AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
AUGUST 16, 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. **Water and Wastewater Treatment Professionals Week**
   - B. **KC Scholars Proclamation**
3. **Public Participation**
4. **Approval of Minutes**
   - A. **Board of Aldermen - Regular Meeting - Aug 2, 2021 6:00 PM**
   - B. **Board of Aldermen - Work Session - Aug 2, 2021 6:30 PM**
   - C. **Executive Session Minutes - June 21, 2021**
   - D. **Executive Session Minutes - June 28, 2021**
5. **Agenda Items**
   - A. **2022 Budget Questionnaire**
   - B. **Council Bill 67: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A REAL ESTATE DONATION CONTRACT WITH COUNTRY CLUB BANK REGARDING THE DONATION OF APPROXIMATELY .46 ACRES OF LAND AT 1703 N STATE ROUTE 291 IN THE CITY OF HARRISONVILLE, MISSOURI**
   - C. **Council Bill 68: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI CERTIFYING THE RESULTS OF THE SPECIAL ELECTION HELD AUGUST 3, 2021.**

D. TAX LEVY PUBLIC HEARING

E. Council Bill 69: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE LEVYING A TAX FOR THE CURRENT EXPENSE OF THE CITY OF HARRISONVILLE, MISSOURI, UPON REAL PROPERTY AND ALL TANGIBLE PERSONAL PROPERTY OF WHATSOEVER NATURE AND CHARACTER SUBJECT TO TAXATION BY THE CITY OF HARRISONVILLE FOR SUCH PURPOSES; ALSO, LEVYING A SPECIAL TAX UPON THE AFORE DESCRIBED PROPERTIES FOR PUBLIC PARKS; FOR A TOTAL TAX LEVY OF $.6492.

F. Council Bill 70: AN ORDINANCE ESTABLISHING RESPONSIBILITY AND COST COVERAGE OF MAINTENANCE AND REPAIRS OF CITY OWNED RAILROAD SPUR, FROM THE CITY, TO THE USER(/S) OF THE RAILROAD SPUR.

G. Council Bill 71: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 700.590, 700.600 AND 700.610, REGARDING REGULATIONS FOR MAINTAINING RESIDENTIAL SEPTIC SYSTEMS, AND ESTABLISHING AN EFFECTIVE DATE.

H. Council Bill 72: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 505.020, REGARDING REGULATIONS FOR SWIMMING POOLS, AND ESTABLISHING AN EFFECTIVE DATE.

6. Aldermen and Committee Reports

7. Report from the City Administrator

A. July Municipal Court Report

8. Questions from the Media

9. Adjourn from Regular Session

Posted on City Hall Bulletin Board this 13th day of August, 2021.

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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.

City of Harrisonville est. 1836

WATER & WASTEWATER TREATMENT PROFESSIONALS WEEK

WHEREAS, water is one of our most valuable economic, environmental and recreational resources; and

WHEREAS, safe drinking water sustains the life, health and safety of our citizens; and

WHEREAS, abundant water supplies attract industry, investment and create jobs; and

WHEREAS, proper transport and treatment of wastewater contributes to healthy communities and improved water quality for streams, rivers and lakes; and

WHEREAS, water and wastewater professionals maintain and operate the infrastructure, facilities and services that are vital to sustainable and resilient communities, public heath, high quality of life and the wellbeing of the people of Harrisonville; and

WHEREAS, water and wastewater professionals as essential personnel during the COVID-19 response for their efforts to protect Harrisonville citizens and critical infrastructure; and

WHEREAS, Water and Wastewater Treatment Professionals Week is a unique opportunity for water and wastewater professionals and the communities they serve to join together to recognize the vital role water and wastewater professionals play in our daily lives; and

NOW, THEREFORE, I Judy Bowman, Mayor of the City of Harrisonville, do hereby proclaim August 15-21, 2021, to be Water and Wastewater Professionals Week in Harrisonville.

SIGNED, in the City of Harrisonville, Missouri, this 16th day of August, 2021.

Judy Bowman, Mayor

City of Harrisonville est. 1836

KC SCHOLARS INC. 5-YEAR ANNIVERSARY PROCLAMATION

WHEREAS, KC Scholars, Inc. was established in 2016 and serves a six-county bi-state region; and

WHEREAS KC Scholars provides low–to-modest-income students and returning adult learners with an opportunity to complete a postsecondary credential and/or degree; and

WHEREAS KC Scholars has made 5,261 scholarship awards in its first five years of operation; and

WHEREAS KC Scholars connects its Scholars to regional employers to achieve its goal that 80% of Scholar graduates stay in the Kansas City region to live and work; and

WHEREAS KC Scholars is celebrating its Five Year Anniversary on September 28, 2021; and

WHEREAS KC Scholars has assisted 22 students at Harrisonville High School in achieving their goals of postsecondary education.

NOW, THEREFORE, I, JUDY BOWMAN, MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI, on behalf of the Board of Aldermen and citizens of Harrisonville, do hereby congratulate and commend KC Scholars Inc. for their selfless acts of service and generosity, assisting students throughout both Harrisonville and the entire Kansas City Metroplitan Area, and wish them many more years of growth and success, as they partner with students to achieve their postsecondary education goals.

SIGNED, in the City of Harrisonville, Missouri, this 16th day of August, 2021.

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JUDY BOWMAN, MAYOR

City of Harrisonville est. 1836

DRAFT

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
AUGUST 2, 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	Present	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Excused	
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 Christine Smith, Public Works Director/City Engineer Carl Brooks, Electric Department Superintendent Andy Pollard, Police Chief John Hofer, Fire Chief Eric Myler, Ben Hart C.P.A. with Baker Tilly, Building Official Chris Arthur, City Planner Roger Kroh, Police Corporal Sam Williams (and family), Police Officer Matthew McCullough (and family), Mr. Charles and Ida Myers, Mrs. Shirley Sebeniecher, Mr. Laurence Smith, Matt Jacobs of H. W. LOCHNER Inc. and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

A. Myers 75th Anniversary Proclamation

Mayor Bowman said it isn't every day that we get to celebrate with residents of Harrisonville who have been married for 75 years.

Bowman said she was honored to be able to recognize the Myers and their incredible commitment to one another. Bowman also informed the Myers that August 4, 2021, will be recognized as Charles and Ida Myers Day in Harrisonville.

Bowman read the proclamation and presented it to the Myers.

Bowman congratulated the Myers on behalf of herself, the Board of Aldermen, City staff and the entire Harrisonville community.

B. 2020 HPD Employee of the Year Recognition

Mayor Bowman welcomed Police Chief John Hofer, Corporal Sam Williams and Officer Matt McCullough to the meeting.

Chief Hofer presented the Officer of the Year Award to co-recipients Williams and McCullough. Hofer spoke specifically about the efforts of both Williams and McCulloch on August 30, 2020, as they responded to a call about a person with a large stab wound in their neck. Hofer said each officer worked quickly to perform heroic, life-saving measures and ultimately were able to save the victim's life.

Bowman said it gives her great honor to be able to congratulate both officers for their efforts and commitment to the safety of the Harrisonville community.

3. Public Participation

A. Agenda Request - Laurence Smith

Laurence Smith - (18309 E 253rd Street) Smith spoke about his family's history living in the Harrisonville area and their many years of investment in the community.

Smith spoke about a piece of property owned by his family at 905 N Commercial Street.

Smith spoke about a series of conversations between he, his family and City staff about the potential of bringing new businesses to the above-mentioned piece of property.

Smith said that in 49 years, he has no recollection of ever being asked to mow that property to a "lawn height". Smith spoke about past years in which the property has been hayed.

Smith asked why, by his recollection, a couple of weeks after the Town Hall meeting in July, City Code Enforcement staff contacted him and informed him that his property was no longer within the standards out lined by the City Code of Ordinances.

Smith says he has contracts with local farmers to sell the hay on the property on N Commercial Street. Smith said he was unable to hay the property during the early summer months due to a wet spring season. Smith thanked Building Official Arthur for allowing him a few extra weeks to hay the field.

City Attorney Christine Smith informed Mr. Smith that he had reached the allotted three-minute time limit.

Mr. Smith requested additional time from the Board.

By a show-of-hands vote, the Board approved additional time for Mr. Smith.

Smith said the mowing code is too restrictive and asked that properties of at least three acres be allowed to be hayed.

Smith spoke about a recent event in Raymore that he attended at which a city park was surrounded by fresh cut hay bales.

Smith asked that larger tracts of land in Harrisonville be allowed to be cut once a year and not governed by City residential lawn ordinances.

Mayor Bowman asked that Mr. Smith not name specific City staff members by their given names, but as "staff".

Smith said he could do that and apologized to City staff.

Smith asked why abatement mowers were called to his property.

Smith said he has taken pictures of 14 parcels of ground with grass that exceeds "lawn height". Smith asked why these properties have not received the same treatment as he feels his property has received.

Smith thanked the Board for their time.

RESULT:	**DISCUSSION**

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Jul 19, 2021 6:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Matt Turner, Board Member
SECONDER:	Mike Zaring, Board Member
AYES:	Mills, Zaring, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Sandy Franklin

B. Board of Aldermen - Work Session - Jul 19, 2021 6:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Gary Davidson, Board Member
SECONDER:	Dave Doerhoff, Board Member
AYES:	Mills, Zaring, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Sandy Franklin

C. Executive Session Minutes - March 1, 2021

A motion to accept the minutes from the March 1, 2021 Executive Session was made by Alderwoman Reece, with a second from Alderwoman Milner. The motion carried with a unanimous 7-0 vote.

D. Executive Session Minutes - April 19, 2021

A motion to accept the minutes from the April 19, 2021 Executive Session was made by Alderman Doerhoff, with a second from Alderman Zaring. The motion carried with a unanimous 7-0 vote.

E. Executive Session Minutes - May 17, 2021

A motion to accept the minutes from the May 17, 2021 Executive Session was made by Alderman Davidson, with a second from Alderman Turner. The motion carried with a unanimous 7-0 vote.

5. Agenda Items

A. HHS Homecoming Parade 2021

Staff report presented by Police Chief Hofer.

Hofer spoke to the specifics of the parade route and too specific issues that have been encountered in the past. Hofer said he believes they will be able to safely address those issues.

Hofer said the Police Department Staff recommend approval.

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

B. Log Cabin Festival 2021

Staff report presented by Police Chief Hofer.

Hofer spoke to the history of the event and said the applicant is the Harrisonville Chamber of Commerce.

Hofer said the Police Department Staff recommend approval.

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

C. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF MICHELLE HART AS A FULL MEMBER ON THE BOARD OF ZONING ADJUSTMENT

City Planner Kroh spoke to a vacancy that currently exists on the Board of Zoning Adjustments.

Kroh said Mayor Bowman has nominated Mrs. Hart and said he thinks she will be a good fit.

Mayor Bowman spoke to the Board about Mrs. Hart's role and service with the Board of Zoning Adjustment.

Upon passage, Mayor Bowman designated the resolution to be Resolution number: 2021-034.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Zaring, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Mills, Zaring, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Sandy Franklin

D. A RESOLUTION OF THE BOARD OF ALDERMEN AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH HARRISONVILLE CASS R-9 SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by Police Chief Hofer.

Hofer spoke to the history of the Harrisonville Police Department's partnership with the Harrisonville Cass R-IX School District to provide a School Resource Officer.

Hofer said Officer Briggs will serve as the SRO for the Middle School and Officer Ramsey will serve as the SRO for the High School.

Hofer said the Police Department staff recommend approval.

Upon passage, Mayor Bowman designated the resolution to be Resolution number: 2021-035.

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

E. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A TOW POLICY AGREEMENT WITH J'S SOUTHLAND TOW, MILLER TOW AND SUCH OTHER TOW COMPANIES AS ARE WILLING TO MEET THE REQUIREMENTS OF THE AGREEMENT.

Staff report presented by Police Chief Hofer.

Hofer spoke to the history of the Harrisonville Police Department's partnership with various tow companies to provide towing services for the department.

Hofer spoke to various changes to the contract, including scheduling and cost.

Hofer said the Police Department staff recommend approval.

Upon passage, Mayor Bowman designated the resolution to be Resolution number: 2021-036.

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

F. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, AND ESTABLISHING AN EFFECTIVE DATE.

Baker Tilly C.P.A. Ben Hart outlined the changes asked for in the mid-year budget amendment for the City.

Hart went through each item and allowed City Department Heads to speak to the need for each item in the amendment.

Items included in the amendment include:

Hanger B Structural Improvements Project. Budget adjustment request of $50,000.

TEAP Studies (Matt & & Meghan and Commercial & Locust) Budget adjustment request of $19,827.23.

Lake Harrisonville Spillway Pipe Rehabilitation project $100,000 for engineering from savings associated with the COP funded Ultraviolet Disinfection Construction Budget. Budget adjustment request of $100,000.

Airport Runway 17-35, Mill and Fill Asphalt Overlay, Lighting and Striping; Possible funding required 1) $465,000 (10%), 2) $232,500 (5%) or 3) $0.00. Budget adjustment request of $100,000.

Matt Jacobs of H. W. Lochner Inc. spoke to the status of the Airport Runway 17-35 project, the potential funding circumstances and the need for the item to be included in a budget amendment for 2021.

Alderman Davidson asked what would happen if the City was not selected for the project.

Jacobs said what is currently listed in the City's Capital Improvement Plan for 2023 design and 2024 construction and would remain there as a future project, as staff and H.W. Lochner continue to present the project to the Missouri Department of Transportation. Jacobs says MoDOT looks at maintaining current infrastructure, versus expansion, allowing maintenance projects to supersede expansion projects. Jacobs informed the Board that MoDOT believes the project will be most favorable in 2022, which is why they would like to begin the project earlier than what is listed in the City's current CIP. Jacobs reminded the Board that there is no guarantee that the project will be selected.

Davidson asked if there would be updated expenses if the project was pushed from 2022 to 2023.

Jacobs said the advantage of doing the project in 2022 is that the Missouri Department of Transportation is able to add five-percent, which is not always something they are able to do in each year.

Mayor Bowman asked Jacobs to explain PCI to the Board.

Jacobs spoke to the definition and process for evaluating the (PCI) as it pertains to Lawrence Smith Memorial Airport. Jacobs said MoDOT has recognized that the runway at LSMA is in dire need of repair.

Alderwoman Milner asked if the project was accepted for the 2022 Fiscal Year, would MoDOT guarantee the five-percent commitment.

Jacobs said it would be guaranteed in 2022, but not in future years.

AV gas for Lawrence Smith Memorial Airport, which is resold at 100% profit. Budget adjustment request of $15,000. Public Works Director/City Engineer Brooks asked that the request amount be raised to $40,000, as this is simply a pass-through of funds and the sales projections are now higher.

Addition of a Utility Clerk position, per the Finance Department's S.W.O.T. Analysis presentation. Budget adjustment request of $26,651.

Addition of a Finance Clerk position, per the Finance Department's S.W.O.T. Analysis presentation. Budget adjustment request of $44,159.50.

Alderman Davidson asked what qualifications staff would look for when hiring for a Finance position.

Director of Administrative Services Smith said he would prefer someone with government-finance experience.

Enterprise Rent-a-Car Fleet Management Fund. Budget adjustment request of $200,000.

Smith said the proposed $200,000 is a place holder and that he does not expect to spend that money in 2021, but that the City needs to show that staff have budget authority to move forward with the implementation of the program.

Davidson asked if updates will be provided by staff.

Smith said yes.

Mayor Bowman said she appreciates that the program will be run out of its own specific fund.

Hart reminded the Board that, if the amendment is approved, each fund will remain balanced.

Finance Manager Hubbard noted that a correction will need to be made to the Ordinance, as a table listed within, was not fully printed.

Alderwoman Milner spoke about concerns that she has regarding committing funds to the Airport Runway project.

Alderman Doerhoff moved to suspend the rules of Council Bill 64 and move it to a second reading, with the inclusion of a Scribner's correction to the Fund chart represented on the Ordinance. The motion was seconded by Alderwoman Milner. The motion passed unanimously 7-0.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number: 3555.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Mills, Zaring, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Sandy Franklin

G. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE ESTABLISHING A SURCHARGE FOR THE STATEWIDE COURT AUTOMATION FUND AND ESTABLISH AN EFFECTIVE DATE.

Staff report presented by City Clerk Barnett.

Barnett spoke to the recent history of the Show-Me Courts program and the need for the surcharge, as stated in Section 476.056. RSMo.

Barnett introduced Judge Don Lograsso.

Lograsso reminded the Board that the surcharge is mandated by the State of Missouri to pay for the upkeep of the program. Lograsso says the program allows for the Harrisonville Municipal Court to be a part of the statewide system.

Alderman Turner asked if the fee would be used as a pass-through only.

Lograsso said yes.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number: 3556.

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

H. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE TO APPROVE THE FINAL PLAT OF BURRIS DRIVE ESTATES LOTS 1 THRU 3, BEING A REPLAT OF LOT 2, "BURRIS RIDGE 1ST PLAT" AT THE SOUTHWEST CORNER OF BURRIS DRIVE AND MECHANIC STREET (STATE ROUTE 7) IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI

Staff report presented by City Planner Kroh.

Kroh spoke to the history of the property and the need for a replat.

Kroh introduced Larry and Donna Pfautsch.

Kroh said staff and the Planning and Zoning Commission recommend approval.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number: 3557.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Matt Turner, Board Member
SECONDER:	Dave Doerhoff, Board Member
AYES:	Mills, Zaring, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Sandy Franklin

6. Aldermen and Committee Reports

Alderman Davidson said he attended a golf tournament benefiting K-9s in law enforcement, in which the VIPS were assisting. Davidson said he appreciated the work they were doing.

Alderman Mills said he was happy to see the landscaping being finalized at the ALDI store. Mills commented on work being done at the new Dollar General Store. Mills asked for an update on the pipeline that burst a few months ago. Mills asked for an update on the current state of the Polar Vortex billing. Mills reminded everyone to vote on Tuesday.

Alderman Turner reminded everyone to vote on Tuesday.

Alderwoman Milner said she had an opportunity to view some of the improvements being done at the buildings within the Harrisonville School District. Milner said she greatly appreciates the added security the improvements will bring to the students and staff in each building.

Alderman Zaring said he was happy to see staff recognized tonight, namely the Police Department awarding their Officer of the Year Award. Zaring said he appreciates the efforts of staff for all of their hard work and commitment to the City. Zaring also thanked Judge Lograsso for his attendance. Zaring thanked Laurence Smith for his attendance and insight during tonight's meeting.

Alderwoman Reece commented on the work done to demolish the old hospital on W Pearl Street and said she was happy to see progress within our community.

Alderman Doerhoff said he appreciated the commitment of staff both tonight and in their work. Doerhoff also congratulated the Myers on their 75 wonderful years of marriage.

7. Report from the City Administrator

City Administrator Ratliff informed the Board that staff have received complaints of a bad odor or taste within city water and that staff cleaned the primary basin this week to see if it addresses the issue.

Ratliff informed the Board that the Wastewater Treatment Plant has received its new permit drafts and staff are currently in discussion with Burns & McDonnell about reviewing them.

Ratliff informed the Board that the Cass County Commissioner's Office has approved the agreement between the County and the City for the road use of S Brickplant Road and E 275th Street. Ratliff thanked Presiding Commissioner Bob Houston and Commissioner Monty Kisner for working with the City on this project.

Ratliff spoke to the Board about the improvements coming to the outdoor pool, and said City staff are reviewing the contractor's certificate of insurance and putting together the contract documents. Ratliff said a notice to proceed has been issued in the amount of $1,019,200.

Ratliff informed the Board that the Mid-America Regional Council met recently and passed funds for the 2023 Asphalt Preventative Maintenance project. Ratliff said Harrisonville is expected to receive $57,591.18.

Ratliff said the Police Department conducted alcohol compliance checks on July 24, checking nine locations, with three of those locations selling alcohol to minors. Ratliff said one establishment will receive a warning and the other two will be issued summonses.

Ratliff encouraged the community to vote in the election on Tuesday and spoke about some of the implications that the City could face if the measure does not pass, including the cutting of certain City projects.

Ratliff informed the Board that members of various City departments and community volunteers performed work at Marler Wirt Allen Park on Thursday. Ratliff reminded the Board that the project began in 2019 as an all-volunteer project with the former Parks Director and current Chief of Police. Ratliff said the goal was to complete the project, through volunteer efforts, in time for the 50-year anniversary recognition in April of 2022.

Ratliff provided an update on the current collection status of Municipal Waste Services trash and recycle carts. Ratliff said staff will not be submitting final payment to MWS until all of their assets have been picked up. Ratliff said he is pleased to see all of the GFL carts sitting outside homes in the community. Ratliff thanked City Clerk Barnett and Director of Administrative Services Smith for their hard work during the transition.

Alderman Turner said he was told by GFL that, for the first week, their crews will pick up bags of extra trash set next to the carts, due to the change in pick up schedule.

Turner asked if City Hall would be selling the stickers needed for extra bags.

Ratliff said no.

Ratliff informed the Board that the Culvers project on Missouri Route 291 is working on foundation walls and underground MEP work this week.

Ratliff informed the Board that staff have completed the initial plan review for the Starbucks project on Missouri Route 291 and said designers are working on comment responses and revisions, but that those revisions are currently delayed.

Ratliff spoke about the Citizen Survey that has now been sent to residents throughout Harrisonville.

Ratliff spoke to the Board about a 12-inch raw water line that burst in June. Ratliff said the City will be sending an invoice to the SCADA contractor for the man hours and work done, as the issue was not the fault of any member of City staff.

8. Questions from the Media

Mayor Bowman said she was grateful to learn that Dennis Minich of the South Cass Tribune had reached the one-year milestone from being hospitalized with the COVID-19 virus. Bowman congratulated Minich on his steadily improving health and said she was glad to see him at the meeting tonight.

9. Adjourn from Regular Session

Mayor Bowman reminded the Board about the upcoming Bicentennial Block Party this weekend and said she appreciated the work being done by Love the Harrisonville Square to put the event together. Bowman asked the Board to thank those involved with the LTHS, if given the chance, for their hard work.

Bowman informed the Board that she and seven other members of the Missouri Mayors United organization, who had previously been holding regular meetings with the Governor via ZOOM, have been invited to the Governor's mansion on Wednesday. Bowman said she believes it will be a great opportunity to keep Harrisonville on the Governor's mind.

Bowman encouraged all to vote in the election tomorrow and thanked staff for their efforts to educate the public about the need for the Fire Protection Sales Tax. Bowman thanked Chief Myler for his efforts as well.

Bowman reminded all Department Heads to encourage their employees to vote on Tuesday.

A motion was made by Alderwoman Milner to adjourn, with a second by Alderman Turner. Motion carried with all ayes. Meeting adjourned at 7:48 p.m.

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

ATTEST:

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Daniel Barnett, City Clerk

City of Harrisonville est. 1836

DRAFT

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
AUGUST 2, 2021
6:30 PM

1. Call to Order

The meeting was called to order at 7:55 p.m. by Mayor Judy Bowman.

2. Present

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Present	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Excused	
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, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Fire Chief Eric Myler, Electric Superintendent Andy Pollard, Community and Economic Development Director Jim Clarke, Parks Director Grant Purkey, City Planner Kroh, Building Official Chris Arthur and City Clerk Daniel Barnett - recording.

3. Discussion Items

Mayor Bowman asked the Board for permission to add discussion about the uptick in COVID-19 cases to the agenda for the Work Session.

The Board agreed to approve the addition of the COVID-19 discussion.

A. Planning & Zoning SWOT Analysis

City Planner Kroh began his presentation by thanking the Board for their time.

Kroh presented the SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats) for the Planning and Zoning Office.

Kroh presented the strengths of the Planning and Zoning Office, including: Being a full-service city, A can-do staff, A historic square and historic Neighborhoods, A sense of place, a history and Dedicated volunteer board members.

Kroh presented the weaknesses of the Planning and Zoning Office, including: The 2002 Comprehensive Plan needs updating, The future land use, zoning and street maps need updating, The Historic Preservation Plan needs updating, The Subdivision and Zoning regulations need updating and More training for volunteer board members is needed.

Kroh presented the opportunities of the Planning and Zoning Office, including: The Comprehensive Plan and Citizen Survey, The Historic Square Plan and development on the Square, Major capital improvements and Cleaning up the community.

Kroh presented the threats of the Planning and Zoning Office, including: A loss of support for essential services, A failure to constantly improve and A failure to put tomorrow over today.

Kroh presented a series of next steps for the City-Wide Comprehensive Plan, broken down over the next eight months. Kroh says he hopes to see final adoption of the plan in April of 2022.

Mayor Bowman told Kroh that she appreciated the information he presented to the Board.

RESULT:	DISCUSSION

B. Swimming pool requirements Ordinance change discussion

Before beginning his presentation, Building Official Arthur spoke to discussions in the regular session regarding the addition of a new Building Inspector and to the comments made by Laurence Smith regarding the ordinance governing grass length.

Alderman Davidson asked for an explanation regarding the comments made by Mr. Smith.

Arthur referenced the staff report included in the Agenda Packet for the regular meeting and spoke about the need for communication.

Mayor Bowman said she is glad that Mr. Morris has returned to the Building Department staff and that she appreciated the training that Arthur's staff are going through.

Arthur spoke to the Board about a series of changes he would like to make regarding the City's Code governing residential swimming pools.

Arthur said he would like to modify the current ordinance, deleting the language and reserving the section number for future use.

Arthur said enough time has now passed since the Code adoptions of August 2020, and owners, contractors and builders have had plenty of time to become familiar with the City's adopted 2018 International Swimming Pool and Spa Code (ISPSC).

Alderman Davidson asked if there were any significant changes in the proposed Code change.

Athur said no.

The Board said they approved of moving forward with the changes.

Arthur said he would work with the City Attorneys to have the changes ready for the August 16, 2021, Board of Aldermen meeting.

RESULT:	DISCUSSION

C. Septic system regulation Ordinance change discussion

Arthur spoke to the Board about a series of changes he would like to make regarding the City's Code governing septic systems.

Arthur said he would like to modify the current ordinance to allow for maintenance, repairs, and replacements to existing residential systems and change the baseline distance for requiring connection to public sanitary sewer for existing residential systems.

Arthur said undue financial burden is being placed on existing residential dwelling unit owners for existing septic sewer systems.

Arthur said he would like to see the Board reduce the required distance in the code to match an estimated cost of a new septic system.

Mayor Bowman asked how many City residents use septic systems.

Arthur said there are currently approximately 52 residential private sewerage disposal systems within the City limits. Arthur said the distance from the system to City sewer mains averages approximately 936 feet. Arthur said there are currently 25 systems that are at, or below, 400 feet.

Arthur said the changes would not apply to new residential development.

Alderman Zaring asked if there are incentives that the City could offer to get residents to connect to public sewers.

The Board said they approved of moving forward with the changes.

Arthur said he would work with the City Attorneys to have the changes ready for the August 16, 2021, Board of Aldermen meeting.

Following the discussion item, Mayor Bowman spoke to the Board about a recent uptick in COVID-19 cases, particularly the Delta variant. Bowman spoke about recent efforts by physicians at Cass Regional Medical Center and Belton Regional Medical Center to educate and encourage people to get the COVID-19 vaccine.

Bowman asked the Board if they felt additional steps were required to protect City staff and those inside City buildings.

Alderman Turner said he thinks it would be wise to wear masks in public, regardless of vaccination status.

Alderwoman Milner said she feels the City should lead by example and that staff should wear masks.

Bowman read information from county physicians providing education about the COVID-19 Delta variant.

Alderwoman Reece asked for staff to share their opinions about the issue.

Electric Superintendent Pollard said he does not have a problem with wearing a mask.

Public Works Director/City Engineer Brooks said he would like all City staff to be vaccinated and encouraged everyone to be vaccinated.

City Administrator Ratliff spoke about staff's reaction to learning that a fellow staff member in their building had recently tested positive.

Economic and Community Development Director Clarke said he fully supports wearing masks.

Building Official Chris Arthur said he would like to see City Hall closed to the public, as he operates with such a small department and if one of his staff were to get sick, he would have a hard time keeping up. Arthur said he will do whatever the Board decides.

Police Chief Hofer said he is very concerned about the recent uptick in cases in the County. Hofer spoke about his department already being short staffed and that he could *not keep up if there were to be an outbreak within his department. Hofer said he plans to encourage his staff to wear masks.*

Fire Chief Myler said his staff are still wearing masks anytime they are unable to socially distance from a patient. Myler said he feels staff should wear masks when unable to social distance.

City Planner Kroh said he supports wearing masks.

Parks Director Purkey said he supports having staff wear masks. Purkey spoke about the difficulties of enforcing masks be worn by the public within the Community Center.

City Clerk Barnett said he would be fine with whatever the Board decides, but that he supports each person's right to make their own decisions about their safety.

Turner reiterated his support for staff to wear masks.

Alderwoman Reece said she appreciated hearing from staff and thanked staff for being honest and open. Reece said she feels that staff should wear masks.

Alderman Zaring said he does not believe in mandating that anyone wear a mask or be vaccinated. Zaring said it should be up to the individual.

Alderman Doerhoff said he agrees with Alderman Zaring, but said if staff will feel safer wearing masks, then he fully supports that.

Alderman Mills said he supports staff wearing masks and encourages all to get the vaccine.

Alderman Davidson said he agrees with Alderman Zaring and that he does not support mandates. Davidson said he does understand the first responders circumstances and why they might be in a different situation. Davidson said he will fully support whatever staff want.

City Administrator Ratliff said he feels masks would be more important for staff who regularly interact with the public. Ratliff said staff will resume daily sanitization of City Hall, as an added precaution this week.

Milner asked if the Board could highly encourage masks when social distancing is not possible.

Bowman said she appreciates the discussion that has gone on tonight. Bowman spoke to the Board's responsibility to protect staff at all times. Bowman said she feels that if City staff members are exposed to the public during work hours, then it is within reason to require masks.

Bowman asked if the Board could agree that if staff are interacting with the public then they would be required to wear masks.

Bowman polled the Board about whether or not they support staff who are interacting with the public being required to wear masks.

The Board voted four for and three against.

Bowman said beginning August 3, any staff who are interacting with the public, during the work day, are required to wear masks. Bowman said other steps, such as closing City buildings, would be discussed at a future meeting.

Mayor Bowman shared an email with the Board from Mrs. Shirley Sebeniecher about her appreciation for the recognition of Charles and Ida Myers' anniversary.

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

The meeting was adjourned at 9:41 p.m.

RESULT:	**DISCUSSION**

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

ATTEST:

____
Daniel Barnett, City Clerk

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Daniel Barnett,**

DATE: **August 11, 2021**

SUBJECT: **Budget questionnaire 2022**

<u>Type of Item:</u> *Discussion*

A. Discussion Item (ID # 3988)

2022 Budget Questionnaire

Attachments:

Budget questionnaire 2022 (PDF)

City of Harrisonville, Missouri

2022 Goals Review

August 16, 2021

Ben Hart, Director
816-333-7093

bakertilly

now joined with
Springsted and Umbaugh

City Goals – Resolution 2021-013

The City's elected and appointed officials shall endeavor to implement, administer, execute, and complete the following goals of the City by March 31, 2022:

1. Improve industrial development within the City through economic development tools.
2. Identify and utilize additional revenue sources for an improved financial condition of the City.
3. Create an incentives plan to enhance code enforcement efforts in identified residential and commercial areas of the City.

HARRISONVILLE | MO

City Goals

Improve Industrial Development Through Economic Development Tools

- Identify and create an opportunity with 1 secondary education provider to create workforce development in Harrisonville
- Invite and host 3 industrial developers to tour prospective industrial sites, including the newly-sewered properties in Harrisonville
- Schedule and hold meetings to discuss the creation of a CID and/or TDD to provide incentives for increasing the capacity of the City's road infrastructure on the west side of I-49 for industrial development with the following partners:
  - Love's
  - Church & Dwight
  - ADS
  - Universal Forest Products
- Review and modify, as appropriate, the adopted incentives policy, specifically for Chapter 100 incentives, designed to attract highly technical industrial businesses that make a significant investment in personal property and hire skilled workers for wages that are above the median wage paid in Cass County.

City Goals

Utilize Additional Revenue Sources

- Conduct a tax analysis to identify unused sources of tax revenues
- If available, put a fire/ambulance tax on the ballot on the most effective election date
  - August
  - November
- Develop a prioritized list of other available revenue sources and a plan for implementing one or more of these sources

HARRISONVILLE | MO

City Goals

Create Incentives to Enhance Code Enforcement

- Create a program that complements the City's increased code enforcement measures to incentivize better property management throughout the City
    - Meet with officials at the City of Independence to learn about their 353 programs and tour the areas where their programs are in effect
    - Establish the boundaries of a redevelopment area where residential properties suffer from a predominance of blighted conditions using the City's prioritized inventory of problem properties
    - Identify a list of criteria that would create the greatest impact in increasing property values and improving the visual appearance of the identified area
    - Develop a 353 plan to implement a program for blight remediation through investment and improvement in residential properties in the identified area
- Work with Love the Square to create a community improvement district on the historic square to encourage economic development through historic renovation of commercial properties on the square

ATTENTION

DISCLAIMER

The information provided here is of a general nature and is not intended to address the specific circumstances of any individual or entity. In specific circumstances, the services of a professional should be sought.

City of Harrisonville est. 1836

STAFF REPORT

TO: Board of Aldermen

FROM: Roger Kroh, Planner

DATE: August 12, 2021

SUBJECT: Resolution Approving a Real Estate Land Donation Contract with Country Club Bank

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Resolution Authorizing the Mayor and City Administrator to Enter into a Real Estate Donation Contract with Country Club Bank for Approximately .46 acres at 1703 N SR 291

Date of Meeting: August 19, 2021

PROPOSAL

Authorize the Mayor and City Administrator to enter into a Real Estate Donation Contract with Country Club Bank for approximately .46 acres that the bank has offered to the City at 1703 N SR 291.

PREVIOUS ACTIONS

City staff has approved a lot split survey and construction plans for a new Starbucks on the Country Club Bank property at 1703 N. SR 291. In September, the existing building is being removed and construction is to begin on Starbucks.

STAFF COMMENTS

Country Club Bank has been located on 1.38 acres on SR 291 for a number of years. The bank is selling approximately .92 acres of the land for a Starbucks restaurant and has offered the remaining .46 acres to the city as it is not needed by Starbucks. As the .46 acres abuts the City's Electric Department, staff recommends that the city accept the donation as the land would be available for future use by the Electric Department.

One condition that the bank has placed on the donation is that in the event the City decides to dispose of the property in the next ten years, the bank has the right to have the property revert to the bank. After ten years, the City may dispose of the property in any manner it wishes.

STAFF RECOMMENDATION

Approval

STAFF CONTACT: Roger Kroh, AICP, Planner

B. Action Item (ID # 3989)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A REAL ESTATE DONATION CONTRACT WITH COUNTRY CLUB BANK REGARDING THE DONATION OF APPROXIMATELY .46 ACRES OF LAND AT 1703 N STATE ROUTE 291 IN THE CITY OF HARRISONVILLE, MISSOURI

Attachments:

DonationContract&Exhibits (DOC)

Land donation Community Bank 2021 (RTF)

REAL ESTATE DONATION AGREEMENT

THIS AGREEMENT is made and entered into effective the ____ day of August, 2021 (the "**Effective Date**") by and between Country Club Bank, a Missouri depository trust company ("**Owner**") and City of Harrisonville, Missouri ("**City**") (collectively "**Parties**").

WHEREAS, Owner is the owner of real property described in Exhibit A, attached hereto (the "**Property**").

WHEREAS, the Owner and the City desire to have Owner donate the Property to the City.

WHEREAS, the Parties have agreed to certain matters with respect to the foregoing donation.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the sufficiency of which is acknowledged, the Parties agree as follows:

1. PROPERTY: Subject to the terms and conditions of this Agreement, Owner agrees to donate, and City agrees to accept, the Property for good and valuable consideration.

2. SURVEY/PLATTING: Owner shall provide a survey and lot split denoting the Property to be donated to the City in accordance with the proposed lot split attached hereto as Exhibit B. Further, Owner shall cause the survey and lot split to be recorded by the Cass County Recorded of Deeds Office.

3. TITLE COMMITMENT; TITLE POLICY: The City, in the City's sole discretion and expense, may obtain a title commitment and/or title policy for the Property.

4. CONVEYANCE OF TITLE: Owner will convey the Property to City by a Special Warranty deed, **subject to** any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, liens, encumbrances, impositions (monetary and otherwise), access limitations, leases, prescriptive rights, rights of parties in possession, rights of tenants (including a use restriction in favor of a Starbucks restaurant being developed on an adjoining property to the west of the Property as shown on Exhibit B), co-tenants, or other co-owners, and any and all other matters, restrictions or conditions affecting the Property, whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and prior and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; any and all zoning, building, and other laws, regulations, and ordinances or municipal and other governmental authorities affecting the Property, and a 10-year exclusive reversion right in favor of Owner in the event the City wishes to or disposes of or other otherwise conveys or transfers the Property, or any part thereof, within 10-years from recording of the deed, in accordance with the provisions of Paragraph 5 below (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). The Property is being donated in its "AS-IS" condition as of the date of the recording of the deed.

5. RIGHT OF REVERSION: It is the intent of the parties that following Owner's donation of the Property to the City, ownership of the Property shall remain vested in the City for a period of at least 10 years from the recording of the Special Warranty Deed referenced in Paragraph 4 above. Should the City wish to or dispose of or otherwise convey or transfer the Property, or any part thereof, to a third party within ten (10) years of the date of recording the Special Warranty Deed referenced in Paragraph 4 above (the "Recording Date"), then upon the occurrence of each and/or any of such events during said 10-year period, Owner shall have the exclusive right of reversion for the ownership of the Property exercisable upon notice by Owner to the City. After the expiration of ten (10) years following the Recording Date, the City may dispose of the Property in whatever manner suits the City. Owner's right of reversion shall extinguish upon the expiration of ten (10) years following the Recording Date.

6. NOTICES: All notices, consents, approvals, requests, waivers, objections or other communications required or permitted under this Agreement shall be in writing and shall be served by hand delivery, prepaid and certified U.S. Mail or by reputable overnight delivery service to:

If to Owner: Country Club Bank
Attn: Tim Thompson, General Counsel
1 Ward Parkway
Kansas City, MO 64112

With a copy to: The Smith Law Group PC
Attn: Brian Smith
10620 Johnson Drive, Suite 100
Shawnee, KS 66203

If to City: City of Harrisonville, Missouri
Attention: Brad Ratliff, City Administrator
300 E Pearl Street
Harrisonville, MO 64701

If either party shall mail any notice to the other party's Notice Address specified above, such notice shall be conclusively deemed given on the second regular postal day next following the date of mailing. Failure or refusal to accept service of a notice shall constitute delivery of the notice.

7. SEVERABILITY: If any provision of the Agreement or any term, paragraph, sentence, clause, phrase or word appearing herein by judicially or administratively held invalid or unenforceable for any reason, such holding shall not be deemed to affect, alter, modify, or impair in any manner any other provision, term, paragraph, sentence, clause, phrase, or word appearing herein.

8. SUCCESSORS AND ASSIGN: All covenants, conditions, representations, promises, and agreements contained herein shall run with the land and shall be binding upon, apply, and insure to the Parties hereto and their respective heirs, executors, administrators, successors, and assigns.

9. GOVERNING LAW: This Agreement shall be deemed made within the State of Missouri and the laws of such state shall govern the interpretation and construction hereof. Venue for any dispute regarding this Agreement shall be the Circuit Court of Cass County, Missouri.

10. COUNTERPART EXECUTION: This Agreement may be executed in any number of counterparts and each shall be deemed an original. Execution and delivery of this Agreement by portable document format ("PDF") copy bearing the PDF signature of any party hereto shall constitute a valid and binding execution and delivery of this Agreement by such party. Such PDF copies shall constitute enforceable original documents, and as executed, shall constitute a true and correct original and admissible as best evidence for the purposes of state law, federal rule of evidence 1002, and like statute and regulations.

11. FURTHER ACTS: Both Parties shall do and perform such other and further acts, and sign any further documents, as are reasonably necessary so as to effectuate their intentions as herein expressed, including any further acts necessary to effectuate Owner's reversionary right to the Property in accordance with the provisions of Paragraph 5 above if the conditions of such reversion shall be subsequently satisfied.

12. CAPTIONS AND CONSTRUCTION: Captions throughout this instrument are for convenience of reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

13. DRAFTING: The provisions of this Agreement were negotiated by the Parties hereto and said Agreement shall be deemed to have been drafted by all the Parties hereto.

14. ATTORNEY FEES: In the event any claim is asserted by or against any of the Parties hereto with respect to this Agreement or the subject matter hereof, the party or Parties prevailing in any litigation resulting from such claim shall be entitled to receive the reasonable attorneys' fees and all court costs, incurred by the prevailing party or parties in such litigation from the party or parties who fail so to prevail.

15. TOTAL INTEGRATION: THE AGREEMENT (INCLUDING ANY ADDENDUM OR EXHIBIT ATTACHED HERETO) CONSTITUTES THE COMPLETE AGREEMENT BETWEEN OWNER AND CITY CONCERNING THE RELATIONSHIP OF THE PARTIES. THERE ARE NO ORAL AGREEMENTS, UNDERSTANDINGS, PROMISES, OR REPRESENTATIONS BETWEEN OWNER AND CITY AFFECTING THIS AGREEMENT OR THE SUBJECT PROPERTY. ALL PRIOR NEGOTIATIONS AND UNDERSTANDING, IF ANY, BETWEEN THE PARTIES HERETO WITH RESPECT TO THE SUBJECT PROEPRETY

OR THIS AGREEMENT SHALL BE OF NO FORCE OR EFFECT AND SHALL NOT BE USED TO INTERPRET THIS INSTRUMENT.

WHEN SIGNED BY ALL PARTIES THIS IS A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, CONSULT AN ATTORNEY BEFORE SIGNING. TIME IS OF THE ESSENCE OF THIS AGREEMENT.

IN WITNESS WHEREOF, OWNER AND CITY execute this Agreement on the date(s) and at the time(s) indicated below their respective signatures.

OWNER:

COUNTRY CLUB BANK

By:___________________________________
Doug Axon, Chief Financial Officer

Date_______________, 2021, Time ____, __.M.

STATE OF ____________)
) ss:
COUNTY OF __________)

On this _____ day of ____________________, 2021, before me, a Notary Public in and for said County and State, personally appeared DOUG AXON, to me personally known, who, being by me duly sworn (or affirmed), did say that he is the Chief Financial Officer of **COUNTRY CLUB BANK**, a Missouri limited liability company, and that said instrument was signed in behalf of said limited liability company by authority of its members, and said person acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

____
Notary Public

My Commission Expires:

____

CITY:

CITY OF HARRISONVILLE, MISSOURI

____
Judy Bowman, Mayor

Date______________, 2021, Time ____, __.M.

STATE OF______________)
) SS.
COUNTY OF ____________)

The foregoing instrument was acknowledged before me on ____________________, 2021, by _____________________, Mayor of the **CITY OF HARRISONVILLE, MISSOURI**, and that she, as such and being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

____
Notary Public

My Commission Expires:

____

DATE AND TIME OF FINAL ACCEPTANCE ___________________, 2021, __:__, _.M.

EXHIBIT A

LEGAL DESCRIPTION

TRACT A:

THE NORTH 60 FEET OF LOT 23; ALL OF LOT 24; AND THE SOUTH 40 FEET OF LOT 25, IN HARGUS & HENDERSON SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 23, IN SAID HARGUS & HENDERSON SUBDIVISION, AT A POINT 40 FEET NORTHERLY, AS MEASURED ALONG THE EASTERLY LINE OF SAID LOT 23, FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 87 DEGREES 52 MINUTES 34 SECONDS WEST, 200.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI ROUTE 291 (40.00 FEET FROM CENTERLINE); THENCE NORTH 06 DEGREES 14 MINUTES 30 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 200.00 FEET; THENCE SOUTH 87 DEGREES 52 MINUTES 34 SECONDS EAST, 200.00 FEET; THENCE SOUTH 06 DEGREES 14 MINUTES 30 SECONDS WEST, 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 39,897 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.

PREPARED BY ROGER A. BACKUES, PLS-2134

TRACT B:

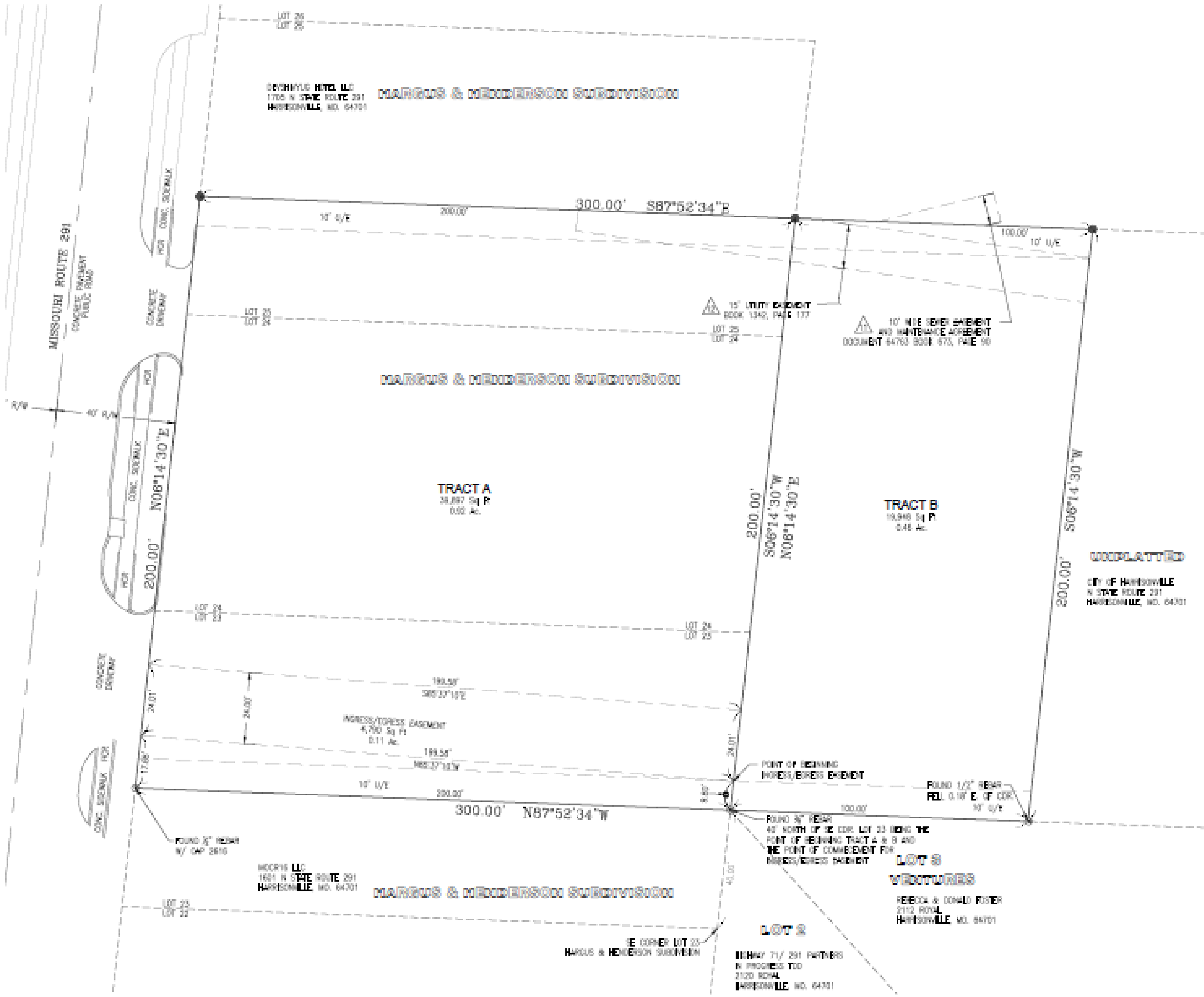
A PART OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 45, RANGE 31, IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 23, IN HARGUS & HENDERSON SUBDIVISION, IN SAID CITY, AT A POINT 40 FEET NORTHERLY, AS MEASURED ALONG THE EASTERLY LINE OF SAID LOT 23, FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 06 DEGREES 14 MINUTES 30 SECONDS EAST ALONG THE EASTERLY LINE OF SAID HARGUS & HENDERSON SUBDIVISION, A DISTANCE OF 200 FEET; THENCE SOUTH 87 DEGREES 52 MINUTES 34 SECONDS EAST PARALLEL TO THE EXTENSION OF THE SOUTH LINE OF LOT 25, IN SAID SUBDIVISION, A DISTANCE OF 100 FEET; THENCE SOUTH 06 DEGREES 14 MINUTES 30 SECONDS WEST ON A LINE PARALLEL TO THE EASTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 200 FEET; THENCE NORTH 87 DEGREES 52 MINUTES 34 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 19,948 SQUARE FEET OR 0.46 ACRES, MORE OR LESS.

PREPARED BY ROGER A. BACKUES, PLS-2134

LOT SPLIT SURVEY

A PART OF LOTS 23 & 25, ALL OF LOT 24, HARGUS & HENDERSON SUBDIVISION
AND A PART OF THE EAST ½, SW ¼, SECTION 33, TOWNSHIP 45, RANGE 31
HARRISONVILLE, CASS COUNTY, MISSOURI



Council Bill No.

Resolution No.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A REAL ESTATE DONATION CONTRACT WITH COUNTRY CLUB BANK REGARDING THE DONATION OF APPROXIMATELY .46 ACRES OF LAND AT 1703 N STATE ROUTE 291 IN THE CITY OF HARRISONVILLE, MISSOURI

WHEREAS, Country Club Bank ("Owner") is the owner of property at 1703 N State Route 291 in the City of Harrisonville ("City"); and

WHEREAS, the Owner and the City have a desire to have Owner donate approximately .46 acres of land at 1703 N State Route 291 to the City.

WHEREAS, the Board of Aldermen have reviewed the real estate donation contract with Country Club Bank and believe it to be in the best interest of the city to approve the contract as presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISONVILLE BOARD OF ALDERMEN THAT:

Section 1. The Mayor and City Administrator are hereby authorized and directed to enter into a real estate donation contract on behalf of the Board of Aldermen with Country Club Bank regarding the donation of approximately .46 acres at 1704 N. State Route 291 in the City of Harrisonville.

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

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 16TH DAY OF AUGUST 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 16th day of August 2021.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Daniel Barnett,**

DATE: **August 10, 2021**

SUBJECT: **Certifying Results of Special Election August 3, 2021**

Type of Item: *Approval*

C. Action Item (ID # 3982)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI CERTIFYING THE RESULTS OF THE SPECIAL ELECTION HELD AUGUST 3, 2021.

Attachments:

August certified election results (PDF)

Election Results 2021 (DOCX)

Election Summary Report
SPECIAL ELECTION
CASS COUNTY, MISSOURI
TUESDAY, AUGUST 3, 2021
Aug 3, 2021 Special Election
Official Results

Date: 8/6/2021
Time: 12:06:06 PM
Page 1/1

Registered Voters 9,726 - Total Ballots 912 : 9.38%

6 of 6 Precincts Reporting 100.00%

HARRISONVILLE EMERGENCY SERVICES		
Number of Precincts	5	
Precincts Reporting	5	100.00%
Total Votes	579	
YES	327	56.48%
NO	252	43.52%

I, Jeff Fletcher, County Clerk/Election Author
of Cass County, Missouri, do hereby certify that the foregoi
is a full accurate return of all votes cast in tl
August 3rd, Special Election; held in tl
City of Harrisonville, Missou
as certified by me of said electio

Dated on this 6th day of August, 20

Jeff Fletcher

COUNTY SEAL
CASS COUNTY MISSOURI

Council Bill No:

Ordinance No:

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI CERTIFYING THE RESULTS OF THE SPECIAL ELECTION HELD AUGUST 3, 2021.

WHEREAS, on August 3, 2021, a Special Election was held within the City of Harrisonville, Missouri, and

WHEREAS, on the ballot, a Fire Protection Sales Tax option was voted upon, and

WHEREAS, the results of the election have been certified to the City of Harrisonville by Jeff Fletcher, Cass County Clerk/Election Authority as follows:

Harrisonville Emergency Services: YES

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

Section 1: That it is hereby found and declared that notice of said election was duly given by publication in the manner provided by law, and that said election was held and conducted in all respects and conformity with the Constitution and laws of the State of Missouri.

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

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16TH OF AUGUST 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16TH DAY OF AUGUST 2021 AND PASSED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF AUGUST 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 16th day of August 2021.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Kim Hubbard, Finance Manager**

DATE: **August 10, 2021**

SUBJECT: **TAX LEVY HEARING/ORDINANCE LEVYING A TAX**

Type of Item: *Approval*

MEMO TO: Mayor, Board of Aldermen and City Administrator

THROUGH: Jeremy Smith, Director of Administrative Services
Kim Hubbard, Finance Manager

FROM: Benjamin Hart, Baker Tilly Municipal Advisors

DATE: 8/17/2022

SUBJECT: 2021 Property Tax Levy
Fiscal Year 2022

BACKGROUND

The property tax levy is set annually per RSMO 67.110.1. Assessed values are received from the County and submitted to the State Auditor for review. The proposed tax levy is calculated and set to maintain revenue at what is called revenue neutral meaning the City does not receive a significant amount more in revenue from year to year.

The proposed levy from the State Auditor as well as the 2020 levy is below.

APPROVED LEVY

	2021 Budget	**2022 Budget**
General Fund	0.5295	$0.5253

Parks Fund	0.1197	0.1187
Total	$0.6492	$0.6440

DISCUSSION

The State Statute requires each political subdivision to fix its ad valorem property tax rates no later than September 1. The Statute states that the assessed valuation be presented by category of real, personal and other tangible property as entered in the tax book for the fiscal year for which the tax to be levied along with the amount of revenue required to be provided from the property tax set forth in annual budget adopted.

The City is required to hold a public hearing on the proposed rates per RSMO 67.110.1. The City cannot set a levy that will generate substantially more revenue than projected from the year before. Even though the levy itself moves up or down, the amount of tax remains substantially the same. New improvements and reassessment years can result in higher tax revenue.

Pro Forma - State Auditor's Review of Data Submitted

Tax rates proposed are based on the assessed values provided by the County. The County Clerk sends the attached Pro Forma - State Auditor's Review of Data Submitted to the City. This document has been completed by the Missouri State Auditor to calculate the proposed tax levy for General Fund and Parks. I have included the documents received. The maximum prior year adjusted revenue is shown below calculated at $772,111 for General Fund and $174,578 for Parks. Total revenue permitted in current year is $796,149 for General Fund and $179,980 for Parks.

ESTIMATED PROPERTY TAX COLLECTIONS

	2021 Budget	2022 Budget
General Fund	$772,111	$796,149
Parks Fund	174,578	179,980
Total	$946,689	$976,129

ASSESSED VALUES

	2020 Budget Final	2021 Budget As of 8-5-2021
Real Estate	$118,877,304	$138,205,591
Personal Property	29,405,489	29,352,207

Total	145,846,397	$167,557,798

New Improvements:		
Real Estate	$2,137,908	13,133,137
Personal Property	326,302	1,381,429
Total Improvements	$2,464,110	$14,514,566

ACTION REQUIRED/RECOMMENDATION

Set the tax levy for Fiscal Year 2022 as proposed and outlined in the documents provided. I respectfully request the Board consider the ordinance on first reading to comply with State Statute to set the levy prior to September 1. This action will allow the City to provide the documents to the County for certification in a timely manner to also comply with the State Statute requirement by September 1st.

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE LEVYING A TAX FOR THE CURRENT EXPENSE OF THE CITY OF HARRISONVILLE, MISSOURI, UPON REAL PROPERTY AND ALL TANGIBLE PERSONAL PROPERTY OF WHATSOEVER NATURE AND CHARACTER SUBJECT TO TAXATION BY THE CITY OF HARRISONVILLE FOR SUCH PURPOSES; ALSO, LEVYING A SPECIAL TAX UPON THE AFORE DESCRIBED PROPERTIES FOR PUBLIC PARKS; FOR A TOTAL TAX LEVY OF $.6492.

NOTICE OF PUBLIC HEARING

A public hearing will be held at 6:00 p.m., August 16, 2021 at Harrisonville City Hall, 300 E Pearl Street , Harrisonville, Missouri, at which time citizens may be heard on the property tax rates proposed to be set by the City of Harrisonville, a political subdivision.

Assessed Valuation (By Categories)	**Tax Year 2020**	**Tax Year 2021**	Change
Real Estate	$118,877,304	$138,205,591	$19,328,287
Personal Property	$29,405,489	$29,352,207	($53,282)
Total Assessed Value	**$148,282,793**	**$167,557,798**	**$19,275,005**

Assessed Value of New Construction & Improvements related to Real Estate	$2,137,908	$13,133,137
Change in Real Estate Values Due to Reassessment	$326,202	$1,381,429
Change in Personal Property Value	$0	($53,282)

The following Tax Rates are Proposed:

Fund	**2020 Tax Rate Per $100**	**Proposed 2021 Tax Rate Per $100**	**Proposed Tax Revenues**
General	$0.5295	$0.5253	$811,473
Park	$0.1197	$0.1187	$183,365
Total	$0.6492	$0.6440	$994,838

	General Fund	**Park Fund**	**Total**
Increase (Decrease) in tax revenue as a result of new construction and improvements, if proposed tax rate is adopted:	$ 68,988	$ 15,589	$ 84,577
Increase (Decrease) in tax revenue as a result of real estate reassessment if proposed tax rate is adopted:	$ 27,550	$ 6,165	$ 33,715
Increase (Decrease) in tax revenue as a result of changes in Personal Property Values if proposed tax rate is adopted:	($1,515)	($357)	($1,872)
Grand Total	**$ 95,024**	**$ 21,397**	**$ 116,420**

BOARD OF ALDERMEN
CITY OF HARRISONVILLE
Daniel Barnett, City Clerk

Amended 8-10-2021 and Posted 8-10-2021

Attachment: Amended Notice 8-10-2021 (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

NOTICE OF AGGREGATE ASSESSED VALUATION

(1ST REPORT AFTER B.O.E. 7-26-2021)

As required by Section 137.245.3, I, Jeff Fletcher, County Clerk of Cass County, State of Missouri, do hereby certify that the following is the Aggregate Assessed Valuation of the

CITY OF HARRISONVILLE

a political subdivision in Cass County, for the year 2021 as shown on the assessment lists on July 23, 2021. Included are state and local railroad and utility valuations as reported by the State Tax Commission and the Cass County Assessor for your political subdivision.

Real Estate, Residential -	$	78,726,320
Real Estate, Agricultural -		151,280
Real Estate, Commercial -		58,502,331
Real Estate, Local Utilities -		113,194
Real Estate, State Utilities -		712,466
TOTAL REAL ESTATE -	**$**	**138,205,591**
Personal Property -	$	29,017,420
Personal Property, Local Utilities -		167,244
Personal Property, State Utilities -		167,543
TOTAL PERSONAL Property -	**$**	**29,352,207**
TOTAL ASSESSED VALUE -	**$**	**167,557,798**

This information is transmitted to assist you in complying with Section 67.110, RSMo, which requires that notice be given and public hearings held before tax rates are set. The above figures include state and locally assessed railroad and utility valuations that have been prepared by the County Clerk's Office.

New Construction and Improvements

The following data has been provided by the County Assessor's Office:

Related to Real Estate -	$	13,133,137
Increase in Personal Property-		1,381,429
TOTAL -	**$**	**14,514,566**

In witness whereof, I have hereunto set my hand and affixed the seal of the County Commission of Cass County at my office in Harrisonville this 26th day of July, 2021

The Cass County Courthouse

CASS COUNTY MISSOURI

Jeff Fletcher
Cass County Clerk

NICOLE GALLOWAY, CPA
Missouri State Auditor

MEMORANDUM

July 27, 2021

TO: 09-019-0010 City of Harrisonville

RE: Setting of 2021 Property Tax Rates

The following are the tax rate computational forms that have been reviewed. Please follow the steps below to complete the process of setting your 2021 Property Tax Rate(s).

1. **Lines G - BB on the Summary Page should be completed** to show the actual tax rate(s) to levy.
2. Please **sign and date the Summary Page.**
3. Please **submit the finalized tax rate forms ready for certification to the County Clerk of each county** that your political subdivision resides in. The County Clerk must also sign the Summary Page and indicate the proposed tax rate to be entered on the tax books before submitting rate(s) to the State Auditor's Office for final review and certification.

If the attached calculation differs from the questionnaire submitted for review, please review the following line items for the reason(s) for the difference.

- **Form A, Line 2b - New Construction & Improvements - Personal Property**

  Section 137.073.4, RSMo, states that the aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property.

- **Form A, Line 5 - Prior Year Assessed Valuation**

  If the 2021 questionnaire has a different amount on Form A, Line 5 than was previously submitted, we had to revise the 2020 calculation for this change. The revised 2020 tax rate ceiling is listed on the 2021 Summary Page, Line A. Your primary County Clerk should forward a copy of the revised 2020 calculation; please keep this form for your files.

- **(SCHOOL DISTRICTS ONLY) Form A, Line 14**

  We revised the information the school district submitted on Line 14 to the amount computed by the Department of Elementary and Secondary Education (DESE).

If you have any questions about the enclosed forms, please contact the local government section at (573-751-4213.)

P.O. Box 869 • Jefferson City, MO 65102 • (573) 751-4213 • FAX (573) 751-7984

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Summary Page

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	General Revenue
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

		For Political Subdivision U: in Calculating its Tax Rate
A.	**Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)	0.52
B.	**Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18)	0.52
C.	**Amount of rate increase authorized by voters for current year** if same purpose. (Form B, Line 7)	
D.	**Rate to compare to maximum authorized levy to determine tax rate ceiling** (Line B if no election, otherwise Line C)	0.52
E.	**Maximum authorized levy** the most recent voter approved rate	1.00
F.	**Current year tax rate ceiling** maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E)	0.52
G1.	**Less required sales tax reduction** taken from tax rate ceiling (Line F), if applicable	
G2.	**Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)	
H.	**Less voluntary reduction by political subdivision** taken from the tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.	
I.	**Plus allowable recoupment rate** added to tax rate ceiling (Line F) If applicable, attach Form G or H.	
J.	**Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)	
AA.	**Rate to be levied for debt service,** if applicable (Form C, Line 10)	
BB.	**Additional special purpose rate authorized by voters** after the prior year tax rates were set. (Form B, Line 7 if a different purpose)	

Certification

I, the undersigned, ______________ (Office) of ______________ (Political Subdivisic levying a rate in ______________ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)

Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines **J** ________ **AA** ________ **BB** ________

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Form A

(2021)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	General Revenue
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. **(2021) Current year assessed valuation**

   Include the current state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized the local board of equalization.

   (a) 138,205,591 (Real Estate) + (b) 29,352,207 (Personal Property) = 167,557,7 (Total)

2. **Assessed valuation of new construction & improvements**

   2(a) - Obtained from the county clerk or county assessor

   2(b) - increase in personal property, use the formula listed under Line 2(b)

   (a) 13,133,137 (Real Estate) + (b) 0 (Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b) **If Line 2b is negative, enter zero**) = 13,133,1 (Total)

3. **Assessed value of newly added territory** obtained from the county clerk or county assessor

   (a) 2,551,160 (Real Estate) + (b) 306,990 (Personal Property) = 2,858,1 (Total)

4. **Adjusted current year assessed valuation** (Line 1 total - Line 2 total - Line 3 total)

   151,566,5

5. **(2020) Prior year assessed valuation**

   Include prior year state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized b the local board of equalization.

   NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

   (a) 118,877,304 (Real Estate) + (b) 29,405,489 (Personal Property) = 148,282,7 (Total)

6. **Assessed value of newly separated territory** obtained from the county clerk or county assessor

   (a) 0 (Real Estate) + (b) 0 (Personal Property) = (Total)

7. **Assessed value of property locally assessed in prior year, but state assessed in current year** obtained from the county clerk or county assessor

   (a) 0 (Real Estate) + (b) 0 (Personal Property) = (Total)

8. **Adjusted prior year assessed valuation** (Line 5 total - Line 6 total - Line 7 total)

   148,282,7

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Form A

(2021)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	General Revenue
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	For Political Subdivision Use in Calculating its Tax Rate
9. **Percentage increase in adjusted valuation** of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	2.2145
10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission	1.4000
11. **Adjusted prior year assessed valuation** (Line 8)	148,282,7
12. **(2020) Tax rate ceiling from prior year** (Summary Page, Line A)	0.52
13. **Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)	785,1
14. **Permitted reassessment revenue growth** The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10) or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0 or more than 5%.	1.4000
15. **Additional revenue permitted** (Line 13 x Line 14)	10,9
16. **Total revenue permitted in current year** * from property that existed in both years (Line 13 + Line 15)	796,1
17. **Adjusted current year assessed valuation** (Line 4)	151,566,5
18. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo** (Line 16 / Line 17 x 100) Round a fraction to the nearest one/one hundredth of a cent. **Enter this rate on the Summary Page, Line B**	0.52

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Summary Page

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	Parks & Recreation
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

		For Political Subdivision U[illegible] in Calculating its Tax Rate
A.	**Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)	0.11
B.	**Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18)	0.11
C.	**Amount of rate increase authorized by voters for current year** if same purpose. (Form B, Line 7)	
D.	**Rate to compare to maximum authorized levy to determine tax rate ceiling** (Line B if no election, otherwise Line C)	0.11
E.	**Maximum authorized levy** the most recent voter approved rate	0.20
F.	**Current year tax rate ceiling** maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E)	0.11
G1.	**Less required sales tax reduction** taken from tax rate ceiling (Line F), if applicable	
G2.	**Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)	
H.	**Less voluntary reduction by political subdivision** taken from the tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.	
I.	**Plus allowable recoupment rate** added to tax rate ceiling (Line F) If applicable, attach Form G or H.	
J.	**Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)	
AA.	**Rate to be levied for debt service,** if applicable (Form C, Line 10)	
BB.	**Additional special purpose rate authorized by voters** after the prior year tax rates were set. (Form B, Line 7 if a different purpose)	

Certification

I, the undersigned, ______________________ (Office) of ______________________ (Political Subdivisio
levying a rate in ______________________ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)

Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines **J** ________ **AA** ________ **BB** ________

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Form A

(2021)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	Parks & Recreation
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. **(2021) Current year assessed valuation**

   Include the current state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized the local board of equalization.

   (a) 138,205,591 (Real Estate) + (b) 29,352,207 (Personal Property) = 167,557,7 (Total)

2. **Assessed valuation of new construction & improvements**

   2(a) - Obtained from the county clerk or county assessor

   2(b) - increase in personal property, use the formula listed under Line 2(b)

   (a) 13,133,137 (Real Estate) + (b) 0 Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b) **If Line 2b is negative, enter zero** = 13,133,1 (Total)

3. **Assessed value of newly added territory** obtained from the county clerk or county assessor

   (a) 2,551,160 (Real Estate) + (b) 306,990 (Personal Property) = 2,858,1 (Total)

4. **Adjusted current year assessed valuation** (Line 1 total - Line 2 total - Line 3 total) 151,566,5

5. **(2020) Prior year assessed valuation**

   Include prior year state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized l the local board of equalization.

   NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

   (a) 118,877,304 (Real Estate) + (b) 29,405,489 (Personal Property) = 148,282,7 (Total)

6. **Assessed value of newly separated territory** obtained from the county clerk or county assessor

   (a) 0 (Real Estate) + (b) 0 (Personal Property) = (Total)

7. **Assessed value of property locally assessed in prior year, but state assessed in current year** obtained from the county clerk or county assessor

   (a) 0 (Real Estate) + (b) 0 (Personal Property) = (Total)

8. **Adjusted prior year assessed valuation** (Line 5 total - Line 6 total - Line 7 total) 148,282,7

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Form A

(2021)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	Parks & Recreation
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).	For Political Subdivision Use i Calculating its Ta Rate
9. **Percentage increase in adjusted valuation** of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	2.214
10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission	1.400(
11. **Adjusted prior year assessed valuation** (Line 8)	148,282,7
12. **(2020) Tax rate ceiling from prior year** (Summary Page, Line A)	0.11
13. **Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)	177,4
14. **Permitted reassessment revenue growth** The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10) or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0 or more than 5%.	1.400(
15. **Additional revenue permitted** (Line 13 x Line 14)	2,4
16. **Total revenue permitted in current year *** from property that existed in both years (Line 13 + Line 15)	179,9
17. **Adjusted current year assessed valuation** (Line 4)	151,566,5
18. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo** (Line 16 / Line 17 x 100) Round a fraction to the nearest one/one hundreth of a cent. **Enter this rate on the Summary Page, Line B**	0.11

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Informational Data

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	General Revenue
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior Year Tax Rate Ceiling as if No Voluntary Reductions were Taken

Informational Summary Page

		Based on Prior Year Tax Rate Ceiling as if No Voluntary Reductions were Taken
A.	**Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)	0.539
B.	**Current year rate computed** (Informational Form A, Line 18 below)	0.535
C.	**Amount of increase authorized by voters for current year** (Informational Form B, Line 7 below)	
D.	**Rate to compare to maximum authorized levy** (Line B if no election, otherwise Line C)	0.535
E.	**Maximum authorized levy** most recent voter approved rate	1.000
F.	**Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year** (Lower of Line D or E)	0.535

Informational Form A

9.	**Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)	2.2145
10.	**Increase in Consumer Price Index (CPI)** certified by the State Tax Commission	1.4000
11.	**Adjusted prior year assessed valuation** (Form A, Line 8)	148,282,79
12.	**(2020) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)	0.539
13.	**Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)	799,68
14.	**Permitted reassessment revenue growth** The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.	1.4000
15.	**Additional reassessment revenue permitted** (Line 13 x Line 14)	11,19
16.	**Total revenue permitted in current year** from property that existed in both years (Line 13 + Line 15)	810,88
17.	**Adjusted current year assessed valuation** (Form A, Line 4)	151,566,51
18.	**Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo,** if no voluntary reduction was taken (Line 16 / Line 17 x 100)	0.535

Informational Form B

6.	**Prior year tax rate ceiling to apply voter approved increase to** (Informational Summary Page, Line A if increase to an existing rate, otherwise 0)	
7.	**Voter approved increased tax rate to adjust** (If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)	

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Informational Data (2021)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Harrisonville	09-019-0010	Parks & Recreation
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

		Based on Prior Year Tax Rate Ceiling as if No Voluntary Reductions were Taken
	Informational Summary Page	
A.	**Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)	0.121
B.	**Current year rate computed** (Informational Form A, Line 18 below)	0.120
C.	**Amount of increase authorized by voters for current year** (Informational Form B, Line 7 below)	
D.	**Rate to compare to maximum authorized levy** (Line B if no election, otherwise Line C)	0.120
E.	**Maximum authorized levy** most recent voter approved rate	0.200
F.	**Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year** (Lower of Line D or E)	0.120
	Informational Form A	
9.	**Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)	2.2145'
10.	**Increase in Consumer Price Index (CPI)** certified by the State Tax Commission	1.4000'
11.	**Adjusted prior year assessed valuation** (Form A, Line 8)	148,282,79
12.	**(2020) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)	0.121
13.	**Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)	180,75
14.	**Permitted reassessment revenue growth** The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.	1.4000'
15.	**Additional reassessment revenue permitted** (Line 13 x Line 14)	2,53
16.	**Total revenue permitted in current year** from property that existed in both years (Line 13 + Line 15)	183,28
17.	**Adjusted current year assessed valuation** (Form A, Line 4)	151,566,51
18.	**Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo,** if no voluntary reduction was taken (Line 16 / Line 17 x 100)	0.120
	Informational Form B	
6.	**Prior year tax rate ceiling to apply voter approved increase to** (Informational Summary Page, Line A if increase to an existing rate, otherwise 0)	
7.	**Voter approved increased tax rate to adjust** (If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)	

Attachment: 2021 Pro Forma (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE LEVYING A TAX FOR THE CURRENT EXPENSE OF THE CITY OF HARRISONVILLE, MISSOURI, UPON REAL PROPERTY AND ALL TANGIBLE PERSONAL PROPERTY OF WHATSOEVER NATURE AND CHARACTER SUBJECT TO TAXATION BY THE CITY OF HARRISONVILLE FOR SUCH PURPOSES; ALSO, LEVYING A SPECIAL TAX UPON THE AFORE DESCRIBED PROPERTIES FOR PUBLIC PARKS; FOR A TOTAL TAX LEVY OF $0.644.

WHEREAS, State statute sets forth a process to fix the City ad valorem property tax rates no later than September 1 each year; and

WHEREAS, the City held a public hearing as required by RSMO 67.110.1; and

WHEREAS, the new calculated tax rates will generate substantially the same revenues as 2020; and

WHEREAS, the County Clerk submitted the approved form to the Missouri State Auditor's Office that calculated the new rates for the General Fund at $0.5253, and for the Park Fund at $0.1187; and

WHEREAS, there will be a slight increase in City revenue primarily due to reassessments along with some new real estate construction;

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

Section 1: That there is hereby levied for the year 2021 a tax upon each $100.00 of the assessed valuation of all real property and all tangible personal property of whatsoever nature and character subject to taxation by the City of Harrisonville, Missouri, at the following rates for the following purposes, to-wit:

(a) For paying the current expense of the City of Harrisonville, Missouri, for said year, a rate of $0.5253

(b) For the establishment and maintenance of public parks in the City of Harrisonville, Missouri, for said year, a rate of $0.1187

Section 2: That following the effective date of the passage of this ordinance, the tax levy so established shall be extended upon the assessment books of the City and collected as provided by law.

Section 3: That this ordinance shall be in full force and effect from and after the date of its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16th DAY OF AUGUST 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16th DAY OF AUGUST 2021

Attachment: Tax Levy 2021 (TAX LEVY HEARING/ORDINANCE LEVYING A TAX)

AND PASSED BY THE BOARD OF ALDERMEN THIS 16th DAY OF AUGUST 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 16th day of August 2021.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jim Clarke,**

DATE: **August 9, 2021**

SUBJECT: **City Owned Railroad Spur - Ordinance Amendment**

Type of Item: *Amendment*

F. Action Item (ID # 3979)

AN ORDINANCE ESTABLISHING RESPONSIBILITY AND COST COVERAGE OF MAINTENANCE AND REPAIRS OF CITY OWNED RAILROAD SPUR, FROM THE CITY, TO THE USER(/S) OF THE RAILROAD SPUR.

Attachments:

Rail Spur amend to pass M-R costs to users (DOCX)

BOA Mtg. - Staff Report - Rail Spur Ordinance - Replace - 8-16- 2021 (DOC)

Aerial - City Owned Railroad Spur (DOCX)

Ordinance - Rail Spur - Executed 5-9-94 (PDF)

Grant Agreement and Funding Approval - May 1994 (PDF)

CFR-2010-title24-vol3-sec570-505 - Highlighted (PDF)

CDBG Ltr. - Property Meet CDBG Req. for 5 Years - 7-29-20 (PDF)

City Attorney Ltr. to UFP - to take Ownership or Lease - 3-15-21 (PDF)

CDBG - Certificate of Completion - Close-Out Ltr. - 11-95 & 12-96 (PDF)

Rail Spur - Repair Cost History - 3-2006 thru 4-2017 (PDF)

Invoice - Spur Repair - 6-17-20 (PDF)

Invoice - Spur Repair - 7-21-21 (PDF)

Resolution - Railroad Spur Repair - 25K - 6-14-14 (PDF)

Harrisonville Track Maintenance Proposal 06.16.2020 (PDF)

Council Bill No. 2021_____

Ordinance No. _____

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE ESTABLISHING RESPONSIBILITY AND COST COVERAGE OF MAINTENANCE AND REPAIRS OF CITY OWNED RAILROAD SPUR, FROM THE CITY, TO THE USER(S) OF THE RAILROAD SPUR.

WHEREAS, the City has met its commitment to secure a $250,000 Grant from the Missouri Department of Economic Development Community Development Block Grant division;

WHEREAS, the City used the $250,000 Grant funds to install a railroad spur to benefit Universal Forest Products, Inc.;

WHEREAS, the City complied with the Department of Housing and Urban Development (HUD) regulations Section 570.505 Use of real property;

WHEREAS, the City met its obligation with the Community Development Block Grant Program, as stated in a letter from the Missouri Department of Economic Development, dated July 29, 2020, addressed to Mayor Judy Bowman; and

WHEREAS, the City does not use the railroad spur; hence, does not cause wear on the railroad spur;

WHEREAS, the City desires to enter into User Agreements with those individuals and entities that currently, and in the future, use the railroad spur.

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

Section 1: That the City of Harrisonville, as owner of the railroad spur, will maintain and repair the railroad spur, as necessary, at the user's expense.

Section 2: That the City of Harrisonville, as owner of the railroad spur, has the authority to restrict use of its railroad spur.

Section 3: That the City's ownership of said railroad spur extends from the point it leaves the right-of-way of the Missouri and Northern Arkansas Railroad, westerly until it leaves the right-of-way of Precision Drive and enters private property owned by Universal Forest Product, Inc. The approximate length of the City's railroad spur is 1,773 feet rail center line (as physically measured by City staff).

Section 4: That the City of Harrisonville, will execute a User Agreement between the City of Harrisonville and each user of its railroad spur. Each User Agreement will cover liability, ownership and the responsible party for railroad spur maintenance and repair.

Section 5: That each User Agreement will specify the required Annual Maintenance Fee amount, of each railroad spur user, to maintain and repair the City owned railroad spur, for their use. The amount of the Annual Maintenance Fee will be determined solely by the City. The City will use actual maintenance and repair costs incurred over the life of this railroad spur, along with railroad industry standards, to determine the Annual Maintenance Fee for each and every user.

Section 6: The City Administrator is hereby authorized to close or restrict use of the railroad spur and notify the railroad company if a user does not sign the User Agreement and/or fails to make timely payments as required by the User Agreement.

Section 7: That this ordinance shall become effective immediately upon its passage and approval.

VOTE TAKEN AS FOLLOWS:

AYES:
NAYS:
ABSENT:
ABSTAIN:

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16th DAY OF AUGUST 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16th DAY OF AUGUST 2021 AND PASSED BY THE BOARD OF ALDERMEN THIS 16th DAY OF AUGUST 2021.

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

ATTEST:

____
Daniel Barnett, City Clerk
WITNESS my hand and seal this 16th day of August 2021.

City of Harrisonville est. 1836

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

To: Board of Aldermen

From: Jim Clarke – Community/Economic Development Director

Date: August 16, 2021

Re: City owned Railroad Spur Ordinance – Amend language for responsible party for cost coverage of railroad spur maintenance and repairs

GENERAL INFORMATION

Applicant: Jim Clarke

Requested Actions: Consider replacing existing Ordinance regarding the City owned railroad spur

Date of Application: August 16, 2021

PROPOSAL

Consider replacing existing Ordinance regarding City owned railroad spur, to add language that the City will maintain and repair the railroad spur, **at the user's expense**; that the City has authority to restrict use of the railroad spur, by any user; that the City will execute a User Agreement with each user of the railroad spur; that the City will impose an Annual Maintenance Fee with each railroad spur user.

PREVIOUS ACTIONS

The City sold approximately 20 acres to Universal Forest Product, Inc., on February 18, 1994. This property sale did not include the City owned railroad spur land area.

The City applied for a Community Development Block Grant (CDBG) in 1994 for the specific purpose of installing a railroad spur for Universal Forest Products use and to locate an operation in Harrisonville.

CDBG grant funds, in the amount of $250,000, were awarded to the City of Harrisonville for the railroad spur installation. The railroad spur was installed, for the specific benefit of and use by Universal Forest Products.

The City submitted a Certificate of Completion to the Missouri Department of Economic Development Small Cities Block Grant Program, dated November 14, 1995.

The City received a letter, dated December 18, 1996, thanking the City for cooperation in completing the close-out process for the CDBG project, specifically, the installation of this railroad spur.

The City received a letter from the Missouri Department of Economic Development on July 29, 2020, addressed to the Mayor, stating the closeout process was complete for this project. The letter further stated that Grant requirements necessitate that the property continue to meet the CDBG national objective and eligible activity for which the Grant was awarded, for at least five years from the date of the closeout of the project, with the closeout date of December 4, 1996. Hence, the City's obligation with this CDBG program and project was met as of December 4, 2001, five years after closeout of this project.

The City's attorney sent a letter, dated March 15, 2021, stating the City needs to be reimbursed for its costs to continue maintenance of the railroad spur. Further stating the City desires a lease agreement, with Universal Forest Products, or a sale of the railroad spur. The letter requested a reply from Universal Forest Products within 30 days of letter date. Universal Forest Products has not replied to, or contacted the City, in response to this letter.

KEY ISSUES

While a typical "maintenance" cost of the railroad spur might run approximately $5,000 - $10,000 per year, there are years when a significant "repair" to the railroad spur may cost approximately $25,000, or more, that if not addressed could result in a possible accident and liability to the City. This is evidenced by the Resolution below.

Resolution 024-14 Authorizing City Administrator to execute agreement for railroad spur repairs not to exceed $25,000, dated June 16, 2014.

Staff received a Proposal from Musselman & Hall, a railroad repair contractor, dated June 16, 2020, for necessary maintenance/repairs to the railroad spur with a Bid Total of $61,903.75. This caused a Budget Request from staff for the 2021 Budget of $65,000 for Railroad Spur Maintenance and Repairs.

This railroad spur serves a single, private user. It does not serve multiple users (employers), in a City owned industrial park, nor serve the City, or a public user. Therefore, the citizens (taxpayers) should not bear the cost of maintenance and repairs of this railroad spur, even though City owned.

STAFF COMMENTS AND SUGGESTIONS

Staff suggests the Board of Aldermen consider the following:

1) Adopt a new Ordinance, to replace the existing Ordinance, stating the City's intent to no longer cover any costs of railroad maintenance and repairs

2) Cease covering any costs of maintenance or repairs of the City owned railroad spur

3) Cease Budgeting for any maintenance and repairs of the railroad spur

4) Enter into a User Agreement between the City and Universal Forest Products and any user of the railroad spur - outlining ownership, liability, maintenance, etc.

5) Charge an Annual Maintenance Fee to all railroad spur users, to cover 100% of the costs of railroad spur maintenance and repairs

6) Restrict use of the City owned railroad spur to any user that does not cover the costs of maintenance and repairs

7) Require that any/all railroad spur users have the railroad spur maintained and repaired in safe working condition, at all times

STAFF RECOMMENDATION

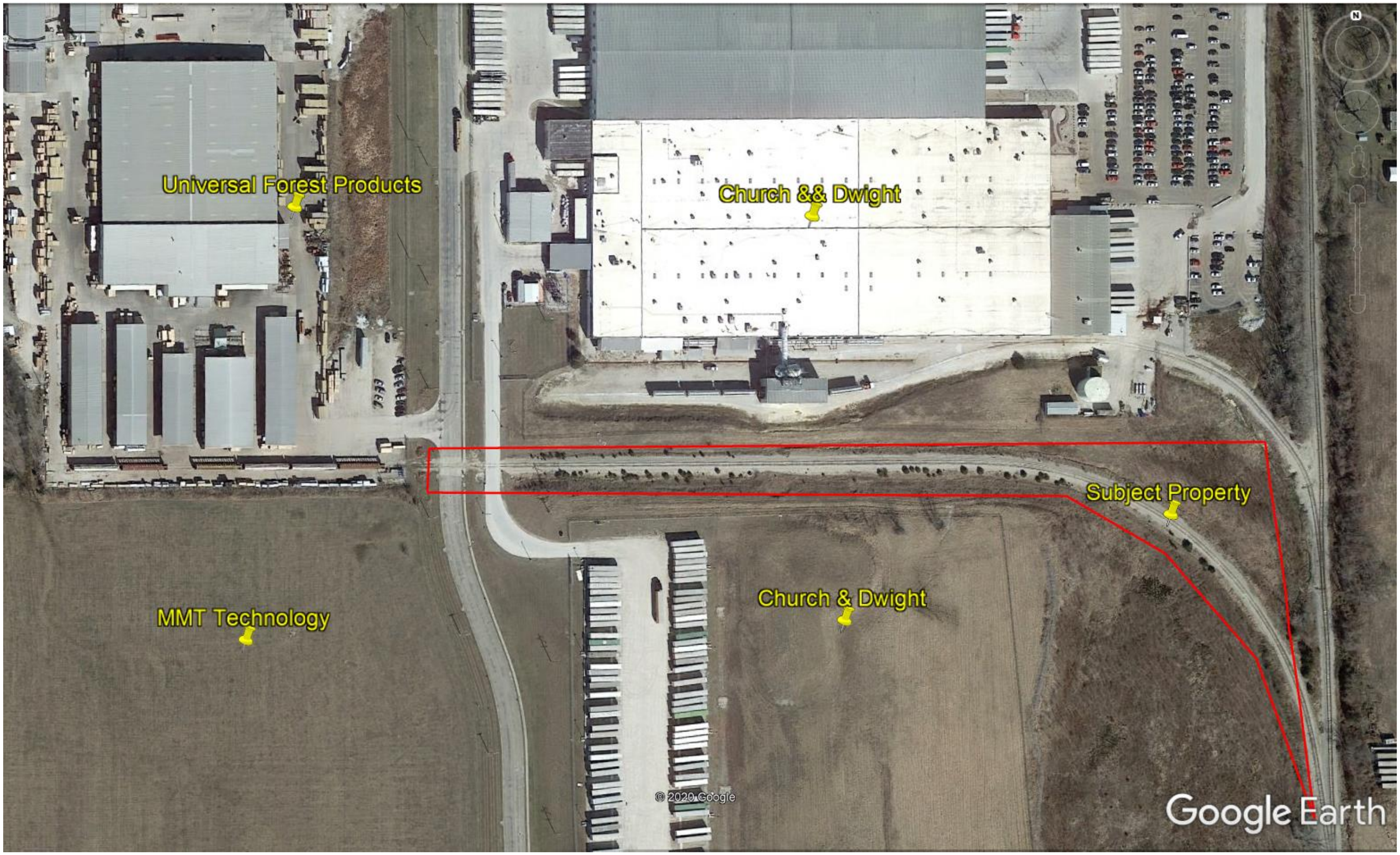
Adopt the Amended Ordinance, to replace the existing Ordinance, regarding the responsible party to cover all costs to maintain and repair the City owned railroad spur.

ATTACHMENTS

- Aerial of City owned railroad spur
- Grant Agreement – Missouri Department of Economic Development – Community Development Block Grant Program
- Funding Approval - Missouri Department of Economic Development – Community Development Block Grant Program
- Housing & Urban Development (HUD) Regulation 570.505 Use of Real Property (in part)
- Missouri Department of Economic Development – Letter to Mayor – Dated July 29, 2020 – 5 years from Project Closeout
- City attorney letter to Universal Forest Products, dated March 15, 2021
- Letter from Missouri CDBG Program, dated December 18, 1996 – Close-out of CDBG Project – begins 5 year requirement
- Missouri Department of Economic Development – Certificate of Completion dated November 9, 1995
- Railroad spur Maintenance and Repairs Expenditure History – Invoices – Budget 2021 (Proposal)
- Existing Ordinance No. 2039 (26-94) – Accepting Ownership and Maintenance of Railroad Spur
- Amended Ordinance replacing existing Ordinance – placing costs of maintenance and repairs onto current and future railroad spur users

STAFF CONTACT: Jim Clarke
Community/Economic Development Director

Title Search
Railroad Spur Property
Universal Forest Products – Rail Spur
Harrisonville, Mo.



· COUNCIL BILL 012

ORDINANCE NO. 2039 (26-94)

AN ORDINANCE ACCEPTING OWNERSHIP AND MAINTENANCE OF A RAIL SPUR TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

WHEREAS, the Missouri Department of Economic Development will commit up to $250,000 to fund a railroad spur and other public improvements to benefit Universal Forest Products, Inc.; and

WHEREAS, this commitment is contingent upon the public portion of the railroad spur being owned and maintained by the City of Harrisonville;

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

Section 1: That the City of Harrisonville will own the railroad spur to be built in Enterprise Business Park from the point it leaves the right-of-way of the Missouri and Northern Arkansas Railroad, westerly until it leaves the right-of-way of Precision Drive and enters private property owned by Universal Forest Products, Inc.

Section 2: That the City of Harrisonville will maintain all portions of the railroad spur it will own in Enterprise Business Park, ensuring that it is in the proper working condition for industrial users.

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

Read two times by title only on May 9, 1994 and passed by the Board of Aldermen of the City of Harrisonville, Missouri, this 9th day of May, 1994.

William F. Mills
William F. Mills, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:
Cheri L. Powell
Cheri L. Powell, City Clerk

APPROVED by the Mayor this 9th day of May, 1994.

Attachment: Ordinance - Rail Spur - Executed 5-9-94 (City Owned Railroad Spur - Ordinance Amendment)

GRANT AGREEMENT

(DED Form GA-94)
- STATE OF MISSOURI
- DEPARTMENT OF ECONOMIC DEVELOPMENT
- COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This grant agreement is made by and between the State of Missouri, Department of Economic Development (DED), herein called "the State" or "DED", and the City of Harrisonville herein called the Grantee, pursuant to the authority of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, herein referred to as "The Act" and commonly referred to as the Community Development Block Grant Program (CDBG). The Grantee's submissions (including "Assurances") for CDBG assistance, Department of Housing and Urban Development (HUD) regulations at 24 CFR Part 570, the State's FY-94 "Final Statement", the State's FY-94 Grantee Administrative Manual and the State's FY-94 CDBG Program Guidelines (as now in effect and as may be amended from time to time), which are incorporated by reference, together with the DED Funding Approval form, and any special conditions, which are hereto attached, constitute part of this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, the State and the Grantee agree as follows:

(1) Subject to the provisions of this Grant Agreement, the State will make the funding assistance for Federal fiscal year 1994 specified in the attached DED Funding Approval form available to the Grantee upon execution of the Agreement by the parties. The obligation and utilization of the funding assistance provided is subject to the requirements for a release of funds by the State under the Environmental Review Procedures at 24 CFR Part 58 for any activities requiring such release.

(2) The Grantee agrees to assume all of the responsibilities for environmental review, decision making and actions, as specified and required in Section 104(g) of the Act and published in 24 CFR Part 58.

(3) The Grantee agrees to comply with all applicable requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), Sections 104(d), 104(k) and 105(a)(11) of the Act.

(4) The Grantee agrees to accept responsibility for adherence to this Agreement by subrecipient entities to which it makes funding assistance available.

(5) The Grantee agrees that any and all such amount of local funds or in-kind (force account) services or materials indicated in the attached Funding Approval form shall be equal to or greater than the amount indicated.

(6) The Grantee agrees that any proposed construction-related activity budget variances (from the Funding Approval form) in excess of 10% of the amount of this Agreement or $10,000 (whichever is a lesser amount) shall be approved by DED in writing prior to an obligation of funds for such activity; however, any variance shall be approved by the Grantee's governing body in advance of an obligation of such activity. No variance is allowed for non-construction activities such as administration, engineering, audit, and inspection, unless approved by DED.

(7) The Grantee agrees to complete the project in its entirety as indicated in the Funding Approval form unless amended in writing by agreement of all parties.

(8) The Grantee agrees that any CDBG funds remaining from the allocation indicated in the Funding Approval form after the project has been completed shall be returned to DED if they have been drawn to the Grantee's local depository, or cancelled if such funds have not been drawn.

(9) The Grantee agrees to comply with OMB Circular A-128, which governs the auditing requirements of these grant monies in accordance with the Single Audit Act of 1984, and to provide DED with all required audits.

(10) The Grantee agrees that State and HUD officials shall have full access to any documents or materials relating to this Agreement at any reasonable time.

(11) The Grantee agrees that all funds received under this Agreement shall be held and used by the Grantee for the purpose of accomplishing the project only and none of the funds so held or received shall be diverted to any other use or purpose.

(12) The Grantee agrees that any material prepared by the Grantee or persons or firms employed or contracted by the Grantee shall not be subject to copyright, and the State shall have the unrestricted authority to publish, disclose, distribute or otherwise use, in whole or in part, any reports, data or other material prepared under this agreement.

(13) The Grantee agrees to comply with the terms of the DED conflict of interest policy.

(14) The Grantee agrees that any approval of contracts, sub-contracts, material or service orders, or any other obligation by the Grantee or its agents shall not be deemed an obligation by the State, and the State shall not be responsible for fulfillment of the Grantee's obligations.

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

FUNDING APPROVAL

under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) as amended.

1. NAME AND ADDRESS OF GRANTEE:
City of Harrisonville
County of Cass
P. O. Box 367
Harrisonville, MO 64701

2. PROJECT NO. 94-ED-02

3. SEN. DIST. 31 **REP. DIST.** 124

4. POPULATION 7,683

5. NO. BENEFICIARIES 25 jobs

6. GRANT AWARD DATE 05/17/94

7. GRANTEE FYE DATE 03/31/00

8. MAXIMUM CDBG GRANT AMOUNT AWARDED: $250,000

9. APPROVED ACTIVITIES, COSTS AND FUNDING STRATEGY
NAR 04/11/94

10. PROJECT DESCRIPTION (indicate specific scope of each activity regardless of funding source):

- Universal Forest Products is constructing a new facility in Harrisonville, Missouri.

Private Investment Release Date
April 21, 1994

NATIONAL OBJECTIVE ADDRESSED LMI
% LMI persons 52 % LMI families N/A

PROGRAM ACTIVITY	ACT. NO.	REQ. ENV. REVIEW[1]	TOTAL	CDBG FUNDS[2]	MATCHING FUNDS — RECIPIENT: CASH	RECIPIENT: IN-KIND	OTHERS: PRIVATE	OTHERS: STATE/FED.
DB-Rail Spur	45	Yes	312,219	250,000	26,319		35,900	
DB-Water Line	09	Yes	42,552		42,552			
DB-Street	13	Yes	48,070		48,070			
DB-Sewer	10	Yes	13,070		13,070			
Eng. Design	36	No	29,000		29,000			
Eng. Inspect.	38	No	20,000		15,000	5,000		
Administration	35	No	4,000			4,000		
Facility Const.	51	Yes	1,600,000				1,600,000	
Mach/Equip	52	Yes	400,000				400,000	
		TOTAL	2,468,911	250,000	174,011	9,000	2,035,900	

RECEIVED
MAY 31 1994

Davis-Bacon applies where specified by initials DB

[1]Fund for activities that are conditioned subject to an environmental review may not be incurred or obligated until a written "Notice of Removal of Grant Conditions" is issued by DED.

[2]This column represents the maximum amount of CDBG funds approved for each activity, except that the grantee may transfer funds between activities an amount not to exceed $10,000 or 10% of the total CDBG allocation, whichever is less, except that administration, audit, and engineering costs may not exceed the indicated totals.

PREPARED BY: Darrell St. Clair

DATE: May 17, 1994

MO 419-1146 (04-93) 0839-2/119

Attachment: Grant Agreement and Funding Approval - May 1994 (City Owned Railroad Spur - Ordinance Amendment) balances and investments thereof held by the grantee and its subrecipients. (This provision shall be applied for the first time at the end of the program year for which Federal Fiscal Year 1996 funds are provided.)

(3) Program income on hand at the time of closeout shall continue to be subject to the eligibility requirements in subpart C and all other applicable provisions of this part until it is expended.

(4) Unless otherwise provided in any grant closeout agreement, and subject to the requirements of paragraph (b)(5) of this section, income received after closeout shall not be governed by the provisions of this part, except that, if at the time of closeout the recipient has another ongoing CDBG grant received directly from HUD, funds received after closeout shall be treated as program income of the ongoing grant program.

(5) If the recipient does not have another ongoing grant received directly from HUD at the time of closeout, income received after closeout from the disposition of real property or from loans outstanding at the time of closeout shall not be governed by the provisions of this part, except that such income shall be used for activities that meet one of the national objectives in § 570.901 and the eligibility requirements described in section 105 of the Act.

(c) *Disposition of program income received by subrecipients.* The written agreement between the recipient and the subrecipient, as required by § 570.503, shall specify whether program income received is to be returned to the recipient or retained by the subrecipient. Where program income is to be retained by the subrecipient, the agreement shall specify the activities that will be undertaken with the program income and that all provisions of the written agreement shall apply to the specified activities. When the subrecipient retains program income, transfers of grant funds by the recipient to the subrecipient shall be adjusted according to the principles described in paragraphs (b)(2) (i) and (ii) of this section. Any program income on hand when the agreement expires, or received after the agreement's expiration, shall be paid to the recipient as required by § 570.503(b)(8).

(d) *Disposition of certain program income received by urban counties.* Program income derived from urban county program activities undertaken by or within the jurisdiction of a unit of general local government which thereafter terminates its participation in the urban county shall continue to be program income of the urban county. The urban county may transfer the program income to the unit of general local government, upon its termination of urban county participation, provided that the unit of general local government has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

[53 FR 8058, Mar. 11, 1988, as amended at 60 FR 56915, Nov. 9, 1995]

§ 570.505 Use of real property.

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of $25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided.

(a) A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either:

(1) The new use of such property qualifies as meeting one of the national objectives in § 570.208 (formerly § 570.901) and is not a building for the general conduct of government; or

(2) The requirements in paragraph (b) of this section are met.

(b) If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

(c) If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in §570.504(b)(4) or (5), as applicable, shall apply to the use of funds reimbursed.

(d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

[53 FR 8058, Mar. 11, 1988, as amended at 53 FR 41331, Oct. 21, 1988]

§570.506 Records to be maintained.

Each recipient shall establish and maintain sufficient records to enable the Secretary to determine whether the recipient has met the requirements of this part. At a minimum, the following records are needed:

(a) Records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated and expended for the activity, and the provision in subpart C under which it is eligible.

(b) Records demonstrating that each activity undertaken meets one of the criteria set forth in §570.208. (Where information on income by family size is required, the recipient may substitute evidence establishing that the person assisted qualifies under another program having income qualification criteria at least as restrictive as that used in the definitions of ''low and moderate income person'' and ''low and moderate income household'' (as applicable) at §570.3, such as Job Training Partnership Act (JTPA) and welfare programs; or the recipient may substitute evidence that the assisted person is homeless; or the recipient may substitute a copy of a verifiable certification from the assisted person that his or her family income does not exceed the applicable income limit established in accordance with §570.3; or the recipient may substitute a notice that the assisted person is a referral from a state, county or local employment agency or other entity that agrees to refer individuals it determines to be low and moderate income persons based on HUD's criteria and agrees to maintain documentation supporting these determinations.) Such records shall include the following information:

(1) For each activity determined to benefit low and moderate income persons, the income limits applied and the point in time when the benefit was determined.

(2) For each activity determined to benefit low and moderate income persons based on the area served by the activity:

(i) The boundaries of the service area;

(ii) The income characteristics of families and unrelated individuals in the service area; and

(iii) If the percent of low and moderate income persons in the service area is less than 51 percent, data showing that the area qualifies under the exception criteria set forth at §570.208(a)(1)(ii).

(3) For each activity determined to benefit low and moderate income persons because the activity involves a facility or service designed for use by a limited clientele consisting exclusively or predominantly of low and moderate income persons:

(i) Documentation establishing that the facility or service is designed for the particular needs of or used exclusively by senior citizens, adults meeting the Bureau of the Census' Current Population Reports definition of ''severely disabled,'' persons living with AIDS, battered spouses, abused children, the homeless, illiterate adults, or migrant farm workers, for which the regulations provide a presumption concerning the extent to which low- and moderate-income persons benefit; or

(ii) Documentation describing how the nature and, if applicable, the location of the facility or service establishes that it is used predominantly by low and moderate income persons; or

(iii) Data showing the size and annual income of the family of each person receiving the benefit.

Missouri Department of Economic Development
Business and Community Solutions Division

MICHAEL L. PARSON
Governor

ROBERT B. DIXON
Director

MICHAEL B. LANAHAN
Division Director

July 29, 2020

The Honorable Judy Bowman
Mayor, City of Harrisonville
300 E Pearl St
Harrisonville, MO 64701

RE: 1994-ED-002 (City of Harrisonville)

Dear Mayor Bowman:

This letter is in regards to having completed the closeout process for your CDBG project referenced above. Grant requirements necessitate that records are retained for five years from the date of the closeout, and that the property continue to meet the CDBG national objective and eligible activity for which the grant was awarded for at least five years from the date of the closeout, which was December 4, 1996. These requirements have since met their required time limits.

If you have questions, please contact me at (573) 526-4196.

Sincerely,

Amy Barnhill

Amy Barnhill
CDBG Program Operations Coordinator
Business and Community Solutions

C: Jim Clarke

301 W. High Street • P.O. Box 118 • Jefferson City, MO 65102-0118
www.ded.mo.gov • (573) 522-4173 • Fax (573) 522-9462

GRANT AGREEMENT

(DED Form GA-94)
- STATE OF MISSOURI
- DEPARTMENT OF ECONOMIC DEVELOPMENT
- COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This grant agreement is made by and between the State of Missouri, Department of Economic Development (DED), herein called "the State" or "DED", and the City of Harrisonville herein called the Grantee, pursuant to the authority of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, herein referred to as "The Act" and commonly referred to as the Community Development Block Grant Program (CDBG). The Grantee's submissions (including "Assurances") for CDBG assistance, Department of Housing and Urban Development (HUD) regulations at 24 CFR Part 570, the State's FY-94 "Final Statement", the State's FY-94 Grantee Administrative Manual and the State's FY-94 CDBG Program Guidelines (as now in effect and as may be amended from time to time), which are incorporated by reference, together with the DED Funding Approval form, and any special conditions, which are hereto attached, constitute part of this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, the State and the Grantee agree as follows:

(1) Subject to the provisions of this Grant Agreement, the State will make the funding assistance for Federal fiscal year 1994 specified in the attached DED Funding Approval form available to the Grantee upon execution of the Agreement by the parties. The obligation and utilization of the funding assistance provided is subject to the requirements for a release of funds by the State under the Environmental Review Procedures at 24 CFR Part 58 for any activities requiring such release.

(2) The Grantee agrees to assume all of the responsibilities for environmental review, decision making and actions, as specified and required in Section 104(g) of the Act and published in 24 CFR Part 58.

(3) The Grantee agrees to comply with all applicable requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), Sections 104(d), 104(k) and 105(a)(11) of the Act.

(4) The Grantee agrees to accept responsibility for adherence to this Agreement by subrecipient entities to which it makes funding assistance available.

(5) The Grantee agrees that any and all such amount of local funds or in-kind (force account) services or materials indicated in the attached Funding Approval form shall be equal to or greater than the amount indicated.

(6) The Grantee agrees that any proposed construction-related activity budget variances (from the Funding Approval form) in excess of 10% of the amount of this Agreement or $10,000 (whichever is a lesser amount) shall be approved by DED in writing prior to an obligation of funds for such activity; however, any variance shall be approved by the Grantee's governing body in advance of an obligation of such activity. No variance is allowed for non-construction activities such as administration, engineering, audit, and inspection, unless approved by DED.

(7) The Grantee agrees to complete the project in its entirety as indicated in the Funding Approval form unless amended in writing by agreement of all parties.

(8) The Grantee agrees that any CDBG funds remaining from the allocation indicated in the Funding Approval form after the project has been completed shall be returned to DED if they have been drawn to the Grantee's local depository, or cancelled if such funds have not been drawn.

(9) The Grantee agrees to comply with OMB Circular A-128, which governs the auditing requirements of these grant monies in accordance with the Single Audit Act of 1984, and to provide DED with all required audits.

(10) The Grantee agrees that State and HUD officials shall have full access to any documents or materials relating to this Agreement at any reasonable time.

(11) The Grantee agrees that all funds received under this Agreement shall be held and used by the Grantee for the purpose of accomplishing the project only and none of the funds so held or received shall be diverted to any other use or purpose.

(12) The Grantee agrees that any material prepared by the Grantee or persons or firms employed or contracted by the Grantee shall not be subject to copyright, and the State shall have the unrestricted authority to publish, disclose, distribute or otherwise use, in whole or in part, any reports, data or other material prepared under this agreement.

(13) The Grantee agrees to comply with the terms of the DED conflict of interest policy.

(14) The Grantee agrees that any approval of contracts, sub-contracts, material or service orders, or any other obligation by the Grantee or its agents shall not be deemed an obligation by the State, and the State shall not be responsible for fulfillment of the Grantee's obligations.

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

FUNDING APPROVAL

under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) as amended.

1. NAME AND ADDRESS OF GRANTEE:
City of Harrisonville
County of Cass
P. O. Box 367
Harrisonville, MO 64701

2. PROJECT NO. 94-ED-02

3. SEN. DIST. 31 **REP. DIST.** 124

4. POPULATION 7,683

5. NO. BENEFICIARIES 25 jobs

6. GRANT AWARD DATE 05/17/94

7. GRANTEE FYE DATE 03/31/00

8. MAXIMUM CDBG GRANT AMOUNT AWARDED: $250,000

9. APPROVED ACTIVITIES, COSTS AND FUNDING STRATEGY
MAR 04/11/94

10. PROJECT DESCRIPTION (indicate specific scope of each activity regardless of funding source):

- Universal Forest Products is constructing a new facility in Harrisonville, Missouri.

Private Investment Release Date
April 21, 1994

NATIONAL OBJECTIVE ADDRESSED LMI
% LMI persons 52 % LMI families N/A

PROGRAM ACTIVITY	ACT. NO.	REQ. ENV. REVIEW[1]	TOTAL	CDBG FUNDS[2]	MATCHING FUNDS RECIPIENT: CASH	RECIPIENT: IN-KIND	OTHERS: PRIVATE	STATE/FED.
DB-Rail Spur	45	Yes	312,219	250,000	26,319		35,900	
DB-Water Line	09	Yes	42,552		42,552			
DB-Street	13	Yes	48,070		48,070			
DB-Sewer	10	Yes	13,070		13,070			
Eng. Design	36	No	29,000		29,000			
Eng. Inspect.	38	No	20,000		15,000	5,000		
Administration	35	No	4,000			4,000		
Facility Const.	51	Yes	1,600,000				1,600,000	
Mach/Equip	52	Yes	400,000				400,000	
Davis-Bacon applies where specified by initials DB								
		TOTAL	2,468,911	250,000	174,011	9,000	2,035,900	

RECEIVED
MAY 31 1994

[1]Fund for activities that are conditioned subject to an environmental review may not be incurred or obligated until a written "Notice of Removal of Grant Conditions" is issued by DED.

[2]This column represents the maximum amount of CDBG funds approved for each activity, except that the grantee may transfer funds between activities an amount not to exceed $10,000 or 10% of the total CDBG allocation, whichever is less, except that administration, audit, and engineering costs may not exceed the indicated totals.

PREPARED BY: Darrell St. Clair

DATE: May 17, 1994

MO 419-1146 (04-93) 0839-2/119

Attachment: CDBG Ltr. - Property Meet CDBG Req. for 5 Years - 7-29-20 (City Owned Railroad Spur - Ordinance Amendment)

(i) Has officially elected to participate in the Entitlement grant program;

(ii) Agrees to use such program income in accordance with Entitlement program requirements; and

(iii) Has set up Integrated Disbursement and Information System (IDIS) access and agrees to enter receipt of program income into IDIS.

(2) *Transfer of program income of grantees losing Entitlement status.* Upon entry into the State CDBG program, a unit of general local government that has lost or relinquished its Entitlement status must, with respect to program income that a unit of general local government would otherwise be permitted to retain, either:

(i) Retain the program income generated under Entitlement grants and continue to comply with Entitlement program requirements for program income; or

(ii) Retain the program income and transfer it to the State CDBG program, in which case the unit of general local government must comply with the state's rules for program income and the requirements of § 570.489(e).

[53 FR 8058, Mar. 11, 1988, as amended at 60 FR 56915, Nov. 9, 1995; 77 FR 24146, Apr. 23, 2012]

§ 570.505 Use of real property.

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of $25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided.

(a) A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either:

(1) The new use of such property qualifies as meeting one of the national objectives in § 570.208 (formerly § 570.901) and is not a building for the general conduct of government; or

(2) The requirements in paragraph (b) of this section are met.

(b) If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

(c) If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in § 570.504(b)(4) or (5), as applicable, shall apply to the use of funds reimbursed.

(d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

[53 FR 8058, Mar. 11, 1988, as amended at 53 FR 41331, Oct. 21, 1988]

§ 570.506 Records to be maintained.

Each recipient shall establish and maintain sufficient records to enable the Secretary to determine whether the recipient has met the requirements of this part. At a minimum, the following records are needed:

(a) Records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated and expended for the activity, and the provision in subpart C under which it is eligible.

(b) Records demonstrating that each activity undertaken meets one of the criteria set forth in § 570.208. (Where information on income by family size is required, the recipient may substitute evidence establishing that the person assisted qualifies under another program having income qualification criteria at least as restrictive as that used in the definitions of "low and moderate income person" and "low and

Mauer | LAW FIRM PC

Alex C. Felzien, Esq.
afelzien@mauerlawfirm.com

March 15, 2021

VIA: E-Mail

Nathan Hayes,
John Rotticci
Universal Forest Products, Inc.
NHayes@ufpi.com
JohnR9@ufpi.com

Re: *Rail Spur Located in Harrisonville, Missouri*

Messrs. Hayes and Rotticci:

We serve as City Attorney for the City of Harrisonville, Missouri ("City"). We are contacting you regarding the rail spur located near your property within the City. As we have researched the City's various real estate holdings, we have identified that the rail spur owned by the City only has one user: Universal Forest Products ("UFG"). The City does not use the rail spur for any of its operations. The City must be reimbursed for its costs to continue maintenance of the spur. Therefore, the City is looking to either enter into a lease of rail spur with UFG, or outright sell the rail spur.

Please let us know if UFG is interested in such a lease or purchase agreement. If the City does not hear from UFG within thirty (30) days of the date of this correspondence, it will assume UFG is not interested in such an arrangement. Please do not hesitate to contact me should you wish to discuss.

Very truly yours,

Alex C. Felzien, Esq.

MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT

Mel Carnahan
Governor

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Joseph L. Driskill
Director

Community and Economic Development
301 W. High Street
P.O. Box 118
Jefferson City, MO 65102
573-751-4146
573-526-4157 (FAX)

Garry E. Taylor
Director

December 18, 1996

The Honorable C. A. Jones
Mayor, City of Harrisonville
PO Box 367
Harrisonville, MO 64701

RE: 94-ED-02 (Harrisonville)

Dear Mayor Jones:

Thank you for your cooperation in completing the close-out process for your CDBG project referenced above. We hope your new facility will give you many years of trouble-free service.

Grant requirements necessitate that records be retained for five years from the date of this letter. The enclosed Certificate of Completion should be placed in your files.

Congratulations on the successful completion of your project.

Sincerely,

Andy Papen
Financial Analyst
Missouri CDBG Program

AP:TR:bal

Enclosure

c Greg Finley

Missouri Department of Economic Development

Small Cities Block Grant Program

Certificate of Completion

NOV 1 4 1995

A. Name of Recipient
City of Harrisonville
Address (City, State, Zip)
300 E. Pearl, PO Box 367, Harrisonville, MO 64701

B. Project Number
9 | 4 | E | D | | 0 | 2

C. Final Statement of Program Costs

PROGRAM ACTIVITIES (Taken from Grant Contract Agreement, Appendix A) (a)	TO BE COMPLETED BY RECIPIENT Program Costs Paid (b)	Program Costs Unpaid (c)	Total (Col. b & c) (d)	FOR STATE USE ONLY Approved Costs (e)
C 1 Administration				
C 2 Audit				
C 3 Railroad Spur 45	$241,325.60	$8,674.40	$250,000.00	250000.00
C 4				
C 5				
C 6				
C 7				
C 8				
C 9				
C10				
C11				
C12				
C13				
C14				
C15				
C16 Total Program Cost (Lines C1 thru C15)	$241,325.60	$8,674.40	$250,000.00	250000.00
C17 Less: Program Income Applied to Program Costs				
C18 Equals: Grant Amount Applied to Program Costs	$241,325.60	$8,674.40	$250,000.00	250000.00

D. Status of Funds

DESCRIPTION (a)	TO BE COMPLETED BY RECIPIENT Amount (b)	FOR STATE USE ONLY Approved Costs (c)
D 1 Grant Award Applied to Program Costs (from line C18, column (b))	$241,325.60	250000.00
D 2 Unpaid Program Costs (from line C18, column (c))	$8,674.40	0
D 3 Subtotal (from line C18, column (d))	$250,000.00	250000.00
D 4 Award per Grant Contract, Appendix A	$250,000.00	250000.00
D 5 Unutilized Grant to be Cancelled (Line D4 minus D3)	0.00	0
D 6 Grant Funds Received to Date	$241,325.60	250000.00
D 7 Balance of Grant Payable (line D3 minus D6)*	$8,674.40	0

*If Line D6 exceeds Line D3, enter the amount of the excess on Line D7 as a *negative* amount. This amount shall be immediately repaid to the State of Missouri by check.

E. Certification of Recipient

It is hereby certified that all activities undertaken by the Recipient with funds provided under the grant agreement identified in the heading above, have, to the best of my knowledge, been carried out in accordance with the grant agreement; that proper provision has been made by the Recipient for the payment of all unpaid costs and unsettled third-party claims identified above, that the State of Missouri is under no obligation to make any further payment to the Recipient under the grant agreement in excess of the amount identified on line D7 hereof; and that every statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.

Nov 9 1995
Date

C.A. "Chuck" Jones, Mayor
Type Name and Title

Signature of Authorized Official

Jan., 1985
0398-1/119a

342

Attachment: CDBG - Certificate of Completion - Close-Out Ltr. - 11-95 & 12-96 (City Owned Railroad Spur - Ordinance Amendment)

Vendor Management - (View)

File Edit Options Help Chat

Vendor Set 01-CITY OF HARRISONVILLE

Name KELLY-HILL COMPANY

Vendor 1007 Next Vendor #

Status Active

General | Other | Detail | Checks | Information | Comments Purchase Orders | DOCS |

PO #	Issued Date	Original Amount	Ordered	Received	Outstanding	Variance	Status
06-0855	03/01/2006	$4,590.00	$4,590.00	$4,590.00	$0.00	$0.00	Complete
06-2886	07/24/2006	$1,262.12	$1,262.12	$1,262.12	$0.00	$0.00	Complete
09-2839	07/30/2009	$1,964.74	$1,964.74	$1,964.74	$0.00	$0.00	Complete
11-4787	12/14/2011	$12,611.14	$12,611.14	$12,611.14	$0.00	$0.00	Complete
12-0579	02/17/2012	$3,741.65	$3,741.65	$3,741.65	$0.00	$0.00	Complete
13-0467	02/04/2013	$21,414.82	$21,414.82	$21,414.82	$0.00	$0.00	Complete
14-3076	07/24/2014	$24,910.00	$24,910.00	$24,910.00	$0.00	$0.00	Complete
17-1681	04/17/2017	$6,484.00	$6,484.00	$6,484.00	$0.00	$0.00	Complete

Edit This Record

Clear

View khubbard

Musselman & Hall Contractors, LLC
PO Box 790379
St. Louis MO 63179-0379

Since 1914

Phone: (816) 861-1234
Fax: (816) 861-1237
Website: www.musselmanandhall.com

Concrete Flatwork	Architectural Concrete
Micro Surfacing	Polished Concrete
Slurry Seal	Asphalt
Railroad	Milling
Textured Concrete	Colored Concrete
Stamped Concrete	Structural Concrete

INVOICE

Number 33497

Date : June 17, 2020

Customer Number	100994	**Job**	20280
Customer Name	City of Harrisonville	**Job Name**	Harrisonville Rail Spur Tamping
Attn:	Accounts Payable	**Description**	Align, Raise and Machine Tamp
Address	300 E Pearl St., PO Box 367		
City, St, Zip	Harrisonville MO 64701		
Phone	816-380-8908		
Email	rjacobs@ci.harrisonville.mo.us		

Invoiced Thru Date	Contract/Purchase Order	Terms	Project Manager	Pay Est.#
June 17, 2020	20-2133	Net 30 Days	Adam Turley	Final

Bid Item	Description	Quantity	Unit	Unit Price	Completed
	Mobilization	1.000	LS	$1,321.04	$1,321.04
	Install Ballast	45.000	TN	$45.68	$2,055.60
	Tamping & Surfacing	405.000	TF	$8.25	$3,341.25
				Total Amount Due This Invoice:	**$6,717.89**

Notes:

We have a new address for all check submissions, please mail to: PO Box 790379 St. Louis MO 63179-0379

If you currently submit payment via ACH, please send the remittance advice to: ar@musselmanandhall.com

If you offer ACH payments and we are not setup, please send request to ar@musselmanandhall.com for setup

Job Location

State	Missouri	**Taxable / Non-Tax**	included, if any
County	Cass	**Tax Rate Applied**	
City	Harrisonville	**Contract Billing**	YES
		Prepared By	TRM

Thank You For Your Business !

PLEASE PAY FROM INVOICE
NO STATEMENT WILL BE SENT

Failure of this contractor to pay those persons supplying material or services to complete this contract can result in the filing of a mechanic's lien on the property which is the subject of this contract pursuant to chapter 429, RSMo. To avoid this you may ask this contractor for "Lien Waivers" from all persons supplying materials or services for the work described in this contract. Failure to secure lien waivers may result in your paying for labor and material twice.

Attachment: Invoice - Spur Repair - 6-17-20 (City Owned Railroad Spur - Ordinance Amendment)

KELLY-HILL COMPANY

Kelly-Hill Company
PO Box 681464
Riverside MO 64168
(816) 741-7727

License:

Contract Invoice

Invoice#: 21131

Date: 07/21/2021

Billed To: City of Harrisonville
P.O. Box 367
Harrisonville MO 64701

Project: City of Harrisonville
P.O. Box 367
Harrisonville MO 64701

Due Date: 08/20/2021 **Terms:** 30DY **Order#**

Description	Amoun
Track Maintenance - July 12, 2021 Work Address : 2600 Precision Drive Kelly-Hill Quote # 21-109hmm Replace broken rail: Furnish and install one (1) piece of 90# rail. Hand jack and tamp one (1) low joint.	4,575.0(

A service charge of 2.00 % per annum will be charged on all amounts overdue on regular statement dates.

Thank you for your prompt payment!

Non-Taxable Amount:	4,575.0
Taxable Amount:	0.0
Sales Tax:	0.0
Amount Due	**4,575.0**

Attachment: Invoice - Spur Repair - 7-21-21 (City Owned Railroad Spur - Ordinance Amendment)

Council Bill 031

Resolution 024-14

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH KELLY-HILL COMPANY FOR REPAIRS TO THE CITY OWNED RAILROAD SPUR

WHEREAS, the City of Harrisonville owns the railroad spur located east of Precision Drive; and

WHEREAS, Universal Forest Products uses this railroad spur; and

WHEREAS, it is the responsibility of the City of Harrisonville to maintain the Railroad Spur in good working condition; and

WHEREAS, repairs are needed to keep the Railroad Spur open and in operating condition.

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

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to approve an agreement with Kelly-Hill Company for repairs for the Railroad Spur in an amount not to exceed $25,000.

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

PASSED AND RESOLVED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Harrisonville, Missouri, this 16th day of June 2014.

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

ATTEST:

Kim Hubbard

Kansas City Office
4922 Blue Banks Avenue
PO Box 300858
Kansas City, MO 64130
Phone: 816.861.1234
Fax: 816.861.1237
musselmanandhall.com

St. Louis Office
2440 Cassens Dr.
Fenton, MO 63026
Phone: 314.400.2246

Wichita Office
3201 Southeast Blvd
Wichita, KS 67216
Phone: 316.252.1337

PROPOSAL

MUSSELMAN & HALL CONTRACTORS, LLC

June 16, 2020

Company Name:	**City of Harrisonville, MO**	Project Information:	**Harrisonville Rail Spur Track Maintenance**
Attn:	**Rodney Jacobs**		
Address:	**300 E Pearl Street, PO Box 367**		
City, St, Zip:	**Harriosnville, MO 64701**		
Phone:	**816-380-8951**		
Email:	rjacobs@ci.harrisonville.mo.us		

We hereby submit specifications and estimates for:

Bid Item	Description	Quantity	Unit	Unit Price	Bid item Total
1	Mobilization	1.000	LS	$3,500.00	$3,500.(
2	Install Ballast	180.000	NT	$43.00	$7,740.(
3	Crosstie Replacement	250.000	EA	$138.50	$34,625.(
4	Tamping and Surfacing	1,785.000	TF	$6.75	$12,048.'
				Base Bid	**$57,913.'**
5	Tie Disposal	1.000	LS	$3,990.00	$3,990.(
				Bid Total:	**$61,903.'**

Notes:

Please find listed above the cost to remove / replace 250 crossties, add ballast rock, align, tamp and surface the railroad track spur from the clearance point of the main line switch to Precision Drive. This work does not include any work through the crossings. This proposal includes all labor, material and equipment to complete the defined scope of work.

This proposal specifically excludes: railroad flagging; railroad protective liability insurance; bonds; overtime; downtime caused by others or train movement; permits; sub grade or sub-ballast repair; drainage work; cribbing out any fouled ballast; seeding.

Thank you for giving M&H this opportunity and we look forward to working on this project.

WE PROPOSE hereby to furnish material and labor & complete in accordance with the above specifications, for the sum of :

Dollars ($ See Above).

Payment to be made as follows:

Net 30 Days. Upon completion of the work listed above

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Signature: *Adam Turley*

Date Signed: **6/16/2020**

Proposal may be withdrawn by us if not accepted within: **30 Days**

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted.
You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: ______________________ Date of Acceptance: ____________

Print Name: ______________________

ASPHALT • CONCRETE • RAILROAD

Attachment: Harrisonville Track Maintenance Proposal 06.16.2020 (City Owned Railroad Spur - Ordinance Amendment)

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Daniel Barnett,**

DATE: **August 10, 2021**

SUBJECT: **Residential Property Septic Systems Ordinance**

Type of Item: *Approval*

G. Action Item (ID # 3984)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 700.590, 700.600 AND 700.610, REGARDING REGULATIONS FOR MAINTAINING RESIDENTIAL SEPTIC SYSTEMS, AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

8-16-21 BOA staff report septic regulations (DOC)

Residential Property Septic Systems 2021 (DOCX)

City of Harrisonville est. 1836

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

To: **Board of Aldermen**

From: **Chris Arthur, Building Official**

Date: **August 2, 2021**
August 16, 2021

Re: **Consideration of Ordinance Modification for Septic System requirements.**

GENERAL INFORMATION

Applicant: **N/A**

Requested Actions: **Consideration of Existing Septic System Ordinance Requirements.**

Date of Application: **N/A**

PROPOSAL

8/2/21 - Changes to existing ordinance regarding restrictions on existing residential septic systems.
8/16/21 – Changes based on BOA consensus of 8/2/21.

PREVIOUS ACTIONS

See attached for existing ordinance.

KEY ISSUES

Undue financial burden placed on existing residential dwelling unit owners for existing septic sewer systems.

STAFF COMMENTS AND SUGGESTIONS

Modify ordinance to allow for maintenance, repairs, and replacements to existing residential systems and change the baseline distance for requiring connection to public sanitary sewer for existing residential systems.

STAFF RECOMMENDATION

8/2/21 - Recommend modifications to ordinance, see attached summary.

8/16/21 – Changes based on BOA consensus of 8/2/21.

ATTACHMENTS

STAFF CONTACT: Chris Arthur, Building Official

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 700.590, 700.600 AND 700.610, REGARDING REGULATIONS FOR MAINTAINING RESIDENTIAL SEPTIC SYSTEMS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen wishes to amend Sections 700.590, 700.600, and 700.610 of the Harrisonville Municipal Code; and

WHEREAS, the existing Code language found in Sections 700.590, 700.600, and 700.610 places an unrealistic requirement and undue financial burden on existing residential property owners regarding the prohibition on repairing and replacing septic systems; and

WHEREAS, the existing Code language, due to cost factors, can have a negative effect on the timely and proper maintenance and repairs of existing residential septic systems; and

WHEREAS, the Board of Aldermen of the City of Harrisonville wishes to amend its Code to simplify the process by which a residential property owner can repair, modify or replace components of a septic system.

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

Section 1: Code Section 700.590 is hereby amended to read as follows:

"**A.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Harrisonville or in any area under the jurisdiction of said City any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Harrisonville or in any area under the jurisdiction of said City and sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings used for human employment or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance

Attachment: Residential Property Septic Systems 2021 (Residential Property Septic Systems Ordinance) with the provisions of this Article within sixty (60) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line. See 700.600(E) for existing single family and duplex residential dwelling units' private sewerage disposal systems exceptions regarding maintenance, modification, and system components repairs and replacements."

Section 2: Code Section 700.600 is hereby amended to read as follows:

"**A.** Where a public sanitary or combined sewer is not available under the provisions of Section 700.590(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent or the Building Official. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent or the Building Official. A permit and inspection fee, as specified in Chapter 525 of the Code of Ordinances, shall be paid to the City at the time the application is filed.

C. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent or the Building Official or their authorized agent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent, the Building Official, or the City Building Department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice.

D. The type, capabilities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any new development private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than three (3) acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. No permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof on any lot for which a connection with a public sewer is available. A public sewer shall be considered available when within four hundred (400) feet of a property line.

Exception 1.

Existing residential single family and duplex dwelling units private sewerage disposal system properties, both conventional lateral soil absorption and professionally engineered systems, in which the lot has a property line greater than one hundred (100) feet from a City Public sewer, may apply for a permit to repair, modify, or replace components of these systems provided all other requirements of this article, including State and Local regulations are complied with. Minor repairs not normally requiring a permit may be approved at the discretion of the Superintendent or Building Official, regardless of distance to City Public Sewer.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Superintendent or the Building Official.

H. Abandoned private sewage disposal systems shall be cleaned of sludge and filled with suitable material.

Section 3: Code Section 700.610 is hereby amended to read as follows:

"**A.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent or the Building Official or his/her authorized agent.

B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or the Building Official. Permit and inspection fees established by ordinance shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by a licensed plumber, to meet all requirements of this Article. The licensed plumber shall provide certification of the existing sewer in writing to the City.

F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the adopted Building and Plumbing Codes or other applicable rules and regulations of the City.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. The connection of the building sewer into the public sewer shall conform to the requirements of the adopted Building and Plumbing Codes or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or the Building Official before installation.

I. The applicant for the building sewer permit shall notify the Superintendent or the Building Official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent, the Building Official, or his/her representative.

J. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, right-of-ways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. A Right of Way work permit shall be obtained for all work in a Public Right of Way as required by City Right of Way Management regulations. A street cut permit shall be obtained prior to the excavation of any street or alley. The owner shall be responsible for reimbursing the City an amount established by ordinance for street surface repairs.

Section 4: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16TH OF AUGUST 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16TH DAY OF AUGUST 2021 AND PASSED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF AUGUST 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 16th day of August 2021.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Daniel Barnett,**

DATE: **August 10, 2021**

SUBJECT: **Removal of Swimming Pool and Spa Language Ordinance**

Type of Item: *Approval*

H. Action Item (ID # 3985)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 505.020, REGARDING REGULATIONS FOR SWIMMING POOLS, AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

8-16-21 Staff Report BOA swimming pool regulations (DOC)

Removal of Swimming Pool and Spa Language 2021 (DOCX)

City of Harrisonville est. 1836

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

To: **Board of Aldermen**

From: **Chris Arthur, Building Official**

Date: **August 2, 2021**
August 16, 2021

Re: **Consideration of Ordinance change to delete old swimming pool requirements section.**

GENERAL INFORMATION

Applicant: **N/A**

Requested Actions: **Consideration of change in language and section for swimming pool requirements.**

Date of Application: **N/A**

PROPOSAL

8/2/21 - Changes to existing ordinance regarding swimming pools, 505.020.
8/16/21 – Changes based on BOA consensus of 8/2/21.

PREVIOUS ACTIONS

See attached for existing ordinance.

KEY ISSUES

Enough time has now passed since Code adoptions of 8/2020 and owners, contractors and builders have become familiar with our adopted 2018 International Swimming Pool and Spa Code (ISPSC).

STAFF COMMENTS AND SUGGESTIONS

Modify ordinance, delete language and reserve section number for future use. See attached for commentary and ordinance change.

STAFF RECOMMENDATION

8/2/21 - Recommend modifications to ordinance, see attached summary.

8/16/21 – Changes based on BOA consensus of 8/2/21.

ATTACHMENTS

STAFF CONTACT: Chris Arthur, Building Official

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING MUNICIPAL CODE SECTION 505.020, REGARDING REGULATIONS FOR SWIMMING POOLS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen wishes to remove Section 505.020 of the Harrisonville Municipal Code and to reserve it for future use; and

WHEREAS, the code language found in Section 505.020 is no longer necessary as the International Swimming Pool and Spa Code covers these items and more; and

WHEREAS, the Harrisonville Board of Aldermen adopted the International Swimming Pool and Spa Code on August 8, 2020.

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

Section 1: Section 505.020 of the Harrisonville Municipal Code is removed in its entirety and reserved for future use.

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 16TH OF AUGUST 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16TH DAY OF AUGUST 2021 AND PASSED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF AUGUST 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 16th day of August 2021.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Daniel Barnett,**

DATE: **August 12, 2021**

SUBJECT: **July Municipal Court Report**

<u>Type of Item:</u> *Discussion*

A. Discussion Item (ID # 3990)

July Municipal Court Report

Attachments:

July report (PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI
CASS COUNTY

I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of **July 2021** and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.

Don Lograsso ______________________ 8-4-21
Don Lograsso
Municipal Court Judge

Date

Presented and reviewed as required by Court Operating Rule 4.29.

______________________ 8-4-21
City Clerk

Date

Subscribed and sworn to before me this __________ day of _________________________, 2021.

____
Notary

Municipal Division Summary Reporting

17th Judicial Circuit - Cass County - Harrisonville Municipal Division

I. COURT INFORMATION

Reporting Period:			
July	2021	**Court activity occurred in reporting period: Yes**	
Clerk's Physical Address:		**Mailing Address:**	**Vendor**
300 E. Pearl St. Harrisonville, MO 64701		PO Box 367 Harrisonville, MO 64701	Incode (Tyler Technologies)
Telephone Number:		**Fax Number:**	
(816) 380-8903		(816) 380-8910	
Prepared by:		**Prepared by E-mail Address:**	**Municipal Judge(s) Active During Reporting Period:**
MICHELLE SHAFFER		michelle.shaffer@courts.mo.gov	Don Lograsso

II. MONTHLY CASELOAD INFORMATION	**Alcohol & Drug Related Traffic**	**Other Traffic**	**Non-Traffic Ordinance**
A. Cases (citations / informations) pending at start of month	101	800	836
B. Cases (citations / informations) filed	3	35	52
C. Cases (citations / informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
2. court / bench trial - GUILTY	0	0	0
3. court / bench trial - NOT GUILTY	0	1	0
4. plea of GUILTY in court	3	16	18
5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	0	9	0
6. dismissed by court	0	0	3
7. nolle prosequi	0	3	4
8. certified for jury trial (not heard in the Municipal Division)	0	0	1
9. TOTAL CASE DISPOSITIONS	3	29	26
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) – C9]	101	806	862
E. Trial de Novo and / or appeal applications filed	0	0	0

Attachment: July report (July Municipal Court Report)

Municipal Division Summary Reporting

Court Information	Municipality: 17th Judicial Circuit - Cass County - Harrisonville Municipal Division	Reporting Period: July - 2021

III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	116	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	104	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	1,145		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines – Excess Revenue	$3,243.50
Clerk Fee – Excess Revenue	$372.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue	$11.47
Bond forfeitures (paid to city) – Excess Revenue	$0.00
Total Excess Revenue	**$3,626.97**
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines – Other	$4,499.00
Clerk Fee – Other	$324.00
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	
Peace Officer Standards and Training (POST) Commission surcharge	$58.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to State	$413.54
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other	$9.99
Law Enforcement Training (LET) Fund surcharge	$116.00
Domestic Violence Shelter surcharge	$118.00
Inmate Prisoner Detainee Security Fund surcharge	$116.00
Sheriffs' Retirement Fund (SRF) surcharge	$0.00
Restitution	$230.00
Parking ticket revenue (including penalties)	$0.00
Bond forfeitures (paid to city) – Other	$1,250.00
Total Other Revenue	**$7,134.53**
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
OVER PAYMENT	$9.00
DUI RECOUPMENT FEE	$412.50
Total Other Disbursements	**$421.50**
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	**$11,183.00**
Bond Refunds	$508.00
Total Disbursements	**$11,691.00**

Attachment: July report (July Municipal Court Report)