman Milner questioned the process and it was explained that a purchase would only come before the board if it would go over budget. Alderman Miller made a motion to move Council Bill #2020-15 to its second reading with a second by Alderman Doerhoff. Motion carried. Having been read by title only twice, a roll call vote was taken: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson nay, Alderman Davidson aye, Alderman Turner aye. Motion carried. Upon passage, Mayor Bowman designated it to be Ordinance #2020-3490.

RESULT: ADOPTED [7 TO 1]
MOVER: Clint Miller, Board Member
SECONDER: Dave Doerhoff, Board Member
AYES: Zaring, Doerhoff, Milner, Reece, Miller, Davidson, Turner
NAYS: David Dickerson

6. Aldermen and Committee Reports

Alderman Turner reminded everyone to stay safe and stay healthy.

Alderman Dickerson would like to see more villa-style housing in town.

Alderman Miller gave an update from the Park Board. He also had Parks & Recreation Director Chris Deal speak about the fishing derby which is a partnership with the Elks Lodge.

Alderman Reece stated that the town hall meeting was well attended.

Alderman Milner announced that school was out for spring break.

Alderman Doerhoff also said they had a great town hall meeting and urged everyone to check on their neighbors and the elderly.

7. Report from the City Administrator

City Administrator Brad Ratliff said the City is closely monitoring the COVID19 virus. He has been in discussion with the Corp of Engineers to do a presentation with the public. It was set for

April 1st, but may be postponed due to the virus. There was a question from Alderman Milner if they could not meet on April 1, would the Walker subdivision residents be able to obtain that information in a printed summary form. It would be up to the Corp of Engineers to give out that information. There was also discussion regarding the need for flood insurance and if FEMA would consider any buy outs of property.

The February 2020 Municipal Court report was received.

City Attorney Steve Mauer stated that the Harrisonville Villas have still not responded to his emails. He also stated that by City Code 110.240(8), the City has already made provision for conducting emergency meetings.

Mayor Bowman also commented on the COVID19 virus. She stated they are in contact with many state and local agencies and urged everyone to follow the guidelines as set forth by the Center of Disease Control.

A. January 2020 Municipal Court Report

8. Questions from the Media

None.

9. Adjourn From Regular Session

A motion was made by Alderman Dickerson with a second by Alderman Reece to adjourn. Motion carried. Meeting adjourned at 7:24 p.m.

Judy Bowman, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Mar 16, 2020 6:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
SPECIAL MEETING
CITY HALL
MARCH 23, 2020
4:30 PM

I. Call to Order

The meeting was called to order at 4:30 PM by Mayor Judy Bowman

Attendee Name	Organization	Title	Status	Arrived
Mike Zaring	Harrisonville	Board Member	Remote	
Dave Doerhoff	Harrisonville	Board Member	Remote	
Marcia Milner	Harrisonville	Board Member	Remote	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Remote	
David Dickerson	Harrisonville	Board Member	Remote	
Gary Davidson	Harrisonville	Board Member	Remote	
Matt Turner	Harrisonville	Board Member	Remote	
Judy Bowman	Harrisonville	Mayor	Remote	

Also present were: City Administrator Brad Ratliff, City Clerk Randall Jones, Recording and City Attorney Steve Mauer remote.

II. COVID19 Updates

An emergency meeting was called via phone conference to go over the latest COVID-19 updates. Mayor Bowman went over the "Stay At Home" Order that was issued by Cass County earlier in the day. She asked that if any aldermen have questions regarding the order from any of their constituents, that they please contact the Cass County Health Department at 816-380-8425.

City Administrator Brad Ratliff reviewed the COVID-19 Planning Stages and stated he had directed all departments to only do emergency purchasing only. He informed Mayor and Board that the City has had some employees that are self-quarantined due to possible exposure or from traveling out of state. IT Director Jeremy Smith is working on technology to be able to have employees work remotely as well as live-streaming Board of Aldermen meetings. Utility shut-offs will be waived this month. Alderman Doerhoff asked about a timeline for the shutoffs and

the answer was at least one month. Alderman Zaring asked about city employees still getting paid and the answer was yes, the City would track the hours used if an employee were to be off for an extended period of time. Alderman Davidson asked if there was any testing being performed for emergency personnel and the answer was that yes, EMS is taking temperatures at the beginning and end of each shift and asking health related questions. Alderman Turner asked about non-essential businesses operating and was told to refer to the Cass County Health Department.

A Resolution ratifying the actions of the Mayor and the City of Harrisonville, Missouri staff in response to the global pandemic caused by the Coronavirus, aka COVID-19 was presented. A motion to approve this resolution was made by Alderman Zaring with a second by Alderman Turner. Motion carried unanimously. Upon passage, Mayor Bowman designated it to be Resolution #2020-011.

The public meeting with the Corp of Engineers meeting scheduled for April 1, 2020 has been postponed.

A motion to adjourn was made by Alderman Milner with a second by Alderman Doerhoff. Motion carried. Meeting adjourned at 4:55 p.m.

Judy Bowman, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Mar 23, 2020 4:30 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: March 26, 2020
SUBJECT: Cass County MO 7 Resurfacing J4S3250 Municipal Agreement

Type of Item: *Agreement*

GENERAL INFORMATION

Applicant:

Requested Actions:

Date of Application:

PROPOSAL

PREVIOUS ACTIONS

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

ATTACHMENTS

STAFF CONTACT:

A. Action Item (ID # 3488)

AN ORDINANCE OF THE BOARD OF ALDERMEN AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE MISSOURI TRANSPORTATION COMMISSION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville (“City”) and the Missouri Highways and Transportation Commission desire to enter into a municipal agreement for improvement designation along Route MO 7, Cass County, Job No. J4S3250;

WHEREAS, the Board of Aldermen have reviewed the request and believe it to be in the best interest of the city to enter into the municipal agreement with the Missouri Highways and Transportation Commission;

THEREFORE BE IT ORDAINED BY THE HARRISONVILLE BOARD OF ALDERMEN THAT:

Section 1: The City Administrator is hereby authorized and directed by the Board of Aldermen to enter into a municipal agreement with the Missouri Highways and Transportation Commission for public improvement designated as Route Mo 7, Cass County, Job No. J4S3250.

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

READ ONE TIME BY TITLE ONLY ON APRIL 6, 2020. READ FOR A SECOND TIME BY TITLE ONLY ON APRIL 6, 2020, AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS 6TH DAY OF APRIL 2020.

Aye:

Nay:

Abstain:

Absent:

Judy Bowman, Mayor & Ex Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 6th day of April, 2020

Attachments:

MO Highway & Transportation Mutual Agreement (PDF)

CCO Form: DE11
 Approved: 04/93 (CEH)
 Revised: 01/18 (BDG)
 Modified:

Municipal Agreement
 Route: MO 7
 County: Cass
 Job No.: J4S3250
 2019-08-52814

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AGREEMENT

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

WITNESSETH:

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

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route MO 7, Cass County, Job No. J4S3250 shall consist of pavement resurfacing, sidewalks and ADA improvements.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Beginning approximately 150 feet west of East 255th Street then in an easterly direction along existing Route 7 to a point where the centerline of present Route 7 intersects with Independence Street. Length of improvement within city is 1.2 miles.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job No. J4S3250.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of

public roads, streets, alleys and any other property owned by the City as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE: The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(8) RIGHT-OF-WAY ACQUISITION:

(A) Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the City and the county clerk of the county and proceed to acquire at its expense, at no cost or expense to the City, any necessary right-of-way required for the construction of the improvement.

(9) UTILITY RELOCATION:

(A) The Commission and the City shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the City is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the City will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy

Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the City at its cost.

(F) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's district engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's district engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(10) LIGHTING: The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(11) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(12) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The City shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the City's authority and control of the storm sewer facilities or natural drainage involved.

(13) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(14) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(15) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(C) The City shall inspect and maintain the sidewalks constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalks.

(16) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the City street system described in this Agreement as part of the State Highway System for the

purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The City shall perform or cause to be performed normal maintenance on the project site.

(17) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved City street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (16) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission with respect to the City street system under this Agreement shall cease upon completion of the improvement.

(18) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(19) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(20) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(21) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the City.

(22) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(23) INDEMNIFICATION:

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

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

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

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

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

(24) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the City and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the City and Commission, respectively.

(25) COMMISSION REPRESENTATIVE: The Commission's Kansas City District 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.

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

(27) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
Brad Ratliff
City Administrator
City of Harrisonville Missouri
300 E. Pearl Street
P.O. Box 367
Harrisonville, Missouri 64701
Facsimile No: 816-380-8910

- (B) To the Commission:
David Silvester, PE
Kansas City District Engineer
Missouri Department of Transportation
600 NE Colbern Road
Lee's Summit, Missouri 64086
Phone No.: 816-622-0500
Facsimile No: 816-622-0369

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

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

(29) 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 the contract.

(30) 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.

(31) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(32) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(33) 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.

[remainder of page intentionally left blank]

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

CITY OF HARRISONVILLE, MISSOURI

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

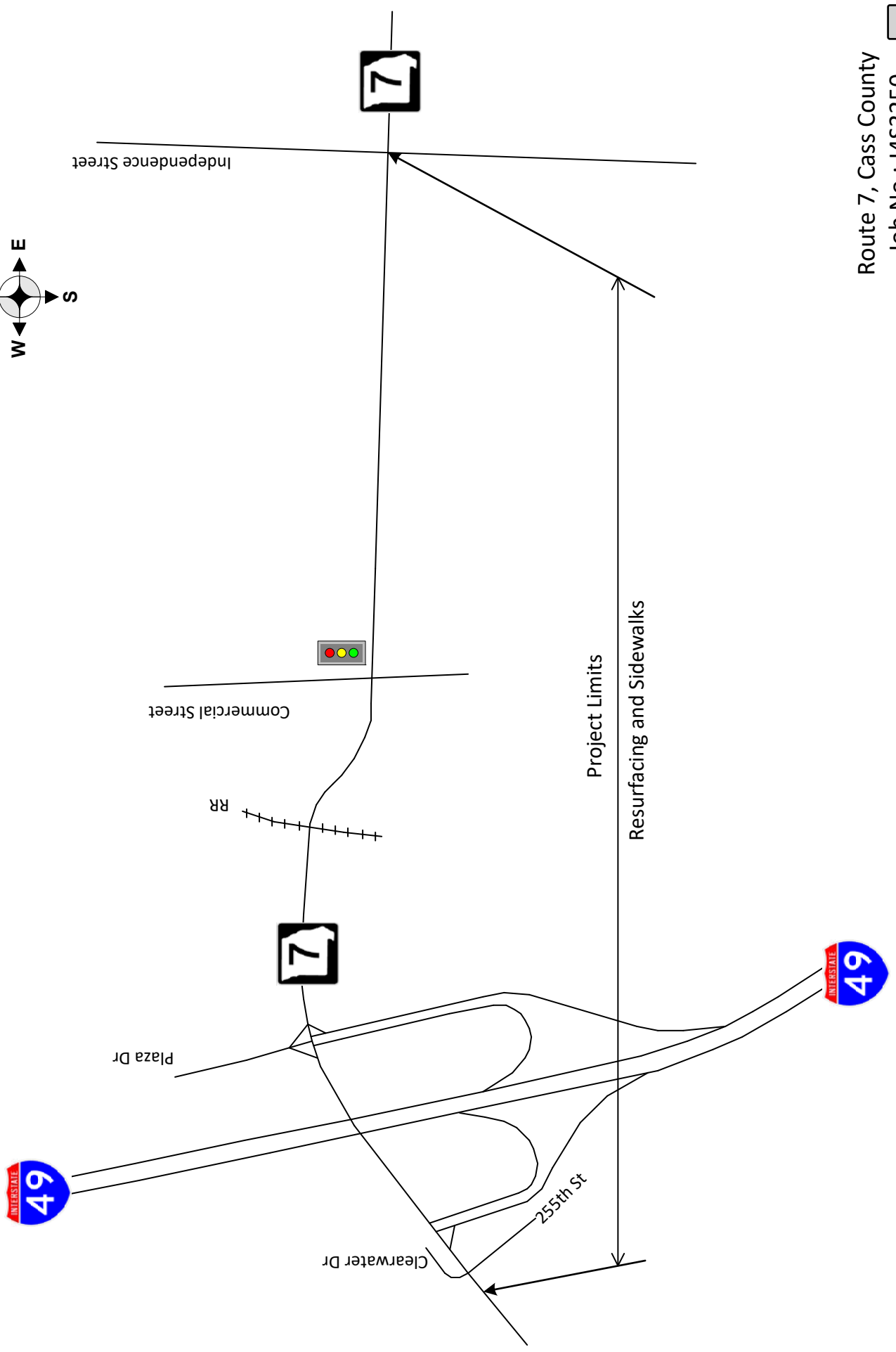
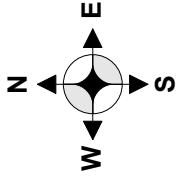
APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____



Route 7, Cass County
Job No.: J4S3250
Exhibit A

Attachment: MO Highway & Transportation Mutual Agreement (Cass County MO 7 Resurfacing J4S3250 Municipal Agreement)



STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: March 25, 2020
SUBJECT: Emergency Meeting Ordinance

Type of Item: *Agreement*

GENERAL INFORMATION

Applicant:

Requested Actions:

Date of Application:

PROPOSAL

PREVIOUS ACTIONS

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

ATTACHMENTS

STAFF CONTACT:

B. Action Item (ID # 3479)

AN ORDINANCE RELATING TO REMOTE PARTICIPATION FOR DIFFERENT BOARDS AND COMMISSIONS TO MEET AND VOTE; AMENDING EXISTING SECTION 110.240A(8) OF THE CODE OF THE CITY OF HARRISONVILLE, MISSOURI.

Attachments:

O. Ordinance Emergency Meeting Other Boards (00037939xC1FED) (DOCX)

L. Emergency Meeting Ordinance Cover Letter (00037944xC1FED) (DOCX)

ORDINANCE NO. 2020-**COUNCIL BILL 2020-**

AN ORDINANCE RELATING TO REMOTE PARTICIPATION FOR DIFFERENT BOARDS AND COMMISSIONS TO MEET AND VOTE; AMENDING EXISTING SECTION 110.240A(8) OF THE CODE OF THE CITY OF HARRISONVILLE, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI.

SECTION 1. Existing Section 110.240A(8) of the Code of the City of Harrisonville, Missouri is hereby amended to read as follows:

Section 110.240A(8) – Emergency Meetings.

In the event that emergency circumstances create impossibility for the members of a public governmental body to physically attend, the body as a whole may meet, and if necessary vote, by video conference. Examples of such emergency circumstances, include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood, or blizzard. To the extent possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation.

For as long as the Board of Aldermen decide to meet and vote by video conference, the other various Boards and Commissions of the City of Harrisonville may also meet, and if necessary vote, by video conference. The other various Boards and Commissions referenced in this section includes but is not limited to the Planning and Zoning Commission and Board of Zoning Adjustment.

PASSED by the Board of Aldermen on the 6th day of April 2020. **APPROVED** by the Mayor.

Judy Bowman, Mayor

ATTEST:

Randall K. Jones, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

Steven E. Mauer, Esq.
semauer@mauerlawfirm.com

April 2, 2020

Re: *Emergency Meetings of Other Boards and Commissions*

To the Harrisonville Board of Aldermen,

Mauer Law Firm drafted the attached ordinance to allow for the other various Board and Commissions of the City of Harrisonville to meet, and if necessary vote, by video conference. The Harrisonville Municipal Code allows for the Board of Aldermen to meet via video conference but does not currently allow for the other Boards and Commissions of the City to meet in this manner. This ordinance will allow the other Boards and Commissions to conduct business as usual during the COVID-19 pandemic.

Very truly yours,

Steven E. Mauer, Esq.

Attachment: L. Emergency Meeting Ordinance Cover Letter (00037944xC1FED) (Emergency Meeting Ordinance)