



AMENDED AGENDA
AGENDA AMENDED TO REFLECT A CHANGE TO ITEM F.

AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 7, 2021
6:00 PM

Meetings are open to the public. Masks are recommended. Social distancing will be required.

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. Emergency Services Captains Pinning**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - May 17, 2021 6:00 PM**
 - B. Board of Aldermen - Work Session - May 17, 2021 6:30 PM**
- 5. Agenda Items**
 - A. Council Bill 46: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF MICHELLE HART AS AN ALTERNATE MEMBER OF THE BOARD OF ZONING ADJUSTMENT.**
 - B. Council Bill 47: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING SECTION 110.240 OF THE CITY OF HARRISONVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.**
 - C. PUBLIC HEARING - WOOD REZONING C-O TO R-1 2510 BURRIS DR**

- D. **Council Bill 48: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION TO REZONE 2.377 ACRES FROM C-O NON-RETAIL BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 2510 BURRIS DRIVE (LOT 1 BURRIS RIDGE SUBDIVISION AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**
 - E. **PUBLIC HEARING -- PFAUTSCH REZONING, C-1 TO R-1, 2507 BURRIS DR**
 - F. **Council Bill 49: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION TO REZONE 2.2 ACRES FROM C-1 LOCAL BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 2507 BURRIS DRIVE (LOT 2 BURRIS RIDGE SUBDIVISION AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**
 - G. **PUBLIC HEARING - CASS COUNTY TRANSFER STATION SUP (To Be Continued to June 21, 2021)**
 - H. **PUBLIC HEARING - GERKE REZONING & SUP, CONTRACTOR YARD, 2501 E OUTER RD**
 - I. **Council Bill 50: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC TO REZONE APPROXIMATELY 1.64 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 SERVICE BUSINESS ZONING DISTRICT AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**
 - J. **Council Bill 51: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC FOR A SPECIAL USE PERMIT TO OPERATE A CONTRACTOR YARD ON APPROXIMATELY 1.64 ACRES AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**
 - K. **Council Bill 52: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING CHAPTER 605 OF THE HARRISONVILLE MUNICIPAL CODE TO ENACT THE CITY OF HARRISONVILLE RENTAL READY PROGRAM, AND ESTABLISHING AN EFFECTIVE DATE.**
- 6. **Aldermen and Committee Reports**
 - 7. **Report from the City Administrator**
 - 8. **Questions from the Media**
 - 9. **Adjourn from Regular Session**

Posted on City Hall Bulletin Board this 3rd day of June, 2021.

Daniel Barnett, 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.



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 1, 2021
SUBJECT: Emergency Services Captains Pinning

Type of Item: *Presentation*

- A. Discussion Item (ID # 3911)**
Emergency Services Captains Pinning



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 17, 2021
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Mayor Judy Bowman.

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Absent	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, Director of Administrative Services Jeremy Smith, City Attorney Steve Mauer, Public Works Director/City Engineer Carl Brooks, Parks Director Grant Purkey, Electric Superintendent Andy Pollard, Police Chief John Hofer, Police Lieutenant Chris Osterberg, Police Lieutenant Sean Murray, City Planner Roger Kroh, Chief Wastewater Plant Operator Nick Wray, Cass County Collector Chris Molendorp, Harrisonville School Assistant Superintendent Jason Eggers, Harrisonville High School TRACTION members George Frees and Elizabeth Osterberg, Mr. Jeff Turner, Mrs. Kimberly Turner, Mr. Ryan Turner, Missouri Highway Patrol Sergeant Andy Bell, Mrs. Jennifer Love, Mr. Bryan Moore and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

A. Presentation honoring legacy of Corey Turner

Mayor Bowman began the presentation by inviting the family of Corey Turner - father Jeff Turner, mother Kimberly Turner and brother Ryan Turner - to join her at the podium.

Bowman welcomed the Turner family and spoke about her recollection of the tragic events of August 23, 2016 and the impact they had both on herself and on the community as a whole.

Mayor Bowman introduced Missouri State Highway Patrol Sargeant Andy Bell, who spoke about his recollection of the tragic events, the value of undistracted driving and thanked Chief Hofer and the Harrisonville community for their efforts to make Harrisonville a safer place for all travelers. Bell also spoke about how inspired he is by the work being done by the youth of the Harrisonville community to prevent future tragedies like Corey's

Mayor Bowman introduced Police Chief John Hofer and spoke about the work he and the Harrisonville Police Department have done to create the Harrisonville CARES Coalition.

Chief Hofer spoke about the value of the Harrisonville CARES Coalition and some of the success stories the group has been able to achieve throughout the community.

Mayor Bowman introduced Harrisonville High School TRACTION members George Frees and Elizabeth Osterberg. Frees spoke about the value of undistracted driving and the ongoing efforts the TRACTION club is making both within the Harrisonville School District and in the community.

Mayor Bowman told the Turner family, "I did not have the opportunity to know Corey personally, but I can tell you one thing, I know the legacy that Corey has left. And I know that the streets and the sidewalks of this community are safer because of a young man by the name of Corey Turner."

Mayor Bowman presented plaques to Jeff and Kimberly Turner, which read "In memory of Corey Lee Turner. January 3, 2002 - August 23, 2016. Harrisonville High School freshman Corey Turner was tragically killed while walking home from school on August 23, 2016. This tragedy affected the entire community and many are hurting even today. As is often the case, good has come as a result of this tragedy. The Harrisonville Cares Coalition was founded following Corey's death with its vision to make Harrisonville streets safer for pedestrians and vehicular traffic alike. Many agencies have been working together for the last three years and the coalition is making a difference. Several Harrisonville High School students are involved with the group SADD (Students Against Destructive Decisions) and TRACTION (Teens Taking Action to Prevent Traffic Crashes). Some of those students were friends with Corey Turner who would have graduated from Harrisonville High School this year. Harrisonville Cares Coalition 2020."

Mayor Bowman explained that the City had planned to make this presentation last year, but the COVID pandemic prevented it. She said she was grateful to be able to do it this year and again thanked the Turner family for coming tonight.

Mrs. Kimberly Turner said she and the family appreciate the efforts of the Harrisonville community to remember Corey.

RESULT:	DISCUSSION
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3. Public Participation

None.

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - May 3, 2021 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mike Zaring, Judy Reece
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT:	Bill Mills

B. Board of Aldermen - Work Session - May 3, 2021 6:30 PM

Minutes Acceptance: Minutes of May 17, 2021 6:00 PM (Approval of Minutes)

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Sandy Franklin, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

5. Agenda Items

A. Bicentennial Birthday "Block" Party

Staff report presented by Police Chief Hofer. Hofer said staff recommend approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Sandy Franklin, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

B. Harrisonville Community Church Block Party

Staff report presented by Police Chief Hofer. Hofer said staff recommend approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dave Doerhoff, Board Member
SECONDER: Sandy Franklin, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

C. Kids - Cops & Bikes Event Permit

Staff report presented by Police Chief Hofer. Hofer said staff recommend approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Gary Davidson, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

D. Annual Delinquent Real Estate Tax Sale

Mayor Bowman invited Cass County Collector Chris Molendorp to speak on the event. Molendorp spoke to the Board about the history of the event. Molendorp spoke to the value of transparency during all phases of the sale. Molendorp said the event would be held on the 23rd of August on the courthouse steps for the Historic Harrisonville Square.

Staff report presented by Police Chief Hofer. Hofer said staff recommend approval.

Davidson asked if previous versions of the event had caused any problems.

Hofer said they did not.

RESULT: APPROVED [UNANIMOUS]
MOVER: Gary Davidson, Board Member
SECONDER: Dave Doerhoff, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

E. Annual HHS Band Competition

Staff report presented by Police Chief Hofer. Hofer said staff recommend approval.

RESULT: APPROVED [UNANIMOUS]
MOVER: Matt Turner, Board Member
SECONDER: Gary Davidson, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

F. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF VANESSA HARGRAVE TO THE PARK BOARD.

Mayor Bowman spoke to Mrs. Hargrave's desire to continue serving on the Park Board.

Upon passage, Mayor Bowman designated the resolution to be resolution number: 2021-024.

RESULT: APPROVED [UNANIMOUS]
MOVER: Marcia Milner, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

G. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF DAVID ATKINSON TO THE PARK BOARD.

Mayor Bowman spoke to Mr. Atkinson desire to continue serving on the Park Board.

Upon passage, Mayor Bowman designated the resolution to be resolution number: 2021-025.

RESULT: APPROVED [UNANIMOUS]
MOVER: Matt Turner, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

H. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF CATHY FARRIS TO THE PARK BOARD.

Mayor Bowman spoke to Mrs. Farris' desire to continue serving on the Park Board.

Upon passage, Mayor Bowman designated the resolution to be resolution number: 2021-026.

RESULT: APPROVED [UNANIMOUS]
MOVER: Mike Zaring, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT: Bill Mills

I. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF JENNIFER LOVE AS AN ALTERNATE MEMBER OF THE BOARD OF ZONING ADJUSTMENT.

Mayor Bowman introduced Mrs. Love to the Board and spoke to her upcoming role as an alternate and to the value of that position to the City.

Upon passage, Mayor Bowman designated the resolution to be resolution number: 2021-027.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Sandy Franklin, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT:	Bill Mills

J. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A REQUEST FROM ANDRE GIBSON TO KEEP CHICKENS AT 610 YOUNGER DRIVE.

Staff report presented by City Clerk Barnett, outlining request from a resident at 610 Younger Drive to keep chickens in an enclosure in his back yard.

Barnett said the resident currently owns five chicks that are living inside the home under a heat lamp. Barnett said the resident wants to make sure that he has received the proper permission from the City before he transitions the chickens into the outdoor structure, once they have matured.

Barnett said the applicant has indicated he might add one more chicken at a later date.

Barnett spoke to the issues the resident had in getting the proper permission from each of his bordering neighbors and explained that the issue had been remedied and that the applicant now does possess signed permission from each of his neighbors.

Alderman Zaring asked about the procedures for dealing with complaints from neighbors, especially if one of the properties that has already given permission sells their home to someone else.

Barnett said he would need to review the Ordinance but would locate the answer to Alderman Zaring's question.

Upon passage, Mayor Bowman designated the resolution to be resolution number: 2021-028.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Zaring, Board Member
SECONDER:	Gary Davidson, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT:	Bill Mills

K. AN ORDINANCE CALLING A GENERAL ELECTION IN THE CITY OF HARRISONVILLE, MISSOURI, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER TO IMPOSE A PUBLIC SAFETY SALES TAX OF ONE-HALF OF ONE PERCENT (0.5%) FOR PROVIDING REVENUES FOR THE OPERATION OF HARRISONVILLE EMERGENCY SERVICES.

City Administrator Ratliff presented a staff report and reminded the Board about the current and ongoing state of the Emergency Services Fund and the previous discussions regarding said fund.

Ratliff reminded the Board that though the City cannot ask people to vote in favor of the tax but can educate the public about the tax and its impact on the City.

Ratliff reminded the Board that if the City is to have the item placed on the August 2021 ballot, staff will need to have documents presented to the Cass County Clerk by May 25, 2021.

Aldерwoman Milner spoke to the value of presenting a strong and complete message about the tax.

Ratliff said staff have already begun to strategize the best way to convey the message and said staff will be putting together all information related to the ballot issue in a central location on the City's website.

Alderman Davidson asked if the tax could be used for all elements of Public Safety, including police.

Attorney Mauer said the tax can be used for Fire and EMS but cannot be used for Police or other public safety.

Upon passage, Mayor Bowman designated the ordinance to be ordinance number: 3543.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Zaring, Board Member
SECONDER:	Dave Doerhoff, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT:	Bill Mills

L. Hearing regarding performance of Municipal Waste Services

Mayor Bowman welcomed Municipal Waste Services owner Bryan Moore. Bowman shared a list of types of complaints that the City and the Board of Aldermen have received regarding Municipal Waste Services.

Alderman Zaring spoke about complaints he has heard and seen regarding MWS staff dumping recycle in with regular trash or with yard waste.

Aldерwoman Franklin spoke about complaints she has seen or heard about MWS staff leaving trash or recycle bins in the street or blocking driveways after they had been emptied.

Alderman Doerhoff spoke about complaints he has received focusing on missed pickups, lose trash blowing around in the street and hydraulic fluid being left on the road.

Aldерwoman Reece spoke about the complaints she has received focusing on MWS staff's handling of resident's staff and recycle carts.

Alderman Davidson spoke about complaints he has received regarding the timing for delivering new trash or recycle bins.

Alderman Turner spoke about complaints he has received regarding delayed pick ups and a lack of consistency in picking up trash or recycling.

City Administrator Ratliff spoke about complaints he has received from City Department Heads regarding dumpsters at City buildings being delayed or not done at all.

Mr. Moore spoke about some of what he believes are the causes for the complaints presented by Mayor Bowman and the Aldermen. These include, poor weather, equipment failures and a struggle to bring on new staff. On the topic of trash/recycle/yard waste being placed in the same truck at the same time, Moore said he would like the Board and staff to notify him when this is reported, because this is not how he operates his

company. On the topic of hydraulic fluid being left on City streets, Moore said that when staff are notified that a truck is leaking, they work to put oil dry on the fluid left on the road. Moore also spoke to the struggle to get parts for the company's trucks.

Moore said his staff now plan to begin each day working in Harrisonville, before going to another location. Moore said one truck will start by collecting recycling, another will collect trash and another will collect yard waste. Moore said if one truck finishes and can empty its load, it will circle back to help the other drivers.

Moore said he is not happy with the current state of the service his company is providing and apologized for their inconsistencies. Moore said his top goal is to return to the state of service his company provided when the contract was eventually put into place.

Mayor Bowman asked about dumpsters not being replaced or residents having long delays in getting new dumpsters.

Moore said his staff have a list of residents needing a new cart or replacement cart and each week, usually on Saturday, work to repair damage carts or bring new carts to residents. Moore said some of the challenges already spoken about during the meeting have, at times, delayed these efforts. Moore also said his goal is to collect trash and recycling first and then work to repair or replace carts.

Turner asked about how trash or recycle carts become crushed or dented.

Moore spoke about the carts used by Municipal Waste Services and how his staff handles repairs.

Reece spoke to an incident where the trash on Pearl Street was not picked up until Monday, on a street where trash is supposed to be collected by Thursday.

Moore said some of the issue the company is facing are self-inflicted.

Zaring said he greatly values the service provided to Harrisonville residents by Municipal Waste Services. Zaring said he has been receiving complaints for several months, including time before the start of the issues Mr. Moore presented earlier in the meeting.

Bowman spoke about the need for better communication with Harrisonville residents using the company's social media page. Bowman graciously insisted that MWS utilize Facebook to communicate with City residents.

Davidson echoed Mayor Bowman's sentiments about the need for improving communication and encouraged Mr. Moore to be proactive about communicating with residents.

Reece suggested that MWS also use their communication tools to educate the public.

Turner said he can see that MWS and their staff are working to improve and that he appreciates that. Turner spoke to the value of consistent communication and said, for the community, knowing is half the battle.

Milner asked if the City could also make an effort remind residents of MWS policies and about their efforts to collect trash and recycling earlier in the day.

Bowman thanked Mr. Moore for attending the meeting.

Bowman asked for direction from the Board about how they would like to proceed regarding the current waste contract.

Aldermen Zaring and Davidson asked Attorney Mauer if a tentative termination date can be proposed, but then could be reconsidered if a legitimate change has been made.

Mauer said that is something that can be proposed.

Davidson spoke to the need from the Board for assurances from Municipal Waste Services that there will be a legitimate change and correction to the trash-collection services.

Turner asked how long it would take for the City to put out a request for proposals and get a contract put into place.

Ratliff said staff would like to have at least 30 days to advertise and receive bids and then there would need to be additional time to review the bids and submit a final contractor to the Board. Ratliff said it would take between six and eight weeks.

Alderman Zaring moved to terminate the contract with Municipal Waste Services on August 1, 2021, but to review the performance of MWS on June 21, 2021. Seconded by Alderman Davidson.

Roll call: Alderman Davidson - Aye, Alderman Doerhoff - Aye, Alderwoman Franklin - Aye, Alderwoman Milner - Aye, Alderwoman Reece - Aye, Alderman Turner - Aye, Alderman Zaring - Aye. Alderman Mills - Absent. Motion carries 7-0.

Bowman thanked Mr. Moore and said the Board hopes that he and his business are able to be successful. Bowman spoke to the Board's responsibility to the citizens of Harrisonville, who have voiced their concern with the current work being done by Municipal Waste Services.

Davidson asked that Mr. Moore return to the Board for the June 21, meeting.

RESULT:	RECOMMENDED AS A RESOLUTION [UNANIMOUS]
MOVER:	Mike Zaring, Board Member
SECONDER:	Gary Davidson, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
ABSENT:	Bill Mills

6. Aldermen and Committee Reports

Alderman Davidson spoke on the value of honoring members of local, state and national law enforcement: "On the heels of National Law Enforcement Officers Police Week, I want to humbly recognize and honor our local, state and national law enforcement officers, and emphasize the important service they provide to our citizens. A law enforcement career is a very dangerous occupation and in the amount of time I will be talking, it is very possible that at least 1 officer will be assaulted in the United States. And hopefully that officer will not be one of those that dies in a line of duty death, averaging just short of 1 per day.

Assaults: Approximately Every 7 minutes

2020 Line of Duty Deaths 362

2021 Line of Duty Deaths 125 (Current)

Harrisonville: Officer Chandler Sumner February 13, 1991
 Patrolman Donald Lee Marler April 21, 1972
 Patrolman Francis E. Wirt April 21, 1972

Cass County: Deputy Kevin M. Mayse June 13, 1995

MSHP: 31 Officers / 1 K-9 killed since 1931
 18 Officers / 1 K-9 Since I was hired in September 1985 - to included my
 classmate Sergeant Robert G. Kimberling (St. Joseph).

It is outrageous when professional athletes, actors, media personalities and politicians make statements, and weigh in on critical incidents, without any direct, factual knowledge of the situation and without any law enforcement background. It is frustrating and downright reckless!

Professional athletes can miss shots, drop passes and make errant throws. Actors and media personalities can get numerous takes or can edit their actions. Media can just retract the story. And

politicians can say anything they want and are not held accountable. In fact, none of the aforementioned professions seem to ever be held accountable for any of their statements or actions!

Professional athletes have posted names of officers and called into question actions of law enforcement officers, which have brought additional danger to the officer and his family. Actors have made SENSELESS statements such as "just shoot them in the leg." Media personalities have edited video to change the overall facts of an incident, thereby providing inaccurate, false and biased reporting of the incident. Politicians have made statements to incite violence in the streets of our country, and against our law enforcement.

And who provides protections for these very individuals.....YES, Armed security and/or law enforcement.

WE LIVE IN AMERICA AND THIS IS NOT ACCEPTABLE AND NOT WHAT WE AS AMERICANS STAND FOR!!!

Law enforcement officers have to make split second decisions, which does not allow a dropped pass, multiple takes and edits, or retracts to an errored storyline. They have to be perfect the first time! They are held to a higher standard and are terminated from employment for making false statements. Their split second decisions have to be correct the first time BUT their actions will be critiqued for days if not months or years later. And those officers have to live with that decision for the REMAINDER of their life!!!

To point to just a few recent incidents....Just yesterday, four officers were shot and injured in Birmingham, Alabama and two officers were shot and injured in Chicago, Illinois. And closer to home, Grandview officers were involved in an officer involved shooting which ultimately left an armed teenager dead.

I want our local, state and national law enforcement officers to know that I have their backs, and will continue to support them!

If not for domestic law enforcement and our United States military, which Alderman Zaring recently retired from after a long and distinguished career, we would not enjoy the freedoms we have today. I will continue to challenge the remainder of this Board and the citizens of Harrisonville, Cass County and the state of Missouri to continue to show their unwavering support for law enforcement and our military.

Here is the text from Paul Harvey's narration:

'Policeman. A Policeman is a composite of what all men are, mingling of a saint and sinner, dust and deity.

Gulled statistics wave the fan over the stinkers, underscore instances of dishonesty and brutality because they are "new". What they really mean is that they are exceptional, unusual, not commonplace.

Buried under the frost is the fact: Less than one-half of one percent of policemen misfit the uniform. That's a better average than you'd find among clergy!

What is a policeman made of? He, of all men, is once the most needed and the most unwanted. He's a strangely nameless creature who is "sir" to his face and "fuzz" to his back.

He must be such a diplomat that he can settle differences between individuals so that each will think he won. But...If the policeman is neat, he's conceited; if he's careless, he's a bum. If he's pleasant, he's flirting; if not, he's a grouch.

He must make an instant decision which would require months for a lawyer to make.

But...If he hurries, he's careless; if he's deliberate, he's lazy. He must be first to an accident and infallible with his diagnosis. He must be able to start breathing, stop bleeding, tie splints and, above all, be sure the victim goes home without a limp. Or expect to be sued.

The police officer must know every gun, draw on the run, and hit where it doesn't hurt. He must be able to whip two men twice his size and half his age without damaging his uniform and without being "brutal". If

you hit him, he's a coward. If he hits you, he's a bully.

A policeman must know everything-and not tell. He must know where all the sin is and not partake.

A policeman must, from a single strand of hair, be able to describe the crime, the weapon and the criminal- and tell you where the criminal is hiding.

But...If he catches the criminal, he's lucky; if he doesn't, he's a dunce. If he gets promoted, he has political pull; if he doesn't, he's a dullard. The policeman must chase a bum lead to a dead-end, stake out ten nights to tag one witness who saw it happen-but refused to remember.

The policeman must be a minister, a social worker, a diplomat, a tough guy and a gentleman.

And, of course, he'd have to be genius....For he will have to feed a family on a policeman's salary.'"

Mayor Bowman thanked Alderman Davidson for his service and thanked Alderman Zaring for his service.

Alderman Turner spoke about his upcoming meeting with the Cass County League of Cities.

Alderwoman Milner thanked Alderman Davidson for his service to the community. Milner reminded the Board that school lets out for the year on Tuesday. Milner spoke to the success of the school year, even in the face of struggles. Milner asked the Board and the community to be careful when driving, as students will be out on the road.

Alderman Zaring thanked Alderman Davidson for his service and spoke about the struggles his son has faced as a member of law enforcement. Zaring said he appreciates the sacrifice of those who volunteer to serve in the law enforcement community. Zaring encouraged the Board to be aware of the small concerns that can creep into even small communities like Harrisonville. Zaring spoke about a recent social media post made by a member of the school district condemning a teacher within the district and the trends to move away from being innocent until proven guilty. Zaring said he is heartbroken to see what members of law enforcement go through and what teachers and educators go through to continue to serve their communities.

Alderwoman Franklin thanked Alderman Davidson for his service and for speaking boldly about the challenges law enforcement continue to face. Franklin thanked Chief Hofer for his service as well. Franklin thanked City Clerk Barnett for his work with the Harrisonville Fix It! app to continue our response and service to our residents. Franklin also provided updates to ongoing projects at the Harrisonville Community Center. Franklin thanked the Streets Department for their work during the 2020 and 2021 asphalt program.

Alderwoman Reece asked Parks Director Purkey about when the programs for seniors at the Community Center will reopen.

Parks Director Purkey said the food delivery is ongoing and said those who operate the senior program hope to resume services in the near future but do not currently have a set date.

Alderman Doerhoff thanked Aldermen Zaring and Davidson for their service and their wise words.

7. Report from the City Administrator

City Administrator Ratliff echoed what was said by Alderman Davidson about the value of those who serve in law enforcement.

Ratliff reminded the Board of multiple upcoming City events and said that the City-Wide Clean Up event saw the Public Works staff take 419 total loads, filling 21 large dumpsters.

Ratliff provided updates to the ongoing 2020 and 2021 asphalt and curb projects.

Ratliff informed the Board that staff with the MidAmerica Regional Council have been awarded an additional \$8.9M from the federal highway fund, and that City staff will be a part of a subcommittee to discuss the many options to spend the funds prior to September 2024.

Ratliff informed the Board that City staff have written, and the City Attorney's office is reviewing a memo of understating between the City and PWSD No. 4 regarding the following items: The 10-inch water main to include the possibility of a new water main in an permanent easement on the City's property; the City's intentions to build an 11-acre lake and dam across the western side of 28 acres; within the city limits of Harrisonville; the City's desires to serve all commercial and industrial uses, including fire suppression flow in District No. 4 boundaries.

Ratliff informed the Board that the anticipated start date for the Ultraviolet improvements at the Wastewater Treatment Plant has been revised from May 1, 2021, with a final completion date of January 6, 2022.

Ratliff informed the Board that the Electric Department will soon be offering security lighting installation for residents and businesses.

Ratliff informed the Board that City staff has completed the first-round civil plan review for the new Culvers project that is going in on N MO-291 Highway. Ratliff said staff have been contacted by the general contractor for the project regarding steps for issuance of a demolition permit for the existing buildings on the site and that the City anticipates application for a demolition permit soon. Ratliff said staff is waiting on building construction plans and a building permit application so we they can begin plan review.

Ratliff informed the Board that City staff are finalizing an agreement with CGI Communications Inc., in partnership with the National League of Cities, to produce and provide four free videos spotlighting the Harrisonville community. Ratliff said the City will be able to use these videos as marketing tools for future development and growth.

Ratliff said City staff will be sending a letter to Mr. Moore about the decision of the Board on the trash service that was made tonight.

8. Questions from the Media

Dennis Minnich of the South Cass Tribune asked about the status of the work going on at Marler-Wirt-Allen Park.

Parks Director Purkey said the project is being done by a volunteer, with hopes for the final renovations to be completed by April of 2022.

Mayor Bowman said she thinks the work being done has already made a notable improvement to the park and is looking forward to being able to honor those who the park is named for.

9. Adjourn From Regular Session

Mayor Bowman thanked Police Chief Hofer for his leadership in creating the Harrisonville Cares Coalition and their efforts throughout the community.

Bowman reminded the Board that she will be giving her state of the City address at the Harrisonville Area Chamber of Commerce luncheon on May 20.

Bowman reminded the Board and the public that meetings will reopen to the public in June.

A motion was made by Alderwoman Franklin to adjourn, with a second by Alderwoman Milner. Motion carried with all ayes. Meeting adjourned at 8:11 p.m

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of May 17, 2021 6:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
MAY 17, 2021
6:30 PM

1. Call to Order

The meeting was called to order at 8:20 p.m. by Mayor Judy Bowman.

2. Present

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Absent	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, Director of Administrative Services Jeremy Smith, City Attorney Steve Mauer, Parks and Recreation Director Grant Purkey, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Community and Economic Development Director Jim Clarke, Electric Superintendent Andy Pollard, Water Treatment Plant Chief Operator Nick Wray, City Planner Roger Kroh, Building Official Chris Arthur and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Wastewater Plant SWOT

Public Works Director/City Engineer Brooks introduced Chief Wastewater Plant Operator Nick Wray.

Wray began his presentation by presenting the Mission Statement for the Wastewater Plant and an overview of the service that the plant provides to the community.

Wray introduced his staff.

Ron Lavery - Plant Operator

David Carpenter - Plant Operator

Chuck Riffle - Plant Operator

Scott Dover - Plant Operator

Wray presented the SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats) for the Harrisonville Wastewater Plant to the Board.

Wray presented the strengths of the department, including: Compliant with Missouri Department of Natural Resources regulations, Knowledgeable employees and Well-maintained equipment.

Wray presented the weaknesses of the department, including: Operations cost, Currently operating two plants and Limited man power.

Wray presented the opportunities of the department, including: Provide community with opportunity for growth with minimal worry about the sewer and streams system, Testing to remain MDNR compliant and Educational opportunities.

Wray presented the threats of the department, including: Equipment failure due to weather, or non-compliant tests and Ever-changing state regulations.

Mayor Bowman thanked Wray for his leadership at the plant and working with his team. Bowman said she hopes to have the Board tour the plant in the near future.

RESULT:	DISCUSSION
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B. Rental Ready Planning Session

Building Official Arthur reminded the Board of past discussions regarding the potential Rental Ready Program and went through a staff report about tonight's discussion.

Arthur said staff recommend the City adopt and utilize a program similar to the Rental Ready Program.

Arthur said a review of the program has also allowed staff to take a closer look at the City's business license program.

Arthur discussed the need for various changes to multiple City's licensing programs, including elements of the Rental Ready program.

Arthur spoke about some of the current guidelines being considered for the Rental Ready Program.

Arthur spoke about the program's approach regarding residents asking City staff to evaluate Code issues inside a rental property. Arthur said staff will enter a residence if asked by the tenant.

Arthur spoke about the costs the City will face in operating the Rental Ready program. Arthur said the program will attempt to recover roughly 35-percent of its cost. Arthur estimated the yearly cost to the City to be about \$21,500. Arthur said currently, based on the price staff is recommending, the per-unit cost to the landlords will be rather negligible - at \$14 per unit.

Arthur discussed various sublicenses potentially included in the program.

Arthur provided information about alternates to the Rental Ready Program and changes to the City's business licensing.

Alderman Davison expressed concerns over the per-unit cost as a comparison between landlords with only one property compared to those with many properties.

Alderman Zaring expressed concerns over the total fee cost and the length of the items included in the inspection checklist. Zaring said he would like to get more feedback from landlords in the community.

City Administrator Ratliff spoke to the value and necessity for the Rental Ready Program and referenced the goal set out by the Board of Aldermen to clean up the community. Ratliff said he feels that the Chamber of Commerce will be supportive of the program.

Mayor Bowman spoke to the value of accurate and efficient communication on the City's part and the headway that the program will make in achieving the Board's goal of cleaning up the community.

Director of Administrative Services Smith spoke to the work required of City staff, particularly on the utility-billing side, created by rental properties.

Bowman thanked the Board and staff for their dedication to the strengthening of our community and the time taken to find a solution for Harrisonville.

Consensus of the Board was presented to raise the price of all business licenses to an annual cost of \$50.

RESULT:	DISCUSSION
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C. GouldEvans Master Plan Citizen Survey review

City Planner Kroh asked the Board if they had any questions about the GouldEvans Community Survey that will soon be distributed to residents.

On the survey question regarding a gas tax, Mayor Bowman asked if the State of Missouri having passed a gasoline tax this last legislative session would cause an issue for residents answering a similar question on the survey. The consensus of the Board was that it would not, as it would be a tax for Harrisonville.

Mayor Bowman asked if the State of Missouri passing a gasoline tax would cause an issue for residents answering a similar question on the survey.

Kroh informed the Board that the Board will have the opportunity to review the final survey.

Kroh said staff hopes to have the final report ready for presentation to the Board of Aldermen by August of 2021.

A motion to adjourn was made by Alderwoman Milner, with a second from Alderman Doerhoff. The motion carried with a unanimous vote.

The meeting was adjourned at 10:12 p.m.

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of May 17, 2021 6:30 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 1, 2021
SUBJECT: Michelle Hart for BZA alternate

Type of Item: *Approval*

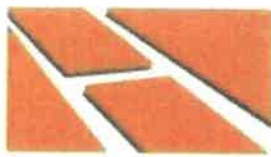
A. Action Item (ID # 3910)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF MICHELLE HART AS AN ALTERNATE MEMBER OF THE BOARD OF ZONING ADJUSTMENT.

Attachments:

Michelle Hart BZA alternate (PDF)

Michelle Hart to BZA 2021 (DOCX)



City of

Harrisonville

est.
1836

Board, Commission and Committee Appointment Application to Serve

Name: <u>Michelle Hart</u>		Date: <u>5-19-21</u>	
Home Address: <u>1601 S. Butler Dr. Harrisonville, MO</u>			
Email Address: <u>michelleharthomes@gmail.com</u>			
Cell Phone: <u>816-916-0068</u>	Home Phone: <u>—</u>	Work Telephone: <u>—</u>	
Occupation: <u>Realtor</u>		Best Time to Call: <u>Any</u> am/pm	
Do you own commercial property and/or operate a business in Harrisonville? If yes, please describe. <u>No</u>			
Work/Business Name: <u>NA</u>			
Work/Business Address: <u>NA</u>			
Length of Residency in Harrisonville: <u>19 years</u>		Are you registered to vote? <u>yes</u>	
Are you now serving, or have you ever served, on a board, commission or committee for the City of Harrisonville or any other community? ☐ Yes ☒ No If yes, please give name of board, commission and/or committee and dates served:			
BOARD, COMMISSION OR COMMITTEE PREFERENCE(S): Please list no more than three boards, commissions or committees in order of preference.			
1	<u>Board of Zoning Adjustments</u>	2	
		3	

(Application continued on reverse)

Attachment: Michelle Hart BZA alternate (Michelle Hart for BZA alternate)

NARRATIVE STATEMENT: Please provide a brief statement indicating why you wish to be appointed to this board or commission, including the strengths you feel you could bring to the position for which you are applying. Information may include education, professional experience and community activities pertinent to the position for which you are applying.

My family and I have lived in Harrisonville for over 19 years. I am a local realtor with 17 years experience in re-sale and new construction. I am passionate about serving our community and feel that my knowledge and professional experience in real estate will be an asset to the Board of Zoning Adjustments. I appreciate you considering me for this position.

I understand that my attendance at all regularly scheduled meetings is critical, even if I am an alternate member, and that the Board of Aldermen may appoint a replacement for members who are chronically absent from regular meetings. I also understand that this application is considered a public record.

Applicant's Signature: _____

Michelle Hart

All applications are kept on file for one year. During that time, your application will be considered when there is an opening for the Board, Commission, or Committee for which you have applied.

- Please feel free to attach a resume and/or copies of any certificates pertinent to the appointment you are seeking.
- Please notify the City Clerk at 816-380-8916 if you move or no longer wish to be considered for appointment.
- Mail or deliver your completed application to: City of Harrisonville, City Clerk's Office, 300 E. Pearl, P. O. Box 367, Harrisonville, MO 67401 or email rjones@ci.harrisonville.mo.us

* Applications must be completely filled out in order to be considered *

THANK YOU FOR YOUR INTEREST IN THE CITY OF HARRISONVILLE

Attachment: Michelle Hart BZA alternate (Michelle Hart for BZA alternate)

Council Bill No. 2021-0**Resolution No. 2021-0****A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF MICHELLE HART AS AN ALTERNATE MEMBER OF THE BOARD OF ZONING ADJUSTMENT.**

WHEREAS, the Board of Aldermen have determined a need to fill an alternate seat(s) on the Board of Zoning Adjustment; and

WHEREAS, Michelle Hart fully meets the qualifications for appointment to this Commission; and

WHEREAS, said appointment will expire in October of 2025; and.

WHEREAS, Mayor Judy Bowman recommends the appointment of Michelle Hart as an alternate member of the Board of Zoning Adjustment upon approval of the Board of Alderman;

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

Section 1. The Board of Aldermen approves the appointment of Hart as an alternate member of the Board of Zoning Adjustment.

Section 2. Effective Date. This resolution shall become effective on June 7, 2021 upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 7TH DAY OF JUNE 2021.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 7th day of June 2021.

Attachment: Michelle Hart to BZA 2021 (Michelle Hart for BZA alternate)



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 1, 2021
SUBJECT: Virtual Attendance for City meetings

Type of Item: *Approval*

B. Action Item (ID # 3912)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING SECTION 110.240 OF THE CITY OF HARRISONVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Virtual Attendance 2021 (DOCX)

M. Memo re. Aldermen Virtual Attendance V3 (00040180xC1FED) (DOC)

Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE AMENDING SECTION 110.240 OF THE CITY OF
HARRISONVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, the Board of Aldermen wishes to amend the Harrisonville Municipal Code to allow elected members of the City's governmental bodies to appear virtually, rather than physically, when circumstance only allows for virtual attendance; and

WHEREAS, Missouri's Sunshine Law and the Missouri Attorney General have advised municipalities that it may conduct public governmental body meetings virtually; and

WHEREAS, allowing virtual attendance for elected members will enable elected members to attend public governmental body meeting they might otherwise miss; and

WHEREAS, elected members must first receive permission from the Chairperson of their respective governmental body before attending virtually; and

WHEREAS, any meeting of a public governmental body where an elected member attends virtually will also be offered to the general public in virtual format.

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

Section 1: Section 110.240 of the Harrisonville Municipal Code is hereby amended to read as follows:

“Video Conference Voting Policy.

A. Meetings Using Video Conference Technology.

1. Policy Statement. It is legally permissible for members of the City's public governmental bodies to attend meetings and vote via video conference transmission. It is good public policy for citizens to have an opportunity to meet with their elected officials face-to-face, and therefore elected members of a public governmental body should endeavor to be physically present at meetings. If physical attendance is not practical or possible, elected members may attend meetings virtually with approval of the Chairperson for the governmental body. If an elected member attends any public governmental body meeting virtually, then that meeting shall be available to the general public in virtual format. The purposes of attendance by video conference include to accommodate the public governmental body as a whole to allow meetings to occur when circumstance would otherwise prevent the physical attendance of a quorum of the body's members and to

ensure that all members may participate in business of the City.

3. Frequency of Use of Video Conference Attendance. An elected member of a public governmental body may attend any meeting virtually or via video conference technology when physical attendance is not practical or possible, and when the elected member has received approval by the Chairperson to attend virtually. This Subsection is in keeping with Subsection (A)(1), above, and all elected members should physically attend public governmental body meetings when possible.”

Section 2. That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 7th day of June 2021. Read for the second time by title only on the 7th day of June 2021.

Judy Bowman, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 7th day of June, 2021

Memorandum

To: City of Harrisonville Board of Aldermen
From: Mauer Law Firm PC
Date: 6/3/2021
Re: Virtual Attendance for Aldermen

We were asked to provide a legal opinion regarding an Alderman's virtual attendance of a Board of Aldermen meeting. Currently, City Code allows an Alderman to attend meetings three (3) meetings virtually in a 12-month period. As you well know, amidst the COVID-19 pandemic nearly every Board of Aldermen meeting was held virtually in 2020. As the City moves forward with in-person Board of Aldermen meetings, the City Code limitation of three virtual meetings applies.

Last year, the Missouri Attorney General advised municipalities that "the Sunshine Law provides for means for public governmental bodies to conduct public meetings in alternative ways, such as via video conference, online meeting, and telephone conference." [Source](#). Indeed, the text of Missouri's Sunshine Law states:

"...if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting." [RSMo. § 610.020.1](#).

Therefore, we believe the City can allow its Aldermen to virtually attend Board of Aldermen meetings, without limit, so long as the City provides the meeting to the public in an electronic or virtual format. In short, if an Alderman can attend the meeting virtually, then the public should be able to attend virtually as well.

Harrisonville City Code, currently, states the importance of in-person meetings:

"While it is legally permissible for members of the [Board of Aldermen] to attend and vote via video conference transmission, a member's use of video conference attendance should occur sparingly. ...elected members of [the Board of Aldermen] should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting." [Section 110.240](#). (This Code Section is titled, "Vidoe [sic] Conference Voting Policy" and the typo should be fixed as soon as possible.

As there is no legal bar to an Alderman attending a meeting virtually, the City may allow its Aldermen to attend any and all meetings, virtually. If the City wishes to allow unlimited virtual participation, we recommend the below Code Sections be amended as follows:

Section 110.240 Video Conference Voting Policy

“A. Meetings Using Video Conference Technology.

1. Policy Statement. It is legally permissible for members of the city’s public governmental bodies to attend meetings and vote via video conference transmission. It is good public policy for citizens to have an opportunity to meet with their elected officials face-to-face, and therefore elected members of a public governmental body should endeavor to be physically present at meetings. If physical attendance is not practical or possible, elected members may attend meetings virtually with approval of the Chairperson for the governing body. If an elected member attends any public governmental body meeting virtually, then that meeting shall be available to the general public in virtual format. The purposes of attendance by video conference include to accommodate the public governmental body as a whole to allow meetings to occur when circumstance would otherwise prevent the physical attendance of a quorum of the body’s members and to ensure that all members may participate in business of the City.”

3. Frequency of Use of Video Conference Attendance. An elected member of a public governmental body may attend any meeting virtually or via video conference technology when physical attendance is not practical or possible, and when the elected member has received approval by the Chairperson to attend virtually. This Subsection is in keeping with Subsection (A)(1), above, and all elected members should physically attend public governmental body meetings when possible.”

Our changes in 110.240(A)(1) soften the language regarding virtual attendance, so that this Subsection is not antithetical to 110.240(A)(3) which allows unlimited virtual attendance. The changes in 110.240(A)(3) change the limit of virtual attendance from three (3) meetings per year to an unlimited amount per year.

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STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: PUBLIC HEARING - WOOD REZONING C-0 TO R-1 2510 BURRIS DR

Type of Item: *Approval*

PUBLIC HEARING

Meetings:	Planning and Zoning Commission	May 20, 2021
	Board of Aldermen	June 7, 2021

Applicant & Property Owner: Kevin Wood

Requested Action: Rezoning of 2.377 acres from C-O Non-retail Business District to R-1 Single Family Residential District

**2510 Burris Drive (Lot 1 Burris Ridge Subdivision)
 NW Corner Burris Ridge Drive and N. Mechanic St.**

Public Hearing

Notice is hereby given that the Harrisonville Planning and Zoning Commission (PZ) and Board of Aldermen (BOA) will conduct public hearings to receive public testimony on an application from Kevin Wood to rezone Lot 1 in Burris Ridge Subdivision, Plat 1, (2510 Burris Drive) from the C-O Non-retail Business Zoning District to the R-1 Single Family Residential Zoning District for the purpose of constructing one single family home. The 2.377 acre lot is located at the northwest corner of Burris Drive and Mechanic St. in the City of Harrisonville, MO 64701. The public hearings will be held at the following days, times, and location:

Planning and Zoning Commission, Thursday, May 20, 2021 at 6 PM

Board of Aldermen Meeting, Monday, June 7, 2021 at 6 PM

City Hall, 300 E. Pearl St., Harrisonville, MO 64701

See next agenda item for Staff Report.

C. Action Item (ID # 3914)

PUBLIC HEARING - WOOD REZONING C-O TO R-1 2510 BURRIS DR



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: WOOD REZONING C-O TO R-1, 2510 BURRIS DRIVE

Type of Item: *Approval*

GENERAL INFORMATION

Meetings:	Planning and Zoning Commission	May 20, 2021
	Board of Aldermen	June 7, 2021

Applicant & Property Owner: Kevin Wood

Requested Action: Rezoning of 2.377 acres from C-O Non-retail Business District to R-1 Single Family Residential District

Location: 2510 Burris Drive (Lot 1 Burris Ridge Subdivision)
 NW Corner Burris Ridge Drive and N. Mechanic St.

PROPOSAL

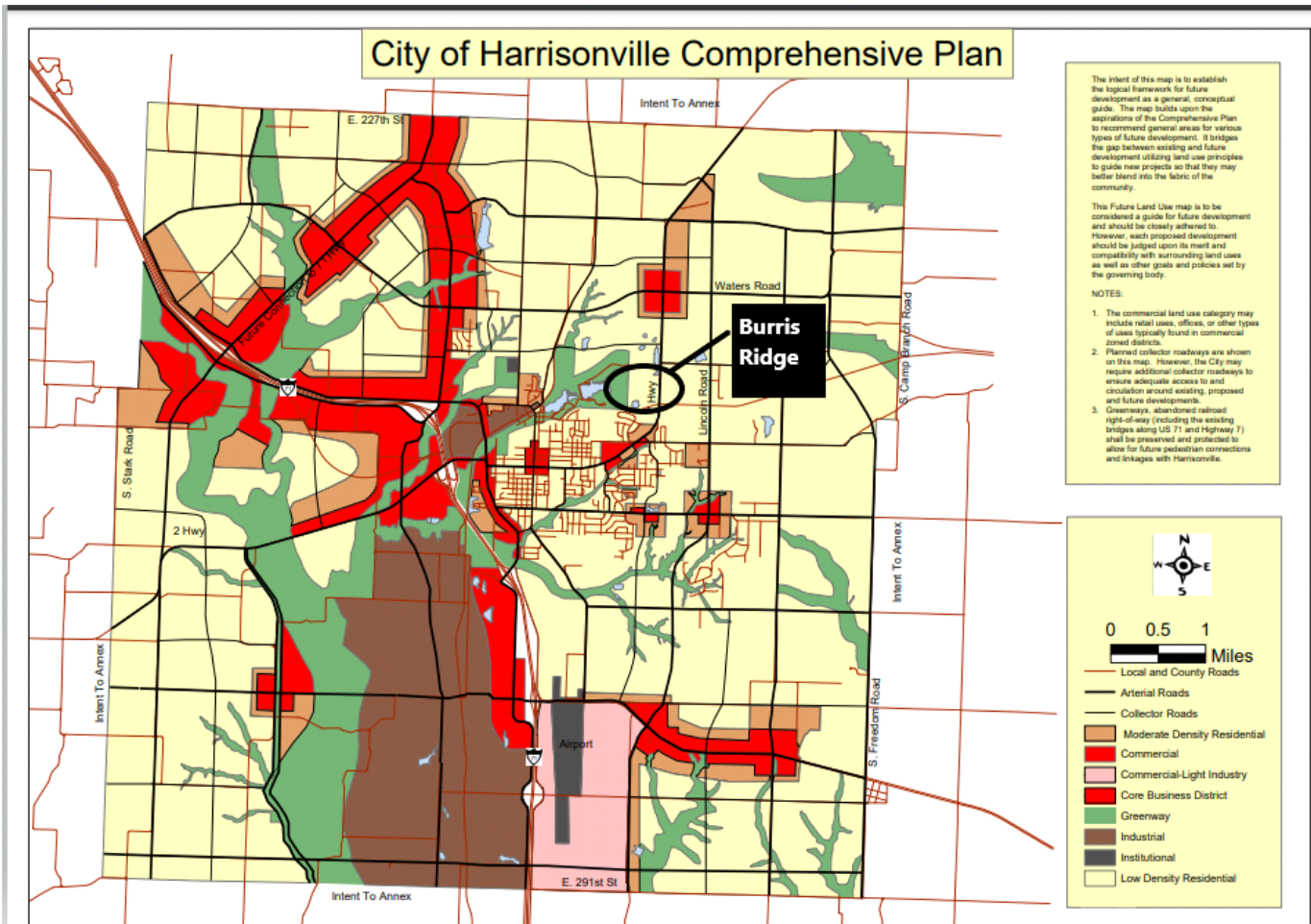
The City has received an application from Kevin Wood to rezone Lot 1 in Burris Ridge Subdivision, Plat 1, (2510 Burris Drive) from the C-O Non-retail Business Zoning District to the R-1 Single Family Residential Zoning District for the purpose of constructing one single family home. The 2.377 acre lot is located at the northwest corner of Burris Drive and Mechanic St. When Burris Ridge was approved, it was hoped that this tract and a C-1 tract at the southwest corner of Burris Ridge would allow for services for those living in the area.

The current property owner now wishes to use the property for one residence. A single family home can be built in the C-O zoning district based on the fact and the C-O district permits any use in the R-3, R-2, and R-1 districts. However, the applicant wishes for the zoning to be consistent with the use so there is no question why a single-family home might be on land zoned C-O.

BURRIS RIDGE



VICINITY MAP / COMPREHENSIVE PLAN



ZONING ORDINANCE REVIEW

1. The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.

The Future Land Use Map in the Comprehensive Plan calls designates the area as low-density residential. The R-1, RP-1 and RP-2 zoning around the subject tract is also consistent with the future land use designation. Although there is a C-1 zoned tract across the street from the Wood property, the owners of the C-1 tract have applied for single-family residential.

Existing Zoning

North: R-1 Single-family Residential District
 East: R-1 Single-family Residential District

South	C-1 Local Business District
	<i>Owner has applied for rezoning to R-1</i>
West	RP-2 Planned Two-family Residential
	RP-1 Planned Single-family Residential

2. The physical character of the area in which the property is located.

The gently rolling terrain is suitable for the single family development.

3. Consistency with the goals and objectives of the Comprehensive Plan and other plans, codes, and ordinances of the City.

Single family is consistent with the low-density designation for the area in the Future Land Use Map of the Comprehensive Plan.

4. Suitability of the subject property for the uses permitted under the existing and proposed zoning districts.

The proposed use of single-family residential is consistent with the R-1 zoning district.

5. The trend of development near the property, including changes that have taken place in the area since the subject property was placed in its current zoning districts.

All development in the area has been residential. There has not been any non-residential development in the area.

6. The extent to which the zoning amendment may detrimentally affect nearby property.

Staff believes there is no detrimental impact on surrounding property by changing the zoning from C-O to R-1.

7. Whether public facilities and services will be adequate to serve development allowed by the requested zoning map amendment.

Adequate public facilities exist for residential development.

8. The suitability of the property for the uses to which it has been restricted under the existing zoning regulations.

The property is suitable for C-O use. However, we are aware of no serious proposals of C-O uses since the property was zoned.

9. The length of time (if any) the property has remained vacant as zoned.

The zoning, preliminary plat, and final plat for Burris Ridge occurred in 2005. The C-O tract is still undeveloped.

10. Whether the proposed zoning map amendment is in the public interest and is not solely in the interest of the applicant.

The requested zoning map amendment is primarily in the interest of the applicant. However, we believe that zoning the property C-O in 2005 was premature and see no benefit to the public of maintaining the C-O zoning.

11. The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

We see no gain to the public health, safety, and welfare by denying this application for rezoning.

RECOMMENDATION

Staff recommendation: Approval of motion recommending that the Board of Aldermen approve the rezoning from C-O to R-1.

Planning and Zoning Commission recommendation: Approval of a motion recommending that the Board of Aldermen approve the rezoning from C-O to R-1 for the reasons contained in the staff report.

STAFF CONTACT: Roger Kroh, Community Development Planner

D. Action Item (ID # 3915)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION TO REZONE 2.377 ACRES FROM C-O NON-RETAIL BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 2510 BURRIS DRIVE (LOT 1 BURRIS RIDGE SUBDIVISION AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Attachments:

Letter from Applicant (PDF)

Ordinance (DOCX)

2021-05-20 Planning Zoning Commission - Full Minutes-1610 (PDF)

Date April 1, 2021

TO: Planning & Zoning Commission
City of Harrisonville

FROM: Kevin Wood

SUBJECT: Rezoning application for Lot 1, Burris Ridge subdivision

I am seeking the commission's approval to rezone a 2.377-acre tract known as Lot 1 in the Burris Ridge subdivision from C-0 to R-1. I have been in search of a lot that would facilitate my needs, larger lots are in short supply. I was able to purchase this lot from Gary Burris and feel it is best served as a residential lot.

I realize I am giving up the commercial zoning and the lot will not have as much value. I have also become aware that the lots directly west of me are zoned R-2. This could affect my property values in the future. I am taking the responsibility for both items.

I would ask your consideration based on the following facts:

Harrisonville has been hit hard by both the recession and the pandemic. We have countless commercial lots and vacant buildings throughout our community. A single lot zoned C-0 far away from our commercial corridor does not make any sense at this point in the City's plan. This was the prior developer's request and he has long since left Harrisonville.

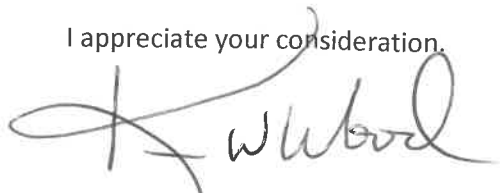
There is also the concern of adding more cars entering and exiting the subdivision between Burris Drive and 7 Highway. Currently there are no right in or turn lanes. I feel adding commercial to this mix is certainly a dangerous option for our community.

This request would not delineate from the City's zoning plan as the land to the north and east are currently zoned R-1. This would also be consistent with most of the land that is in Burris Ridge.

I am working with a builder and would immediately start construction. My current home of many years would then go on the market. Harrisonville has a housing shortage and while one more house is not going to solve the problem it is certainly one more than we have.

I am happy to discuss this with you more and certainly believe this is a good request for both the City of Harrisonville and the residents of Burris Ridge.

I appreciate your consideration.



Kevin W Wood

Attachment: Letter from Applicant (WOOD REZONING C-0 TO R-1, 2510 BURRIS DRIVE)

**AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI,
APPROVING AN APPLICATION TO REZONE 2.377 ACRES FROM C-O NON-
RETAIL BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING
DISTRICT AT 2510 BURRIS DRIVE (LOT 1 BURRIS RIDGE SUBDIVISION AND
ESTABLISHING AN EFFECTIVE DATE THEREOF.**

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Kevin Wood to rezone 2.377 acres from C-O Non-retail Business District to R-1 Single Family Residential Zoning District at 2510 Burris Drive (Lot 1 Burris Ridge Subdivision) in the City of Harrisonville, Cass County, Missouri;

WHEREAS, on May 20, 2021, the Planning and Zoning Commission did conduct a public hearing, and after evaluating the application for rezoning, did recommend with a vote of 8 ayes, 0 nays, and 1 member absent, that the Board of Aldermen approve the rezoning for the findings in the staff report;

WHEREAS, on June 7, 2021, the Board of Aldermen did conduct a public hearing and did consider the staff report, input from the public, and the recommendation of the Planning and Zoning Commission.

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

Section 1. The application to rezone 2.377 acres from C-O Non-retail Business District to R-1 Single Family Residential Zoning District at 2510 Burris Drive (Lot 1 Burris Ridge Subdivision) is hereby approved based upon the findings in the staff report and meeting minutes of the Planning and Zoning Commission Meeting and Board of Aldermen Meeting at which this application was considered.

Section 2: The rezoning comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

Legal Description

Lot 1, Burris Ridge 1st Plat, a Subdivision Located in the SW ¼ of
Section 35, Township 45N, Range 31W, Harrisonville, Cass
County, Missouri

Section 3. Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

AYES:

NAYS:

ABSENT:

ABSTAIN:

**READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021 AND
WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021
AND PASSED BY THE BOARD OF ALDERMEN THIS 7TH DAY OF JUNE 2021.**

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

ATTEST:

Daniel Barnett, City Clerk

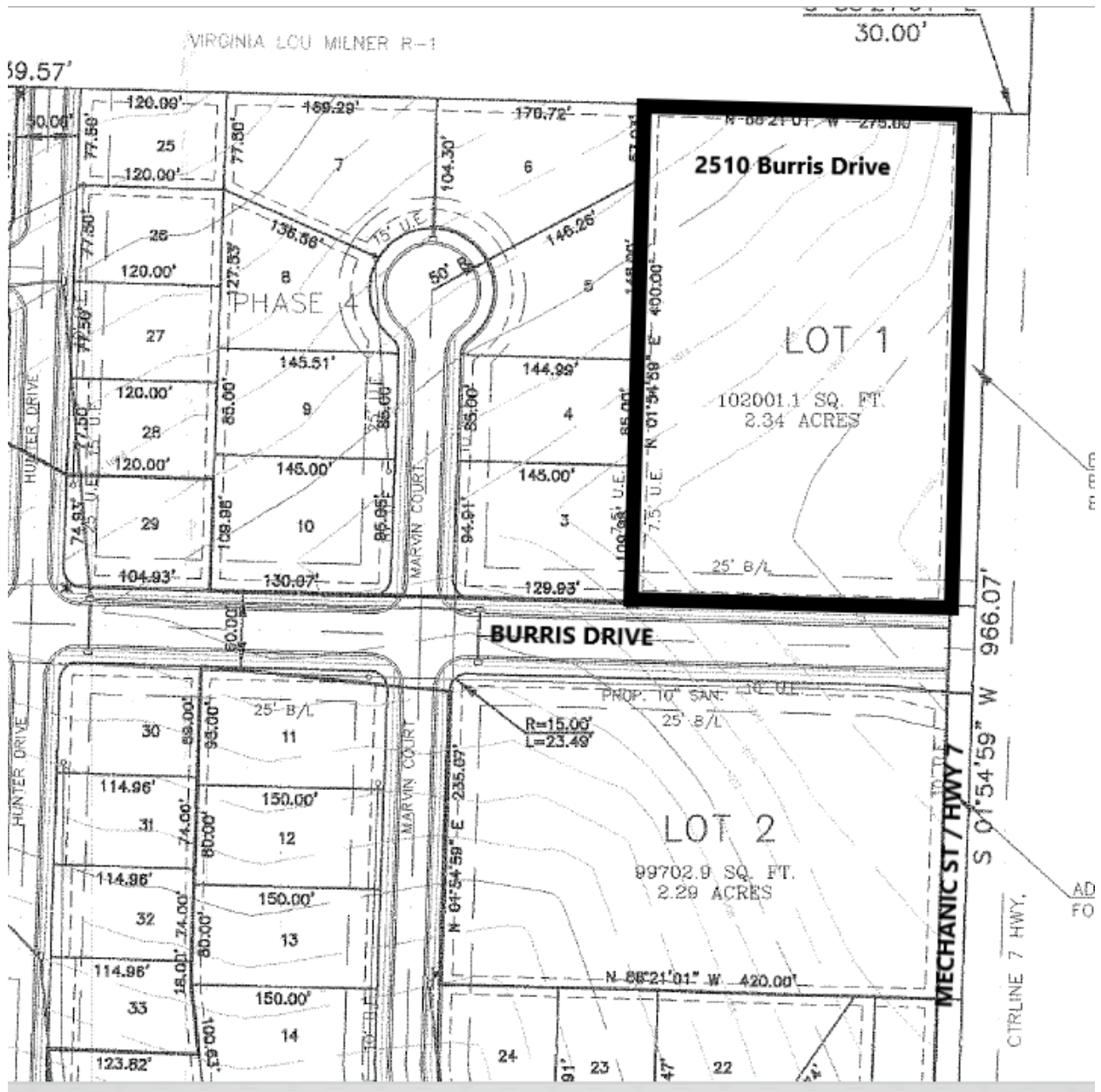
WITNESS my hand and seal this 7th day of June 2021

Exhibit I: Map of 2510 Burris Drive (Lot 1 Burris Ridge Subdivision)

Attachment: Ordinance (WOOD REZONING C-O TO R-1, 2510 BURRIS DRIVE)

EXHIBIT I

2510 Burris Drive (Lot 1 Burris Ridge Subdivision)



Attachment: Ordinance (WOOD REZONING C-O TO R-1, 2510 BURRIS DRIVE)



DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
MAY 20, 2021
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chair Chris Chiodini

Attendee Name	Organization	Title	Status	Arrived
Chris Chiodini	Harrisonville	Chair	Present	
Scott Milner	Harrisonville		Present	
Judy Bowman	Harrisonville	Mayor	Present	
Virgil Butler	Harrisonville		Absent	
Dorothy Young	Harrisonville		Present	
Cheryl Bush	Harrisonville	Board Member	Present	
Barrett Welton	Harrisonville		Present	
Wilbert Crawford	Harrisonville		Present	
Brian Pulliam	Harrisonville		Present	

Also in attendance were Kevin Wood, Applicant; Larry and Donna Pfautsch, Applicants; Bill and Shirley Woods, Residents; Randy Coburn, Resident; Morris Coburn, Resident; Gale Holsman, President and CEO of American Waste Systems and Cass County Transfer Station; Bill Shelton, Property Owner; Kyle Kukuk, Blackstone Environmental Senior Project Manager; Gail Worth, supporter of Cass County Transfer Station; John Gerke, Applicant; Cindy Warner, Attorney for Applicant John Gerke (by zoom); Judy Reece, Alderman Liaison; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Apr 15, 2021 6:00 PM

With no additions or corrections, the minutes for the April 15, 2021, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dorothy Young
SECONDER:	Scott Milner
AYES:	Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam
ABSENT:	Virgil Butler

3. Agenda Items

A. Public Hearing - Rezoning of 2.377 Acres at 2510 Burriss Drive from C-O District to R-1 District

The Public Hearing was opened at 6:05 PM.

Roger Kroh presented the Staff Report. This is an application for rezoning Lot 1 in Burriss Ridge Subdivision, Plat 1, from C-O Non-retail Business Zoning District to R-1 Single Family Residential Zoning District. Kevin Wood, the current property owner, would like to build a single-family home on this lot. The C-O district allows this; however, Mr. Wood would like the zoning to be consistent with the use. Staff recommends approval.

Kevin Wood thanked the Commission for considering his application. He stated that he signed the original plat in 2005. The developer that handled the original plat has since left.

Dorothy Young asked if access to the property would be off Burriss Drive or off of 7 Highway. Mr. Kroh said that access would be off Burriss Drive. He also stated that there would be an application coming to the Board of Zoning Adjustment that staff would be supportive of a variance to the driveway access restriction on the plat. Given that this lot is being rezoned from C-O to R-1, staff will support a variance reducing the access restriction from 50 ft. from the Hwy 7 right-of-way to 100 ft. from the Hwy 7 centerline. This is consistent with City design requirements.

There were no questions or comments from the public.

The Public Hearing was closed at 6:11 PM.

B. Rezoning of 2.377 Acres at 2510 Burriss Drive

Wilbert Crawford made motion to recommend approval to the Board of Alderman for the reason in the Staff Report. Cheryl Bush seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Wilbert Crawford
SECONDER:	Cheryl Bush, Board Member
AYES:	Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam
ABSENT:	Virgil Butler

C. Public Hearing - Rezoning of 2.2 Acres at 2507 Burriss Drive

The Public Hearing was opened at 6:12 PM.

Roger Kroh presented the Staff Report. This is an application for rezoning Lot 2 in Burriss Ridge Subdivision, Plat 1, from C-1 Local Business Zoning District to R-1 Single Family Residential Zoning District for the purpose of creating single family lots. Larry and Donna Pfausch wish to subdivide the 2.2 acres into 2-4 lots. City staff is supportive of rezoning for the reasons listed in the staff report. If zoning is approved applicants will submit a plat for approval.

There were no questions or comments from the public.

The Public Hearing was closed at 6:16 PM.

D. Rezoning of 2.2 Acres at 2507 Burris Dr.

Mayor Bowman made motion to recommend approval to the Board of Alderman for the reason in the Staff Report. Barrett Welton seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Judy Bowman, Mayor
SECONDER:	Barrett Welton
AYES:	Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam
ABSENT:	Virgil Butler

E. Public Hearing - Amended SUP, Cass Co Transfer Station, 2901 Brickplant RD

Roger Kroh presented the Staff Report. He reminded the Commission that they approved the SUP August of 2019. During the review process with DNR for a permit to operate, there were 2 items that the applicant would like to change in the Special Use Permit and one item that the city staff would like to change.

Kroh said the first change is that the leachate from the transfer station be allowed to go through a grease interceptor and into a sewer main instead of to the landfill. The department of Natural Resources does not wish the leachate to be deposited into the landfill. Public Works said that the amount of liquid coming from the transfer station would be a very small amount compared to that coming from other industries in that area. They have proposed a testing process program that are incorporated into the stipulations. Kroh said that if tests failed, the transfer station would be shut down until problems are resolved. Public Works and consultant Burns and McDonnell have decided there are 21 tests they want done.

The applicant also would like to be able to pick up white goods. In the original SUP approved in 2019, the city said no outside storage. Staff has no disagreement with amending the stipulation to allow white goods and bulk items to be stored in a dumpster kept in the dock-loading area on the east side of the building given that it is not visible from the street.

Last, staff would like to amend the stipulation that does not allow outdoor storage other than garbage trucks so that dumpsters can be stored along the east fence of the property farthest from Brickplant Road.

Roger Kroh passed out a revised set of stipulations based on additional discussions. The Director of Public Works is reviewing. They were as follows.

05-20-21 Revised Conditions for Transfer Station

1. The Use - This special use permit authorizes the operation of a solid waste transfer station.

2. Location - The solid waste transfer station is approved on 4.8 acres at 2701 S. Brickplant Road (Parcel No. 13-31-05-000-000-035.002).

3. Exterior Appearance -All operations, including hand unloading, shall be conducted within a fully enclosed building with the exception of a bulk storage container in which white goods and other bulk items shall be deposited, and the parking of trash trucks and vehicular traffic utilizing and supporting the transfer station. The storage container for white goods and other bulk items shall be kept in the unused dock-high loading area on the east side of the building. No bulk items shall be kept outside the storage container and the exterior grounds shall be kept clear of trash. Unused trash dumpsters may be kept on the property, but only along the east fence.

4. Environmental -- The transfer station shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.

5. Odors - The transfer station shall not be operated so as to produce odors which a noticeable at the property line. Any trucks or trailers with trash or refuse exposed left outside after hours will be covered.

6. Tipping Floor - For fire prevention reasons and to reduce odors, the tipping floor shall be cleaned at the end of each day and any fluids involved in the process shall be treated and deposited in the sanitary sewer in a manner approved by the City Engineer/ Director of Public Works .

7.Vibration -- The transfer station shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.

8.Noise Level -- The transfer station shall not be operated so as to produce a noise level that exceeds seventy-five (75) dB(A) at any point along the property line.

9.Public Sewage Disposal Facilities -- Industrial processes and wastes shall be of such a quantity and nature so as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line. The applicant shall also meet the following conditions regarding public sewage disposal. These conditions may be modified administratively by the Director of Public Works throughout the term of the SUP to ensure that the waste does not overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line.

A. Effluent discharge to City sanitary main shall be sampled once each week for 6 months of operation and then monthly thereafter and test for chemical oxygen demand, ammonia, nitrogen, total organic carbon, total suspended solids, grease, oil, iron, and any additional items from industrial facilities that the Missouri Department of Natural Resources requires cities to monitor and test for during the term of this SUP. Test results shall be submitted to City Public Works (PW) Department. The interceptor shall be pumped out and contents disposed of in accordance with Missouri Department of Natural Resources (MDNR) regulations, once each month for the duration of the transfer station operations, the pump out report shall be copied to City PW department. Flow quantities shall also be monitored during the 6-month period and results submitted

to City PW department to verify the original estimates of Blackstone Environmental, the Engineer of Record (EOR).

B. The EOR shall obtain an effluent testing sample from an operational transfer station and submit test results to City Public Works for consideration of modification to conditions of operation.

C. Interceptor overflow discharge through tank manholes or back up into loading pit will require facility shutdown and immediate remedial/corrective action.

D. Any condition attributable to the transfer station which places the City's Wastewater Treatment Plant (WWTP) in a position of being out of compliance with its MDNR operating permit shall negate any prior approvals or conditional approvals and the facility shall cease operations immediately upon notice from the City.

E. In accordance with the City Municipal Code, the operation may be subject to discharge extra strength charges.

10. Off-street Parking and Queuing - Off-street parking shall be provided in a number to accommodate the parking needs of participants plus one (1) space for each employee. Any queuing of vehicles waiting to use the transfer station shall occur on-site and not on Brickplant Road or 267th St.

11. City, County and State Standards - The transfer station shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations, and statutes.

12. Permits Required from Missouri Department of Natural Resources (DNR) - The transfer station shall not begin operation until the owner has obtained from DNR a Permit to Operate a Transfer Station, an Air Determination Permit, and a National Pollutant Discharge Elimination System Permit (NPDES).

13. Open to the Public - The public shall be allowed to bring solid waste to the transfer station during regular business hours during the work week and for a minimum of four (4) hours on Saturdays.

14. Time Limit - 10 years. Applicant may reapply for renewal of SUP.

In the meeting, Roger Kroh indicated that he had just received word from the Director of Public Works that he wishes Condition 9A to be amended to reflect a list of twenty-one (21) compounds that Burns and McDonnell recommend to be tested. Kroh recommended that Condition 9A be amended to read as follows:

9(A). Effluent discharge to City sanitary main shall be sampled once each week for 6 months of operation and then monthly thereafter and test twenty-one (21) compounds specified by the Director of Public Works and any additional items from industrial facilities that the Missouri Department of Natural Resources requires cities to monitor and test for during the term of this SUP. Test results shall be submitted to City Public Works (PW) Department. The interceptor shall be pumped out and contents disposed of in accordance with Missouri Department of Natural Resources (MDNR) regulations, once each month for the duration of the transfer station operations, the pump out report shall be copied to City PW department. Flow quantities shall also be monitored during the 6-month period and results submitted to City PW department to verify the original estimates of Blackstone Environmental, the Engineer of Record (EOR).

The applicant, Gale Holsman, owner of Cass County Transfer Station, said that they will clean the floor of the transfer station every night and they are investing in cleaning machinery that will keep the wash contained. They are also installing a grease interceptor.

Kyle Kukuk, with Blackstone Environmental, consulting engineer for the transfer station, said that they agree to the testing protocol for items listed in the May 20, 2021, draft of conditions, but not the expanded list of twenty-one (21) compounds that Burns and McDonald recommend they test. Mr. Kutak said that other transfer stations are not required by DNR to test for these 21 compounds and DNR has no testing protocols for many of them at this time. He said that testing is costly. Kukuk added that they are installing a grease interceptor whereas the standard practice is for transfer stations to deposit their sewage directly into a sewer main without going through a grease interceptor.

Gale Holsman said they hope to provide the City with a sample of leachate from another transfer station and hopefully that will prove that testing twenty-one (21) compounds is unnecessary.

The Public Hearing was opened at 6:26 PM.

Bill Shelton, the owner of the property, spoke in favor of the application and said that he is opposed to a city imposing testing requirements that have not been adopted by DNR.

Dorothy Young said that she is concerned that the city might be allowing leachate from the transfer station that DNR does not want in the landfill. Roger Kroh said that he is advised by Public Works that the amount of leachate coming from the transfer station will be very much diluted with other sewage going to the plant, but the testing is in place just to be sure there are no problems.

Dorothy Young ask if DNR is recommending or prohibiting the city from sending leachate to the landfill. Kyle Kukuk said they are prohibiting it from going into the landfill, which leaves sending to the sewer plant as the only alternative for disposing it.

Dorothy Young asked if the city is requiring the transfer station to reimburse the city for any damage that sewage from the transfer station might do to the sewer plant and the microbes that treat the sewage. Kroh said that the Public Works Director believes that the proposed conditions adequately protect the City, but he will discuss the question with the director.

Judy Bowman ask about the MDNR inspections. Mr. Kukuk said they are inspected annually by DNR.

Bill Shelton said the transfer station first went into operation in 1988. Then the wash ran directly into the sewer. The proposed system of running the wash through a grease interceptor before putting it into a sewer is a much better system.

The Chairman closed the public hearing at 6:42 PM.

The Public Hearing was opened at 6:26 PM.

F. Amended SUP, Cass Co Transfer Station, 2901 Brickplant RD

Wilbert Crawford asked if 2019 will continue to be the start date of the ten (10) year term of the SUP? Roger Kroh said 2019 will continue to be the start date unless reset by the city.

Wilbert Crawford made a motion to recommend for Board Approval the amended Special Use Permit to start the date of BOA approval with the following stipulations. Brian Pulliam seconded the motion. The motion passed unanimously.

1. The Use - This special use permit authorizes the operation of a solid waste transfer station.

2. Location - The solid waste transfer station is approved on 4.8 acres at 2701 S. Brickplant Road (Parcel No. 13-31-05-000-000-035.002).

3. Exterior Appearance -All operations, including hand unloading, shall be conducted within a fully enclosed building with the exception of a bulk storage container in which white goods and other bulk items shall be deposited, and the parking of trash trucks and vehicular traffic utilizing and supporting the transfer station. The storage container for white goods and other bulk items shall be kept in the unused dock-high loading area on the east side of the building. No bulk items shall be kept outside the storage container and the exterior grounds shall be kept clear of trash. Unused trash dumpsters may be kept on the property, but only along the east fence.

4. Environmental -- The transfer station shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.

5. Odors - The transfer station shall not be operated so as to produce odors which a noticeable at the property line. Any trucks or trailers with trash or refuse exposed left outside after hours will be covered.

6. Tipping Floor - For fire prevention reasons and to reduce odors, the tipping floor shall be cleaned at the end of each day and any fluids involved in the process shall be treated and deposited in the sanitary sewer in a manner approved by the City Engineer/ Director of Public Works .

7.Vibration -- The transfer station shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.

8.Noise Level -- The transfer station shall not be operated so as to produce a noise level that exceeds seventy-five (75) dB(A) at any point along the property line.

9. Public Sewage Disposal Facilities -- Industrial processes and wastes shall be of such a quantity and nature so as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line. The applicant shall also meet the following conditions regarding public sewage disposal. These conditions may be modified administratively by the Director of Public Works throughout the term of the SUP to ensure that the waste does not overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line.

A, Effluent discharge to City sanitary main shall be sampled once each week for 6 months of operation and then monthly thereafter and test twenty-one (21) compounds specified by the Director of Public Works and any additional items from industrial facilities that the Missouri Department of Natural Resources requires cities to monitor and test for during the term of this SUP. Test results shall be submitted to City Public Works (PW) Department. The interceptor shall be pumped out and contents disposed of in accordance with Missouri Department of Natural Resources (MDNR) regulations, once each month for the duration of the transfer station operations, the pump out report shall be copied to City PW department. Flow quantities shall also be monitored during the 6-month period and results submitted to City PW department to verify the original estimates of Blackstone Environmental, the Engineer of Record (EOR).

B. The EOR shall obtain an effluent testing sample from an operational transfer station and submit test results to City Public Works for consideration of modification to conditions of operation.

C. Interceptor overflow discharge through tank manholes or back up into loading pit will require facility shutdown and immediate remedial/corrective action.

D, Any condition attributable to the transfer station which places the City's Wastewater Treatment Plant (WWTP) in a position of being out of compliance with its MDNR operating permit shall negate any prior approvals or conditional approvals and the facility shall cease operations immediately upon notice from the City.

E. In accordance with the City Municipal Code, the operation may be subject to discharge extra strength charges.

10. Off-street Parking and Queuing - Off-street parking shall be provided in a number to accommodate the parking needs of participants plus one (1) space for each employee. Any queuing of vehicles waiting to use the transfer station shall occur on-site and not on Brickplant Road or 267th St.

11. City, County and State Standards - The transfer station shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations, and statutes.

12. Permits Required from Missouri Department of Natural Resources (DNR) - The transfer station shall not begin operation until the owner has obtained from DNR a Permit

to Operate a Transfer Station, an Air Determination Permit, and a National Pollutant Discharge Elimination System Permit (NPDES).

Open to the Public - The public shall be allowed to bring solid waste to the transfer station during regular business hours during the work week and for a minimum of four (4) hours on Saturdays.

Time Limit - 10 years beginning June 7, 2021. Applicant may reapply for renewal of SUP.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Wilbert Crawford
SECONDER:	Brian Pulliam
AYES:	Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam
ABSENT:	Virgil Butler

G. Public Hearing - SUP & Rezoning, J Gerke Contractor Yard, 2501 E Outer RD

Roger Kroh presented staff report. This is an application for rezoning approximately 1 acre from R-1 to C-2 and a Special Use Permit for a contractor yard at 2501 SE Outer Road. Kroh said the that staff supports the requests providing the applicant and staff reach agreement on proper screening as C-2 does not allow outdoor storage without screening and the zoning regulations require buffering between C-2 uses and R-1 zoned property.

The Chairman opened the Public Hearing at 6:43 PM

Attorney Cynthia Warner and her client, Jonathan Gerke, spoke in support of the application and explained the site plan and said they are willing to meet on it with City staff.

Chairman Chiodina asked about the fill in the rear of the property. Jon Gerke said he had met with the City Engineer before doing it and it is permissible since it is not in the flood plain and less than one acre.

The Chairman closed the Public Hearing at 7:16 PM.

H. SUP & Rezoning, J Gerke Contractor Yard, 2501 E Outer RD

Dorothy Young made a motion to recommend approval to the Board of Alderman of a ten-year special use permit for a contractor yard on 1.6 acres at 2501 E. Outer Road for the reasons contained in the Staff Report, the related conversation had during the meeting, and subject to the conditions listed in the staff report, and the applicant and staff finalizing the landscape plan. Scott Milner seconded the motion.

The Chairman asked staff to pin down the date for screening to be in.

The motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dorothy Young
SECONDER:	Scott Milner
AYES:	Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam
ABSENT:	Virgil Butler

4. Discussion Items

Mr. Kroh told the Commission that Gould Evans has been working on the Citizen Survey. This is the 1st step for the new Comprehensive Plan.

5. Adjourn

With nothing further to come before the Commission, Scott Milner made a motion to adjourn. Wilbert Crawford seconded. The meeting was adjourned at 7:20 PM.

Chris Chiodini,
Chairperson of the Planning & Zoning Commission

ATTEST:

Jamie Martin, Secretary



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: PUBLIC HEARING -- PFAUTSCH REZONING, C-1 TO R-1, 2507 BURRIS DR

Type of Item: *Approval*

PUBLIC HEARING

Meetings:	Planning and Zoning Commission Board of Aldermen	May 20, 2021 June 7, 2021
Applicant & Property Owner:	Larry and Donna Pfautsch	
Requested Action:	Rezoning of 2.2 acres from C-1 Local Business District to R-1 Single Family Residential District	
Location:	2507 Burris Drive (Lot 2 Burris Ridge Subdivision, Plat 1, SW Corner Burris Ridge Drive and N. Mechanic St.	

Public Hearing

Notice is hereby given that the Harrisonville Planning and Zoning Commission (PZ) and Board of Aldermen (BOA) will conduct public hearings to receive public testimony on an application from Larry and Donna Pfautsch to rezone Lot 2 in Burris Ridge Subdivision, Plat 1, (2507 Burris Drive) from the C-1 Local Business Zoning District to the R-1 Single Family Residential Zoning District for the purpose of creating single family lots. The 2.2 acre lot is located at the southwest corner of Burris Drive and Mechanic St. in the City of Harrisonville, MO 64701. The public hearings will be held at the following days, times, and location:

Planning and Zoning Commission, Thursday, May 20, 2021 at 6 PM

Board of Aldermen Meeting, Monday, June 7, 2021 at 6 PM

City Hall, 300 E. Pearl St., Harrisonville, MO 64701

See next agenda item for Staff Report.

E. Action Item (ID # 3916)

PUBLIC HEARING -- PFAUTSCH REZONING, C-1 TO R-1, 2507 BURRIS DR



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: PFAUTSCH REZONING FROM C-1 TO R-1, 2507 BURRIS DR

Type of Item: *Approval*

GENERAL INFORMATION

Meetings:	Planning and Zoning Commission Board of Aldermen	May 20, 2021 June 7, 2021
Applicant & Property Owner:	Larry and Donna Pfautsch	
Requested Action:	Rezoning of 2.2 acres from C-1 Local Business District to R-1 Single Family Residential District	
Location:	2507 Burris Drive (Lot 2 Burris Ridge Subdivision, Plat 1, SW Corner Burris Ridge Drive and N. Mechanic St.	

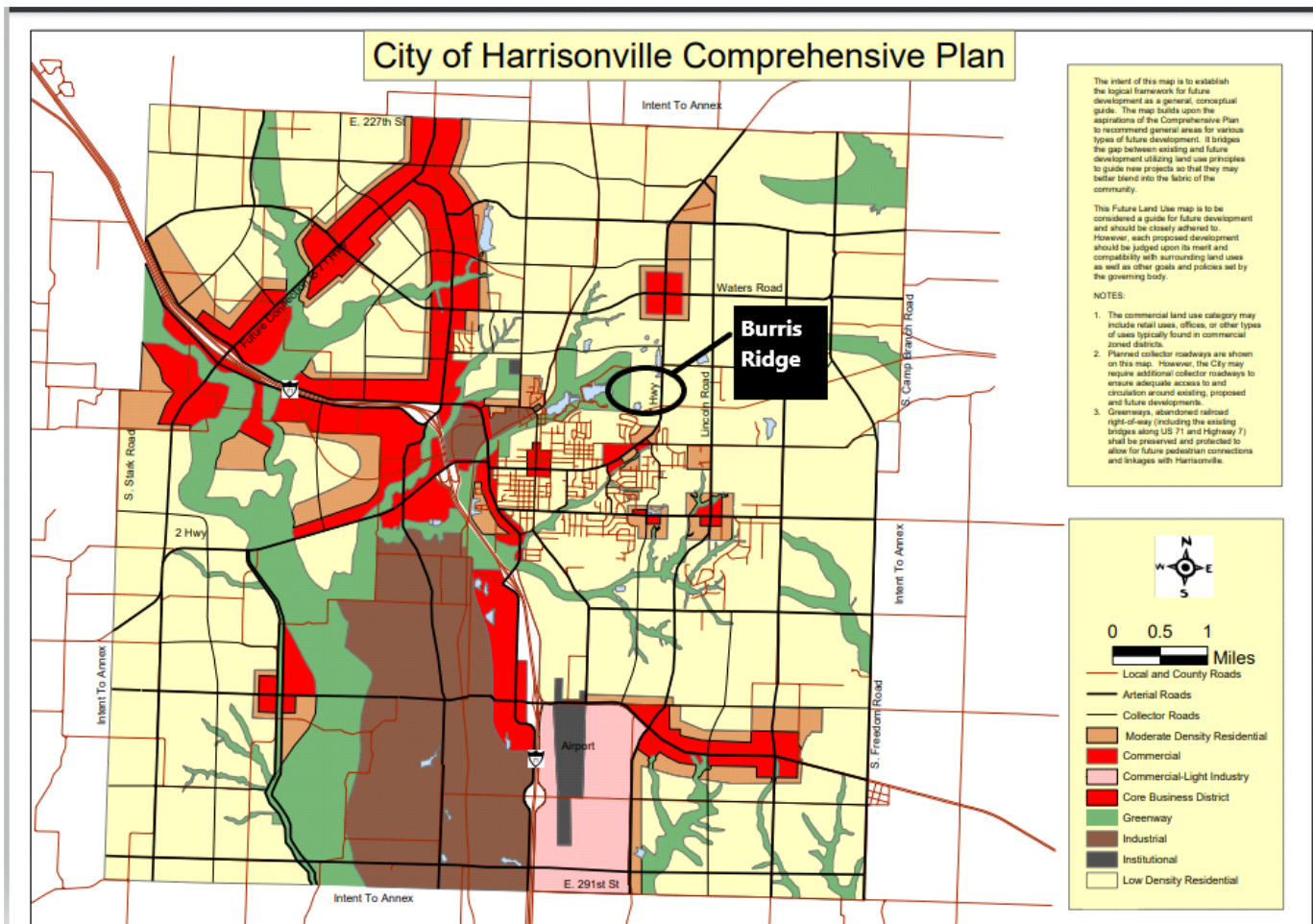
See May 20, 2021 PZ Minutes under Wood Rezoning Agenda Item

PROPOSAL

The City has received an application from Larry and Donna Pfautsch to rezone Lot 2 in Burris Ridge Subdivision, Plat 1, (2507 Burris Drive) from the C-1 Local Business Zoning for the purpose of creating 3 single family lots. The 2.2 acre tract is located at the southwest corner of Burris Drive and Mechanic St. When Burris Ridge was approved, it was hoped that this tract and a C-O tract at the northwest corner of Burris Ridge would allow for services for those living in the area. The current property owner now wishes to rezone and subdivide the 2.2 acres for 3 single family lots. If the zoning is approved, the applicant will submit a plat for approval.



VICINITY MAP / COMPREHENSIVE PLAN



ZONING ORDINANCE REVIEW

1. The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.

The Future Land Use Map in the Comprehensive Plan calls designates the area as low-density residential. The R-1, RP-1 and RP-2 zoning around the subject tract are also consistent with the future land use designation. Although there is a C-O zoned tract across the street from the Pfautsch property, the owner of the C-O tract has applied for single-family residential.

Existing Zoning

North: C-O Non-retail Business District

Owner has applied for rezoning to R-1

RP-2 Planned Two-family Residential District

East:	R-1 Single-family Residential District
South	RP-2 Planned Two-family Residential District
	RP-1 Planned Single-family Residential
West	RP-2 Planned Two-family Residential
	RP-1 Planned Single-family Residential

2. The physical character of the area in which the property is located.

The gently rolling terrain is suitable for the single family development.

3. Consistency with the goals and objectives of the Comprehensive Plan and other plans, codes, and ordinances of the City.

Single family is consistent with the low-density designation for the area in the Future Land Use Map of the Comprehensive Plan.

4. Suitability of the subject property for the uses permitted under the existing and proposed zoning districts.

The proposed use of single-family residential is consistent with the R-1 zoning district.

5. The trend of development near the property, including changes that have taken place in the area since the subject property was placed in its current zoning districts.

All development in the area has been residential. There has not been any non-residential development in the area.

6. The extent to which the zoning amendment may detrimentally affect nearby property.

Staff believes there is no detrimental impact on surrounding property by changing the zoning from C-1 to R-1.

7. Whether public facilities and services will be adequate to serve development allowed by the requested zoning map amendment.

Adequate public facilities exist for residential development.

8. The suitability of the property for the uses to which it has been restricted under the existing zoning regulations.

The property is suitable for C-1 use. However, we are aware of no serious proposals of C-1 uses since the property was zoned.

9. The length of time (if any) the property has remained vacant as zoned.

The zoning, preliminary plat, and final plat for Burris Ridge occurred in 2005. The C-1 tract is still undeveloped.

10. Whether the proposed zoning map amendment is in the public interest and is not solely in the interest of the applicant.

The requested zoning map amendment is primarily in the interest of the applicants. However, we believe that zoning the property C-1 in 2005 was premature and see no benefit to the public of maintaining the C-1 zoning.

11. The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

We see no gain to the public health, safety, and welfare by denying this application for rezoning.

RECOMMENDATION

Staff recommendation: Approval of motion recommending that the Board of Aldermen approve the rezoning from C-1 to R-1 for the reasons contained in the staff report.

Planning Commission recommendation: Approval of motion recommending that the Board of Aldermen approve the rezoning from C-1 to R-1 for the findings contained in the staff report.

STAFF CONTACT: Roger Kroh, Community Development Planner

F. Action Item (ID # 3917)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION TO REZONE 2.2 ACRES FROM C-1 LOCAL BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 2507 BURRIS DRIVE (LOT 2 BURRIS RIDGE SUBDIVISION AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Attachments:

Pfautsch ordinance lot spiltt Burris Dr (DOCX)

**AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI,
APPROVING AN APPLICATION TO REZONE 2.2 ACRES FROM C-1 LOCAL
BUSINESS DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
AT 2507 BURRIS DRIVE (LOT 2 BURRIS RIDGE SUBDIVISION AND
ESTABLISHING AN EFFECTIVE DATE THEREOF.**

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Larry and Donna Pfautsch to rezone 2.2 acres from C-1 Local Business District to R-1 Single Family Residential Zoning District at 2507 Burris Drive (Lot 2 Burris Ridge Subdivision) in the City of Harrisonville, Cass County, Missouri;

WHEREAS, on May 20, 2021, the Planning and Zoning Commission did conduct a public hearing, and after evaluating the application for rezoning, did recommend with a vote of 8 ayes, 0 nays, and 1 member absent, that the Board of Aldermen approve the rezoning for the findings in the staff report;

WHEREAS, on June 7, 2021, the Board of Aldermen did conduct a public hearing and did consider the staff report, input from the public, and the recommendation of the Planning and Zoning Commission.

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

Section 1. The application to rezone 2.2 acres from C-1 Local Business District to R-1 Single Family Residential Zoning District at 2507 Burris Drive (Lot 2 Burris Ridge Subdivision) is hereby approved based upon the findings in the staff report and meeting minutes of the Planning and Zoning Commission Meeting and Board of Aldermen Meeting at which this application was considered.

Section 2: The rezoning comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

Legal Description

Lot 2, Burris Ridge 1st Plat, a Subdivision Located in the SW ¼ of
Section 35, Township 45N, Range 31W, Harrisonville, Cass
County, Missouri

Section 3. Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

AYES:

NAYS:

ABSENT:

ABSTAIN:

**READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021 AND
WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021
AND PASSED BY THE BOARD OF ALDERMEN THIS 7TH DAY OF JUNE 2021.**

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

ATTEST:

Daniel Barnett, City Clerk

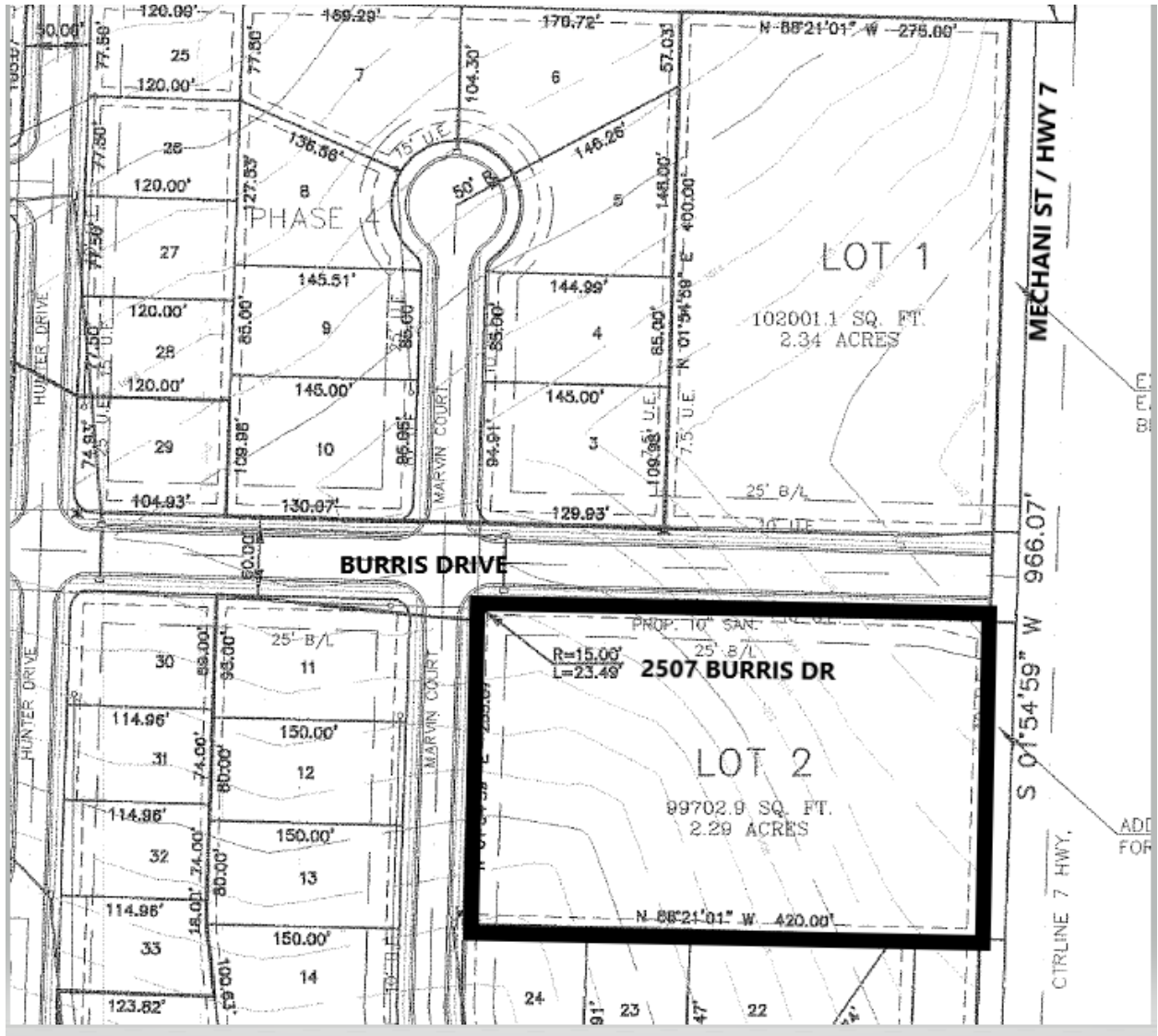
WITNESS my hand and seal this 7th day of June 2021

Exhibit I: Map of 2510 Burris Drive (Lot 1 Burris Ridge Subdivision)

Attachment: Pfautsch ordinance lot split Burris Dr (Pfautsch Rezoning from C-1 to R-1, 2507 Burris Dr)

EXHIBIT I

2507 Burris Drive (Lot 2 Burris Ridge Subdivision)



Attachment: Pfautsch ordinance lot split Burris Dr (Pfautsch rezoning from C-1 to R-1, 2507 Burris Dr)



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: PUBLIC HEARING - CASS COUNTY TRANSFER STATION SUP (To Be Continued To June 21, 2021 Meeting)

Type of Item: Approval

PUBLIC HEARING

Meetings:	Planning and Zoning Commission Board of Aldermen	May 20, 2021 June 7, 2021
Applicant:	Blackstone Environmental, Inc on behalf of American Waste Systems and Cass County Transfer Station, Gale Holesman, President and CEO	
Property Owner:	Billy C. and Nancy L. Shelton Trust	
Requested Action:	Amendment of existing special use permit regarding the storage of white goods/bulk storage items outside the building and the disposal of leachate from the transfer station directly to the City's sanitary sewer system through a grease interception.	
Location:	2901 Brickplant RD	

RECOMMENDATION

The applicant and City staff are still discussing a proposed condition for the SUP regarding the number of compounds that the applicant is to test upon opening of the transfer station. Both staff and the applicant request that the BOA approve a motion continuing the public hearing and consideration of the application to the June 21, 2021 BOA Meeting. No public attended the public hearing held by the Planning Commission.

Public Hearing

Notice is hereby given that the Harrisonville Planning and Zoning Commission (PZ) and Board of Aldermen (BOA) will conduct public hearings to receive public testimony on an application from Blackstone Environmental, Inc. on behalf of American Waste Systems and Cass County Transfer Station, to amend its existing special use permit regarding the storage of white goods/bulk storage items outside the building and the disposal of leachate from the transfer station directly to the City's sanitary sewer system through a grease interception. The 4.8 acre tract is located at 2901 S. Brickplant Road in the City of Harrisonville, MO 64701. The public hearings will be held at the following days, times, and location:

Planning and Zoning Commission, Thursday, May 20, 2021 at 6 PM

Board of Aldermen Meeting, Monday, June 7, 2021 at 6 PM

City Hall, 300 E. Pearl St., Harrisonville, MO 64701

G. Action Item (ID # 3918)

PUBLIC HEARING - CASS COUNTY TRANSFER STATION SUP (To Be Continued To June 21, 2021)



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: PUBLIC HEARING - GERKE REZONING & SUP, CONTRACTOR YARD, 2501 E OUTER RD

Type of Item: *Approval*

PUBLIC HEARING

Meetings:	Planning and Zoning Commission Board of Aldermen	May 20, 2021 June 7, 2021
Applicant & Property Owner:	Jon Gerke and All Pro Concrete Design, LLC	
Requested Action:	Special Use Permit to operate a contractor yard on approximately 1.64 acres of which approximately .64 acres is presently in the C-2 Service Business Zoning District and approximately 1 acre is being requested to be rezoned from R-1 Single Family Residential to C-2 Service Business District.	
Location:	2501 East Outer RD South	

Public Hearing

Notice is hereby given that the Harrisonville Planning and Zoning Commission (PZ) and Board of Aldermen (BOA) will conduct public hearings to receive public testimony on an application from Jon Gerke and All Pro Concrete Design, LLC. to operate a contractor yard on an approximately 1.64 acre site at 2501 E Outer Road South in the city of Harrisonville, MO. Approximately .64 acres is presently in the C-2 Service Business District Zoning. The applicant is also applying to rezone from R-1 Single Family Residential Zoning District to C-2 Service Business Zoning District an additional 1 acre to be used for the contractor yard. The public hearings will be held at the following days, times, and location:

Planning and Zoning Commission, Thursday, May 20, 2021 at 6 PM

Board of Aldermen Meeting, Monday, June 7, 2021 at 6 PM

City Hall, 300 E. Pearl St., Harrisonville, MO 64701

See next agenda item for Staff Report.

H. Action Item (ID # 3919)

PUBLIC HEARING - GERKE REZONING & SUP, CONTRACTOR YARD, 2501 E OUTER RD



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: JON GERKE REZONING AND SUP FOR A CONTRACTOR YARD AT 2501-2505 E OUTER ROAD

Type of Item: *Approval*

GENERAL

Meetings:	Planning and Zoning Commission Board of Aldermen	May 20, 2021 June 7, 2021
Applicant & Property Owner:	Jon Gerke and All Pro Concrete Design, LLC	
Requested Action:	Special Use Permit to operate a contractor yard on approx. 1.64 ac., of which approx. .64 acres is presently in the C-2 Service Business Zoning District and approx. 1 acre is being requested to be rezoned from R-1 Single Family Residential to C-2 Service Business District.	
Location:	2501-2505 East Outer RD South	

NOTES:

- 1) ***MAY 20, 2021 PLANNING COMMISSION MINUTES WITH WOOD AGENDA ITEM***
- 2) ***ONE CONDITION OF APPROVAL IS THAT STAFF AND THE APPLICANT AGREE TO A LANDSCAPING PLAN FOR THE CONTRATOR YARD. STAFF WILL REPORT ON THIS DISCUSSION AT THE MEETING.***

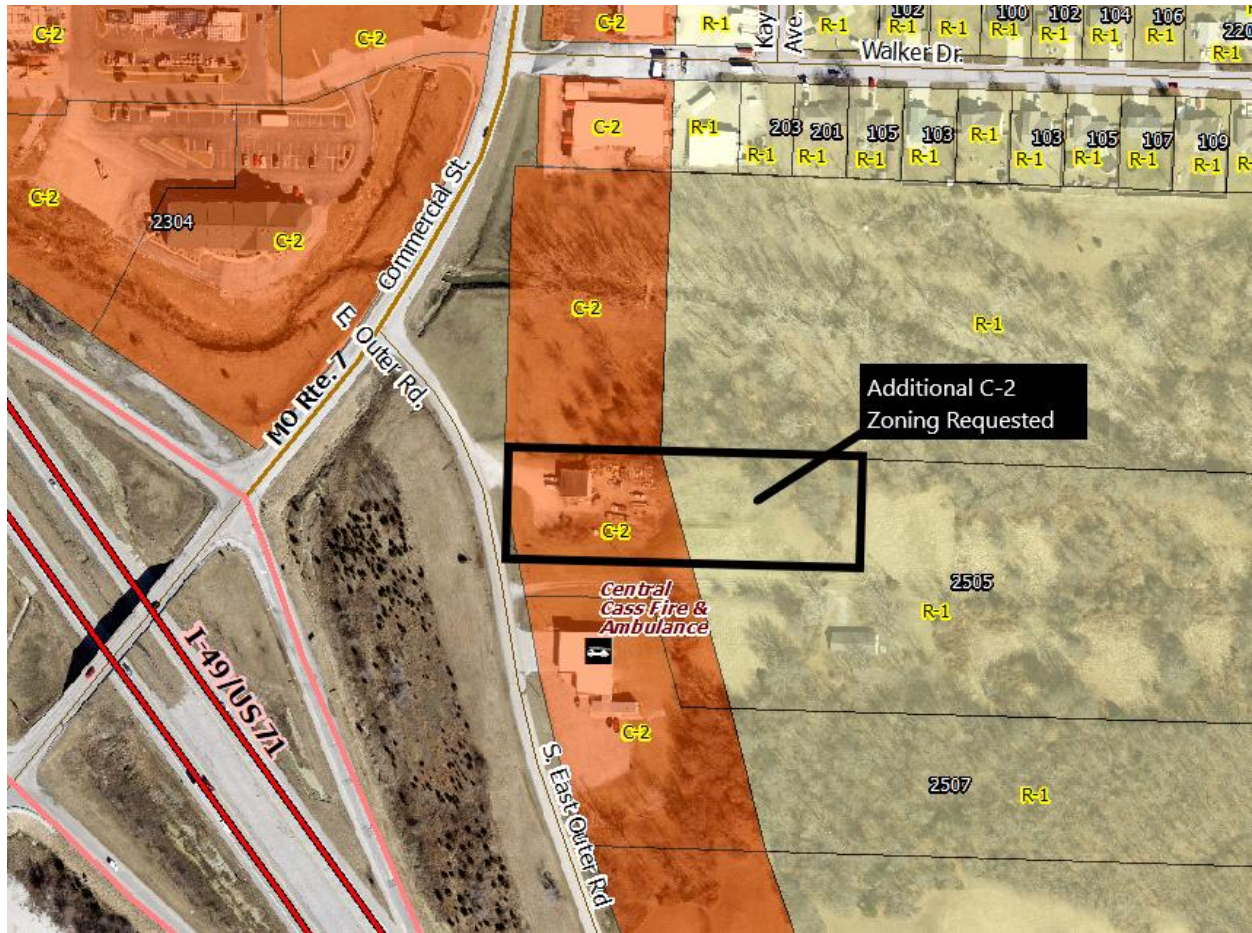
PROPOSAL

Jon Gerke and All Pro Concrete Design, LLC. are applying for a special use permit (SUP) to operate a contractor yard on a 1.64 acre site at 2501 E Outer Road South in the city of Harrisonville, MO. Approximately .64 acres is presently in the C-2 Service Business District Zoning. The applicant is also applying to rezone from R-1 Single Family Residential Zoning District to C-2 Service Business Zoning District an additional 1 acre to be used for the contractor yard. Mr. Gerke began construction without the required permits, but stopped construction upon

receiving notice and has been cooperative working with city staff and filing the required plans and applications.



ZONING



LETTER FROM PROPERTY OWNER

WARNER LAW, LLC

CYNTHIA R. WARNER

Attorney at Law

1708 N. Commercial St.
Suite A
Harrisonville, MO 64701

cindy@warnerlawmo.com
Phone: (816) 591-9875
Fax: (866) 235-6393

May 4, 2021

City of Harrisonville Planning and Zoning Department
Mr. Roger Kroh, Community Development Planner
300 E. Pearl
Harrisonville, MO 64701

Letter for Inclusion with Mr. and Mrs. Jonathan Gerke's Special Use Permit and Rezoning Applications of 140.00 feet X 500.00 feet from R-1 to C-2 May 20, 2021 meeting.

Dear Mr. Kroh:

I first met Mr. Jonathan Michael Gerke aka Jon in a phone meeting after my client Rodger Marble said I should call and speak with him sometime last year. We actually met in person by happenstance when my husband I were driving by our neighbor's when checking our farm fields. From that meeting and finally being able to put each other's face to a name, Jon called me in March to ask for my assistance in his "Opps" I did something again without knowing to ask and I need some help.

I right away called Mr. Kroh, who has been wonderful to work with – not being the same prior rumored negative response from City officials as once in the past has been rumored. We began sitting up a meeting with Jon explaining the special use permit process and rezoning application process. Jon has been very willing to work with us, considering his wife Melissa was in her ninth month of pregnancy with their first child.

As I've come to know the Gerke's - just to let you know a bit about them and yes – they have now had their sweet little baby boy on April 30 and Mom and baby are doing wonderful. Melissa is from Harrisonville and when Jon and Melissa married in January of 2020, Jon had already been operating ALL PRO CONCRETE DESIGNS, LLC (MO Charter # LC1337689) but with no "contractor yard" location and starting a new family Jon and Melissa wanted to bring the business to her home town where they could lay down roots with their children and business. Melissa believed it a great place to raise their children.

Jon and Melissa were able to locate and negotiate the purchase of a long-time community family parcel of approximately 10 acres that had just come up for sale in the Marble estate. It was the Carlton Marble family property with an existing commercial building for ALL PRO CONCRETE's new home and a family residence for Jon and Melissa and their family. Jon and Melissa both work in the business and wanted their business close to home where the family could be raised close by and no commuting to another town for work. Their plans are to expand the business by developing product and services for the Harrisonville community and other surrounding communities to meet demand. With the city's blessing they look forward to a life of growing their business and family in Harrisonville, Missouri.

Thank you,



WARNER LAW, LLC

Cynthia R. Warner, Esq.

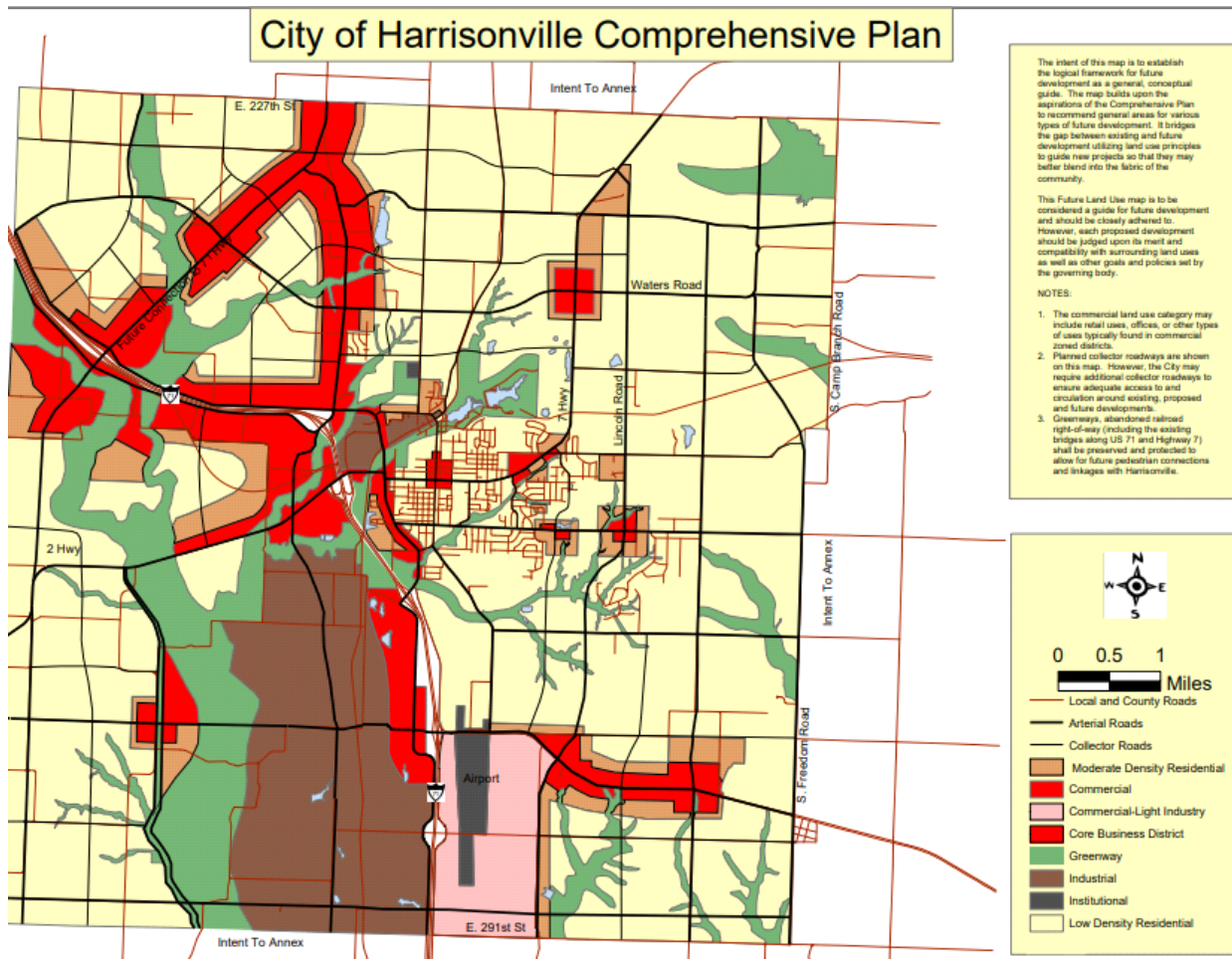
1708 N. Commercial Street,

Suite A | Harrisonville, MO 64701

Ph.: 816-591-9875 | Fax: 866-235-6393

Email: cindy@warnerlawmo.com

COMPRHENSIVE PLAN



PROPOSED SITE PLAN



PLANT SCHEDULE

SHRUBS	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Juniperus chinensis 'Sea Green' / Sea Green Juniper Evergreen Shrub, Height 4'-6' Tall, Spread 4'-6' Wide	2 gal	Container	16
	Lagerstroemia 'PIILAG-V' / Enduring Summer™ Red Crape myrtle 4' Height, 4' Spread, Red flowers in late April, Deer Resistant, Moderate salt tolerance	3 gal	Container	6
	Physocarpus opulifolius 'SMPOTW' / Tiny Wine Ninebark White flowers. Bronze-maroon foliage. Very hardy, Height: 3'-5' Tall, Spread: 3'-4' Wide,	2 gal	Container	6

ZONING ORDINANCE REVIEW

- The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.**

Existing Zoning and Uses

North:	C-2 General Commercial Services District	Vacant tract. Streamway
East:	R-1 Single-family Residential District	Vacant tract. Pasture land

South	C-2 General Commercial Services District	Central Cass Fire District
	R-1 Single-family Residential District	Jon Gerke residence
West	C-2 General Commercial Services District	I-49

The 2002 Future Land Use Map designates this area as low-density residential. However, the zoning map shows an area approximately 200 deep from the East Outer Road zoned C-2 Commercial Service District. There is an existing commercial building on the site. The balance of land going toward Orchard Road is master-planned and zoned R-1. Based on the scattering of businesses and homes along East Outer Road, we see two zoning districts appropriate providing new commercial businesses meet the landscaping and screening requirements called for in the zoning ordinance when commercial zoning abuts residential zoning.

2. The physical character of the area in which the property is located.

The existing area is wooded to the north and south of the Gerke's 10 acres, provided a good visual barrier. The proposed contractor yard will not be visible from I-49. With proper screening between the contractor yard and the residentially zoned land to the west, we believe an adequate buffer will exist when the residentially zoned land develops in the future.

3. Consistency with the goals and objectives of the Comprehensive Plan and other plans, codes, and ordinances of the City.

The proposed contractor yard is not consistent with the 2002 Comprehensive Plan. However, it is consistent with the existing C-2 zoning along East Outer Road.

4. Suitability of the subject property for the uses permitted under the existing and proposed zoning districts.

Provided additional landscaping is placed along the south and east boundaries of the contractor yard, we believe the proposed contractor yard is suitable for the property given the existing commercial building onsite and wooded areas along the north and south property lines of the Gerke property.

5. The trend of development near the property, including changes that have taken place in the area since the subject property was placed in its current zoning districts.

There has been no recent development along East Outer Road. The area is a mix of residential and commercial development. We see commercial development along East outer Road as being appropriate with future residential development to the east.

6. The extent to which the zoning amendment may detrimentally affect nearby property.

Staff believes there is no detrimental impact to surrounding property providing additional landscaping is placed along the south and east boundaries of the contractor yard.

7. Whether public facilities and services will be adequate to serve development allowed by the requested zoning map amendment.

Adequate public facilities exist for residential development. The existing building is not on public sewer. Given the lost intensity of sewage from the contractor yard, Public Works does not recommend requiring the applicant to connect to public sewers which are at least 200-plus feet to the north.

8. The suitability of the property for the uses to which it has been restricted under the existing zoning regulations.

Given the existing commercial building and existing commercial zoning on site, and the presence of other commercial uses along East Outer Road, we believe the C-2 portion of the property is suitable for a contractor yard. We have no objection to expanding the depth of the C-2 zoning if adequate landscaping is place on the south and east perimeter of the site.

9. The length of time (if any) the property has remained vacant as zoned.

Other than the one existing commercial building on the C-2 tract, the property has remained vacant since zoned over 20 years ago.

10. Whether the proposed zoning map amendment is in the public interest and is not solely in the interest of the applicant.

The requested SUP and re-zoning are primarily in the interest of the applicant.

11. The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

We see no gain to the public health, safety, and welfare by denying this application for rezoning.

LANDSCAPING

Section 405.570, Landscaping and Screening, states that when development in zoning district C-2 abuts R-1 zoned areas, screening call consist of screening fences or natural screening such as earthen berm, shrubs, trees, bushes, etc. or a combination of screening methods. The screening shall be constructed in such a manner that will protect the visual integrity, sound integrity, and overall qualify of the adjoining residential areas. Subsection 1(B) further states that shade trees with a minimum trunk diameter between 2 and 2 ½ shall be placed on all projects. In the report is a site plan with landscaping shown that blocks the view from East Outer Road of much of the contractor yard. Staff wishes to work with the applicant to fine-tune the landscaping plan prior to consideration by the Board of Aldermen to ensure that adequate landscaping is added that will 1) fully block the view of the contractor yard from East Outer Road along the south line and 2) that the zoning code requirement is met when the R-1 area develops east of the contractor yard.

STORMWATER

The applicant has met with the City's stormwater engineer regarding the flood plain and requirements for a stormwater management plan and land disturbance permit. Only a small portion of the northeast corner of the contractor yard is in the 100-year flood plain.

PROPOSED CONDITIONS

1. The Use - This special use permit authorizes the operation of a contractor yard. .
2. Location - Approximately 1.6 acres at 2501 East Outer Road South. S.
3. Exterior Appearance - Building exteriors shall be maintained and painted, Landscaping shall be maintained and replaced if needed. Exterior grounds shall be kept clear of trash and debris.

4. Environmental -- The contractor yard shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.
5. Odors - The contractor yard shall be operated so as not to produce odors which are noticeable at the property line.
6. Vibration -- The contractor yard shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.
7. Noise Level -- The contractor yard shall not be operated so as to produce a noise at any point along the property line that exceeds seventy-five (75) dB(A) from 7 AM to 7 PM and sixty-five (65) dB(A) from 7 PM to 7 AM.
8. City, County and State Standards - The transfer station shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations, and statutes.
9. Hard-surface drive and parking - A 10-ft. deep hard-surface approach shall be constructed meeting city standards.
10. Off-street parking - Hard-surface parking shall be constructed that meets City off-street parking and accessibility requirements of 5 spaces per 1000 sq. ft. of floor space of the primary building.
11. Trash enclosure - All trash dumpsters shall be contained in trash enclosures.
12. Landscaping and site plan - Prior to the approval of SUP by the Board of Aldermen, the applicant shall amend its landscaping plan to more fully screen the contractor yard from East Outer Road and to meet the City zoning ordinance screening requirements when commercial and residential zoning districts abut.
13. Time Limit - 10 years. Applicant may reapply for renewal of SUP.

RECOMMENDATION

Staff Recommendation -- Approval of motion recommending that the Board of Aldermen approve a special use permit for a contractor yard with the conditions contained in the staff report and rezoning from R-1 to C-2 of approximately 1.6 acres as depicted in the staff report.

PZ Commission Recommendation -- Approval of motion recommending that the Board of Aldermen approve a special use permit for a contractor yard with the conditions contained in the staff report and rezoning from R-1 to C-2 of approximately 1.6 acres as depicted in the staff report.

Note: We will approve this with 2 ordinances, the first regarding the rezoning and the second regarding the SUP.

STAFF CONTACT: Roger Kroh, Community Development Planner

I. Action Item (ID # 3920)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC TO REZONE APPROXIMATELY 1.64 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 SERVICE BUSINESS ZONING DISTRICT AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Attachments:

Rezoning Ordinance (DOCX)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC TO REZONE APPROXIMATELY 1.64 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 SERVICE BUSINESS ZONING DISTRICT AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Jon Gerke and All Pro Concrete Design, LLC. to approximately rezone 1.64 acres for use as a contractor yard from R-1 Single Family Residential Zoning District to C-2 Service Business Zoning District at 2501 and 2505 East Outer Road South in the City of Harrisonville, Cass County, Missouri;

WHEREAS, on May 20, 2021, the Planning and Zoning Commission did conduct a public hearing, and after evaluating the application for rezoning, did recommend with a vote of 8 ayes, 0 nays, and 1 member absent, that the Board of Aldermen approve the rezoning based on the finding specified in the staff report;

WHEREAS, on June 7, 2021, the Board of Aldermen did conduct a public hearing and did consider the staff report, input from the public, and the recommendation of the Planning and Zoning Commission.

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

Section 1. The application to rezone 1 acre from R-1 Single Family Residential Zoning District to C-2 Service Business Zoning District at 2501 and 2505 East Outer Road South is hereby approved based upon the findings in the staff report and meeting minutes of the Planning and Zoning Commission Meeting and Board of Aldermen Meeting at which this application was considered.

Section 2: The rezoning comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

Legal Description

THAT PART OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 44 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN IN HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 12 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1968.10 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 41 SECONDS WEST A DISTANCE OF 789.14 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING ON SOUTH 89 DEGREES 57 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 140.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS EAST A DISTANCE OF 500.00 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 49 SECONDS EAST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.61 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

Section 3. Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

AYES:

NAYS:

ABSENT:

ABSTAIN:

**READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021 AND
WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021
AND PASSED BY THE BOARD OF ALDERMEN THIS 7TH DAY OF JUNE 2021.**

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

ATTEST:

Daniel Barnett, City Clerk
WITNESS my hand and seal this 7th day of June 2021

Exhibit I: Map of 2501-2505 E. Outer Road

EXHIBIT I

2501-2505 East Outer Road South





STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: June 3, 2021
SUBJECT: J GERKE SUP ORDINANCE FOR CONTRACTOR YARD 2501-2505 E OUTER RD

Type of Item: Approval

SUP STAFF REPORT

Meetings:	Planning and Zoning Commission	May 20, 2021
	Board of Aldermen	June 7, 2021
Applicant & Property Owner:	Jon Gerke and All Pro Concrete Design, LLC	
Requested Action:	Special Use Permit to operate a contractor yard on approximately 1.64	
Location:	2501-2505 East Outer RD South	

SEE STAFF REPORT FOR REZONING

ORDINACE APPROVING SUP ATTACHED

J. Action Item (ID # 3921)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC FOR A SPECIAL USE PERMIT TO OPERATE A CONTRACTOR YARD ON APPROXIMATELY 1.64 ACRES AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Attachments:

Special Use Permit Ordinance (DOCX)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, APPROVING AN APPLICATION FROM JON GERKE AND ALL PRO CONCRETE DESIGN, LLC FOR A SPECIAL USE PERMIT TO OPERATE A CONTRACTOR YARD ON APPROXIMATELY 1.64 ACRES AT 2501 AND 2505 EAST OUTER ROAD SOUTH AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Jon Gerke and All Pro Concrete Design, LLC. for a special use permit to operate a contractor yard on approximately 1.64 acres at 2501 and 2505 East Outer Road South in the City of Harrisonville, Cass County, Missouri;

WHEREAS, on May 20, 2021, the Planning and Zoning Commission did conduct a public hearing, and after evaluating the application for rezoning, did recommend with a vote of 8 ayes, 0 nays, and 1 member absent, that the Board of Aldermen approve the rezoning based on the finding specified in the staff report;

WHEREAS, on June 7, 2021, the Board of Aldermen did conduct a public hearing and did consider the staff report, input from the public, and the recommendation of the Planning and Zoning Commission.

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

Section 1. The application for a special use permit to operate a contractor yard at 2501 and 2505 East Outer Road South is hereby approved subject to the findings in the staff report and meeting minutes of the Planning and Zoning Commission Meeting and Board of Aldermen Meeting at which this application was considered and the following conditions:

1. The Use – This special use permit authorizes the operation of a contractor yard. .
2. Location – Approximately 1.6 acres at 2501-2505 East Outer Road South. S.
3. Exterior Appearance – Building exteriors shall be maintained and painted, Landscaping shall be maintained and replaced if needed. Exterior grounds shall be kept clear of trash and debris.
4. Environmental -- The contractor yard shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.
5. Odors – The contractor yard shall be operated so as not to produce odors which a noticeable at the property line.
6. Vibration -- The contractor yard shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.
7. Noise Level -- The contractor yard shall not be operated so as to produce a noise at any point along the property line that exceeds seventy-five (75) dB(A) from 7 AM to 7 PM and sixty-five (65) dB(A) from 7 PM to 7 AM.
8. City, County and State Standards – The transfer station shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations, and statutes.

9. Hard-surface drive and parking – A 10-ft. deep hard-surface approach shall be constructed meeting city standards.
10. Off-street parking – Hard-surface parking shall be constructed that meets City off-street parking and accessibility requirements of 5 spaces per 1000 sq. ft. of floor space of the primary building.
11. Trash enclosure – All trash dumpsters shall be contained in trash enclosures.
12. Landscaping and site plan – Prior to the approval of SUP by the Board of Aldermen, the applicant shall amend its landscaping plan to more fully screen the contractor yard from East Outer Road and to meet the City zoning ordinance screening requirements when commercial and residential zoning districts abut.
13. Time Limit – 10 years. Applicant may reapply for renewal of SUP.

Section 2: The boundaries of the special use permit comprise the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

Legal Description

THAT PART OF THE SOUTHWEST QUARTER OF FRÁTIONAL SECTION 4, TOWNSHIP 44 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN IN HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 12 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1968.10 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 41 SECONDS WEST A DISTANCE OF 789.14 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING ON SOUTH 89 DEGREES 57 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 140.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS EAST A DISTANCE OF 500.00 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 49 SECONDS EAST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.61 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

Section 3. Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

AYES:

NAYS:

ABSENT:

ABSTAIN:

**READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021 AND
WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 7TH DAY OF JUNE 2021
AND PASSED BY THE BOARD OF ALDERMEN THIS 7TH DAY OF JUNE 2021.**

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

ATTEST:

Daniel Barnett, City Clerk
WITNESS my hand and seal this 7th day of June 2021

Exhibit I: Map of 2501-2505 E. Outer Road

Attachment: Special Use Permit Ordinance (J GERKE SUP ORDINANCE FOR CONTRACTOR YARD 2501-2505 E OUTER RD)

EXHIBIT I

2501-2505 East Outer Road South





STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 3, 2021
SUBJECT: Rental Ready Program - First Reading

Type of Item: *Approval*

K. Action Item (ID # 3913)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING CHAPTER 605 OF THE HARRISONVILLE MUNICIPAL CODE TO ENACT THE CITY OF HARRISONVILLE RENTAL READY PROGRAM, AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

6_07_21 BOA WS staff report (2) CA (DOC)

Rental Ready Program Ordinance (DOCX)



City of

Harrisonville ^{est. 1836}

5.K.a

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

To: Board of Aldermen
From: Chris Arthur, Building Official
Date: May 17th, 2021
June 2, 2021
Re: Rental Ready/PD Safe program and Landlord business licenses and general licensing.

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of proposed program and ordinance.

Date of Application: N/A

PROPOSAL

Discussion of additions and changes to current City business licensing.

PREVIOUS ACTIONS

- 1- Previous Town Hall meeting.
 - 2- Hand out of Rental Ready program information and handout of previous Town Hall meeting presentation, to BOA.
 - 3- BOA work session, May 17th 2021, discussion regarding Residential Rental Property and Landlord licensing. BOA consensus to bring an ordinance to the BOA in June for Business license fee change to \$50.00 per year and the addition of the Rental Ready program with inspection fees of \$14.00 per year per dwelling unit.
-

KEY ISSUES

- 1- Consider Rental Ready program and landlord licensing.
 - 2- Consider various changes to current City Business Licensing platform.
-

STAFF COMMENTS AND SUGGESTIONS

Please see the attached documents. (Previously attached and distributed 5/17/21).

Attachment: 6_07_21 BOA WS staff report (2) CA (Rental Ready Program - First Reading)

STAFF RECOMMENDATION

1- Building and Codes Department-

Adopt changes to current City business licensing increasing a City Business License fee to \$50.00 per year, currently \$30.00 per year since 1997, and include Landlord licensing and Rental Ready Inspection program.

2- Community and Economic Development Departments-

ROGER KROH:

Recommend adoption of the Rental Ready program. Homes are a family's largest investment and essentially their 401K when time to downsize. Programs like Rental Ready have been excellent tools for preventing the one or two poorly maintained homes on a block that decrease the value of homes around them and add weeks and months when time to sell.

JIM CLARKE:

Community Development Department recommends adoption of the Rental Ready program. While City leadership and the community are currently launching several initiatives to influence quality investment and development, along with, the removal of blight and deteriorating properties and property values, adoption of a Rental Ready program complements and aligns effectively with these initiatives, further ensuring the success of these initiatives. Additionally, Harrisonville citizens and property owners that maintain and improve their properties should not be penalized, by those that lack the desire or capacity to do so, with the depreciation of their property values. Programs like Rental Ready have been excellent tools for preventing poorly maintained residential properties on a block that decrease the property values, while acting to strengthen property values and neighborhoods.

ATTACHMENTS

Please see proposed ordinance.

STAFF CONTACT: Chris Arthur, Building Official.

Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE AMENDING CHAPTER 605 OF THE HARRISONVILLE
MUNICIPAL CODE TO ENACT THE CITY OF HARRISONVILLE RENTAL READY
PROGRAM, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Board of Aldermen wishes to amend Chapter 605 of the Harrisonville Municipal Code to enact the City of Harrisonville Rental Ready Program; and

WHEREAS, the Board of Aldermen wishes to give rental owners ample time to prepare for additional requirements of rental properties; and

WHEREAS, the City of Harrisonville has held public meetings with rental owners to explain the Rental Ready Program and hear comments and concerns from rental owners.

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

Section 1: Chapter 605 of the Harrisonville Municipal Code is hereby amended to read as follows:

Section 605.0101 License required.

A. No person, company, association or corporation shall within the City conduct, exercise, carry on, deal in or engage in any occupation, trade, business or avocation; including the offering for rent or lease of any Residential Dwelling Unit or Units; being defined as Single Family Homes, Duplex Homes, any Building containing more than two non-transient dwelling units, any Hotel, Motel, or Boarding Room rented or leased on a non-transient basis, Manufactured Homes, Mobile Homes, Mobile Home Vacant Lots for rent or lease, Modular Homes, live/work units as defined in adopted building code, or an RV used in a non-transient manner; nor deal in, sell or keep any articles for sale or trade or provide a service without first taking out a City license therefore as provided in this Chapter. Dwelling Unit shall be defined as a single unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation, including non-transient units without full kitchens. Transient shall be defined as occupancy of any dwelling or sleeping unit for less than 30 days. Boarding Room shall be defined as the non-transient rental of one or more rooms for the purposes of living, sleeping eating and cooking. An RV shall be defined as a temporary dwelling, not to be used as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

B. Proof of a Missouri Tax ID number shall be required before issuance of a business

license.

C. Any license application for a new business or change of ownership of an existing business shall require inspection and approval of the facilities by City Codes Compliance Department prior to license being issued.

Section 605.020 Fee(s) Charged.

There is hereby established a license fee to be charged and collected as hereinafter provided on any occupation, profession, trade, business and avocation and on all persons who shall deal in or sell or offer any service. Any person, company, association or corporation wishing to do business shall first file an application with the City Collector requesting a business license and such application shall be accompanied by a fee of Fifty Dollars (\$50.00) per year as the licensing fee. In addition to the City Business License Fee of Fifty Dollars (\$50.00) a supplemental fee for certain specific businesses or aspects of business operation shall also be charged and collected. See below for the schedule of supplemental fees charged:

Residential Dwelling Unit or Units:	\$14.00 per unit per year
Mechanical, Electrical, Plumbing Contractors:	\$30.00 per year

See Sections 600.010 through 675.060 for any other applicable fees charged and collected.

Section 605.030 Multiple Activities.

Any person, persons, firm, or corporation who is engaged in two (2) or more occupations, trades, businesses, avocations, callings, or pursuits shall take out a license for each of such occupations, trades, business, avocations, callings or pursuits.

Section 605.040 Display.

Every license issued under the provisions of this Chapter shall be prominently displayed in some conspicuous location on the licensed place of business. In the case of Rental Residential Dwelling Units this license shall be kept at the office or address of the landlord or landlord's agent.

Section 605.050 Contents.

Every license issued under the provisions of this Chapter shall name the party to whom granted, date, expiration and where the business or occupation is to be carried on. The licenses shall be signed by the Mayor, the City Clerk, and countersigned by the Collector.

Residential Dwelling Unit or Units' licenses also require a single completed license application listing all individual unit or units' information, including recorded legal ownership information and unit or units' location, be submitted to the City.

Section 605.060 Farm Products.

No tax, license or fee shall be levied or collected from any City or County farmer or producer for the sale of produce raised by him/her; provided the City retains the right to designate where such sales may be made. Any out of State farmer or producer shall be assessed a license in the amount of One Hundred Dollars (\$100.00).

Section 605.070 No Fee For Not-For-Profit License.

A. No fee shall be charged or collected from the issuance of a license to any business or entity so deemed as not-for-profit. Any such business shall show required proof being a “current” certificate of good standing issued by the Secretary of State’s office.

B. Upon receipt of required proof of not-for-profit status, said business license shall be issued at no charge.

Section 605.080 License Renewal.

All licenses shall expire on August thirty-first (31st) and failure to renew by September thirtieth (30th) shall result in the assessment of a ten-percent (10%) late penalty and can be subject to Municipal Court citation and summons pursuant to Section 605.090. Failure to renew may be subject to revocation of such license.

Section 605.090 Penalties; License Revocation or Suspension; Unlawful Continuation.

A. Non-Compliance Or Violation A Misdemeanor. In addition to any other penalties prescribed under this Chapter or any related chapters, any failure to comply with or any violation of any provision of this Chapter shall be a misdemeanor and shall be punishable, upon conviction thereof, by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Each day such failure or noncompliance shall continue shall constitute a separate offense.

B. Suspension Or Revocation. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter.

1. Suspension.

a. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension by the Board of Aldermen.

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

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

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

2. *Revocation.*

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

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

(1) Fraud, misrepresentation or false statement contained in the application for license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his/her business within the City of Harrisonville;

(3) Any violation of this Chapter;

(4) Failure to pay sales tax or in any way allowing the sales tax for the business to become delinquent;

(5) Conviction of any crime or misdemeanor involving moral turpitude; or

(6) Conducting of business in an unlawful manner so as to constitute a breach of the peace or menace to health, safety or general welfare of the public.

c. Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be

made by the Board of Alderman with respect to said revocation. All decisions of the Board of Alderman following the hearing shall be final.

C. Unlawful Continuation; Further Remedies Authorized. In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to operate following suspension or revocation of such license pursuant to Subsection 605.090(B) hereof, the City Administrator, the City Clerk, the Board of Aldermen, the Mayor, or any other official authorized to enforce City license ordinances may seek injunctive relief from the Circuit Court or order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction, costs of such enforcement proceedings may be taxed against the offending party. The remedies provided for by this Subsection (C) shall be in addition to all other costs and penalties prescribed under this Chapter.

Section 605.100 Inspection of Business.

A. Residential Dwelling Unit buildings and Units building up to and including four (4) units, are inspected every three (3) years by the Building and Codes Division of the Public Works Department. Inspections will be of the exterior of the property for fire and life safety and property maintenance. Smoke and Carbon Monoxide Alarms are confirmed by landlords or landlord agents on the respective licenses' application form. Interior inspections are available for no fee upon request of landlord or landlord agents.

The Harrisonville Emergency Services Department shall inspect the premises of all places of business, other than home occupations as provided by the City Zoning Regulations and Residential Dwelling Units as noted above, for compliance with City ordinances as determined by the Harrisonville Emergency Services Department. Such inspection will be performed prior to the yearly renewal of the City's business license.

B. Inspections shall be performed with the coordination of the business so as to not interfere with peak business hours.

C. Any violations noted by the inspection shall be cause for rejection of the application to renew the annual business license until such violations are corrected.

D. In the case of license renewals, if the violations have not been corrected, the Fire Chief or Director Codes Administration may authorize a temporary business license as deemed appropriate.

Section 2. The changes to Chapter 605 of the Harrisonville Municipal Code, above, shall come into effect before August 1, 2022.

Section 3. That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 7th day of June 2021. Read for the second time by title only on the 21st day of June 2021.

Judy Bowman, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 21st day of June, 2021

Attachment: Rental Ready Program Ordinance (Rental Ready Program - First Reading)