



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
MAY 18, 2020 - 6:00 PM**

VIA ZOOM MEETING

Meeting ID: 835 7589 0418# Password: 575936

One tap mobile +19292056099 US (New York)

or +1 312 626 6799 US (Chicago)

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
- 3. Public Participation**
 - A. Larry Strack Agenda Request**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Work Session - May 4, 2020 5:00 PM**
 - B. Board of Aldermen - Regular Meeting - May 4, 2020 6:00 PM**
- 5. Agenda Items**
 - A. 2020 Farmer's Market Event Permit**
 - B. 2020 Junk in the Trunk Special Event Permit**
 - C. Municipal Waste Services, LLC. Extension to Contract**
- 6. Aldermen and Committee Reports**
- 7. Report from the City Administrator**

- A. April 2020 Municipal Court Report**
- 8. Questions from the Media**
- 9. Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 14th day of May, 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.



STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: May 11, 2020
SUBJECT: Larry Strack Agenda Request

Type of Item: Discussion

GENERAL INFORMATION

Applicant: Larry Strack

Requested Actions: Overturn City Engineer's Decision

Date of Application: 05/18/20

PROPOSAL

Mr. Strack does not agree with any of the decisions of the City Engineer nor the Building Official. It has been expressed that Mr. Strack and his neighbor have a very long history of not getting along. He would like you to overrule the City Engineer's decision on his issues. As you know, the BOA made it very clear by changing the ordinance on appeals May 4th, that the BOA will not hear appeals on the City Engineer decisions. But Mr. Strack can be on the agenda under agenda requests to express his opinion.

PREVIOUS ACTIONS

- April 20, 2020 - the BOA heard from the City Administrator that the reference code on City Engineer Appeals, was outdated and unclear in the process. The City Administrator proposed how it should be handled on appeals and that he would bring an updated code based on those proposed. The BOA concurred.
- May 4, 2020 – The BOA reviewed the changes to the code expressed from the April 20, 2020 meeting, and approved the changes in how City Engineer appeals would be handled.

KEY ISSUES

- The BOA can listen to his discussion for allotted time given for agenda requests.
- All APWA regulations that he has cited do not apply to the City of Harrisonville. The City of Harrisonville has never adopted those codes. His cited County regulations do not apply inside the City limits of Harrisonville.
- The code cited for flood plain management, does not apply to Mr. Strack's nor his neighbors' properties, as they are not in the current FEMA flood plain designation.

STAFF COMMENTS AND SUGGESTIONS

Mr. Strack has used up numerous hours of City staff time and resources on his continual issues. He has involved himself with the Walker flood issues when he has no property in the area of concern. He involved himself with a BZA issue on a property with resident that was on no relations or known by him.

STAFF RECOMMENDATION

It is unfortunate that Mr. Strack wants the City to be involved with his civil disputes that are between him and his neighbor. The City has no jurisdiction to involve itself in a civil dispute between the property owners. We wish them well and hope they can work things out between them.

ATTACHMENTS

- Mr. Strack's Agenda Request, reports, pictures and citations
- City Engineer Report
- Building Official Report

A. Action Item (ID # 3517)

Larry Strack Agenda Request

Attachments:

Larry Strack Agenda Request Form (PDF)

Strack Memo to BOA (DOC)

summary of 1004 Edgevale terr (PDF)

20200512_174940 (JPG)

20200512_175035 (JPG)

20200512_175051 (JPG)

20200512_175258 (JPG)

20200512_175320 (JPG)

20200512_175335 (JPG)

20200512_175402 (JPG)

20200512_175424 (JPG)

Attached is my response to the letters and memos that City employees composed and that were sent to me in reply to my request for an appeal of the City (DOCX)

DSCF7977 (JPG)

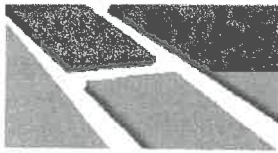
DSCF7983 (JPG)

DSCF8065 (JPG)

DSCF8197 (JPG)

Reply to Ted Martin (DOCX)

The simplified Stormwater Management Plan fails to meet the requirements stated as the City staff (DOCX)



City of

Harrisonville

est.
1836

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

AGENDA REQUEST FORM

This form must be completed and submitted to the office of the City Clerk. Completed materials for the agenda shall be submitted no later than Wednesday at 5:00 p.m., 5 business days prior to the next Board of Aldermen's meeting. 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. The Board of Aldermen's regular meetings are the 1st and the 3rd Monday of each month.

Date of Request: 5-1-2020 Scheduled Meeting Date: 5-18-2020

Full Name of Speaker: Larry Strack Organization: _____

Home Address: 810 N. Patton St. City Harrisonville State MO Zip 64701

Home Phone #: 816 884 4117 Work Phone #: _____ Cell#: _____

Email: dllstrack@embargo-mail.com

Specifics of Topic: See Specifics of Topic: on back.

(You may write on the back or add additional sheets of paper for "Topic" and "Outcome" sections.)

Desired Outcome: See Desired Outcome: on back

If applicable, has this item been previously presented to any of the following Boards for consideration?

_____ Board of Aldermen	Date Presented _____	Outcome _____
_____ Planning & Zoning	Date Presented _____	Outcome _____
_____ Park Board	Date Presented _____	Outcome _____
_____ Board of Adjustment	Date Presented _____	Outcome _____

***I have been made aware of the date and time of the next scheduled Board of Aldermen meeting.

RECEIVED
MAY 01 2020
CITY OF HARRISONVILLE

Signature: Larry Strack

Attachment: Larry Strack Agenda Request Form (Larry Strack Agenda Request)

Agenda Request Form for Appeal to be heard by Board of Aldermen (continuation)

Specifics of Topic: Request for hearing by Board of Aldermen of the appeal of decision of the City Engineer on Storm Water Management as stated by Municipal Code Section 415.240 [Ord. No. 2772 § 1, 5-20-2002]. This appeal concerns the construction and fill in the buffer zone around a stream that shall be preserved and the floodplain at 1004 Edgevale Terrace, Harrisonville, MO.

Desired Outcome: Enforcement of Ord. No. 2772 § 1, 5-20-2020 Municipal Code Chapter 415 and APWA Section 5600 that it specifics as the Storm Water Management Design Manual. Ord. No. 2772 § 1, 5-20-2020 was the ordinance in effect during the planning, design and construction including clearing, fill, paving and building in the buffer of a stream having a tributary area in excess of 40 acres. Area streams in excess of 40 acres shall be preserved and protect by a buffer zone. APWA 5600 states that Drainageways not designated a Special Flood Hazard Area requires an agreement from adjoining property owners for construction including grading and filling if the work will cause a rise in the water surface elevation on the adjoining property for adjoining property owner. APWA's definition for floodplain as use in their document is: "Floodplain: A relatively level surface of stratified alluvial soils on either side of a watercourse that is inundated during flood events." I request that all fill and construction that has occurred at 1004 Edgevale Terrace be remove from the protected buffer area and floodplain and protective vegetation be established in those areas. If the construction and fill is allowed to remain in the protected buffer zone and floodplain it will increase the flooding that will occurs on adjoining landowner's property.

Alderman have been copied on my emails covering the request for appeal of the decision of the City Engineer and follow up emails related to such. Additional documents supporting why the decision of the City Engineer should be reversed will also be presented to the Board of Aldermen after the hearing of the appeal by the Board of Aldermen has been set, scheduled and confirmed.



Memorandum
ENGINEERING DEPARTMENT
HARRISONVILLE, MISSOURI

To: BOA
From: Ted Martin, P.E., CFM - City Engineer/Floodplain Administrator
Date: May 8, 2020
Re: Larry Strack Appeal to the Board

For over a year now, the City's staff has been trying to work out differences between two neighbors feuding over property issues. The neighbors are Mr. Dan Bohlkin homeowner and resident at 1004 Edgevale Terrace and Mr. Larry Strack, homeowner, but not resident, of the house at 701 Edgevale Drive.

There is a creek located between the neighbor's properties. Initial complaints from Mr. Strack were that Mr. Bohlkin had dumped yard waste in the creek. Investigations revealed there were limbs, construction debris, and other trash present but the source was indeterminable. Staff talked with both neighbors about the need to keep the creek clean and flowing and applicable codes on property maintenance.

This creek is part of an identified storm drainage improvement project in the current Stormwater Master Plan called the Beckerdite Drainage Project which extends from Muddy Creek Tributary north to this creek between the neighbors. Historic flooding here and downstream rated this as a future CIP.

Mr. Strack has also complained that his neighbor didn't follow the codes when constructing his driveway and garage. Mr. Bohlkin originally planned to fill in more of his yard next to the creek than was finally done; however, he backed off this plan when told he would need an engineer to provide a no-impact analysis. A simplified storm water plan was submitted and approved for the driveway and garage.

Mr. Strack has, and continues to, reference American Public Works Association (APWA) standards that have not been adopted by the city. His references to buffer zones, agreements for non-designated floodplains, and stream corridors are products of the later editions of the APWA standards that the City of Harrisonville have not adopted. Furthermore, it should be noted that in some cases, the establishment of stream buffers and non FEMA regulated floodplains has been construed by the courts as inverse condemnation. As such, staff could not adopt these without the direction and approval by the Board of Aldermen.

Attachments



P.O. Box 367, East Pearl Street - Harrisonville, Missouri 64701 p. (816) 380-8964 f. (816) 380-3997

March 10, 2020

After review of the appeal from Mr. Strack and response from Ted Martin, City Engineer for the property at 1004 Edgevale Terrace. I concur with the City Engineer's conclusions to reject the appeal with grounds, including but not limited to:

- 1.) APWA sections cited do not apply, they have not been adopted by the City.
- 2.) The subject property is not in or adjacent a floodway or a 1% flood zone.
- 3.) County codes only apply to unincorporated lands not to land inside the corporate limits of Harrisonville.

Eric B Patterson
Director of Public Works

Enc.
City Engineer's Appeal Report

Attachment: Strack Memo to BOA (Larry Strack Agenda Request)



**RESIDENT COMPLAINT
INVESTIGATION**
ENGINEERING DEPARTMENT
HARRISONVILLE, MISSOURI

To: Brad Ratliff, Eric Patterson, Chris Arthur
From: Ted Martin, P.E., City Engineer
Date: March 3, 2020
Re: 1004 Edgevale Terrace - Stormwater Management Appeal Response

This memo will address Mr. Larry Strack registered appeal of my decision related to stormwater runoff on his neighbor's property at 1004 Edgevale Terrace.

Mr. Strack has property at 701 Edgevale Drive which is located on the corner of Edgevale Drive and Edgevale Terrace. A creek flows from north to south along the east property line of Mr. Strack's lot. This creek's drainage area is approximately 42 acres and extends to the north of Pearl Street. Historic flooding has been noted along this creek and this area is listed in the City's Stormwater Master Plan as the *Beckerdite Stormwater Project*. This project would improve the capacity of the drainage system from Edgevale Terrace to downstream of Oakvale Terrace at a cost in 2017 dollars of \$577,088.

Initially Mr. Strack complained to City staff that his neighbor to the east of him, at 1004 Edgevale Terrace has left limbs and debris in the creek which caused flooding of Mr. Strack's house at 701 Edgevale Drive. Subsequent visits with the neighbor, Mr. Dan Bohlken by both the City's Codes and Public Works departments has resulted in some of the debris being cleaned up. More recently, Mr. Dan Bohlken obtained a permit to construct a driveway and garage on his property. He also planned to construct a wall near the creek (west side of his property) and fill and level his yard. My concern with this was that it might encroach on the creek that runs between Mr. Bohlken and Mr. Strack's property and adversely affect the capacity, so Mr. Bohlken was advised that to build the wall and fill, an engineering analysis would need to be completed. The engineering analysis would have to show there would be no impact upon the creek flow before the wall and fill would be allowed. Shortly thereafter, Mr. Bohlken decided not to build the wall and fill.

Now Mr. Strack's complaints have focused on his neighbor's construction of a driveway along the west side of his house and a new garage. Mr. Strack has criticized staff for not complying with our municipal code regulations requiring his neighbor Mr. Bohlken to hire an engineer to prepare a Stormwater Management Plan for the garage and driveway. But as was pointed out to Mr. Strack at one of our numerous meetings, for residential construction Section 415.110 (Ord. No. 2772-1, 5-20-2002) of the Municipal Code states:

Attachment: Strack Memo to BOA (Larry Strack Agenda Request)

“Residential land disturbing activities involving less than 1 (one) acre of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified storm water management control plan meeting the requirements listed below. This plan does require approval by the City Engineer and does not require preparation or certification by the engineer specified in this Storm Water Management Ordinance.”

This document was submitted by Mr. Bohlken.

Another of Mr. Strack’s claims is that his neighbor, Mr. Bohlken, didn’t follow the Municipal Code Section 415.60 Stormwater Management Design Manual that states: *“The Storm Water Management Design Manual shall be the APWA Section 5600 or as amended by the City Engineer. This manual shall provide guidance and design criteria for the evaluation of storm water management facilities...”* APWA stands for the American Public Works Association an organization to whom I am a member, has developed a series of engineering design guidelines for use by communities throughout the region. These guidelines establish engineering standards and practices to be used in the design of storm drainage facilities. They are meant to be used as guidance for the designer, not to establish codes for the community; in fact, our code further states: *“This Section (of the Municipal Code) shall supersede any conflicts with the Design Manual. Required guidelines, design procedures and criteria are presented, and although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgement nor precludes the use of information not presented.”*

Mr. Strack, in his appeals memo refers to APWA 5605.3 Stream Buffers, dated November 11, 2003. This stream buffer chapter is included in all recent updates of the APWA; however, it does not appear in the APWA document in effect at the time of the development and the passing of our Storm Water ordinance in May 2002. When the ordinance was approved in 2002, the APWA document in effect was dated March 1990 and to date, this is still the effective guidance document.

Another reference by Mr. Strack to APWA 5600 dated February 16, 2011 was 5601.8.D.1 and 5605.10 neither of which are in the accepted 1990 edition.

City staff continues to monitor the work completed by Mr. Bohlken under his permit including the erosion control.

Finally, Mr. Strack referred to Cass County’s Stream Buffer Ordinances that they would be more restrictive than the City’s code. Any property within the incorporated boundary of the City of Harrisonville is governed under the City Municipal Code not Cass County.

The use of stream buffers has been adopted by many communities as a water quality enhancement and a way to avoid building new homes in area of risk where the creek could meander and endanger the dwelling. Most communities use the buffers for new developments not to restrict the use of existing residential property. Staff would like to further discuss with the Board the possibility of adopting stream buffers for new development.

Resident's Appeal:

To: Ted Martin, City Engineer

From : Larry Strack

Date: February 6, 2020

Subject: Appeal decision of the City Engineer on Storm Water Management at 1004 Edgevale Terrace, Harrisonville, MO.

I am appealing the decision of the City Engineer by filing this written notice of appeal with the City Engineer as stated in City Code Section 415.240. It should be noted that per your recommendation I had previously appeared before the Public Work Committee on March 5, 2019 to voice my concerns with what the neighbor had been doing that increased flooding of my property. That was the last meeting of that committee since it was disbanded when the new mayor took office so I did not get action or feedback after that presentation. I asked you to reconsider your decision after the flood event on September 2019. On September 29, 2019 two emails were sent by me asking you to reconsider your decision in your email to me on September 26, 2019 that stated an engineering evaluation for Storm water Management Plan is no longer required.

An email was sent to Mayor Judy Bowman on October 2, 2019 stating my concern to have a Storm Water Management Study and Plan be done and approved since the neighbor proposed to construct a building or develop land.

In the October 10, 2019 4:34 PM email message from the Mayor it was indicated:

"I have requested that Mr. Patterson mail a copy of that report to you again at your residence at 810 N. Patton. It will come to you by certified mail this time to ensure that you receive it.

I regret any confusion regarding your concerns. Once you receive the report in the mail, I believe you will have all the documents you have asked the City to provide outlining staff's professional opinion regarding Mr. Bohlken's work on his property."

The letter I showed you during my meeting with you on January 14, 2020 was the letter that was delivered on 10-15-2019 by certified mail on the Engineering Department letterhead.

The staff's professional opinion that was mailed to me stated Mr. Bohlkin "must hire a professional engineer to analyze the flow and determine that this wall and fill will have no adverse impact on the flow of the creek" and further states "A stormwater management plan consisting of analysis of the creek hydraulics to determine if this retaining wall and fill would have any adverse impacts to flow is required...". That letter also indicated that Mr. Bohlkin "was going to hire Styron Engineering for this work". During our meeting in your office you indicated you were unable to access that letter. If you and the City are still unable to access that letter I can provide a copy of that letter for you.

During our meetings and my previous email messages I have indicated that I do not think the City has done enough to reduce flooding impacts and not let the neighbor's encroachment and development into the floodplain further aggravate and increase flooding. The fill that has been placed in the floodplain for the new garage and the fill for the relocated and enlarged drive will displaced the water that would occupy that portion of the floodplain and force that water onto my property and increase the flood water level and increase flooding for my property. The hard nonporous surfaces of the new garage and driveway will speed up the runoff and increase the amount of runoff. Per City Code Section 415.030 "If site characteristics indicate the complying with these minimum requirements will not provide adequate

designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary."

You stated that Daniel Bohlken the landowner at 1004 Edgevale Terrace had submitted a simplified storm water management control plan that he prepared. My experiences with Daniel Bohlken have shown me he is not a qualified or responsible person and has no desire to comply with regulations that should protect other people. The numerous times Mr. Bohlken has not complied with City codes and ordinances should have convinced the City that he is not a responsible person and that he will violate the rights of others and the ordinances and codes of the City whenever it suits his needs or wants. I can provide documented dates of complaints of Daniel not complying with City regulations but the City should have access to those as well if they wish to verify. I reserve the right to make further comments on the storm water management control plan until after I receive it and have had a chance to review it. Provide me a copy of the storm water management control plan that may affect my property at 701 S. Edgevale Drive that adjoins his property.

Part of the temporary silt control fence is still down as I mentioned to you on January 14, 2020 and the permanent vegetative is not established. There is no evidence of installation or maintenance of sufficient storm water management control measures apparent. The photo of the flood event on September 28, 2019 that I showed you clearly show that the fill that had been placed in the floodplain was displacing water that would have occupied that space if the fill were not there.

The submittal of the simplified storm water management plan that Daniel Bohlken submitted should not negate the other needs to exceed the minimum requirements to provide adequate designs or protection for local property or residents per City Code Section 415 and AWAP 5600.

City Code Section 415.060 Storm Water Management Design Manual states:

"The Storm Water Management Design Manual shall be the APWA Section 5600 or as amended by the City Engineer."

Since APWA Section 5600 is a written document any amendments should also be in written form but the City Engineer was unable to provide any written amendments by the City Engineer.

City Code Section 415.320 Effective Date states:

"The ordinance shall be effective within thirty (30) days after adoption of this Chapter by the City and by reference to the Storm Water Management Design Manual, as amended."

The following are extractions from the revised AWAP Section 5600 dated February 16, 2011:

5601.8 D.1. Drainageways not designated a Special Flood Hazard Area (FEMA 1% Floodplain): Construction of a storm drainage system, including grading and filling within a natural drainage way, requires agreement from adjoining property owners if the work will cause a rise in the water surface elevation on the adjoining property for the 1% storm.

5605.10 Floodplain Fills: No fill shall be placed within the bank-full floodplain, nor should fill be placed within the designated buffer zone.

As an adjoining property owner I have not given an agreement for grading and filling within the natural drainage way and have stated my objection numerous times.

The following are extractions from AWAP 5600 the Storm Water Management Design Manual as amended dated February 16, 2011 as well as from the version that Ted Martin printed out when I was in his office on January 14, 2020:

5605.3 Stream Preservation and Buffers Zones

B. Default Approach:

1. Streams having a tributary area in excess of 40 acres shall be preserved.
2. Buffer zones shall be established around all preserved streams.

Table 5605-1: Contributing Drainage Basin Size (acres)	Stream Buffer Widths Buffer Width*
Less than 40 acres	40 feet
40 acres to 160 acres	60 feet

*Measured from OHM outwards, measured separately in each direction

4. No construction or disturbance of any type, including clearing, grubbing, stripping, fill, excavation, linear grading, paving, or building is allowed in the buffer zone except by permission of the City/County Engineer. Dense stands of native vegetation shall be maintained, particularly in the 25 feet closest to the top of bank.

Ted Martin has told me that the contributing drainage area is 42 acres for the stream at my property during our conversation in his office on May 3, 2018. Daniel has violated the above buffer zone by clearing, stripping, fill, excavation, grading, paving and building in the buffer zone of a stream that shall be preserved.

City Code Section 415.280 Conflict With Other Laws states:

"Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail."

Cass County, Mo. Ordinance Chapter 410 Stream Buffer Setbacks states "No structure shall be constructed within fifty (50) feet of the stream bank or in no case within one hundred (100) feet of the centerline of an active stream."

Daniel Bolhken has violated the above codes and the Storm Water Management Design Manual.

Unless corrective actions are taken one can only expect things to get worse

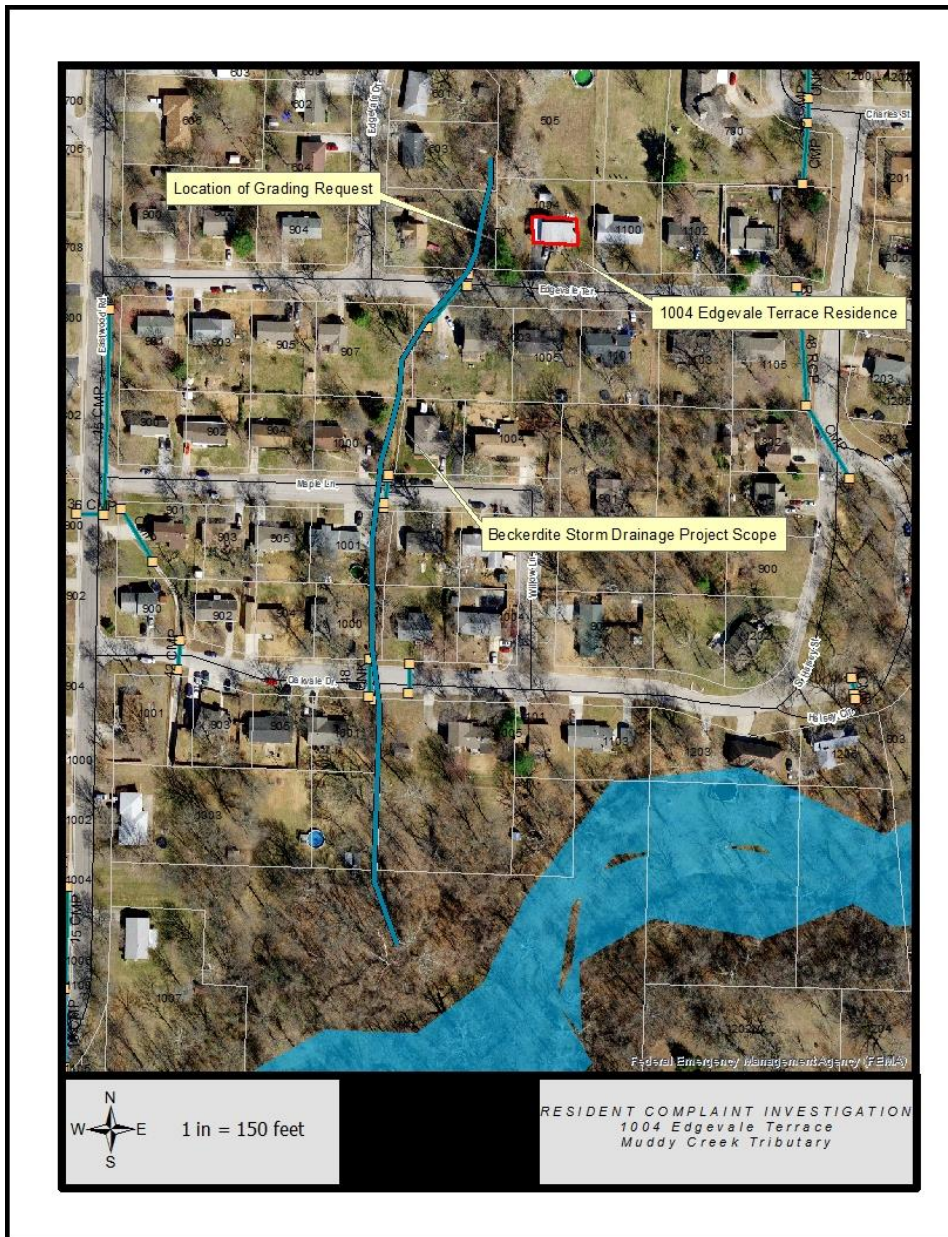
The following memo is from the original investigation:

On September 14, 2017, I met with Dan Bohlken at his residence at 1004 Edgevale Terrace, 380-3867 about his problem with yard erosion. According to Mr. Bohlken the drainage channel west of his house needs to be re-aligned to the culvert under the street. He said he hasn't flooded in the house but his neighbor to the west had basement flooding recently.



Figure 1

His neighbor recently accused Mr. Bohlken of causing his basement flooding by not maintaining the creek, so the relationship between the two neighbors isn't good. In 2010, we identified several homes along this drainage as flood prone; thus, a plan was developed as part of the stormwater master plan and named the Beckerdite Storm Drainage Improvement Project – see Figure 2. This project extended from north of Edgevale Terrace to the south of Oakvale Drive that includes improvements that will address Mr. Bohlen's problem.



Mr. Bohlken asked if the City could come in now to grade out the channel then add rock riprap to protect the streambanks.

Figure 2

It should be noted, that although the culvert under the street is about the right size, downstream constrictions cause a backwater effect, so grading by itself may not solve the flooding or scouring problem.

Furthermore, without easements, the City can't spend public funds on private property. Any work will require easements from property owners on both sides of the drainage and his irate neighbor who has trees and vegetation in the area that may be of value would have to be removed with grading, so getting an easement may not be easy.

Mr. Bohlken wants to meet with his alderman and asked for the next public works committee meeting date.

I told him that we would find his lot dimension and according to the Cass County tax assessor's map Mr. Bohlken's lot in the William's Addition is 140' on the north line, 125' east, 130' south, and 105' on the west side.



STORMWATER INVESTIGATION

ENGINEERING DEPARTMENT
HARRISONVILLE, MISSOURI

To: Eric Patterson
From: Ted Martin, P.E., City Engineer
Date: August 4, 2019
Re: Drainage Complaint Investigation

In the last several months, we have received complaints from Mr. Larry Strack, homeowner at 701 Edgevale Drive against Mr. Dan Bohlkin, homeowner at 1004 Edgevale Terrace. A natural drainage way flows between these two residents from north to south with a drainage area extending up to Pearl Street. Mr. Strack reported that his home flooded from the storms in July and August of 2017. The properties are adjacent to the creek with the south part on Strack's property and the north part on Bohlkin's property.



Exhibit 1

Mr. Strack has complained that Mr. Bohlkin's actions was the cause of his flooding in 2017 and is concerned that additional site improvements by Mr. Bohlkin will aggravate the flooding. Mr. Bohlkin has received a permit for the construction of a new garage and

Attachment: Strack Memo to BOA (Larry Strack Agenda Request)

that work including a new driveway is now underway. Mr. Bohlkin asked Codes about construction of a retaining wall near the creek and filling and leveling his yard. A stormwater management plan consisting of an analysis of the creek hydraulics to determine if this retaining wall and fill would have any adverse impacts to the flow is required before the retaining wall would be permitted.

This last Thursday, August 1, 2019, representatives from the City including Mayor Bowman, H. Welch, City Administrator, E. Patterson, Director of Public Works, and T. Martin, City Engineer met Mr. Strack on site. Mr. Strack expressed his concerns with the new construction and that Mr. Bohlkin had cut down trees that then fell into the creek and that he also had been dumping debris in the creek. Rock and rubble was observed in the creek but how long and from where it originated was undeterminable. There were no significant blockages of the creek evident at this time.

We talked with Mr. Strack about this area as it has been identified in the Stormwater Management Plan (SMP) as a location for a storm drainage improvement project. This location is defined in the SMP as the Beckerdite Drainage Improvement Project and extends from north of Edgevale Terrace south under Maple Lane and Oakvale Drive to Muddy Creek Tributary #2. Blockages and undersized culverts have resulted in other homes flooding along this creek.

Mr. Strack has marked on the outside of his home the flood elevation from 2017. He pointed out that the creek rose and entered the house through the low openings on the east side as seen in Exhibit 2. Although we haven't surveyed the elevations of these low openings in relation to the creek, they are not much higher than the top of bank of the creek channel.



Exhibit 2

We talked to Mr. Strack about removing these two low openings since these were the routes into the house, but he didn't seem too interested in this.

During the site visit Mr. Bohlkin came over to visit with staff and to express his disagreement with what Mr. Strack was saying. We looked at the work Mr. Bohlkin was constructing and asked that he keep excess debris out of the creek and not fill anything that would block the flow of water.



He also talked about the retaining wall and fill that he wants to install along the west side of his yard; however, staff reminded him that before a permit is issued for this work, he must hire a professional engineer to analyze the flow and determine that this wall and fill will have no adverse impact on the flow of the creek. He said that he was going to hire Styron Engineering for this work. Exhibit 3 shows the garage and driveway.

Exhibit 3



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

May 14, 2020

Summary Regarding 1004 Edgevale Terr. property, Mr. Bohlken owner.

1- Permit history:

Permit # 07606 – Residential Accessory structure, issued 7/16/07 Randy Finkle, closed 9/11/07 Randy Finkle.

Permit # 19054 – Residential Accessory structure replacement & drive approach, issued 3/20/19 John Morris, permit still open.

Permit application for a ditch side retaining wall was not accepted after determination by City Engineer.

Permit # 20079 – Residential Accessory structure, applied for 3/27/20 by Mr. Strack. We cancelled this application thinking Mr. Strack had mistakenly applied for it on the SmartGov permit software portal.

2- Residential accessory structure permit #19054 application accepted per standard procedure for this type of permit with property not in the 1% flood areas of the City. Impervious surface addition calculated using formula developed by the City Engineer for this purpose of determining effects of storm water runoff addition on existing properties. This formula spread sheet considers the area of the City, size of parcel and proposed work area, and the parcel land use. Compares existing averages of impervious surfaces. This tool helps us determine when to involve the City Engineer on existing property permits. Paving on private property is not a permit required item unless the impervious surface added is above the formula calculation basis. Drive way approaches are always permitted, or included in a permit, due to the work in the City ROW and the need for proper driveway culverts or swales if required by the Street Department. The project is not completed yet, Mr. Bohlken is still working on the garage and we have asked the City Engineer to look at the final grading and ground cover to be sure it meets his approval and the intent of the Simplified Storm Water Management Plan. As noted above in #1, no permit application was accepted for a ditch side retaining wall.

3- The Simplified Storm Water Management Control Plan was approved by the City Engineer. Regarding the City Engineer assisting Mr. Bohlken with this plan, I would hope the City Engineer would always be willing to assist existing residential property owners with this. The whole purpose of the Simplified Plan is to help residents without placing undue burden or expenses on them. Storm Water Management Plans can be very expensive to have done by Professional Engineers, and often multiple times the cost basis of a smaller project. This part of storm water management, and assistance by the City Engineer, helps to meet the intent of Storm Water regulations and also helps to ease the regulatory cost burdens on average citizen property owners wanting to do smaller improvement projects on their property. Again, no permit application was approved for a ditch side retaining wall.

4- Regarding the concrete rubble, age unknown but obviously it has been there many years, I still agree with both John Morris' and Ted Martin's determination that this was not affecting the ditch carrying capacity. Just by looking at this it was evident it had been there years prior to 2017 and the City has no knowledge of where it came from nor who placed it there.

5- Regarding trees and tree limbs, Municipal Code does not prohibit branches on a property unless we can verify a rodent problem. Removing trees and clearing by individual property owners is actually exempted for the Storm Water regulations, section 415.050 covers this. Regarding the tree trimming incident Mr. Welch did confirm to me it was a company dba Kingdom Tree and to let them finish the job which was already close to completion and then require them to get licensed for any future work in Harrisonville. I am not aware of any other work done by this company in the city limits since then and they do not currently have a city business license unless it is under a different company name.

6- I have never been informed by Public Works or the Street Department of any problems with debris or anything else in the culvert or this ditch. I have no knowledge of any contribution to increased flooding caused by this ditch and can only agree with the backwater scenario.

7- Regarding erosion control and silt fencing, we have had occasion to have Mr. Bohlken re-stake a short section of his silt fence. He has always done so promptly and the majority of it was always up. The ground cover has established well and in agreement with the City Engineer we allowed Mr. Bohlken to take it down after complaints from Mr. Strack regarding both property owners mowing their respective sides of said ditch and silt fence line. I do not feel silt control into the ditch has been a problem.

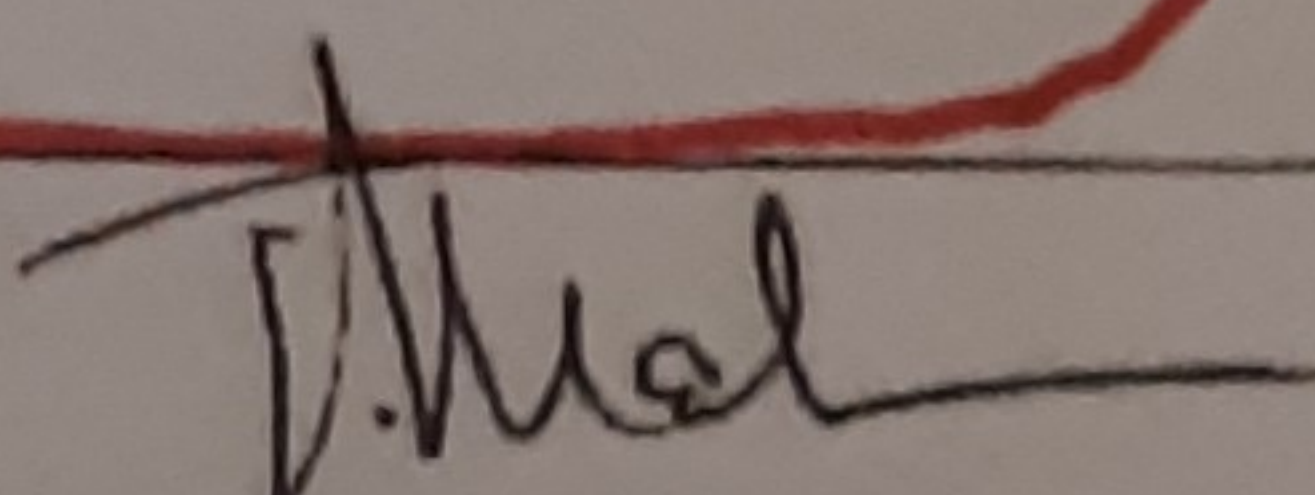
8- I can only determine, from available information and my discussions with Ted Martin and Eric Patterson and Rodney Jacobs, that the issues here are backwater related. I would also add that no damage reports had been filed nor any building repairs permits applied for by Mr. Strack for the 2017 and 2019 flood events.

9- There seems to have been, and are currently, neighboring property owner civil issues with the 2 parties. I have no direct knowledge of any of this part of the story, or any involvement regarding the PD, MCD or any other agency or court.

Chris Arthur
Building Official.

SIMPLIFIED STORMWATER MANAGEMENT PLAN

Residential Use Only
Building Permit # 19054

Name of Resident:		Address:		Phone Number:	
Daniel C Bohlken		1004 Edgevale Terrace		816-380-3867	
Description of the Proposed Development:					
Construct 26'x36' garage and drive from street					
Description of Existing Drainage:					
Overland flow to creek on west side of the property, then flows under Edgevale Ter through metal culvert to the south.					
Description of Proposed Drainage:					
Same as existing drainage					
Adjacent Properties Check All That Applies:				General Soils Condition:	
☐ Residential Single Family ☐ Commercial Neighborhood ☐ Churches or Schools ☐ Light Industrial ☐ Parks or Cemeteries ☐ Farmland or Undeveloped		☐ Residential Multi-Family ☐ Commercial Downtown ☐ Heavy Industrial ☐ Railroad or Highways		Silty-clay	
Lot Size:		Existing Impervious Area:		Proposed Additional Impervious Area:	
16,250 Sq. Ft.		2,724 Sq. Ft.		2,700 +/- 1,986 Sq. Ft. 2,500	
Total Area Disturbed, This Application:		Describe How Disturbed Areas Will Be Restored:			
8,620 → 4,600 +/- Sq. Ft.		Install and maintain silt fence during construction. Seed and re-establish turf upon completion.			
Anticipated Start and Completion Dates:					
Reviewed By: 				Date: 8/13/19	

Status: APPROVED

Attach Site Plan and Sketches

Red mark up by Larry Strack 5/9/2020

Site Plan:



Source: City GIS

Appears this was prepared by city on City GIS.
New Drive as was shown was not accurate. Correction
to new paved area show by red outline.
New Drive constructed by mid June 2019 well before
date on page 1 and date on profile sketch signed by
Daniel Bohlken.

9/10/19

1004E AG EVALUATE TERR.
Kendall Johnson

380-3867

What is this?

Edge of driveway

DATA

FILL

207

stop sign

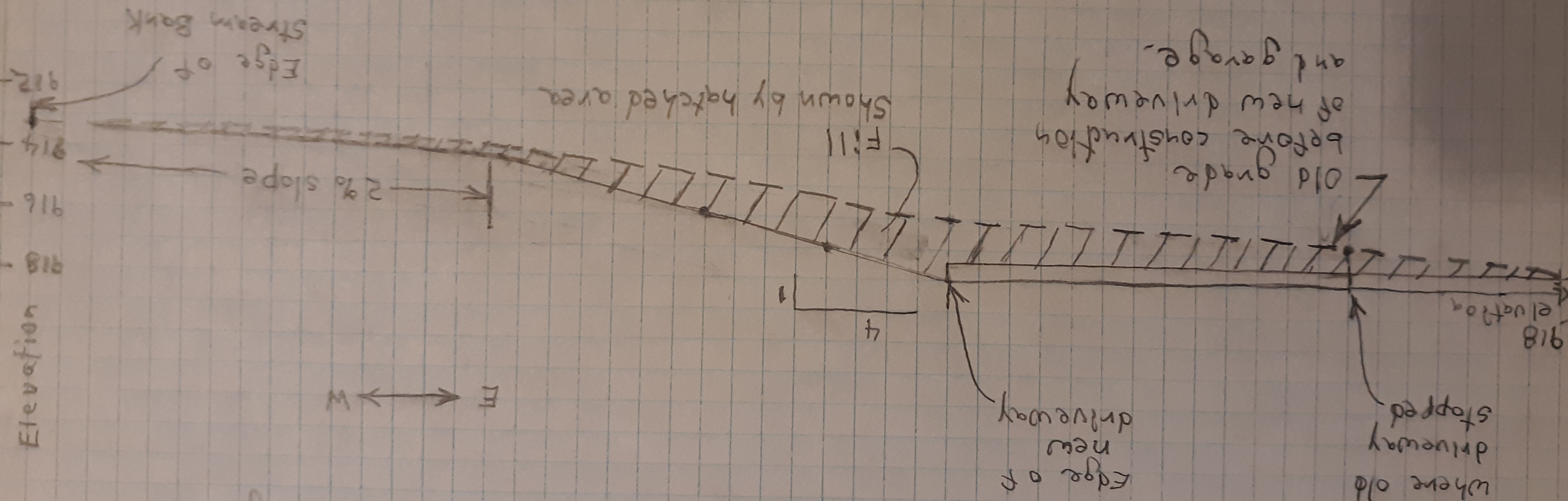
Profile Revised in red by

Larry Schuch

5/7/2020



New driveway and fill at 1004 Edgemoor Terrace, Harrisville, MO - Profile at New Garage South wall looking south



Stream Preservation and Buffer width is 60 feet from OHM measured separately in each direction

Scale: 1 block = 1 ft.
0.2 in = 1 ft.

Prepared by: Larry Strack 4-14-2020

Section 415.110 Scope
(Ord. No. 2772-1, 5-20-2002)

B. Residential land disturbing activities involving less than 1 (one) acre of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified storm water management control plan meeting the requirements listed below. This plan does require approval by the City Engineer and does not require preparation or certification by the engineer specified in this Storm Water Management Ordinance.

1. A narrative description of the storm water management facilities to be used.
2. A general description of topographic and soil conditions of the development site.
3. A general description of adjacent property and a description of existing structures, buildings and other fixed improvements located on surrounding properties.
4. A sketch plan to accompany the narrative which shall contain:
 - a. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries and receiving storm drainage systems including conduits, channels, lakes, streams and rivers;
 - b. The boundary lines of the site on which the work is to be performed;
 - c. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated;
 - d. A topographic map of the site or property survey;
 - e. Anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
 - f. The location of temporary and permanent vegetative and storm water management control measures.
5. Storm water management plans shall contain certification by the persons responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
6. Storm water management plans shall contain certification by the person responsible for the land disturbing activity of the right of the City Engineer to conduct on-site inspections.

by the City/County Engineer where it is impractical, provided that the project has also received appropriate state and federal permits.

2. Buffer zones shall be established around all preserved streams. The limit of buffer zones shall be formally designated on a plat, deed, easement, or restrictive covenant, as directed by the City. Buffer widths as measured from the ordinary high water mark (OHM) outward in each direction shall exceed the following:

<u>Contributing drainage basin size (acres)</u>	<u>Buffer width, from OHM outwards, measured separately in each direction</u>
Less than 40 acres	40 feet
40 acres to 160 acres	60 feet
160 acres to 5000 acres	100 feet
Greater than 5000 acres	120 feet

3. The City/County Engineer may require wider buffers for less stable stream or special conditions to address water quality and ecological needs. These widths provide only moderate allowance for widening or migration in local streams of average stability. Geotechnical studies may be required if there is a risk of slope failure due to underlying soil or rock materials, and the buffer width shall be expanded to contain the zone of failure. Smaller buffers in isolated locations may be allowed where provision of the full width is impractical and bank stability concerns have been addressed.
4. No construction or disturbance of any type, including clearing, grubbing, stripping, fill, excavation, linear grading, paving, or building is allowed in the buffer zone except by permission of the City/County Engineer. Dense stands of native vegetation shall be maintained, particularly in the 25 feet closest to the top of bank.
5. Unless otherwise accepted by the City/County, any maintenance of riparian buffers shall be the responsibility of the property owner.
6. For work on existing facilities already located closer to the stream than allowed above, the new construction shall not encroach closer to the stream. Bank stability concerns shall be addressed. Formal designation of a buffer zone is not required.

5605.4 In Stream Construction - General Requirements:

Construction in streams or their buffer zones shall conform to the general requirements of this subsection and to the appropriate specific requirements of the subsections following:

- A. Stream Assessment: A stream assessment shall be conducted in accordance with Section 5605.5 for all construction within the buffer zone except for discharge outfalls, unless otherwise directed by the City/County Engineer.

Attached is my response to the letters and memos that City employees composed and that were sent to me in reply to my request for an appeal of the City's Engineer decision on the Storm Water Management at 1004 Edgevale Terrace, Harrisonville, MO.

I submitted an Agenda Request Form on May 1, 2020 for the Appeal to be heard by the Board of Aldermen on May 18, 2020. Shown in blue text below is again the Section 415.240 that covers my request for appeal.

Section 415.240 Appeals.

[Ord. No. 2772 §1, 5-20-2002]

Any person aggrieved by a decision of the City Engineer (including any decision with reference to the granting or denial of a waiver from the terms of this Chapter) may appeal any such decision by filing a written notice of appeal with the City Engineer within thirty (30) calendar days of the issuance of said decision by the City Engineer. The City Engineer can then reverse his/her decision or send this notice to the Board of Aldermen, or their designated representatives, with comments. A notice of appeal shall state the specific reasons why the decision of the City Engineer is alleged to be in error and the City Engineer shall prepare and send to the Board of Aldermen, or their designated representatives, and appellant a written response to said notice of appeal. All such appeals may be heard by the Board of Aldermen or the Public Work Committee. Said appeal may be heard at its next regularly scheduled meeting date.

I filed a written notice of appeal with the City Engineer on February 6, 2020. I received a copy of the letter with the response memo from the City Engineer dated March 3, 2020 from the City on April 1, 2020. I made repeated statements and request indicating that I had not received the original letter that I was told had been sent to me. The original letter was sent out on March 11, 2020 to an incorrect address and not received by me until April 30, 2020.

The City Engineer was to reverse his/her decision or send the notice of appeal to the Board of Aldermen, or their designated representatives, with comments. If the City Engineer did not send the Board of Aldermen, or their designated representatives the notice of appeal with comments he must have reversed his decision. I have not received a letter that states the City Engineer has reverse his decision but it took the Certified Mail containing the original memo dated March 3, 2020 over 57 days to reach me. Respond to me by email if you have not received the notice of appeal with comments from the City Engineer.

Larry Strack
810 N. Patton St.
Harrisonville, MO. 64701
816-884-4117

Attachment: Attached is my response to the letters and memos that City employees composed and that were sent to me in reply to my request

Attachment: Attached is my response to the letters and memos that City employees composed and that were sent to me in reply to my request









May 13, 2020

Below is my response to Ted Martin's letter titled RESSIDENT COMPLAINT INVESTIGATION dated March 3, 2020. Mr. Martin's response was to my registered appeal of the City Engineer's decision related to stormwater runoff from his neighbor's property at 1004 Edgevale Terrace. Mr. Ratliff's cover letter and Mr. Martin's response as well as the concurrence from Eric Patterson were delivered to me by certified mail on April 1, 2020 after I requested it numerous times.

My initial complaint to City staff was that Daniel Bohlken or those doing work for him placed the remains from a large tree cut in yard in the creek at our joint property line which formed a restriction in the creek and increase flooding which caused my house to flood on 8/22/2017. All portions of the tree not large enough for firewood were deliberately place in or on the creek bank. At the time my house flooded there were fresh green pine limbs cut from the pine tree on Bohlken's property that had recently been placed in the ditch. There were also large pieces of concrete sidewalk and steps and concrete blocks from Mr. Bohlken's property put in the creek. On 8/24/2017 John Morris wrote a letter to Daniel and Cathy Bohlken to remove the tree limbs. The creek was not cleaned up after ten days so after I again complained to the City the City sent a second letter to Bohlkens to remove the debris. Per Mr. Martin's memo submitted in his response to my registered complaint "On September 14, 2017, I met with Dan Bohlken at his residence at 1004 Edgevale Terrace, 380-3867 about his problem with yard erosion." The Figure 1 that was in the memo that Mr. Martin prepared showed the area of concern next to the stream. The area of concern shown on Figure 1 is next to the stream and is shown to be partially within the boundary line on my property. The stream is shown to be mostly on my property and the scouring problems that Mr. Martin reference occur at stream banks so this makes me question what was suggested to possible reduced the scouring and erosion problems. The conversation and possible recommendations Mr. Martin had with Mr. Bohlken may help explain the response I received from the City when I complained about the concrete blocks and rubble that had been thrown on the stream bank on my property within the area of concern. The email response from Chris Arthur on January 25, 2019 was "I agree with our Property Code Inspector's and our City Engineer's prior opinions that the drainage swale is not adversely affected. In fact my opinion is that some of the rock and concrete which has been placed in the past probably has kept the swale from cutting even deeper and getting wider due to heavy rains." The concrete rubble thrown haphazardly in and on the stream bank on my property is unsightly and athletically unpleasing. Is this an example of interoffice cooperation or just a good old boy cover-up? Why was only some of the debris cleaned up?

During 2017 and 2018 both Daniel and Cathy Bohlken continued to put the leaves from their yard into the ditch against my objections and in violation of the city nuisance ordinances as stated on City website and a later post on Mayor Bowman's facebook page. On 12/22/2018 Anderson Engineering performed a survey and placed stakes and survey marking on our property lines so they were clearly identified with survey stakes. Upon returning from out of town after dark on 2/22/2019 I found numerous trees dropped on my property and tracks in the snow. I went to the police station and reported it and an officer said he would meet me at

Attachment: Reply to Ted Martin (Larry Strack Agenda Request)

the property. The officer came to the property and said that Daniel Bohlken had called officer Hunziker at the police station about the trees being dropped on my property. Mr. Bohlken's tree crew cut almost all the trees on his property. Instead of having a crew with a bucket truck or crew members climb the trees and drop the tree in sections on Mr. Bohlken's property Mr. Bohlken's crew dropped numerous trees on my property without my permission. The tree crew trespassed on my property when it was clearly marked with survey stakes after Daniel Bohlken had been told not to be on my property. On 2/23/2019 I left messages for Aldermen Brad Brokel man and Judy Bowman on their phones about the trees being dropped and remaining on my property. I also called Conservation Agent Phil Needham. Agent Needham came to the property on 2/24/2019 and I showed him the down trees on my property and the pictures of the tree crew from security cameras. Agent Needham then went and talked with the Bohlkens. Agent Needham got the name of Kingdom Tree from Independence for the crew that had been there. Mr. Bohlken was having work done in preparation to build a garage. These tree tops were left on my property and in the stream over the weekend when there was a flood alert issued. On 2/25/2019 I went to City Hall and asked Chris Arthur if the tree crew had a license to work in the city as required per Municipal Code Section 650. Mr. Arthur told me in the presence of John Morris that Kingdom Tree did not have a license to operate in the City and told me to verify the name of the crew. Tree crews are required to have a city license and insurance before operating within the City. I went to the property and the tree crew was working so I asked them for a business card and proof of insurance. Mr. Bohlken was in his yard watching them work and told the workers not to give that information to me because they were working for him. I then took pictures of the blue Toyota pickup the crew came in. The truck did not display any company logo. I got a return call from Alderman Brockelman and he said he and City Administrator Happy Welch would meet me at the property. Mr. Brockelman and Mr. Welch came out to view the site and listened to me and then they talked to Mr. Bohlken. I asked Mr. Welch to get the name of the tree crew from Mr. Bohlken since he would not allow the crew to give it to me and Mr. Arthur wanted it verified. Alderman Judy Bowman returned the 2/23/2019 call I placed to her on 2/26/2019 and I explain what was happening and stated that Blue Springs had ordinances and that Harrisonville needed enforceable ordinances against tree limbs and debris that lead to flooding problems. I furnished information to Alderman Bowman and again later to Mayor Bowman by emails about the Blue Springs ordinances that would help keep debris out of the streams but to my knowledge no action has been taken to add or enforce ordinances that would help reduce flooding problems.

Mr. Bohlken obtained a permit on 3/20/2019 to construct a driveway and garage on his property without meeting the requirements of the City Municipal Code. Clearing the trees from property occurred in late February 2019. Fill and construction of the new driveway and for the garage started in May 2019. I have a email message from Mayor Bowman dated October 10, 2019 stating the letter that was being sent by certified mail outlined the staff's professional opinion regarding Mr. Bohlken's work on his property. That certified letter sent to me on October 11, 2019 on Stormwater Investigation Engineering Department letterhead stated that Mr. Bohlken was going to hire Styron Engineering to perform the Stormwater Management Study. That official letter was shown to Mr. Martin during our last meeting on January 14, 2020.

The stormwater management code requires the stormwater management plan shall be submitted and approved before land disturbing or construction starts, not more than 6 months after those activities start and still continue. The only narrative that was provided as a result of a Sunshine Request for the Stormwater Management Plan appears on a page 1 of 2 and has the City of Harrisonville letterhead. The second page 2 of 2 indicates Source City GIS and shows the site plan. Both of these pages appear to have been prepared and added by City staff and not submitted by the person responsible for the land disturbing activity as is required. The one rough profile sketch that was prepared by the person responsible for the land disturbing activity (signed by Daniel Bodlken) is not accurate since it did not identify any of the fill that was placed under the new driveway and slab for the garage and does not contain most of the requirements of Section 415.110 for a simplified storm water management control plan. Since the simplified storm water management control plan submitted by the person responsible for the land disturbing activity does not meet those requirements approval of the City Engineer should not have been given and the building permit should not have been issued, therefore an immediate stop work order should be issued by the City Engineer.

Mr. Martin states "Another of Mr. Strack's claims is that his neighbor, Mr. Bohlken, didn't follow the Municipal Code Section 415.60 Stormwater Management Design Manual that states: *"The Storm Water Management Design Manual shall be the APWA Section 5600 or as amended by the City Engineer. This manual shall provide guidance and design criteria for the evaluation of storm water management facilities."* ... in fact, our code further states: *"This Section (of the Municipal Code) shall supersede any conflicts with the Design Manual."* Mr. Martin needs to point out and document the specific conflicts that would make the portions of APWA 5600 that I referenced invalid due to the conflicts he thinks are between Municipal Code Section 415 and APWA 5600. APWA becomes a part of Section 415 as indicated in Section 415.030, Section 415.060 and Section 415.320. The criteria in APWA provide uniform procedures for designing and checking the design of storm water drainage systems under the rainfall and land characteristics typical of the Kansas City Metropolitan Area. APWA provides the design criteria, recommended and engineering practices for better storm water control management. Since Mr. Martin is a member of APWA and also the City Engineer he should be in positions to influence what is submitted for amendments in both the City's Municipal Code and APWA to minimize conflicts.

In my appeal I stated:

The following are extractions from AWAP 5600 the Storm Water Management Design Manual as amended dated February 16, 2011 as well as from the version that Ted Martin printed out when I was in his office on January 14, 2020:

5605.3 Stream Preservation and Buffers Zones

B. Default Approach:

1. Streams having a tributary area in excess of 40 acres shall be preserved.
2. Buffer zones shall be established around all preserved streams.

Table 5605-1: Contributing Drainage Basin Size (acres)	Stream Buffer Widths Buffer Width*
Less than 40 acres	40 feet
40 acres to 160 acres	60 feet

*Measured from OHM outwards, measured separately in each direction

If the page he printed out and gave me was from the November 11, 2003 version that he did not think applied why did he access it on his computer and print out that page for me when I was in his office discussing my concerns and asking him about it?

Another reference by me was APWA 5600 dated February 16, 2011 which had the same buffer zones as the page that Mr. Martin printed out and gave me when I was in his office on January 14, 2002. Section 415.320 Effective Date of the ordinance approved in 2002 states *"The ordinance shall be effective within thirty (30) days after adoption of this Chapter by the City and by reference to the Storm Water Management Design Manual, as amended."* Per <https://www.merriam-webster.com/dictionary/amended> the definition of amended is "changed or modified especially to make corrections or improvement" so I believe APWA 5600 dated February 16, 2011 should be the accepted version. If the intent of the City ordinance was to have APWA 5600 dated March 1990 be the version of APWA 5600 that was adopted it should have stated the Storm Water Management Design Manual dated March 1990 instead of "the Storm Water Management Design Manual, as amended."

Mr. Martin stated in his reply to Brad Ratliff dated March 3, 2020 "City Staff continues to monitor the work completed by Mr. Bohlken under his permit including erosion control." The email reply I received on February 7, 2002 from City Administrator Brad Ratliff stated "Code staff will continue to monitor the silt fencing to ensure that it stays up." The silt fencing did not stay up and was down more than up. I have photos of the silt fencing being down each day from March 2, 2020 to and including March 28, 2020. It was up on March 29 just preceding more truck loads of fill being put in the floodplain.

Mr. Martin stated "Finally, Mr. Strack referred to Cass County's Stream Buffer Ordinances that they would be more restrictive than the City's code. Any property within the incorporated boundary of the City of Harrisonville is governed under City Municipal code not Cass County." I think that Mr. Martin is confusing what Mr. Ratliff stated with what I wrote. Mr. Ratliff's February 7, 2020 email response to my request for appeal of the City's Engineers decision stated "You are correct in the Cass County quote from their code; however, their code would not apply within the City limits of Harrisonville. Additionally, the statute you quoted is correct, however, the City of Harrisonville's code is the more restrictive code." My wording was "Cass County, Mo. Ordinance Chapter 410 Stream Buffer Setbacks states "No structure shall be

constructed within fifty (50) feet of the stream bank or in no case within one hundred (100) feet of the centerline of an active stream.””

Mr. Martin stated “Staff would like to further discuss with the Board the possibility of adopting stream buffers for new Development.” I believe that the Board has already adopted the stream buffers since they are clearly included by APWA 5600 in Chapter 415 Stormwater Management when it became part of the Municipal Code by Ord. No. 2772. The same buffers were also listed on the page of 5605.4 that Mr. Martin printed and gave to me during my visit in his office on 1/14/2020. The page that Mr. Martin printed out is an attachment on my 5/12/2020 9:45PM email to the Board.

Mr. Martin attached an addition memo to his reply that stated on September 14, 2017 he met with Dan Bohlken at his residence at 1004 Edgevale Terrace about his problem with yard erosion. I believe that good engineering practices and judgment would direct the City Engineer to require even wider buffers than those stated in APWA 5605.3 due to the less stable stream and problem with yard erosion that Mr. Bohlken stated and documented in Ted Martin’s memo. The design criteria in APWA 5605.3B.3. States “The City/County Engineer may require wider buffers for less stable stream... These widths provide only moderate allowance for widening or migration in local streams of average stability.”

Ted Martin’s memo further states “It should be noted, that although the culvert under the street is about the right size, downstream constrictions cause a backwater effect, so grading by itself may not solve the flooding or scouring problem.” What are the downstream constrictions that cause a backwater effect? The culvert under Edgevale Terrace is not a straight section but are two section spliced together at an angle which reduces the flow. There is also an additional drop inlet from the other side of Edgevale Terrace that empties into that culvert and adds even more water and restricts and reduces the flow through the culvert. Per Mr. Eric Paterson Stormwater Investigation letter dated August 4, 2019 “We talked to Mr. Strack about this area as it has been identified in the Stormwater Management Plan (SMP) as a location for a storm drainage improvement project. This location is defined in the SMP as the Beckedite Drainage Improvement Project and extends from north of Edgevale Terrace south under Maple Lane and Oakdale Drive to Muddy Creek Tributary #2. Blockages and undersized culverts have resulted in other homes flooding along this creek.”

Mr. Patterson states undersize culverts and Mr. Martin’s statement that the culvert is about the right size usually is a clear indication and warning that they are actually undersized. Good engineering design and practice include designing and building systems which includes a safety factor that assures the system is safe and can handle more than the required loads or capacity. There is a significant drop in elevation from the upstream to the downstream at the ends of the culvert under Edgevale Terrace and I have not seen any indications that high water at the lower end of the culvert causes a backwater effect when visiting the site even during and after flood situations.

The memo from Mr. Martin's original investigation about the September 14, 2017 meeting with Daniel Bohlken at his residence at 1004 Edgevale Terrace about his problem with yard erosion included a picture labeled Figure 1. That Figure 1 shows an area of concern that Mr. Bohlken was complaining about with the problem with yard erosion. The area of concern next to the stream appears to be on my property as identified by the property line on Figure 1. What steps and procedures did Mr. Bohlken take and what were Mr. Martin's suggestions to address and minimize his problem with yard erosion in the area of concern?

Mr. Martin further stated "His neighbor recently accused Mr. Bohlken of causing his basement flooding by not maintaining the creek, so the relationship between the two neighbors isn't good." To be precise the neighbor told Mr. Bohlken to remove the limbs and debris that was placed in the stream from the 1004 Edgevale Terrace property. Mr. Bohlken had a large tree in his yard cut down and placed the tree top in the ditch which resulted in the blockage of the downstream flow and culvert and cause flooding. Mr. and Mrs. Bohlken did not remove the tree limbs and debris but instead continued to put the leaves from their yard into the ditch. The Bohlkens refused to remove the debris and said it was not their problem. In prep for building a new garage and driveway the Bohlkens had a property survey conducted in December 2018 that identified and marked the property lines. In February 2019 the Bohlkens had trees on their property cut down. Numerous trees were cut in such a manner that they fell across the stream onto my property when the Bohlkens knew they did not have permission to do so and had been told repeatedly to stay off my property and keep obstruction out of the stream. The property still had survey stakes up that marked the property boundaries which were obviously and deliberately ignored by the Bohlkens. The trees were left in the stream and on my property from February 22, 2019 through February 25, 2019. The weather service has predicted the possibility of flooding during this time. I went to City Hall on February 25, 2019 to see if the tree crew had a license to operate in the City. The City Building Official checked their records and responded that Kingdom Tree did not have a license to operate in the City and asked me to verify the tree company name. Not having a license was a violation of City Municipal Code Section 605.150 which states "No person shall engage in the business of tree trimming, tree removing, tree treating and spraying within the City without first obtaining a license therefore." When the tree company returned to resume work on February 25, 2019 I asked them for their business card and proof of insurance. Mr. Bohlken was overseeing their work and heard what I asked for and told the crew they were working for him and not to give that information to me. I took pictures of the blue Toyota Tundra that the crew had come in. The truck did not display any company logo but had Missouri plates 5WV-607.

Figure 2 in Mr. Martin's memo on the September 14, 2017 has a note that states "Mr. Bohlken asked if the City could come in now to grade out the channel then add rock riprap to protect the streambanks." The location of the grading request noted on Figure 2 is clearly shown to be on my property and not on Mr. Bohlken's property. This is another example of Mr. Bohlken being arrogant and doing whatever he likes to do on others' property plus having no respect for the property of his neighbor. Mr. Bohlken on 12/12/2018 tried to intimidate me by threatening to put me in the hospital when I was on my property taking pictures of what he had done to the stream on my property. On 12/22/2018 when I was at my property mowing and

mulching leaves in the yard Mr. Bohlken came to the ditch and indicted he wanted to talk. Mr. Bohlken stated he wanted to have the stream straightened and if I did not go along with it he would build a wall and install fill and flood my property even worse than before. I told him I would need to see the plans for anything that affected my property before I would agree to anything. I told him putting tree limbs, concrete rubble and leaves in the ditch caused my house to flood. He denied that and said the City Engineer said it did not increase flooding. I told him to have an expert state that in court and again asked him to pay for damages caused by the flooding that resulted from his actions.

My response is in red to Mr. Eric Paterson's letter dated March 10, 2020 concurring with the City Engineer's conclusion to reject the appeal with grounds, including but not limited to:

- 1.) APWA sections cited do not apply; they have not been adopted by the City. **Municipal code Section 415.040 and Section 415.060 states "The Stormwater Management Design Manual shall be APWA Section 5600 as amended."** **Municipal Code Section 415.320 states "The ordinance shall be effective within thirty (30) days after adoption of this Chapter by the City and by reference to the StormWater Management Design Manual, as amended. The definition of amended is "changed or modified especially to make corrections or improvement".**
- 2.) The subject property is not in or adjacent to a floodway or a 1% flood zone. **Per 415.030 The provisions and criteria of Chapter 415 shall extend and apply to all land within the corporate limits of the City and to appropriate unincorporated land in Cass County. I think Mr. Patterson confused the applicability of Section 415 with the lands to which Section 420 applies. APWA 5601.8 D.1. states "Drainageways not designated a Special Flood Hazard Area (FEMA 1% Floodplain): Construction of a storm drainage system, including grading and filling within a natural drainage way, requires agreement from adjoining property owners if the work will cause a rise in the water surface elevation on the adjoining property for the 1% storm." There is not and never has been an agreement from the adjoining property owner at 701 Edgevale Drive.**

I hope the Aldermen can take action to minimize the flooding by enforcing the Ordinances and accepted design criteria plus pass additional ordinances to help reduce future flooding problems.

Due the violations and until a written order of the Board of Adjustment is produced it is requested that the building permit for 1004 Edgevale Terrace be revoked, terminated or put on hold. No building shall be erected, added to or altered since said construction, addition or alteration or use thereof is in violation of the provision of Municipal Code Sections 405.580 and 415. Municipal Code Section 405.580 Building Permit [Ord. No. 1825, 5-13-1991] states "No building or structure shall be erected, added to or altered until a permit therefore has been issued by the City Administrator. Except upon a written order of the Board of Adjustment, no such building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this or other ordinances." The clearing of land, grading, fill and construction of a garage and driveway in the

floodplain and within the buffer zone of a protected stream are violation of APWA 5600 and Municipal Code Sections 415 and 405.

The following is from: harrisonville.com/DocumentCenter/View/8912/FY-2020-Published-Budget-Document-final

City of Harrisonville, Missouri Resolution#2019 - 029 Exhibit A
Infrastructure

Priority Projects (generally):

- ♣ Storm water improvements • Utilize hydrology study expected to be completed around October 2019 to identify storm water improvements that make the largest impact to improving the City's infrastructure and policies

It is apparent that the City is way behind on this and has failed to be responsive.

The following are extracted comments are from minutes of the Board of Aldermen Meeting held on October 7, 2019 at which the Corps of Engineers gave a presentation on flooding in Harrisonville. "Alderman Reece spoke about the emotional investment of all those involved in the evening's Board of Aldermen Work Session. She said all Board members pledge to do their best to correct the situation." "Alderman Dickerson said he shares the frustration felt by those living in Ward 4 who attended the meeting. He said the Board needs to provide answers and not slide shows." Alderman Davidson said he feels for those affected by flooding on September 28th. "Alderman Turner said he hopes for resolution to the flooding issues throughout town." I think most of the citizens of Harrisonville affected by the flooding hope and expect the Aldermen can take action and get moving to get things done to minimize the flooding by enforcing the Ordinances and accepted design criteria and design manuals on storm drainage systems. The City needs to stop delaying, stop passing the blame and take responsibility and come up with solutions to reduce problems with flooding in Harrisonville.

The simplified Stormwater Management Plan fails to meet the requirements stated as the City staff's professional opinion regarding Mr. Bohlken's work on his property at 1004 Edgevale Terrace per a October 10, 2019 email from the Mayor to me concerning the August 4, 2019 letter from Eric Patterson to Judy Bowman, Mayor. That letter stated that Mr. Bohlken said he was going to hire Styron Engineering to analyze the flow and determine that the fill would have no adverse impact on the flow of the creek. The Simplified Stormwater Management Plan fails to meet the minimum requirements of the Municipal Code for the City of Harrisonville, Missouri as well as the stated professional opinion stated in the August 4, 2019 letter. Municipal Code Section 415 requires the Stormwater Management Plan be submitted prior to the start of construction and be prepared by the person responsible for the land disturbing activity. Municipal Code Section 415.110 list 6 requirements to be met most of which have not been met. The Simplified Stormwater Management Plan is also dated 6 to 7 months after work started for the new garage and drive.

Per Section 405 "No building or structure shall be erected, added to or altered until a building permit has been issued by the City Administrator. Except upon a written order of the Board of Adjustment, no such building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provision of this or other ordinances." Since there were violation of ordinances concerning Stormwater Management the building permit should not have been issued. Per Section 415.100 "The City Engineer shall issue no permits prior to the approval of the storm water management plan."

The City Engineer should not have given approval of the simplified storm water management control plan since it did not comply with the City's staff professional position. The simplified plan (one page profile sketch) submitted by the person responsible (Mr. Bohlken) for the land disturbing activity does not even meet the requirements for a simplified storm water management plan.

It appears that page 1 (Attachment 20200512_174940) and 2 (Attachment 20200512_175035) of the Simplified Stormwater Management Plan were prepared by a City employee since page 1 has a City of Harrisonville logo at the top of the page and page 2 indicates "Source: City GIS". The City had only 3 licenses for GIS per Eric Patterson during the request for funding for additional licenses during the March 2, 2020 Board of Aldermen meeting. Mr. Patterson indicated to me that only City employees could use the City GIS. Finding the City employee that prepared page 2 should not be very difficult if the City wants to find who actually prepared page 2. Note also that it appears that whoever prepared page 2 clearly misrepresented what had already been constructed more than 2 months before the date on the simplified plan. The proposed additional impervious area and the total area disturbed are significantly understated on page 1. The Anticipated Start and Completion Dates were left blank probably to avoid the embarrassment and obvious problem of the project having been started prior to the submission for approval of the plan which is required prior to construction starting.

Attachments 20200512_174940, 20200512_175035 and 20200512_175051 are the pages of the Simplified Stormwater Management Plan that I have marked up in red.

Attachment 20200512_175051 is the profile sketch signed by Daniel Bohlken which I marked up in red.

Attachment 20200512_175335 is a profile sketch showing elevations and fill at the south wall of the new garage at 1004 Edgevale Terrace that I drew .

Attachment 20200512_175258 is a map of 701 Edgevale Drive and 1004 Edgevale Terrace before construction and fill for new garage and drive overlaid with contour lines at 2 foot intervals. The City Engineer was the source and provided this map. Engineers and landowners familiar with flooding know that when fill is placed in an area that floods it will cause the water that is displaced to increase flooding on adjoining and adjacent land and properties. The City Engineer was aware that my house at 701 S. Edgevale Drive flooded during the 2017 flood. Without any remedies to reduce future flooding allowing construction and fill that will increase the likelihood of future flooding is poor and unacceptable Engineering.

Attachment 20200512_175402 is Section 415.110 of the City Municipal Code printed out by the City Engineer that states the person responsible for the land disturbing activity shall submit a simplified storm water management control plan and list the requirements for that plan.

Attachment 20200512_175424 is a copy of APWA 5600 that the City Engineer accessed on his office computer and printed out for me during my visit to his office on 1/14/2020. It list the buffer area around all preserved streams where construction or disturbance of any type including clearing, fill, paving, or building is restricted.

Larry Strack
810 N. Street
Harrisonville, MO. 64701
816-884-4117



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
MAY 4, 2020
5:00 PM

1. Call to Order

The meeting was called to order at 5:00 PM by Mayor Judy Bowman

2. Present

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	Remote	
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	

Others attending remotely were: City Attorney Alex Felzien, City Administrator Brad Ratliff, Police Chief John Hofer, HES Chief Eric Myler, IT Director Jeremy Smith, Building Official Chris Arthur, City Planner Roger Kroh, Parks & Recreation Director Chris Deal, Assistant Parks & Recreation Director David Killpack, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

3. Discussion Items

City Administrator Brad Ratliff presented information concerning how the City will be responding to Governor Parson's Phase I re-opening. The City is operating in Stage 3 of the City's COVID-19 protocol. He reported that Cass County has received funds to assist cities within the county with expenses incurred from the COVID-19 which will include overtime reimbursement for personnel. Mr. Ratliff reported that the Community Center will re-open on May 11th with the Parks scheduled to re-open on June 1st. The Public Works Department will resume regular schedules on May 11th with EMS to have limited lobby access beginning May 11th. He reported that the next Board of Aldermen meeting scheduled for May 18th will be

conducted as a remote access Zoom meeting again. Alderman Milner requested that dates of reopening be sent to Aldermen for reference.

Mayor Bowman gave an update on how some businesses in Harrisonville are planning to re-open. She shared Kansas City Mayor Lucas' requirement that KC businesses capture contact information from those spending more than ten minutes in an establishment. While not recommending that for Harrisonville businesses, she mentioned that might be a good idea for our restaurants to consider to assist the Health Department with contact tracing in the event of a positive COVID-19 case. Mayor Bowman reminded everyone to continue to practice social distancing, sanitization and the option to wear masks in public. She stated that Cass County has established a task force consisting of area Mayors, County Commissioners as well as a physician from Cass Regional Medical Center. They are currently looking at possible ways of offering COVID-19 testing.

Public Information Officer Daniel Barnett gave an update on the new Hvillestrong@harrisonville.com email and phone number 816-380-5965 that has been created for citizens to reach out for more information concerning COVID-19 and re-opening procedures.

Presentation of Analysis of COVID-19 impact on City Budget. City Administrator Brad Ratliff introduced Ben Hart, CPA with Baker Tilly who has been working with the Finance Department. Mr. Hart presented a "stress test" as an overview of forecasting the City's 2020 revenues. He gave three examples of scenarios that could possibly happen with the City of Harrisonville and went over the fund balance trajectory. Mr. Hart addressed revenue at risk from 2020 thru 2024. This is provided as a tool for the City to plan for each scenario. He stated it will require consistent monitoring. Alderman Davidson would like to see history and forecasting each month. Mayor Bowman asked Mr. Hart when would be a good time for him to come back and give an update to the Board. He replied that he will send an update each month to Mr. Ratliff. Mayor Bowman thanked Mr. Hart for being a part of the City team.

A motion was made by Alderman Milner to adjourn with a second by Alderman Turner. Motion carried. Meeting adjourned at 5:50 p.m.t

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

ATTEST:

Minutes Acceptance: Minutes of May 4, 2020 5:00 PM (Approval of Minutes)

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 4, 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	Remote	
Dave Doerhoff	Harrisonville	Board Member	Remote	
Marcia Milner	Harrisonville	Board Member	Remote	
Judy Reece	Harrisonville	Board Member	Remote	
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	

Others attending remotely were: City Attorney Alex Felzien, City Administrator Brad Ratliff, Police Chief John Hofer, HES Chief Eric Myler, IT Director Jeremy Smith, Parks & Recreation Director Chris Deal, City Planner Roger Kroh, Building Official Chris Arthur, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

2. Ceremonial Matters

Mayor Bowman shared proclamations declaring National Skilled Nursing Care Week, National EMS Week and National Police Week in the City of Harrisonville. She also asked for a moment to pause and remember the fallen police officer from Overland Park, Kansas.

- A. Skilled Nursing Home Week Proclamation**
- B. EMS Week Proclamation**
- C. National Police Week Proclamation**

3. Public Participation

None

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Apr 20, 2020 6:00 PM

Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye.

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

5. Agenda Items

A. Appointments to Historic Preservation Commission

Staff report presented by City Clerk Randall Jones. Mayor Bowman would like to re-appoint David Atkinson, Robert Wiseman and Michael Weaver to the Historic Preservation Commission for a three-year term expiring in May, 2023. Alderman Davidson made motion to accept the appointments with a second by Alderman Turner. Motion carried. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye.

B. Lake Harrisonville Caretaker Agreement 2020

Staff report presented by City Administrator Brad Ratliff. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye.

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

C. AN ORDINANCE AMENDING SECTION 415.240 OF THE CODE OF THE CITY OF HARRISONVILLE, MISSOURI.

Staff report presented by City Administrator Brad Ratliff. Motion by Alderman Dickerson with a second by Alderman Zaring to suspend ruling and move Council Bill 19 to its second reading. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Having been read in title only twice roll call vote for passage: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3494.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Mike Zaring, Board Member

Minutes Acceptance: Minutes of May 4, 2020 6:00 PM (Approval of Minutes)

AYES: Zaring, Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

D. Cedarhurst Special Use Permit Public Hearing

Staff report was presented by City Planner Roger Kroh. Tina Charleville with Cedarhurst was also present remotely for any questions. No citizen input. Mayor Bowman closed public hearing.

E. AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, GRANTING A PERMANENT SPECIAL USE PERMIT FOR DOVER DEVELOPMENT, LLC. TO OPERATE CEDARURST OF HARRISONVILLE ASSISTED CARE AND MEMORY CARE FACILITY AT 2606 ROCK HAVEN ROAD AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Staff report presented by City Administrator Brad Ratliff. Motion by Alderman Doerhoff with a second by Alderman Zaring to suspend ruling and move Council Bill 20 to its second reading. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Having been read in title only twice roll call vote for passage: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3495.

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

F. A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF BOUNTY HILL, PLAT 1, LOTS 1 AND 2, A 12-ACRE PLAT AT 4221 AND 4241 S. BROOKHART DR IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Staff report presented by City Planner Roger Kroh. Graham Gentry with Bounty Hill thanked the Mayor and Board for their assistance. A motion to approve was made by Alderman Turner with a second by Alderman Zaring. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Resolution #2020-013.

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

G. AN ORDINANCE TO APPROVE THE FINAL PLAT OF BOUNTY HILL, PLAT 1, LOTS 1 AND 2, A 12-ACRE SUBDIVISION AT 4221 AND 4241 S. BROOKHART DR IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI

Staff report presented by City Planner Roger Kroh. Motion by Alderman Turner with a second by Alderman Doerhoff to suspend ruling and move Council Bill 22 to its second

reading. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Having been read in title only twice roll call vote for passage: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3496.

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

H. 708 Lindbergh Street Rezoning Public Hearing

Staff report was presented by City Planner Roger Kroh. John Coffey, developer, was also present remotely for any question. He thanked the Mayor and Board for their consideration. No citizen input. Mayor Bowman closed public hearing.

I. AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, REZONING .482 ACRES FROM M-1 LIMITED INDUSTRIAL DISTRICT TO R-4 MEDIUM DENSITY APARTMENT DISTRICT AT 708 LINDBERGH STREET AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Staff report presented by City Planner Roger Kroh. Motion by Alderman Doerhoff with a second by Alderman Dickerson to suspend ruling and move Council Bill 23 to its second reading. Roll call vote: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Having been read in title only twice roll call vote for passage: Alderman Zaring aye, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson Aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3497.

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

6. Aldermen and Committee Reports

Alderman Zaring extended a thank you to all healthcare workers and first responders.

Alderman Doerhoff thanked the Street Department (for contacting MoDOT) to repair a pothole along West Mechanic.

Alderman Reece hopes all stay safe.

Alderman Davidson followed up Alderman Zaring's comment and also recognized the EMS and Police departments. He also agreed that restaurants could use a sign in sheet for those dining in (to help the Health Department to do contact tracing) and hoped that businesses would continue to set aside time for seniors to shop safely.

Alderman Turner thanked City Administrator Ratliff for getting the paperwork to MoDOT to have the Purple Heart sign to put up along Hwy 291.

Mayor Bowman stated she was wearing her Wildcat colors this evening to recognize and honor the Harrisonville Wildcat Seniors. Alderman Doerhoff was also wearing his Wildcat shirt.

7. Report from the City Administrator

City Administrator Brad Ratliff stated that the City is continuing to monitor the safety and health of our employees and our citizens. He reported that he sits on the STP Committee with MidAmerica Regional Council and that two projects have been submitted for Harrisonville. Mr. Ratliff commended Building Official Chris Arthur for a great job done on code violations. These violations are now listed on the city website under the code enforcement tab and will be updated weekly. The Nixle program has been working well over the last month. A new program will soon be launched called See/Click/Fix for citizens to report concerns. Mr. Ratliff has been working with state legislators with the "Wayfair Tax Issue" to get local sales tax collected for online purchases. Mr. Ratliff announced that Jim Clarke has been hired as the new Economic Development Director and will be returning to Harrisonville beginning May 18th.

8. Questions from the Media

None

9. Adjourn to Executive Session pursuant to RSMo 610.021 (3) Hiring, firing or discipline of employee

A motion was made by Alderman Milner with a second by Alderman Doerhoff to adjourn to executive pursuant to RSMo 610.021 (3) Hiring, Firing or Discipline of Employee. Roll call vote: 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.

Meeting adjourned.

10. Adjourn from Regular Session

A motion was made by Alderman Doerhoff with a second by Alderman Zaring to adjourn. Motion carried. Meeting adjourned at 7:15 p.m.

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

Minutes Acceptance: Minutes of May 4, 2020 6:00 PM (Approval of Minutes)

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of May 4, 2020 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: May 6, 2020
SUBJECT: 2020 Farmer's Market Event Permit

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Love the Harrisonville Square – Amanda Stites

Requested Actions: Use of part of the square for the weekly farmer's market.

Date of Application: April 27, 2020

PROPOSAL

The Love the Harrisonville Square Committee has requested permission to host a weekly "Farmer's Market" on the historic Harrisonville square each Saturday from June through September. The applicant has requested to block the square at 7:00 am for set-up and open for business at 8:00 am through 12:00 pm and clean-up and have the square back open by 1:00 pm each Saturday. Currently there are no known conflicts with any of these dates.

PREVIOUS ACTIONS

This is the eighth year for the event on the Harrisonville square. Last year's events were very well received, and the applicant is anticipating a crowd size of 150-200, over the four-hour period, each week for this year's event. The set up will be along Lexington St. with this section of Lexington blocked from Wall to Pearl. They will use both sides of the square for vendors. The Street Department will provide the necessary cones and barricades and the applicant will be responsible for the set-up. There is no cost for City services for this event as road closure materials will be dropped off during working hours.

The applicant will provide the necessary required insurance for the event through Love the Square.

KEY ISSUES

Obviously, this year Covid-19 is a huge concern. The applicant has been in contact with organizations like the MO Dept of Agriculture, MU Extension and the Farmer's Market Coalition to assist in the preparation of new COVID-19 protocols. Additionally, they are prepared to follow guidelines as laid out by the Cass County Health Department who they work with on a regular basis. Should the covid-19 situation worsen, or guidelines change,

the applicant has agreed to adapt and to adhere to the new guidelines or cancel these events accordingly.

STAFF COMMENTS AND SUGGESTIONS

Staff has not receive any complaints or concerns with this event over the last couple years. This is another event to help promote and revitalize the historic Harrisonville square area.

STAFF RECOMMENDATION

Staff recommends approval for this event if all City Ordinances, Missouri State Statutes, Cass County Health Department (CCHD) and Center for Disease Control (CDC) guidelines are followed.

ATTACHMENTS

Special Event Permit Application
Farmer's Market Rules and Regulations Document
Covid-19 Market Protocols Document

STAFF CONTACT:

Chief John J. Hofer
jhofer@harrisonville.com

A. Action Item (ID # 3514)

2020 Farmer's Market Event Permit

Attachments:

2020 Farmer's Market SEP App. (PDF)

Farmer's Market Rules & Regs (PDF)

Farmer's Market covid-19 Protocol (PDF)

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: Harrisonville Farmers & Artists Market
(Love the Harrisonville Square)
2. Name of Applicant: Amanda Stites
Address: 30118 S. Main St., Harrisonville, MO 64701
Phone: 816-866-8762 Cell: 785-979-5143
3. Purpose of Event: Brings local food items to Harrisonville, stimulates the local economy and builds community.
4. Proposed date(s) and time(s) of Event: Saturdays June 6th - Sept. 26
Set up at 7am, Open 8am - 12pm.
5. Location(s) where event will be held: Lexington street on the Square will be closed to traffic. During peak season part of Pearl may also be needed.
6. Anticipated crowd size: Average attendance is 150-200 per day spread over four hours. Normally 10-20 at a time.
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: Please review the COVID-19 protocols. We are also prepared to adapt as the situation changes to protect the public while offering our small businesses the opportunity.

APPROVED this _____ day of _____, 20____.

Chief of Police

City Clerk

Attachment: 2020 Farmer's Market SEP App. (2020 Farmer's Market Event Permit)

HARRISONVILLE

Farmers & Artists
Market *on the* Square

Saturdays, 8 am - Noon

June - September

& The Log Cabin Festival

**Market Rules & Regulations**

No vendor fee applies, however all vendors must adhere to the rules and market regulations as outlined below.

Management reserves the right to refuse entry or remove any vendor for failure to comply with the rules/regulations. Management may make additional requests as necessary for vendor and patron safety.

1. All products sold must be produced, grown or harvested within 35 miles of Harrisonville.
2. Vendors must comply with all local, state and federal regulations that apply to their products. These include but are not limited to:
 - Pesticide licensing, their safe use and residue levels
 - A seal on weigh scales and compliance with other measure rules
 - State sales tax collected as required
 - Health regulations that limit the preparation of ready-to-eat foods
 - Preserves, honey and canned foods labeled and limited as required
 - Eggs labeled and sold at required internal temperature
 - All other relevant health department guidelines (see Cass County Health Dept. Farmer's Market Policy)
3. Products sold that are not produced or harvested by the vendor that sells them must display an informational placard stating the source of the item. Products not produced by the vendor are subject to approval by Market Managers and cannot comprise more than 33% of the products sold by the vendor.
4. Handcrafted items (fine art, folk art, heritage arts) are allowed. Mass produced items or items composed of mostly mass produced items are not allowed.
5. Items that cannot be sold under any circumstances include live animals, weapons or alcoholic products. Management reserves the right to prohibit the sale of other items.
6. Vendors may begin set up after street barricades are in place. Set up begins at 7:00 a.m. and must be completed prior to the market opening at 8:00 a.m. The market closes at 12:00 p.m. Vendors who wish to leave before closing should notify a manager.
7. Management reserves the right to close the market for any length of time due to public safety concerns, including but not limited to lightning or severe storms.
8. Vendor vehicles are not allowed in the market area after opening, unless by prior permission from Market Managers. Vendors are encouraged to leave ample customer parking open.
9. Spaces are roughly 10x10 in area. Products should be displayed off the ground and adequately protected from the elements. Vendors are responsible for clean up of their space. Seasonal Spaces and Per Day Spaces are available. See Vendor Space Allocation addendum for additional rules and details.
10. Smoking in the designated Market area is prohibited.



COVID-19 Market Protocols

Updated: 5/5/2020

In order to protect our vendors and customers the Harrisonville Farmers & Artists Market on the Square will implement the following protocols until further notice.

Market Protocols:

- A minimum of two handwashing stations will be made available to vendors and the public. They will include a hands-free source of running water, paper towels, hand soap, trash and water collection receptacles. Reminders of proper handwashing techniques will also be posted nearby.
- Additional space will be allowed between vendor spots to allow for social distancing.
- Market customers will be encouraged to enter through the South entrance to the market. This will allow the market manager to keep track of the number of customers in the market at any time and avoid crowding.
- The South entrance will display important COVID-19 safety notices, including social distancing requirements of 6 feet. These will also be communicated online, in advance of the market opening day and then on a regular basis.
- The first hour of the market (8:00-9:00 am) will be reserved for shoppers with a higher risk of COVID-19 complications according to current CDC guidelines.
- Chalk markings will be made 6 feet from the vendor booths to better help customer gauge appropriate spacing.
- The Market will adhere to the State Order issued on April 24, 2020 or the most current guidelines from national, state or local government authorities.

Vendor Protocols:

- All vendors will be required to wear a face mask during the market hours. Masks should provide adequate coverage of the vendors mouth and nose.
- Vendors will be required to practice proper hand sanitation techniques. Vendors will be asked to properly wash their hands at a provided hand washing station before the market opens and as needed during the day.



COVID-19 Market Protocols

Updated: 5/5/2020

- Vendors will be encouraged to designate one person to handle money and another to handle the products. Vendors who are not staffed to do so will be asked to sanitize their hands in between transactions.
- Vendors will be asked to keep items for purchase behind them or away from customers to limit the touching of products. Vendors may select a group of products marked for display only, which should not be sold unless properly sanitized.
- Vendors will be encouraged to pre-sell items using online resources as much as possible to limit customer time in the market.
- Vendors who display signs of sickness will not be allowed to sell at the market.



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: May 6, 2020
SUBJECT: 2020 Junk in the Trunk Special Event Permit

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Love the Harrisonville Square – Amanda Stites

Requested Actions: Use of part of the square for the monthly Junk in the Trunk Event

Date of Application: April 27, 2020

PROPOSAL

The Love the Harrisonville Square Committee has requested permission to host a monthly “Junk in the Trunk” Flea Market on the historic Harrisonville square the 2nd Saturday of each month from June through October. The applicant has requested to block the square from 4:00 pm until 7:00 pm each of the requested Saturday nights.

The applicant is proposing blocking the square to vehicular traffic other than the vendors on the East, North and West sides. During conversation regarding this event permit the applicant has additionally requested the use of the city parking lot at the corner of Lexington and Pearl St. for any overflow vendors. The requested nights are June 13, July 11, August 8, September 12, and October 10 and currently there are no known conflicts with any of these dates.

The Street Department will provide the necessary cones and barricades for the closure and the applicant will be responsible for the set-up and tear down of the closure materials. There is no cost for City services for this event as road closure materials will be dropped off during working hours. If this event grows to the point of closing the entire square area, I suggest that the Street Department complete this closure as it requires closing Independence Street at Mechanic Street and Lexington Street at Chestnut Street.

The applicant will provide the necessary required insurance for the event through Love the Square.

PREVIOUS ACTIONS

This event has taken place on the Harrisonville square for many years. Last year's events were very well received, and the applicant is anticipating a large crowd over the three-hour period, each month again this year's event. The applicant has adjusted event protocols to deal with the anticipated large crowd and covid-19 concerns.

KEY ISSUES

Obviously, this year Covid-19 is a huge concern. The applicant has been in contact with organizations like the MO Dept of Agriculture, MU Extension and the Cass County Health Department to assist in the preparation of new COVID-19 protocols. Additionally, they are prepared to follow guidelines as laid out by the Cass County Health Department. Should the covid-19 situation worsen, or guidelines change, the applicant has agreed to adapt and to adhere to the new guidelines or cancel these events accordingly.

STAFF COMMENTS AND SUGGESTIONS

Staff has not receive any complaints or concerns with this event over the last couple years. This is another event to help promote and revitalize the historic Harrisonville square area.

STAFF RECOMMENDATION

Staff recommends approval for this event if all City Ordinances, Missouri State Statutes, Cass County Health Department (CCHD) and Center for Disease Control (CDC) guidelines are followed.

ATTACHMENTS

Special Event Permit Application
Junk in the Trunk Vendor Guidelines Document
Covid-19 Protocols Document

STAFF CONTACT:

Chief John J. Hofer
jhofer@harrisonville.com

B. Action Item (ID # 3515)

2020 Junk in the Trunk Special Event Permit

Attachments:

2020 Junk in the Trunk SEP App. (PDF)

Junk in the Trunk Guidelines (PDF)

Junk in the Trunk COVID-19 (PDF)

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: Junk in the Trunk Flea Market
(in partnership with Love the Harrisonville Square)
2. Name of Applicant: Amanda Stites
Address: 30118 S. Main St., Harrisonville, MO 64701
Phone: 816-866-8762 Cell: 855-979-5143
3. Purpose of Event: Fun, free, flea market style event that grows a sense of community and contribute to the local economy & families needing things bought or sold
4. Proposed date(s) and time(s) of Event: 2nd Saturday of the Month
June through October, 4-7pm
(6-13, 7-11, 8-8, 9-12 & 10-10)
5. Location(s) where event will be held: Lexington, Pearl and Independence Streets on the Square.
Only the amount of space needed is used.
6. Anticipated crowd size: Adjusted for COVID-19 protocols we expect a maximum of 50 vendors. Customers will trickle through over the 3 hour period.
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: Please review the COVID-19 protocols we are prepared to put in place. We will stay flexible throughout the season and adjust/cancel if needed.

APPROVED this _____ day of _____, 20 _____

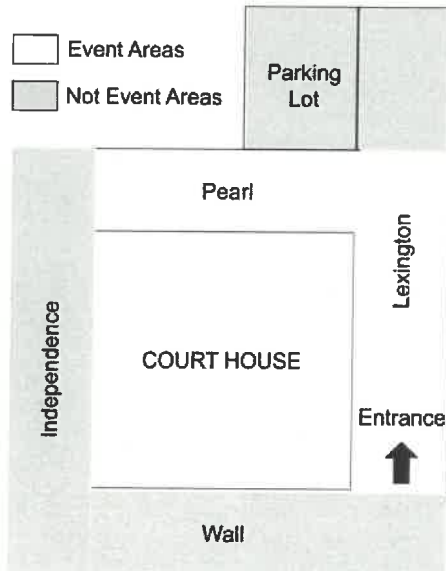
Chief of Police

City Clerk

Attachment: 2020 Junk in the Trunk SEP App. (2020 Junk in the Trunk Special Event Permit)

Junk In The Trunk Vendor Guidelines

- Vendors should follow the instruction of volunteer coordinators regarding the available parking spaces for set up.
- Vendors should fill the first available parking space furthest from the entrance. Additional vendor spots may be opened due to high-turnout. This is not guaranteed.



- A portable restroom is available for vendor and public use in the parking lot at Lexington and Pearl.
- Spots are available on a first come, first serve basis. Spots may not be reserved in advance or saved ahead of time.
- Set up may not begin until the streets are closed. Barricades will be placed by volunteers around 4 p.m.
- Vendors should set up items for sale in the area directly behind their vehicle.
- Only vehicles with items to sell will be allowed in the event area. Vehicles with trailers requiring multiple spaces should consult with an event coordinator before parking.
- No live animals, firearms, alcohol or other regulated substances will be allowed for sale.
- Any vendors of food or drink items agree to follow any regulations or guidelines for those products as outlined by the Cass County Health Department.
- Sales between vendors and to customers may begin once the barricades are in place.
- Event coordinators do not manage the attendance of direct sale businesses.
- All vendors should begin packing up items immediately at 7 p.m. when the event closes. Vendors should be ready to leave the event area no later than 7:30 p.m.
- Event volunteer coordinators reserve the right to close the event early, cancel the event or make other event changes when in the interest of public safety.
- Event volunteer coordinators reserve the right to remove or deny event access to any vendor who does not comply with the guidelines above.



COVID-19 Protocols

Updated: 5/5/2020

In order to protect our vendors and customers the Junk in the Trunk Flea Market will implement the following protocols until further notice.

Market Protocols:

- A minimum of two handwashing stations will be made available to vendors and the public. They will include a hands-free source of running water, paper towels, hand soap, trash and water collection receptacles. Reminders of proper handwashing techniques will also be posted nearby.
- Vendors will be directed to park in every other space to allow additional room between vendors. Vendors will be instructed that this is not to be used as additional selling space.
- Customers will be encouraged to enter through the South entrance to the market. This will allow volunteers to keep track of the number of customers in the market at any time and avoid crowding.
- The South entrance will display important COVID-19 safety notices, including social distancing requirements of 6 feet. These will also be communicated online, in advance of the market opening day and then on a regular basis.
- The Market will adhere to the State Order issued on April 24, 2020 or the most current guidelines from national, state or local government authorities.

Vendor Protocols:

- Vendors will be required to wear a face mask during market hours. Masks should provide adequate coverage of the vendors mouth and nose.
- Vendors will be asked to properly wash their hands at a provided hand washing station before the market opens and as needed during the day.
- Vendors will be encouraged to designate one person to handle money and another to handle the products. Vendors who are not staffed to do so will be asked to sanitize their hands in between transactions.
- Vendors who display signs of sickness will not be allowed to sell at the market.

City of
Harrisonville
STAFF REPORT

est.
1836

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: May 12, 2020
SUBJECT: Municipal Waste Services Extension to Contract

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Municipal Waste Services

Requested Actions: Renewal for one year

Date of Application: May 14, 2020

PROPOSAL

Renewal for one year with rate to remain at \$13.80 and offering year-round yard waste removal instead of offering the 3% early pay discount.

PREVIOUS ACTIONS

KEY ISSUES

City attorney has amended contract to require Municipal Waste Services to complete a background check on each of their employees

STAFF COMMENTS AND SUGGESTIONS

In the contract from 2018, a provision was added to allow a one-year extension at the end of the three-year contract. The original contract is set to expire on December 31, 2020.

STAFF RECOMMENDATION

Staff recommends the proposed renewal for one year with the addition of employee background checks.

ATTACHMENTS

STAFF CONTACT:

Randy Jones, City Clerk 816-380-8916

C. Action Item (ID # 3518)

Municipal Waste Services Extension to Contract

Attachments:

A. Amendment to Municipal Waste Contract (00038245) (DOCX)

FIRST AMENDMENT TO TRASH SERVICES CONTRACT

This AMENDMENT, dated May __, 2020, among the CITY OF HARRISONVILLE, MISSOURI (the “City”) and MUNICIPAL WASTE SERVICES, LLC (“Contractor”), constitutes an amendment to the TRASH SERVICES CONTRACT dated effective _____, 2017 (“Agreement”).

WHEREAS, the City desires to make amendments to the Agreement;

WHEREAS, Section 19.6 of the Agreement allows modification through an amendment in writing;

WHEREAS, the Parties desire to amend the Agreement upon the terms and conditions as set forth herein;

NOW, THEREFORE, it is agreed to by the Parties that the Agreement is amended as follows:

1. Term – The term of this contract will be extended for 365 days.
2. Contract Price – There will be no increase in contract price. The per household charge of \$13.80 shall remain through the entirety of this amended term.
3. Services – There shall be no decrease in service level. In addition, Contractor shall provide year around yard waste collection and continued curbside recycling for the entirety of this amended term.
4. Discount Pricing – Contractor may elect to eliminate the 3% discount for early payment during this amended term.
5. Employee Character – Section 2.2 of the Agreement shall be deleted and replaced with:

2.2 Character of Workmen and Work

All subcontractors, superintendents, foremen and workmen employed by the Contractor shall be competent and careful workmen skilled in their respective duties and trades. As these workmen will have contact with citizens, Contractor agrees to background check and screen employees for criminal activities or history that might reasonably concern the City. The City Administrator may demand the dismissal or replacement of any person employed by the Contractor, in, about, or upon the work, who repeatedly misconducts himself or is incompetent or negligent in the due and proper performance of his duties, who presents a danger or concern to the City, who violates this Contract, or who neglects or refuses to comply with the directions given; and such person shall not be re-employed under the Contract without the written consent of the City Administrator. Should the Contractor continue to employ or reemploy any such person, the City Administrator may withhold all monies due or which may become due to the Contractor, or the City Administrator may suspend the work under this Contract until such orders are complied with.

IN WITNESS WHEREOF, the undersigned do hereby set their hand effective as of May __, 2020.

Dated: _____

MUNICIPAL WASTE SERVICES, LLC

By: _____

Attested By: _____

CITY OF HARRISONVILLE, MISSOURI

By: _____

Attested By: _____
City Administrator, Brad Ratliff



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: May 7, 2020
SUBJECT: April 2020 Municipal Court Report

Type of Item: *Approval*

A. Action Item (ID # 3516)

April 2020 Municipal Court Report

Attachments:

April 2020 Municipal Court Report (PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI
CASS COUNTY

I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of **April 2020** and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.

Kevin K. Anderson
Municipal Court Judge

Date

Presented and reviewed as required by Court Operating Rule 4.29.

City Clerk

Date

Subscribed and sworn to before me this 7th day of May, 2020.

Notary

CAROLINE E. VAUGHN
Notary Public - Notary Seal
State of Missouri
Commissioned for Cass County
My Commission Expires: March 14, 2023
Commission Number: 19500796

Attachment: April 2020 Municipal Court Report (April 2020 Municipal Court Report)

Municipal Division Summary Reporting

17th Judicial Circuit - Cass County - Harrisonville Municipal Division

I. COURT INFORMATION

Reporting Period:		
April	2020	Court activity occurred in reporting period: Yes
Clerk's Physical Address:	Mailing Address:	Vendor
300 E. Pearl St. Harrisonville, MO 64701	PO Box 367 Harrisonville, MO 64701	Incode (Tyler Technologies)
Telephone Number:	Fax Number:	
(816) 380-8903		
Prepared by:	Prepared by E-mail Address:	Municipal Judge(s) Active During Reporting Period:
Michelle Shaffer	michelle.shaffer@courts.mo.gov	Kevin Anderson

II. MONTHLY CASELOAD INFORMATION		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month		112	730	735
B. Cases (citations / informations) filed		1	25	31
C. Cases (citations / informations) disposed				
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0
2. court / bench trial - GUILTY		0	0	0
3. court / bench trial - NOT GUILTY		0	0	0
4. plea of GUILTY in court		0	1	3
5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)		0	11	0
6. dismissed by court		0	0	2
7. nolle prosequi		0	2	2
8. certified for jury trial (not heard in the Municipal Division)		0	0	0
9. TOTAL CASE DISPOSITIONS		0	14	7
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) – C9]		113	741	759
E. Trial de Novo and / or appeal applications filed		0	0	0

Attachment: April 2020 Municipal Court Report (April 2020 Municipal Court Report)

III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	7	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	38	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	862		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines – Excess Revenue	\$1,949.00
Clerk Fee – Excess Revenue	\$216.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue	\$6.66
Bond forfeitures (paid to city) – Excess Revenue	\$0.00
Total Excess Revenue	\$2,171.66
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines – Other	\$2,393.50
Clerk Fee – Other	\$228.00
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	
Peace Officer Standards and Training (POST) Commission surcharge	\$37.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to State	\$263.81
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other	\$7.03
Law Enforcement Training (LET) Fund surcharge	\$73.50
Domestic Violence Shelter surcharge	\$72.00
Inmate Prisoner Detainee Security Fund surcharge	\$72.00
Sheriffs' Retirement Fund (SRF) surcharge	\$111.00
Restitution	\$0.00
Parking ticket revenue (including penalties)	\$0.00
Bond forfeitures (paid to city) – Other	\$0.00
Total Other Revenue	\$3,257.84
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.	
Total Other Disbursements	\$0.00
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$5,429.50
Bond Refunds	\$150.00
Total Disbursements	\$5,579.50