



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
OCTOBER 18, 2021
6:00 PM**

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

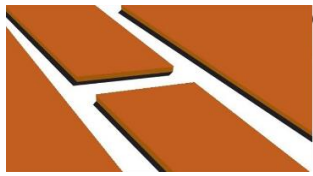
- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. Buckle Up Phone Down Challenge**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - Oct 4, 2021 6:00 PM**
 - B. Board of Aldermen - Work Session - Oct 4, 2021 6:30 PM**
 - C. Executive Session Minutes - October 4, 2021**
- 5. Agenda Items**
 - A. Halloween on Pearl Steet 2021 #2**
 - B. Council Bill 82: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF CHERYL BUSH TO THE PLANNING AND ZONING COMMISSION.**
 - C. Council Bill 83: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF WILBERT CRAWFORD TO THE PLANNING AND ZONING COMMISSION.**
 - D. Council Bill 84: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF BARRETT WELTON TO THE PLANNING AND ZONING COMMISSION.**

- E. Council Bill 85: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ESTABLISHING GUIDELINES FOR OUTDOOR DINING IN THE CBD-1 DOWNTOWN CORE BUSINESS DISTRICT IN THE CITY OF HARRISONVILLE, MISSOURI.**
 - F. Council Bill 86: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTION 125.330 OF THE HARRISONVILLE MUNICIPAL CODE.**
- 6. Aldermen and Committee Reports**
- 7. Report from the City Administrator**
 - A. September Municipal Court Report**
- 8. Questions from the Media**
- 9. Adjourn from Regular Session**

Posted on City Hall Bulletin Board this 15th day of October, 2021.

Daniel Barnett, City Clerk

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



City of

Harrisonville

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1836

PROCLAMATION

“BUCKLE UP, PHONE DOWN”

October 22, 2021

WHEREAS, the Missouri Department of Transportation and the Missouri Coalition for Roadway Safety are challenging the community to buckle up and put your phone down; and

WHEREAS, the challenge is simple: when you get into any vehicle, buckle your safety belt and, if you are the driver, put your cell phone down; and

WHEREAS, in 2020, 987 drivers and passengers were killed in traffic crashes in Missouri; and

WHEREAS, in 2020, nearly 7 out of 10 vehicle occupants killed in Missouri traffic crashes were unbuckled; and

WHEREAS, cellphone related crashes in Missouri have increased by 31 percent since 2014; and

WHEREAS, a recent survey from AT&T shows nearly 9 out of every 10 drivers admit to engaging with their smart phone while behind the wheel; and

WHEREAS, the simple task of buckling everyone in the vehicle and choosing not to use your phone while driving can help save your life, the lives of your passengers and occupants of other vehicles; and

WHEREAS, it is time to join the movement and stand up and be counted. Take the challenge at www.modot.org/BuckleUpPhoneDown ARRIVE ALIVE!

NOW THEREFORE, I, Judy Bowman, Mayor of Harrisonville, Missouri do hereby proclaim, Friday, October 22, 2021, as: “Buckle Up, Phone Down” Day in Harrisonville, and encourage all citizens to take the “Buckle Up, Phone Down” Challenge and learn more about the risks associated with cell phone use and not buckling up while driving.

Judy Bowman, Mayor

Attachment: Buckle Up Phone Down Proclamation 2021 (Buckle Up Phone Down Challenge)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
OCTOBER 4, 2021
6:00 PM

1. Call to Order

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

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Remote	6:15 PM
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, Director of Administrative Services Jeremy Smith, City Attorney Steve Mauer, Public Works Director/City Engineer Carl Brooks, Electric Department Superintendent Andy Pollard, Police Chief John Hofer, Fire Chief Eric Myler, City Planner Roger Kroh, President-elect of Love the Harrisonville Square Amanda Stites and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

A. Shen Yun Performing Arts Days Proclamation

The proclamation for Shen Yun Performing Arts was signed by Mayor Bowman and will be sent to Barbara Gay of the Falun Dafa Association of Kansas City.

B. Fire Prevention Week Proclamation

Mayor Bowman shared a proclamation declaring October 3 - 9, 2021 as Fire Prevention Week in the City of Harrisonville. Emergency Services Chief Eric Myler received the proclamation.

Mayor Bowman asked Chief Myler to introduce those members of his staff who were in attendance.

3. Public Participation

None

4. Approval of Minutes

A. Board of Aldermen - Work Session - Sep 15, 2021 5:30 PM

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

B. Board of Aldermen - Regular Meeting - Sep 20, 2021 6:00 PM

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

C. Board of Aldermen - Work Session - Sep 20, 2021 6:30 PM

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

5. Agenda Items

A. Love the Harrisonville Square Annual Report

Amanda Stites, President-elect of the Love the Harrisonville Square organization, gave a presentation to the Mayor and Board of Aldermen about the history of the LTHS organization and some of their success stories. Some of the highlights that the organization has accomplished are the following: Achieved Affiliate Community status, New and expanding businesses, Increasing investment and Various property improvements.

Stites spoke to challenges and next steps for the organization.

Stites spoke to several current and ongoing projects that the organization is pursuing.

Stites spoke to funding needs for the Love the Harrisonville Square organization, stating that the organization hopes to be able to scale their funding as their organization grows. Stites said the organization is seeking a \$3,000 funding increase from the public sector.

Stites thanked the Board for their time and for the strong partnership between the City and the Love the Harrisonville Square program.

Mayor Bowman thanked Stites for her efforts and for the efforts made by the Love the Harrisonville Square and encouraged the organization to participate in the City's Comprehensive Master Plan process.

RESULT:	DISCUSSION
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Minutes Acceptance: Minutes of Oct 4, 2021 6:00 PM (Approval of Minutes)

B. Youth Hunt 2021

Staff report presented by Police Chief Hofer.

Hofer said the event, which is led by Missouri Department of Conservation Agent Phil Needham, has been done for eight or nine years in the past and that the Police Department recommends approval.

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

C. Halloween on Pearl Street - Block Party

Staff report presented by Police Chief Hofer.

Hofer said the event will stretch from Halsey Street to Wirt Street.

Hofer said the Police Department recommends approval.

Hofer informed the Board that he had recently received a second application for a Block Party to close Pearl Street from Halsey Avenue to Price Street.

Hofer said he and Streets Department Superintendent Jacobs each have concerns about closing Halsey, as it would cause a large traffic back up. Hofer said he recommends crossing guards at Halsey and Pearl, to assist participants who wish to move between each block party.

Mayor Bowman asked if volunteers would be able to monitor the barricades to ensure that they were not moved.

Hofer said he believes that will be possible and that the barricades will potentially remain more secure, with Halloween falling on a Sunday this year.

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

D. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI DIRECTING CITY STAFF TO ACQUIRE NECESSARY TEMPORARY AND PERMANENT EASEMENTS TO PERMIT THE ENGINEERING, CONSTRUCTION, AND COMPLETION OF THE SOUTH SERVICE AREA FORCE MAIN, GRAVITY AND LIFT STATIONS SANITARY SEWER PROJECT

Staff report presented by Public Works Director/City Engineer Brooks.

Brooks said the ordinance would allow staff to begin securing the necessary easements for the South Service Area Sewer Main Project.

Brooks spoke to the cost effectiveness of the project, as compared to sewer package plants.

Brooks spoke to a potential need for condemnation of one piece of property, in which the property owner has refused negotiations.

Alderwoman Milner clarified that the project would follow easements in the road and not cause the work to be completed in individual's yards or on their developed property.

Mayor Bowman said she is pleased that the project is moving forward and that staff will not have to work within the existing packaging plant in the future.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number: 3569.

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

6. Aldermen and Committee Reports

Aldерwoman Franklin thanked all those who stopped at the Love the Harrisonville Square booth at the Log Cabin Festival.

Alderman Turner said he enjoyed the turnout at the Log Cabin Festival and for the annual parade. Turner thanked those who attended the festival and participated in the parade.

7. Report from the City Administrator

City Administrator Ratliff reminded the Board of several upcoming events throughout the community.

Ratliff spoke to the Board about the work being completed as part of the ongoing Ultraviolet project at the Wastewater Treatment Plant.

Ratliff informed the Board that staff had received six bids for the City Lake and Lake Luna Dam and Spillway project.

Ratliff informed the Board that sandblasting and other improvements had begun at the Outdoor Pool in City Park.

Ratliff informed the Board that in regards to the 17 35 Airport Runway Pavement Replacement project, the City has applied and been notified that we will receive a \$4,950,000 grant from the Missouri Department of Transportation and the Federal Aviation Administration and a five-percent matching fund from the State Aviation Trust funds. Ratliff said the City has also received the engineer's design agreement for the project, which is currently being reviewed by staff. Ratliff said staff are scheduled to bid the project in April of 2022, with construction to begin in 2023.

Ratliff informed the Board that staff have met with Clark and Enersen to review the preliminary North Park ballfield renderings for the upcoming redesign project.

Ratliff spoke to the Board about the upcoming meetings, both private and public, for the City-Wide Master Plan project.

8. Questions from the Media

None.

9. Adjourn from Regular Session

Mayor Bowman congratulated Dennis Minnich and the members of the South Cass Tribune on a list of awards recently received by the newspaper.

Bowman sent warm wishes from the City of Harrisonville to former Cass County Health Department Director Andrew Warlen, as he was recently named the Director of the Platte County Health Department. Bowman congratulated Sarah Czech, who was recently promoted to the position of Director of the Cass

County Health Department and wished her well in her new role. Bowman thanked both Warlen and Czech for their leadership and partnership with the City during the COVID-19 pandemic.

A motion was made by Alderwoman Milner to adjourn, with a second by Alderwoman Franklin. Motion carried with all ayes. Meeting adjourned at 6:54 p.m.

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Oct 4, 2021 6:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
OCTOBER 4, 2021
6:30 PM

1. Call to Order

The meeting was called to order at 7:02 PM by Mayor Judy Bowman.

2. Present

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Excused	
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 Roger Kroh, Baker Tilly CPA Ben Hart and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Budget discussion

Director of Administrative Services Smith spoke to the Board about the ongoing efforts of staff and Baker Tilly to perform a Wage and Compensation Study and how the results of the study could potentially affect the City's budget.

Smith spoke about how increases to staff who have a salary that is below the market could affect employees who are barely above market and the options for dealing with that situation.

Smith spoke to the difficulties staff are facing in trying to fund the potential increases and listed some of the options for making up the necessary funds.

Smith said City staff are hoping to bring all positions to 100% of "market".

Alderman Davidson asked about the percentage difference between the Police Department and the Emergency Services Department.

Smith said it is nearly even.

Davidson asked about the tools being used to determine the "market".

Smith outlined the methods used to determine the "market" and listed several cities who were asked to contribute to the study.

City Administrator Ratliff spoke about the level of competition for employees illustrated by the study and said that neither he nor CPA Hart had seen a market this competitive.

Smith asked the Board how far they are willing to go to fund the potential increases.

Ratliff said the City would be able to fund the increases through the enterprise funds but said staff will require direction from the Board on what budgetary cuts will need to be made.

Alderman Turner asked how the City would fund the positions long term.

Smith said the long-term budget will have to be handled on a year-to-year basis.

CPA Hart spoke to options within the City's budgeted funds for staffing that could allow the City to reach "market" or a portion of "market".

Davidson said he would like to see the City move to 105% of market, but says he feels that the City must find a way to get to 100% of market.

Alderwoman Milner asked several of the department heads to speak to their current staffing shortages.

Alderman Zaring asked about the possibility of funding certain positions in the first year and the rest in future years.

Alderman Mills spoke to the fluidity of the current labor market and spoke to the value of benefits that the current generation does not seem to prioritize as much as prior generations.

Zaring said he would like City Department Heads to look into what projects or programs can be cut or pushed back to make the potential increases possible.

The Board provided a consensus to City staff to bring salaries that are below market to 100% of market and raise existing salaries of qualified employees by .5% per year of service in their current position and potentially complete those items within the year.

Mayor Bowman thanked the members of the Board for their dedication to the City and their willingness to address problems within the City that had been kicked down the road by previous administrations.

At approximately 8:39 p.m. a motion was made by Alderwoman Milner to adjourn to Executive Session, pursuant to RSMO 610.021(1) litigation. The motion was seconded by Alderman Doerhoff. A roll call vote was taken: Doerhoff - Aye; Mills (remote) - Aye; Franklin - Aye; Turner - Aye; Milner - Aye; Davidson - Aye; Zaring - Aye; Reece - Absent; Mayor Bowman - Aye. Mayor Bowman then convened the meeting in closed session.

After returning from Closed Session, a motion to adjourn from the Work Session was made by Alderman Davidson, with a second from Alderman Turner. The motion carried with a unanimous vote.

The meeting was adjourned at 8:46 p.m.

Work Session**Monday, October 4, 2021****6:30 PM**

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Oct 4, 2021 6:30 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: October 13, 2021
SUBJECT: Halloween on Pearl Steet 2021 #2

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Shannon Hiser

Requested Actions: Closure of Pearl Street on Halloween Night for Safe Trick-or-Treating. (Block Party)

Date of Application: October 4, 2021

PROPOSAL

The applicant, Shannon Hiser, has submitted a block party application to close a portion of Pearl Street on Halloween night (Oct. 31st) for safe trick or treating purposes. The request is to close Pearl Street from Price Street to Halsey Street for a safe, free of vehicular traffic, Halloween night environment. The requested closure is for Sunday October 31, 2021, from 4:00 pm through 9:00 pm.

PREVIOUS ACTIONS

This is the first year for this applicant to host such an event in Harrisonville, but many similar events have occurred with limited concerns.

KEY ISSUES

Prior issues with similar events:

Road Closures – while attending a similar event two years ago I observed vehicular traffic mixed with the many children participating in trick-or-treating activities. It was discovered that road closure barricades were moved by some residents trying to get home and were not put back in place. Last year I believe the barricades were manned and this was not a problem with last year's event. I would recommend that an adult be placed at each barricade for the duration of the event to ensure that the barricades remain in place.

Insurance – this is no longer a requirement as it is now considered a block party.

Extending to Price Street – Street Superintendent Rodney Jacobs and I has concerns in extending this event from Halsey to Price Street as it makes the closure of Halsey Street more difficult as there is no place to turn off or around on Halsey so the road closure barricade will need to be at Mechanic Street.

STAFF COMMENTS AND SUGGESTIONS

The Street Dept. will have staff on hand to set up and tear down the necessary barricades. The estimated cost for staff to complete this task is \$325 for this event.

STAFF RECOMMENDATION

Staff recommends approval for this closure of Pearl Street from Price Street to Halsey Street and will provide barricades for these 3 different road blockages. Staff recommends that the applicant provide an adult to monitor each roadblock to ensure that the barricades remain in place.

Staff recommends that Halsey Street remains open due to traffic concerns.

ATTACHMENTS

Block Party Application (required signature list)

STAFF CONTACT:

John J. Hofer
Chief of Police
jhofer@harrisonville.com

A. Action Item (ID # 4045)

Halloween on Pearl Steet 2021 #2

Attachments:

Pearl St. Halloween 2021 #2 (PDF)



City of

Harrisonville

est.
1836

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

BLOCK PARTY APPLICATION & PACKETApplicant's Name: (Print) Shannon Hiser

FILING PERIOD: An application for a Block Party shall be filed with the city Clerk no less than fourteen (14) days prior to the event.

Address: 1203 E. Pearl St. Harrisonville, MO 64701Contact Number: 816 225 2024Email: Shannon.hiser@gmail.comDate of Event: 10/31/21 HalloweenRain Date of Event: n/aRequested Times: 4pm to 9pmRequested Street Closed: Pearl St. from Halsey Ave to PriceBetween Halsey & Price

Circle One:

Have you hosted a block party in the past?

YES

☒ NO

Did you complete the hold harmless waiver?

☒ YES

NO

Will there be music at this event?

YES

☒ NO

Have you read the Rules & regulations?

☒ YES

NO

The Harrisonville Police Department reserves the right and has the authority to shut down, cancel and/or terminate this event at any time. The Harrisonville Police Department also has the right to decline any future events, if this event causes any calls for service or creates a hazard or nuisance to neighbors and or complaints.

Questions/Concerns:

Date 9/28/21

Applicants Signature:

Shannon Hiser

I HAVE READ THIS WAIVER, RELEASE, AND INDEMNIFICATION AGREEMENT AND UNDERSTAND ITS TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I AM GIVING UP SUBSTANTIAL LEGAL RIGHTS. I HAVE NOT BEEN INDUCED TO SIGN THIS AGREEMENT BY ANY PROMISE OR REPRESENTATION, AND I SIGN IT VOLUNTARILY AND OF MY OWN FREE WILL.

9-28-21 Jay Roberts JAY ROBERTS
 Date Participants Signature Participants Printed Name
1201 E. PEARL ST. 816-380-2760
 Address Phone Number

9-28-21 Shancey Ericson Shancey Ericson
 Date Participants Signature Participants Printed Name
1200 E. Pearl St 779 646 9616
 Address Phone Number

9/28/21 Shannon Hiser Shannon Hiser
 Date Participants Signature Participants Printed Name
1203 E Pearl St. 816-225-2024
 Address Phone Number

10/2/21 Rick Thuman Rick Thuman
 Date Participants Signature Participants Printed Name
1205 E PEARL 816-738-7234
 Address Phone Number

 Date Participants Signature Participants Printed Name

 Address Phone Number



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 13, 2021
SUBJECT: Cheryl Bush to Planning and Zoning

Type of Item: *Approval*

B. Action Item (ID # 4044)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF CHERYL BUSH TO THE PLANNING AND ZONING COMMISSION.

Attachments:

Cheryl Bush to PZ 2021 (DOCX)

Council Bill No. 2021-**Resolution No. 2021-****A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF CHERYL
BUSH TO THE PLANNING AND ZONING COMMISSION.**

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

WHEREAS, Cheryl Bush fully meets the qualifications for appointment to this Commission; and

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

WHEREAS, Mayor Judy Bowman recommends the appointment of Cheryl Bush to the Planning and Zoning Commission, upon approval of the Board of Alderman.

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

Section 1. The Board of Aldermen approves the appointment of Cheryl Bush to the Planning and Zoning Commission.

Section 2. Effective Date. This resolution shall become effective upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 18TH DAY OF OCTOBER 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 18th day of October 2021.

Attachment: Cheryl Bush to PZ 2021 (Cheryl Bush to Planning and Zoning)



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 13, 2021
SUBJECT: Wilbert Crawford to Planning and Zoning

Type of Item: *Approval*

C. Action Item (ID # 4043)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF WILBERT CRAWFORD TO THE PLANNING AND ZONING COMMISSION.

Attachments:

Wilbert Crawford to PZ 2021 (DOCX)

Council Bill No. 2021-**Resolution No. 2021-****A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF WILBERT CRAWFORD TO THE PLANNING AND ZONING COMMISSION.**

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

WHEREAS, Wilbert Crawford fully meets the qualifications for appointment to this Commission; and

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

WHEREAS, Mayor Judy Bowman recommends the appointment of Wilbert Crawford to the Planning and Zoning Commission, upon approval of the Board of Alderman.

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

Section 1. The Board of Aldermen approves the appointment of Wilbert Crawford to the Planning and Zoning Commission.

Section 2. Effective Date. This resolution shall become effective upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 18TH DAY OF OCTOBER 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 18th day of October 2021.

Attachment: Wilbert Crawford to PZ 2021 (Wilbert Crawford to Planning and Zoning)



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 13, 2021
SUBJECT: Barrett Welton to Planning and Zoning

Type of Item: *Approval*

D. Action Item (ID # 4042)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF BARRETT WELTON TO THE PLANNING AND ZONING COMMISSION.

Attachments:

Barrett Welton to PZ 2021 (DOCX)

Council Bill No. 2021-**Resolution No. 2021-**

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF BARRETT
WELTON TO THE PLANNING AND ZONING COMMISSION.**

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

WHEREAS, Barrett Welton fully meets the qualifications for appointment to this Commission; and

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

WHEREAS, Mayor Judy Bowman recommends the appointment of Barrett Welton to the Planning and Zoning Commission, upon approval of the Board of Alderman.

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

Section 1. The Board of Aldermen approves the appointment of Barrett Welton to the Planning and Zoning Commission.

Section 2. Effective Date. This resolution shall become effective upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 18TH DAY OF OCTOBER 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 18th day of October 2021.

Attachment: Barrett Welton to PZ 2021 (Barrett Welton to Planning and Zoning)



TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: October 14, 2021
SUBJECT: GUIDELINES FOR OUTDOOR DINING IN CBD-1 DISTRICT

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Roger Kroh, Community Development Planner

Requested Actions: Approval of a Resolution Establishing Guidelines for Outdoor Dining Policy in the CBD-1 Downtown Core Business District

Date of Application: October 14, 2021

PROPOSAL

Consideration of a resolution approving guidelines for outdoor dining for properly zoned and licensed food or beverage service establishments for the CBD-1 Downtown Core Business District.

PREVIOUS ACTIONS

Recently, *The 1886* restaurant at 206 S. Independence St., with the concurrence of its landlord, Chris Filer, asked the city for permission to have outdoor dining on the sidewalk in front of the restaurant. They envision having four tables, each with 2 seats, that occupy the six feet closest to the building. There would be a rail approximately 3-ft. high enclosing the dining area. This would leave a path for pedestrians on the sidewalk approximately 6-7 feet wide.

Staff found that in 2014, the city amended Section 405.280 (A) (3) , Performance Standards, in the CBD-1 Downtown Core Business District to allow outdoor dining on public sidewalks. It states:

“.....A properly zoned and licensed food or beverage service establishment may temporarily utilize public sidewalks immediately adjacent to its establishment for outdoor dining purposes contingent upon compliance with City policy and ordinances.”

In 2014, the Board of Aldermen (BOA) and staff also considered guidelines for outdoor dining, but never completed the discussion and never adopted the guidelines.

STAFF COMMENTS AND SUGGESTIONS

Recently, after *The 1886* restaurant asked for permission to provide outdoor dining, staff reviewed the draft policy from 2014 and the sidewalk dining policies of several other cities. Comments were solicited from GouldEvans, who has experience assisting cities with outdoor dining regulations, and the Harrisonville management team. Changes were made to the 2014 draft policy and attached is an updated policy recommended for approval.

STAFF RECOMMENDATION

Approval

E. Action Item (ID # 4050)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ESTABLISHING GUIDELINES FOR OUTDOOR DINING IN THE CBD-1 DOWNTOWN CORE BUSINESS DISTRICT IN THE CITY OF HARRISONVILLE, MISSOURI.

Attachments:

Outdoor Dining policy 2021 (DOCX)

Council Bill No.

Resolution No.

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI ESTABLISHING GUIDELINES FOR OUTDOOR
DINING IN THE CBD-1 DOWNTOWN CORE BUSINESS DISTRICT IN THE CITY OF
HARRISONVILLE, MISSOURI.**

WHEREAS, the Board of Aldermen is elected to promote the community's health, safety, welfare, and morals, which duty includes proper planning and zoning ordinances and policies; and

WHEREAS, in 2014 the City amended the zoning ordinance of the city to allow outdoor dining in the CBD-1 Downtown Core Business District contingent upon compliance with City policy and ordinances, but never completed discussion and approval of a policy regarding outdoor dining; and

WHEREAS, the City now wishes to establish guidelines for outdoor dining in the CBD-1 zoning district.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, as follows:

Section 1. The Guidelines for Outdoor Dining in the CBD-1 Downtown Core Business District, attached as EXHIBIT A is hereby adopted.

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 THIS 18TH DAY OF OCTOBER 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 18th day of October 2021.

Attachment: Outdoor Dining policy 2021 (GUIDELINES FOR OUTDOOR DINING IN CBD-1 DISTRICT)

EXHIBIT A

**GUIDELINES FOR OUTDOOR DINING IN THE
CBD-1 DOWNTOWN CORE BUSINESS DISTRICT**

October 14, 2021

Approval

1. Outdoor dining areas shall require site plan approval by the Community Development Department.

Circulation

1. There shall be a fence barrier at least three (3) foot high provided around the full perimeter of the outdoor dining area with openings for ingress and egress.
2. A minimum six (6) feet wide unobstructed clear path of travel is required which is measured from the outside edge of the outdoor dining fencing or fence post base to the nearest construction (i.e., tree pit, parking meter, bike rack, planting strip, light post, etc.). If no obstruction exists, the clear path of travel is measured to the back of the curb.
3. All ADA accessibility regulations and the Fire Code shall be adhered to.
4. Outdoor dining areas shall be arranged so as not to obstruct pedestrian visibility of the ground floor of the adjoining retail establishments.
5. Outdoor dining areas shall be arranged so as not to violate any sight triangles of the city.

Furniture and Fixtures

1. There shall be no stacking or storage of outdoor furniture on the sidewalk.
2. Heating elements and free-standing umbrellas are allowed within the footprint of the permitted outdoor dining area but may not encroach on the clear path of travel.
3. Heating elements and fuel supply must be of a type and permitted by the Fire Code and must be temporary in nature and easily removable.

4. Electrical service for outdoor dining areas shall meet the electrical codes of the City and shall not run from the power receptacles of the City. Electrical cords or strings of lights may not be strung over or be placed on the pedestrian path of travel.

Other Requirements

1. Outdoor dining must be in compliance with all ordinances, policies, and guidelines of the City of Harrisonville.
2. Compliance with Chapter 250 in the City Code regarding noise is required at all times.
3. Outdoor dining must be in compliance with all City and State laws regarding serving alcohol and alcohol licenses.
4. Outdoor dining providers must be in compliance with all County Health Department Regulations.



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 13, 2021
SUBJECT: Administrative Warrants Code Change

Type of Item: *Approval*

F. Action Item (ID # 4041)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTION 125.330 OF THE HARRISONVILLE MUNICIPAL CODE.

Attachments:

Admin Warrant Staff Report (PDF)

Admin. Warrant summary (PDF)

NEIGHBOR CITY ADMIN WARR (PDF)

Admin_Warrants article (PDF)

O. Ordinance Administrative Search Warrant (PDF)



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To: Board of Aldermen

From: Katie Phelps and Chris Arthur

Date: October 18, 2021, BOA regular session.

Re: Changes to ordinance 125.330 Administrative Search Warrant to improve the function of the Administrative Warrant process.

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of proposed changes to ordinance 125.330 Administrative Search Warrant.

Date of Application: N/A

PROPOSAL

10-18-21 BOA RS - Changes to existing ordinance regarding Administrative Search Warrants 125.330.

PREVIOUS ACTIONS

See attached for existing ordinance 125.330.

KEY ISSUES

Ordinance 125.330 was enacted 4/1/06. Since that time several factors have changed with what codes have been enacted and prosecution of violations. See attached commentary. We would also ask you to refer to the current citizen survey and their thoughts on this, as you consider this change.

Staff has also met with PD to discuss this change and they do not have any problems with this change.

STAFF COMMENTS AND SUGGESTIONS

Modify ordinance 125.330 for more efficient use. See attached for commentary and ordinance change.

STAFF RECOMMENDATION

Recommend modifications to ordinance 125.330, see attached summary.

Please see attached Missouri Municipal League featured article.

ATTACHMENTS

Please see attached files.

STAFF CONTACT: Katie Phelps – Code Enforcement Officer
Chris Arthur – Building Official

Attachment: Admin Warrant Staff Report (Administrative Warrants Code Change)



Commentary below in **GREEN**
Ordinance change below in **RED**

The changes in this section update the enforcement sections that are to be cited in the warrant. The other changes are to expand the list of City personnel who can be issued the warrant. This takes the burden off the Police Department to execute every warrant. It will also expedite the warrant process. The original ordinance was enacted 4/1/06, since that time the City has adopted the International Property Maintenance Code which expands the type and increases the amount of cases taken to municipal court.

Section 125.330 **Administrative Search Warrant.**

A.

The issuance of administrative search warrants relating to violations of Harrisonville City Code and relating to enforcement thereof shall conform to and be governed by the following provisions:

1.

An administrative search warrant is a written order of the Municipal Court of the City of Harrisonville commanding the search of property to determine the existence of violations of specific provisions contained within the Code, ~~and~~ to permit abatement of nuisances, and enforcement of violations of said Code provisions **and the International Property Maintenance Code, as adopted.**

2.

Any Public Official, Police Officer, Code ~~Compliance~~ **Enforcement** Officer, special counsel, or the prosecuting attorney may make an application for the issuance of an administrative search warrant. The application may be made on a form prepared by the Court Clerk and shall:

a.

Be in writing.

b.

State the time and date of the making of the application.

c.

Identify the property which is to be searched in sufficient detail and particularity that the Police Officer, **Building Official, or Code Enforcement Officer** executing the warrant can readily ascertain it.

d.

Identify the City Code violation in sufficient detail and particularity that the Police Officer, **Building Official, or Code Enforcement Officer** executing the warrant can readily ascertain it.

e.

State facts sufficient to show reasonable suspicion for the issuance of the administrative search warrant.

f.

Be verified by the signed oath or affirmation of the applicant.

g.

Be filed in the Municipal Court.

3.

The application may be supplemented in writing as necessary to assist the Municipal Judge in determining whether there is reasonable suspicion for the issuance of an administrative search warrant and to fill out any deficiencies in the description of the property to be searched or in the Code violation(s) on the property. Oral testimony shall not be considered.

4.

The Municipal Judge or Acting Municipal Judge shall review the application and any written supplementation to determine whether sufficient facts have been stated to justify the issuance of an administrative search warrant. If it appears that there is reasonable suspicion to believe that a violation of the Code provision exists on the property described, an original and two (2) copies of the administrative search warrant shall be issued.

5.

The application and any written supplementation and a copy of the warrant shall be retained in the records of the Municipal Court.

6.

The administrative search warrant shall:

a.

Be in writing.

b.

Be directed to a Police Officer, Building Official, or Code Enforcement Officer of the City of Harrisonville.

c.

State the time and date the warrant is issued.

d.

Identify the property which is to be searched in sufficient detail and particularity such that the Police Officer, Building Official, or Code Enforcement Officer executing the warrant can readily ascertain it.

e.

Identify the Code violation in sufficient detail and particularity such that the Police Officer, Building Official, or Code Enforcement Officer executing the warrant can readily ascertain it.

f.

Be signed by the Municipal Judge or Acting Municipal Judge.

g.

Be executed by a Police Officer, Building Official, or Code Enforcement Officer of the City of Harrisonville by conducting the search commanded and/or abating the nuisance or Code violation;

h.

Be executed between the hours of 8:00 A.M. and 5:00 P.M. except in the case of an emergency threatening immediate damage or harm to life or property.

i.

Be executed as soon as practicable and shall expire if it is not executed and returned within ten (10) days after the date of the making of the application; and

j.

After execution of the administrative search warrant, the warrant with a return thereon, signed by the Police Officer, Building Official, or Code Enforcement Officer executing the warrant, shall be filed in Municipal Court. The return shall show the date and manner of execution, the name of the possessor and the name of the owner of the property, when they are not the same person, if known.

7.

An administrative search warrant shall be deemed invalid:

a.

If it was not issued and signed by the Municipal Judge or Acting Municipal Judge; or

b.

If it was issued without a written application in compliance with this Code Section having been filed and verified; or

c.

If it was issued without reasonable suspicion; or

d.

If it does not describe the property to be searched and/or the nuisance or Code violation with sufficient certainty; or

e.

If it is not executed and returned within the time prescribed.

	A	B
1		
2	CITY	CE ADMINISTRATIVE WARRANTS
3	PECULIAR	YES
4	RAYMORE	YES
5	BELTON	YES
6	GRANDVIEW	YES
7	PLEASANT HILL	YES
8	LEE'S SUMMIT	YES
9	BLUE SPRINGS	YES
10	INDEPENDENCE	YES
11	KC MO	YES
12	KC KS/WYD COUNTY	YES
13	GLADSTONE	YES
14	NORTH KC	YES
15	RAYTOWN	ONLY THROUGH CITY ATTORNEY
16	OP/JOCO	YES
17	HARRISONVILLE	NO, PD ONLY

Attachment: NEIGHBOR CITY ADMIN WARR (Administrative Warrants Code Change)

FEATURE Review

by Paul Martin

It's A Nuisance!

Enforcing Code Regulations With Administrative Warrants

The Fourth Amendment to the United States Constitution prohibits unreasonable searches, and its violation can get you sued. A warrant, an authorization issued by a court permitting the inspection of property for specified purposes, assures that a search is constitutionally reasonable. But do you need a warrant all the time to enforce the city's codes? Not necessarily, but it can be a very blurry line, and routine warrant practice is the safe way to go.

This article attempts to answer the "need for a warrant" question in specific contexts, but please keep in mind that a vast amount of judicial ink has been spilled attempting to define the scope of the right to privacy. It all comes down to your particular facts, and for that, you need the advice of your particular city attorney. While this article provides general information and opinions of the author, it is not intended, nor should it be taken, as legal advice. With that caveat, here are some questions and answers.

A code enforcement officer (CEO) receives a complaint about a particular property. What steps can the CEO take to document the property issues without obtaining



an administrative search warrant? Is it OK to take pictures from the street?

The first step a CEO could take is to ask permission of the owner (or occupant) to inspect the property. If the owner allows the search, there is no need for a warrant. If the owner denies the search, the fundamental legal question is whether the owner has a reasonable expectation of privacy in the area to be searched. If there is no such expectation, then there is no need for a warrant. Taking photos from the street is fine, because the search area is wide open to the public's view. This is called the "plain view" exception to a warrant requirement.

Can the official walk up to the front door and take pictures on the property?

It depends. CEOs can generally walk up to a front door for the purpose of initiating an investigation, if the area is open and accessible to the general public. This is called "knock and talk," and in the course of doing so, the CEO can observe property details, and even take photos of property conditions that are in plain view. For example, on a suspected occupancy code violation, the CEO can enter private property and walk up to and knock on the front door to see if anyone answering will permit an inspection. In doing so, the CEO can take note of and photograph window treatments, plants, porch chairs, etc. (things that suggest occupancy) that are in "plain view". However, the CEO should not try to peer into windows or open doors.

On the other hand, if the front yard or the path to the front door is gated; if the area is screened by fencing or vegetation; or if the property is posted with a "No Trespassing" sign, then these are all indications that the owner has attempted to protect, and has a reasonable expectation of, his or her privacy. In such cases you should seek

Attachment: Admin_Warrants article (Administrative Warrants Code Change)

an administrative warrant and let a judge decide if a search is appropriate. This protects both the owner's privacy right and you from a civil rights claim of violating that right.

What about entering the back yard? Does it matter if the yard is open or fenced?

The same general rule applies. If the back yard is nothing more than an open field that is accessible to the public, the CEO may be constitutionally safe in entering the property. This is sometimes called the "open fields" exception, but you should ask your city attorney before going warrantless, because it can depend on other facts that are particular to your circumstances.

Use of the open fields exception is a rarity in urban areas, because property owners generally do not expect random members of the public (or CEOs or police officers) to be traipsing through their back yard. They may well have a reasonable expectation of privacy in those areas and a fence, or screening, or



a "No Trespassing" sign only reinforces that expectation. So, check with your city attorney, and get a warrant first.

What about inspecting a back yard by way of the neighbor's property?

This can help, but you still need to be careful. If the neighbor invites you in, and if the search area is in plain view of the neighbor's back yard, you can

take note of and photograph existing code violations without violating the constitution, but if the target area is screened by fencing or landscaping, the neighbor's permission is probably meaningless.

Again, it depends on the particular facts. If a chain link fence separates the neighbor's yard from the target search area, the property conditions are in plain view and no warrant is needed. But if the yard has a privacy fence and the only way

Attachment: Admin_Warrants article (Administrative Warrants Code Change)



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trespass and privacy invasion. The court agreed, dismissing the criminal charges because of the privacy invasion.

While the use of drones has become more commonplace, and will only increase as time goes by, it seems plain that most people today would be disturbed by a drone hovering over or near their land, inspecting their property and observing their actions while taking pictures, and they will undoubtedly argue that such use is an unreasonable privacy invasion. Eventually ubiquitous drone use may reduce a homeowner's backyard privacy expectations, and courts may one day declare the air a constitution-free zone. But that day has not yet arrived, and until it comes, the safe course is to get a warrant.

Once an abatement has been ordered, does a city need a search warrant to have a nuisance abated? Can a city go on private property to pick up junk or mow a lawn?

In abatement cases, you must consider both the legality of the entry onto private property and the destruction or removal of the property creating the code violation. The Fourth Amendment protects against unreasonable seizures, too; one person's junk is another's treasure.

Missouri statutes authorize cities to abate nuisances on private property, but these statutes do not override constitutional protections. Unless the city has the permission of the property owner, the safe approach is to get a warrant before abating a nuisance. The same general rule of a reasonable expectation of privacy applies.

There will be scenarios that may permit warrantless abatement, e.g., overgrown weeds or an abandoned automobile on a lot that is open and accessible to the public. Another scenario may be if the abatement need is emergent, such as if unruly vegetation impairs the line of sight for safe traffic flow, or if a dangerous building frequented by kids or transients is in danger of imminent collapse. But the reality is that these conditions generally do not develop overnight and having a warrant procedure in place and ready to go should lead to a simple

to get a look is by climbing the neighbor's tree or scaling a ladder in the neighbor's yard, that is a questionably reasonable search. The best course is to get a warrant and inspect the property directly.

What about the use of drones? Could an inspector fly a drone around or over a house and use those pictures to demonstrate the need for nuisance enforcement?

Again, it likely depends on the reasonable expectation of privacy, that cannot be assessed without specific facts. Drones have the capability to hover over the target property as well as adjacent public and private property, and their vertical capability permits operation at eye-level, above or below the tops of trees or buildings, and even in navigable airspace. They can also be equipped with cameras that can record at significant distances. All these factors make it impossible to provide a blanket answer on the warrantless use of drones for code enforcement.

In addition, the law has not sufficiently developed to address this comparatively new technology. In 1989, the United

States Supreme Court held that a property owner had no reasonable expectation of privacy from the surveillance of his residential yard by police using a helicopter hovering 400 feet over his property. The helicopter police found marijuana being cultivated, and the owner went to jail. A court plurality reasoned that navigable airspace is open to all, and anyone could look down into the owner's property, hence there was no reasonable expectation of privacy. *Florida v. Riley*, 488 U.S. 445 (1989). While this case suggests generally that using drones for warrantless code enforcement may well be constitutional—at least if operated from navigable airspace, the absence of a majority opinion, along with subsequent cases, raise questions about the plurality's analysis.

The closer the drone gets to the yard in question, the more likely local judges are to find a privacy right. In 2015, a Kentucky landowner shot down a drone that was supposedly hovering over his property, possibly recording his sunbathing daughter. The owner was charged with wanton endangerment and criminal mischief for the discharge of his weapon, and he defended using the state's "stand your ground" law, claiming he had a right to prevent the drone's

application process and a quick approval by your municipal court. If there is any question, the safest way of proceeding is to get the warrant.

What if my city does not have a municipal court or an administrative warrant ordinance?

It is true that administrative warrants generally involve municipal courts. Many cities in Missouri have passed legislation that enables them to apply for such warrants, and those ordinances also provide a method and standards for getting a judge's approval. Again, the goal is to ensure that the property owner's right of privacy is considered and protected while at the same time letting the city perform its code enforcement function. But what happens if there is no municipal court, or if the city has not established a warrant process?

The legal answer to this question requires an analysis and understanding of the constitutional separation of powers between the judicial and the legislative branches of government, but in sum, the authority of a court - any court - to issue warrants appears to be a power inherent to the judiciary's role in the enforcement of the laws falling within the court's jurisdiction. Missouri Supreme Court rules suggest this, as they provide for the warrant authority, and while state or local legislation can establish and define a warrant process, such legislation does not appear to be a legal predicate to a court's exercise of the warrant authority. It follows that your city attorney could apply for a warrant to either the circuit court having jurisdiction over your city, if your city lacks a municipal court, or to your own municipal court, even if your city has not enacted an ordinance for administrative search warrants. Your city attorney, of course, will have to be comfortable with doing so, but it seems doable to this writer.

Conclusion

Yes, it is a nuisance to get a warrant to combat a nuisance, but the warrant protects city officers, and the city itself, from liability while at the same time protecting the privacy rights of the property owner. Establishing a process, along with forms for warrant applications, issuance and returns is easier than you think, because of the proliferation of such vehicles in cities throughout the state. And following the process, while initially intimidating, becomes routine after a couple of cases. If your city does not have a warrant ordinance, it should enact one. If your city has a warrant ordinance, it should use it. Err on the side of caution; if in doubt, seek a warrant out! 🍃

Paul Martin has represented local governments in the St. Louis region for more than 30 years and currently represents the cities of Rock Hill, Olivette and Crystal Lake Park. He can be reached at paul@paulmartinpc.com.

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Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING SECTION 125.330 OF THE
HARRISONVILLE MUNICIPAL CODE**

WHEREAS, the Board of Aldermen wishes to amend Section 125.330 of the Harrisonville Municipal Code.

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

Section 1: Section 125.330 of the Harrisonville Municipal Code is hereby amended to read as follows:

“Section 125.330 Administrative Search Warrant.

A. The issuance of administrative search warrants relating to violations of Harrisonville City Code and relating to enforcement thereof shall conform to and be governed by the following provisions:

1. An administrative search warrant is a written order of the Municipal Court of the City of Harrisonville commanding the search of property to determine the existence of violations of specific provisions contained within the Code, to permit abatement of nuisances, and enforcement of violations of said Code provisions and the International Property Maintenance Code, as adopted.

2. Any Public Official, Police Officer, Code Enforcement Officer, special counsel, or the prosecuting attorney may make an application for the issuance of an administrative search warrant. The application may be made on a form prepared by the Court Clerk and shall:

- a. Be in writing.
- b. State the time and date of the making of the application.
- c. Identify the property which is to be searched in sufficient detail and particularity that the Police Officer, Building Official, Code Enforcement Officer, or other person executing the warrant can readily ascertain it.
- d. Identify the City Code violation in sufficient detail and particularity that the Police Officer, Building Official, Code Enforcement Officer, or other person executing the warrant can readily ascertain it.

- e. State facts sufficient to show reasonable suspicion for the issuance of the administrative search warrant.
 - f. Be verified by the signed oath or affirmation of the applicant.
 - g. Be filed in the Municipal Court.
3. The application may be supplemented in writing as necessary to assist the Municipal Judge in determining whether there is reasonable suspicion for the issuance of an administrative search warrant and to fill out any deficiencies in the description of the property to be searched or in the Code violation(s) on the property. Oral testimony shall not be considered.
4. The Municipal Judge or Acting Municipal Judge shall review the application and any written supplementation to determine whether sufficient facts have been stated to justify the issuance of an administrative search warrant. If it appears that there is reasonable suspicion to believe that a violation of the Code provision exists on the property described, an original and two (2) copies of the administrative search warrant shall be issued.
5. The application and any written supplementation and a copy of the warrant shall be retained in the records of the Municipal Court.
6. The administrative search warrant shall:
- a. Be in writing.
 - b. Be directed to a Police Officer, Building Official, Code Enforcement Officer, or other person of the City of Harrisonville.
 - c. State the time and date the warrant is issued.
 - d. Identify the property which is to be searched in sufficient detail and particularity such that the Police Officer, Building Official, Code Enforcement Officer, or other person executing the warrant can readily ascertain it.
 - e. Identify the Code violation in sufficient detail and particularity such that the Police Officer, Building Official, Code Enforcement Officer, or other person executing the warrant can readily ascertain it.
 - f. Be signed by the Municipal Judge or Acting Municipal Judge.
 - g. Be executed by a Police Officer, Building Official, Code Enforcement Officer, or other person of the City of Harrisonville by conducting the search commanded and/or abating the nuisance or Code violation.
 - h. Be executed between the hours of 8:00 A.M. and 5:00 P.M. except in the case of

an emergency threatening immediate damage or harm to life or property.

i. Be executed as soon as practicable and shall expire if it is not executed and returned within ten (10) days after the date of the making of the application; and

j. After execution of the administrative search warrant, the warrant with a return thereon, signed by the Police Officer, Building Official, Code Enforcement Officer, or other person executing the warrant, shall be filed in Municipal Court. The return shall show the date and manner of execution, the name of the possessor and the name of the owner of the property, when they are not the same person, if known.

7. An administrative search warrant shall be deemed invalid:

a. If it was not issued and signed by the Municipal Judge or Acting Municipal Judge; or

b. If it was not issued without a written application in compliance with this Code Section having been filed and verified; or

c. If it was issued without reasonable suspicion; or

d. If it does not describe the property to be search and/or the nuisance or Code violation with sufficient certainty; or

e. If it not executed and returned within the time prescribed.

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 18th day of October 2021. Read for the second time by title only on the 18th day of October 2021.

Judy Bowman, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 18th day of October, 2021



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 14, 2021
SUBJECT: September Municipal Court Report

Type of Item: *Discussion*

- A. Discussion Item (ID # 4049)**
September Municipal Court Report

Attachments:

September 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 **September, 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
Municipal Court Judge

10-13-21
Date

Presented and reviewed as required by Court Operating Rule 4.29.


City Clerk

10-14-2021
Date

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

Notary

RECEIVED
OCT 14 2021
CITY OF HARRISONVILLE

Attachment: September report (September Municipal Court Report)

Municipal Division Summary Reporting

17th Judicial Circuit - Cass County - Harrisonville Municipal Division

I. COURT INFORMATION

Reporting Period:		
September	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		99	826	871
B. Cases (citations / informations) filed		4	22	29
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	2
3. court / bench trial - NOT GUILTY		0	0	0
4. plea of GUILTY in court		0	15	25
5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)		0	5	0
6. dismissed by court		0	1	1
7. nolle prosequi		1	0	4
8. certified for jury trial (not heard in the Municipal Division)		0	4	0
9. TOTAL CASE DISPOSITIONS		1	25	32
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) - C9]		102	823	868
E. Trial de Novo and / or appeal applications filed		0	0	0

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III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	125	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	117	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	1,142		

V. DISBURSEMENTS		
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		
Fines – Excess Revenue		\$1,402.50
Clerk Fee – Excess Revenue		\$228.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue		\$7.03
Bond forfeitures (paid to city) – Excess Revenue		\$260.00
Total Excess Revenue		\$1,897.53
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		
Fines – Other		\$6,013.00
Clerk Fee – Other		\$348.50
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes		
Peace Officer Standards and Training (POST) Commission surcharge		\$48.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to State		\$342.24
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other		\$10.73
Law Enforcement Training (LET) Fund surcharge		\$98.00
Domestic Violence Shelter surcharge		\$98.00
Inmate Prisoner Detainee Security Fund surcharge		\$98.00
Sheriffs' Retirement Fund (SRF) surcharge		\$0.00
Restitution		\$94.96
Parking ticket revenue (including penalties)		\$0.00
Bond forfeitures (paid to city) – Other		\$650.00
Total Other Revenue		\$7,801.43
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		\$3.00
DUI RECOUPMENT FEE		\$405.00
Total Other Disbursements		\$408.00
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited		\$10,106.96
Bond Refunds		\$141.04
Total Disbursements		\$10,248.00