



**THE CITY OF
HARRISONVILLE**
WHERE TRADITION MEETS INNOVATION

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 15, 2023
6:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. 5 Year Service Award - Jacob Harms**
 - B. Police Week Proclamation**
 - C. Public Works Week Proclamation**
- 3. Public Participation**
 - A. Agenda Request - Robb Steinbeck**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - May 1, 2023, 6:00 PM**
 - B. Board of Aldermen - Work Session - May 1, 2023, 6:30 PM**
 - C. Closed Session Minutes - May 1, 2023**
- 5. Agenda Items**
 - A. Council Bill 50: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE CITY ADMINISTRATOR TO RENAME AN EXISTING STRUCTURE OWNED BY THE CITY.**
 - B. Council Bill 51: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ADOPTING THE CITY OF HARRISONVILLE VOLUNTARY FLOOD BUYOUT POLICY.**

- C. **Council Bill 52: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE HAZARD MITIGATION GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING AND IDENTIFYING A PROJECT MANAGER.**
 - D. **Council Bill 53: A RESOLUTION OF THE HARRISONVILLE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING CITY ADMINISTRATOR TO UPDATE AUTHORIZED BANKING SIGNATURES AT COMMUNITY BANK AND COMMERCE BANK AND ESTABLISHING AN EFFECTIVE DATE.**
 - E. **Council Bill 54: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A TERRITORIAL AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND OSAGE VALLEY ELECTRIC COOPERATIVE ASSOCIATION.**
 - F. **Council Bill 55: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ESTABLISHING ELECTRIC UTILITY DISCONNECT SERVICE**
 - G. **Council Bill 56: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE FINDING THE HARRISONVILLE SQUARE NEIGHBORHOOD REDEVELOPMENT AREA AS A BLIGHTED AREA.**
- 6. **Aldermen and Committee Reports**
 - 7. **Report from the City Administrator**
 - 8. **Questions from the Media**
 - 9. **Adjourn from Regular Session**

Posted on City Hall Bulletin Board this 12th day of May 2023.

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.

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: May 10, 2023
SUBJECT: 5 Year Service Award - Jacob Harms

Type of Item: *Discussion*

A. Discussion Item (ID # 4530)

5 Year Service Award - Jacob Harms

Attachments:

Jacob Harms 2023 (DOCX)

Presented by the Mayor and the Harrisonville Board of Aldermen to

Jacob Harms

In Grateful Appreciation for

5 Years

Of Dedicated Service to



May 15, 2022

Mike Zaring, MAYOR



PROCLAMATION



NATIONAL POLICE WEEK

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Harrisonville Police Department; and

WHEREAS, the members of the Harrisonville Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Harrisonville; and

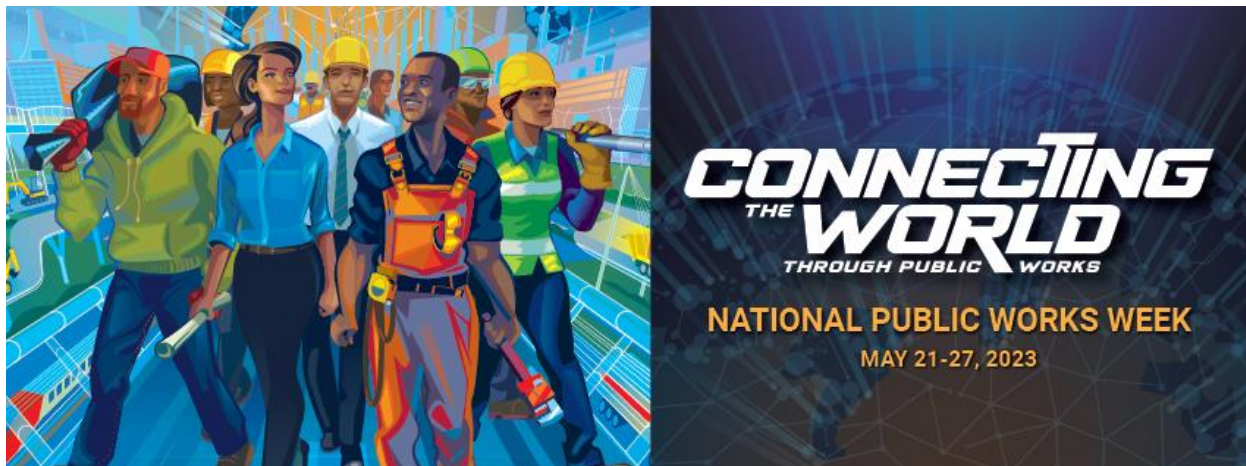
WHEREAS, since the first recorded death in 1786, there are currently 23,785 law enforcement officers in the United States that have made the ultimate sacrifice and been killed in the line of duty, including Francis Wirt, Donald Marler and Chandler Sumner, members of the Harrisonville Police Department; and

WHEREAS, today, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the City of Harrisonville has observed and will continue to observe May 9-20, 2023, as National Police Week in the City of Harrisonville, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Mike Zaring, Mayor

Attachment: National Police Week - 2023 (Police Week Proclamation)



National Public Works Week Proclamation

May 21–27, 2023

WHEREAS, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the **City of Harrisonville**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the **City of Harrisonville** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

NOW THEREFORE BE IT RESOLVED, I, **Mike Zaring, Mayor of the City of Harrisonville**, do hereby designate the week May 21–27, 2023 as National Public Works Week; and I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Mike Zaring, Mayor

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: May 10, 2023
SUBJECT: Agenda Request - Robb Steinbeck

Type of Item: *Discussion*

Below is my summary of our interactions with Rob Steinbeck regarding his tenant utility debt and his subsequent request for information regarding a sewer backup claim from 2013.

Attachments:

Letter to all landlords explaining billing changes

Letter regarding the debts owed

Listing of bad debt accounts the landlord is responsible for

Synopsis of the history and requests from Mr. Steinbeck from utility staff.

Letter from Public Works Director Jerry Gibbs regarding sewer backup claim to Mr. Steinbeck.

I have had many conversations with Mr. Steinbeck in regards to utility accounts and now the sewer backup claim from 2013. I will give my perspective on each of the main concerns he has communicated.

The city should track who owes debt to the landlords so that they cannot receive utilities and rent from any other landlord in the community until they have paid back their debt.

This is not within the scope of the utility billing office and would require a separate tracking system to be setup and monitored for every customer that comes in. It is not feasible for us to create such a system.

Deposits should not be collected by the city and should be allowed to be collected the landlord to ensure they are enough to cover the debt.

I am not sure of the legality of this, but it is not in the best interest of the city to not have a deposit on all utilities account to ensure that most of the debt is paid.

Increase the utilities deposit

Utilities deposit are a balance between covering the potential debt exposure and not pricing citizens out of the market. When the deposits were increased, that increase was only applied to new customers and existing customers who reach the shutoff list.

Provide Landlords with a list of customers with an old deposit so they can charge them additional deposit to cover their potential loss.

Legal has advised that:

The following are closed: “Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, **except that a municipally owned utility shall make available** to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.”

Mr. Steinbeck has revived a claim about a sewer backup from 2013 that he would like to be submitted to our insurance company.

I advised Mr. Steinbeck that based on the documentation that I could find that the claim was denied by then Public Works Director Jerry Gibbs. A copy of the letter is attached. We are no longer insured by the same company as in 2013 and that I don't believe there is any reason to override the direction from 2013. If he needs further assistance with this claim, he would be directed to the City Attorney.

A. Discussion Item (ID # 4529)

Agenda Request - Robb Steinbeck

Attachments:

Robb Stienbeck 5-15 (PDF)

Agenda Request Rob Steinbeck Landlord notification letter (PDF)

Agenda Request Rob Steinbeck letter(PDF)

Agenda Request Rob Steinbeck Account Listing (PDF)

Agenda Request Rob Steinbeck Email From Staff (PDF)

Steinbeck 7-13 Jgibbs (DOCX)



City of

Harrisonville

est
1836

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

AGENDA REQUEST FORM

This form must be completed and submitted to the office of the City Clerk. Completed materials for the agenda shall be submitted no later than Monday at 5:00 p.m., 5 business days prior to the next Board of Aldermen's meeting. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting. The Board of Aldermen's regular meetings are the 1st and the 3rd Monday of each month.

Date of Request: 5-2-2023 Scheduled Meeting Date: 5-15-2023Full Name of Speaker: ROBB STEINBECK Organization: MGR. Twin OaksHome Address: 2203 Twin Oaks #68 City Huville State MO Zip 64701Home Phone #: _____ Work Phone #: 816-679-4999 Cell#: 816-679-4999Email: STEINBECK@Comcast.NETSpecifics of Topic: UTILITY DEADSETS, NOT UNIFORM
INCREASE UTILITY DEADSETS DUE TOBILLING DEADLINES - LIST OF TENANTS PAID BY LANDLORD!

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

Desired Outcome: —

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

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

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

RECEIVED

MAY 02 2023

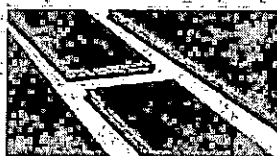
CITY OF HARRISONVILLE

Signature: [Signature]

Office Use Only:

Date request received:

Attachment: Robb Stienbeck 5-15 (Agenda Request - Robb Steinbeck)



City of

Harrisonville

est.
1836

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

September 30, 2020

Dear XXXX XXXX,

We are reaching out to you because you are listed as owning rental property within the city limits of the City of Harrisonville. We want to provide you with some recent updates to the City's utility billing policy that will affect you and your tenants.

One of the changes is that the property owner will be now responsible for any unpaid bills left by their tenant who has moved out. This is a procedure that the utility has always had the ability to enforce, but until recent action by the Board of Aldermen, has chosen not to pursue. This has been a long-standing State Statute that we must enforce, RS. Mo 250.140.

Staying in contact with our office will allow you the best opportunity to prevent your tenant's bill from getting out of control. You will likely recall that our cutoff is 5 p.m. on the 25th of each month. We shut off services the next business day if the bill due on the 1st of that month has not been paid. We will typically notify you within a week of this shut off if the tenant does not pay to reestablish service. However, you may contact our office at any time to inquire about the status of an account at your property.

One of the ways we are helping to alleviate large debts left to be paid by property owners like yourself, is by raising the deposit required to establish/begin utility services. Your tenant will now be required to pay a deposit of \$175.00 for residential electric, \$225.00 for total electric, and \$125.00 for water/sewer. A tenant's deposit may be higher, depending on their payment history with the City.

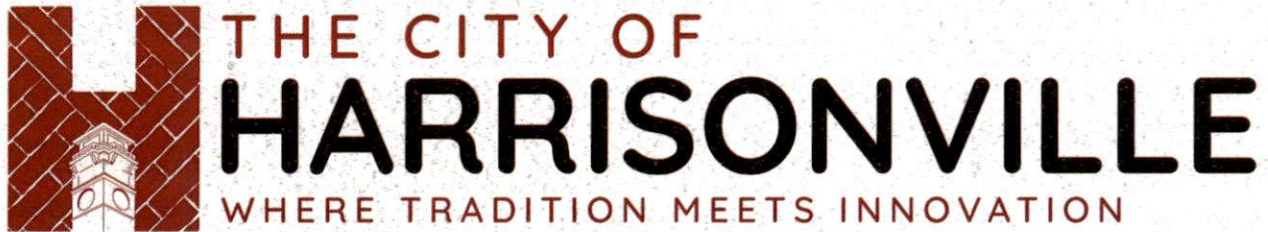
We will also be requiring all tenants to show their lease when establishing services. Please make certain the property address is correct, the start date is included, all adults who will be living at the residence are listed.

All services that the City provides to a residence must be billed even if they are not used. For example, water and trash are not always used by the property owners while a property is unoccupied. We will now bill for these services being available, even if they are not used while a property is vacant.

It has also been brought to our attention that some meters service multiple units, and by ordinance should have base charges for each unit. If this applies to you, please feel free to contact us and we can explain in greater detail.

If you have not been to City Hall to update your Landlord Sheet within the last year, please contact us to make sure the information we have is current and correct. Our Utility Billing Office can be reached at (816) 380-8900. Thank you.

Attachment: Agenda Request Rob Steinbeck Landlord notification letter (Agenda Request - Robb Steinbeck)



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

Prime Properties Investments

PO BOX 2025

LEES SUMMIT, MO 64063-7075

Dear Mr. Steinbeck,

Enclosed you will find copies of tenant debt left at your properties. This is our third and final notice of this debt. If the enclosed accounts remain unpaid as of March 01, 2023, we will not be able to provide new utility service to your properties. If you feel you have made these payments, or if you have questions or concerns about this notice, please feel free to reach out to the Utilities office.

Thank you,

Jeremy Smith

Director of Administrative Services

Attachment: Agenda Request Rob Steinbeck letter (Agenda Request - Robb Steinbeck)

3/7/23

<u>Account number</u>	<u>Customer Name</u>	<u>Balance owed</u>	<u>Landlords name</u>
09-20250-24	ARRON ROGERS	\$150.63	TOM CARTER/FAM
17-36740-04	Charles-Hooper-	\$347.54	Faust Properties
18-39180-12	Elijah Anderson	\$28.81	Prime Properties
18-39310-16	Mariah Webb	\$327.36	Prime Properties
18-39312-08	Robert Mccarl III	\$196.19	Prime Properties
18-39338-14	H. William Lindbergh	\$324.83	Prime Properties
18-39338-15	Destiny Janssen	\$384.03	Prime Properties
18-39341-11	Kelci Medley	\$191.81	Prime Properties
18-39342-11	Heather Rose	\$228.49	Prime Properties
18-39349-10	Jacqueline Garcia	\$102.70	Prime Properties

DUE

prime properties

From: [Mindy Thompson](#)
To: [Jeremy C. Smith](#)
Cc: [Caroline Vaughn](#)
Subject: Rob Steinbeck
Date: Wednesday, May 10, 2023 10:07:31 AM
Attachments: [Doc0401.pdf](#)
[Doc0400.pdf](#)
[Doc0402.pdf](#)

Jeremy,

On 9/30/2020 a letter was mailed out to all landlords explaining the change in billing policy in regards to tenant debt. (attached)

Mr. Steinbeck had 8 accounts which had tenant debt. The total of this debt was \$1,748.42. I only included debt from 10/2020, to current. I mailed out at least 3 bills (on each account) to Mr. Steinbeck informing him of the tenant debts. On several occasions Mr. Steinbeck would call and complain about the city's decision to hold landlords responsible for tenant debt. We explained to him that he could pay a few debts off at a time when he comes in to pay his regular monthly bill. I have enclosed a section of the spreadsheet which shows those 8 accounts. I have also enclosed the final letter we sent to Mr. Steinbeck on 1/24/23. After receiving the letter he called and complained about the letter stating we couldn't do this. As you can see from the final letter, we gave him until March 01,2023 to pay off this debt. Mr. Steinbeck declined to make a single payment. He instead told us he was speaking to his attorney. On March 2,2023 Mr. Steinbeck had called asking if we would allow his new tenant to start utility service, and we said no, not until your debts are paid. He again expressed his disdain for the new policy. He came into the office and paid the 8 accounts in full on 5/3/2023.

While Mr. Steinbeck was in the office on 5/3/2023, he expressed his interest in speaking at a council meeting. I had Mr. Barnett bring him the appropriate forms. Mr. Steinbecks main concerns are listed below.

*Tenants being cleared of all debt at property owners expense and allowed to move back in and receive city utility services with no demand to repay the landlord. Mr. Steinbeck insists we should be able to keep a list of people that landlords have paid debt on, and then deny them utility service until they have repaid the landlord. We told him this wouldn't be feasible from our end.

*Amount of deposits. Some of Mr. Steinbecks tenants have the old deposit of \$125.00 he is adamant that we can provide him a list of these tenants so he can require more of a deposit to be made. He also believes we should charge even more than the \$300.00 we currently require. He also mentioned landlords collecting utility deposits.

Mindy Thompson
 Utility Billing
 300 E. Pearl St.
 Harrisonville, Mo 64701
 816-380-8902

Attachment: Agenda Request Rob Steinbeck Email From Staff (Agenda Request - Robb Steinbeck)

July 2, 2013

Rob Steinbeck
Prime Management
PO Box 2025
Lee's Summit, MO 64063

Re: Sewer Claims

Mr. Steinbeck:

You submitted two claims for sewer backup damage to your properties at 904 Twin Oaks Terrace and 2200 Mission. The claims are for two separate occurrences on 12-21-13 and 2-22-13 respectively. Claim 1 at 904 Twin Oaks Terrace is in the amount of \$1,825.50 was for damage from a sewer backup caused by grease collecting in the pipe and Claim 2 was in the amount of \$448.00 for sewer backing up caused by a collapsed main line.

Claim 1 – The sanitary sewer line services only your apartments. Therefore the grease and oil causing the backup is from property you own. I did look into where bio blocks are being used. Robert Edwards stated they are used farther downstream and are changed on a regular basis. City is not accepting liability for actions of your tenants.

Claim 2 – 2200 Mission. The city responded as soon as they were made aware of the sewer problem. Prior to this incident, I was not aware of any sanitary sewer issues at this location.

Attachment: Steinbeck 7-13 Jgibbs (Agenda Request - Robb Steinbeck)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 1, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:02 PM by Mayor Mike Zaring.

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	6:05 PM
Mike Zaring	Harrisonville	Mayor	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Kile Chaney	Harrisonville	Board Member	Present	

Others present: City Administrator Brad Ratliff, City Attorney Alex Felzien, Director of Administrative Services Jeremy Smith, Parks and Recreation Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Electric Superintendent Andy Pollard, Fire Chief Rusty Sullivan, Public Works Director/City Engineer Carl Brooks, Executive Secretary to the City Administrator Theresa West, Police Lieutenant Darin Chance, Fire Marshall Eric Myler, Baker Tilly C.P.A Ben Hart, Joey McLIney of McLIney and Company, Mr. Bryan Bechler, Mr. Chris Arthur, Fire Department Engineers Emily Thomsen, Katie Bailey and Jacob Harms and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

A. Proclamation for Local Government Week

The proclamation was read aloud by Mayor Zaring.

Minutes Acceptance: Minutes of May 1, 2023 6:00 PM (Approval of Minutes)

B. Introduction of Fire Department Engineers

Fire Chief Sullivan spoke about the importance of a Fire Engineer, both from a safety perspective and from a leadership perspective.

Sullivan said four members of the Harrisonville Fire Department have passed the certified State of Missouri test and are now certified as Fire Engineers.

Sullivan said this is the first time in the history of the Harrisonville Fire Department that the position of Engineer has been filled.

Sullivan announced that Emily Thomsen, Katie Bailey and Jacob Harms have been certified as Fire Engineers. Sullivan said a fourth member of the department, Joseph Parris, was also certified, and will step into the role, once a position opens up.

Engineer's badges were pinned to each of the newly certified engineers. Thomsen's badge was pinned by Fire Marshall Myler. Harms' badge was pinned by his wife McKenzie. Bailey's badge was pinned by her husband Alex.

Sullivan spoke to the immense level of commitment of each of the newly pinned Engineers and said he could not be prouder of each of them.

Mayor Zaring congratulated each of the Engineers and commended them on their hard work to achieve their certification.

3. Public Participation

None.

4. Approval of Minutes**A. Board of Aldermen - Regular Meeting - Apr 17, 2023 6:00 PM**

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

B. Board of Aldermen - Work Session - Apr 17, 2023 6:30 PM

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

5. Agenda Items**A. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF _____ AS ACTING PRESIDENT OF THE BOARD OF ALDERMEN.**

Mayor Zaring asked for a nomination from the Board of Aldermen regarding the Acting President of the Board.

Alderwoman Franklin nominated Alderman William Mills to serve as the Acting President of the Board.

Minutes Acceptance: Minutes of May 1, 2023 6:00 PM (Approval of Minutes)

Upon passage, Mayor Zaring designated the resolution to be Resolution number 2023-17.

RESULT:	APPROVED [8 TO 0]
MOVER:	Sandy Franklin, Board Member
SECONDER:	Judy Reece, Board Member
AYES:	Franklin, Turner, Doerhoff, Milner, Reece, Davidson, Chaney
ABSTAIN:	Bill Mills

B. A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF BURRIS RIDGE 4TH PLAT, LOTS 1 - 77 LOCATED WEST OF MECHANIC STREET (MO. HWY. 7) AND SOUTH OF BURRIS DRIVE IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Staff report presented by Community Development Director Stanton.

Stanton said Atlas Land Consulting is seeking approval for the preliminary plat of Burris Ridge 4th Plat, Lots 1-77.

Stanton said the plat is planned to be final platted all at once.

Stanton said the original Burris Ridge development contained 186 total lots. Stanton said there are currently approximately 66 lots platted after several lot combinations and lot line adjustments that have been done over the years, with the planned 77 lots from this final phase of the development the total number of lots planned are approximately 143.

Stanton said there are currently 46 lots that have issued building permits in the City's permitting system, with four lots having building permits that pre-date the current system. Stanton said, according to the Fire Code, a second point of access should have been provided at 30 building permits.

Stanton said the overall development meets or exceeds all other standards or requirements that are applicable to a preliminary plat.

Stanton said the Planning and Zoning Commission voted 6-1 to approve the proposed plat as proposed by the applicant during their April 20, meeting.

Stanton said City staff recommend approval of the requested preliminary plat with the following conditions:

- 1. A second point of access to/from the Burris Ridge subdivision shall be provided as required by City Municipal Code and the International Fire Code (2018).*
- 2. A sight distance study shall be completed as required by the Missouri Department of Transportation.*
- 3. An engineered set of plans shall be submitted, calling out the construction of the drive, as required by MoDOT.*
- 4. Bonding shall be provided to the State of Missouri and a certificate of insurance before any work is to be performed on the right-of-way as required by MoDOT.*

Fire Chief Sullivan spoke to the value of additional access points, as they pertain to life-safety issues, within new or existing subdivisions.

Alderman Davidson also spoke to life-safety concerns for both fire and police services.

Alderman Doerhoff asked when the code was enacted regarding the 50-home requirement.

Stanton said the code in question was established in 2002.

Doerhoff spoke to existing traffic flow in the area and potential for congestion.

Alderwoman Milner asked why a road construction element was not included in the proposed plat.

Mr. Bryan Bechler spoke to their understanding of the requirements when they purchased the development.

City Administrator Ratliff spoke to the differences between a preliminary plat and a final plat, saying that any statement from the City would need to be included in a final plat.

Bechler shared his concerns regarding previous conversations with City staff about additional access requirements.

Mayor Zaring clarified the statements made during a recent Planning and Zoning Commission meeting as being based upon assumptions that a road would later be put in.

Doerhoff asked about a pending item under review with the Missouri Department of Transportation for a secondary access.

Bechler said there is no pending item with MoDOT.

Alderwoman Franklin asked for clarification about where the secondary access would be located.

Bechler spoke to the plans regarding traffic flow in the development.

Bechler said MoDOT had denied a previous request for an additional access point on Missouri-7 Highway.

Public Works Director/City Engineer Brooks said City staff have discussed with MoDOT about the possibility of adding an access point on MO-7 Hwy.

Davidson asked about where the development would have additional access.

Bechler said there were originally plans to connect to the Jones Ranch subdivision.

Zaring spoke about the original plat for the development and outlined how City staff could have approved a preliminary plat before seeing ownership easements, as a final plat had not yet been presented.

Doerhoff asked about the possibility of connecting the subdivision to City Park.

Mr. Chris Arthur said connecting to City Park would be very difficult.

Arthur spoke to the history of the subdivision's development.

Sullivan spoke to the differences between development code and fire code, as they pertain to number of access points.

Arthur said he believes the City should stand by what was originally approved, via a preliminary plat.

Ratliff advised the Board that their decision tonight will need to be based on the current code and spoke to the significance of the Boards decision as a final word.

Alderman Turner asked for clarification regarding the development code and fire code access comparison and said the number should be the same.

Milner spoke to the history of the development of the Burris Ridge subdivision and spoke to the value of maintaining the integrity of the current code.

Milner said she would like to explore all options to find additional access points.

Davidson spoke to the value of precedent, but also the importance of correcting poorly established precedent, especially regarding public safety.

Bechler spoke to the progress that has been made in the Burris Ridge subdivision, since they took ownership.

Upon passage, Mayor Zaring designated the resolution to be Resolution number 2023-18.

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

C. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING VARIOUS SECTIONS OF THE CITY OF HARRISONVILLE'S MUNICIPAL CODE TO REMOVE SPECIFIC FEE, FINE, AND PENALTY AMOUNTS

Staff report presented by Community Development Director Stanton.

Stanton said City staff are proposing various Municipal Code changes to remove specific amounts for fees, fines and penalties from the City's Municipal Code and adding references to the City's Comprehensive Schedule of Fees.

Stanton spoke to a pair of edits that were not made in the meeting's packet, regarding the process for appeals.

Stanton said the changes would allow for all fees to be stored in a central, easy to access location, instead of being housed in the City's Municipal Code. Stanton said the move would eliminate contradictions between City forms and the Code.

Stanton said City staff recommend approval of the proposed Municipal Code changes and the resolution establishing the Comprehensive Fee Schedule.

City Administrator Ratliff thanked Community Development Director Stanton for her hard work to research and establish the new Comprehensive Fee Schedule.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3650.

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

D. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE COMPREHENSIVE SCHEDULE OF FEES FOR THE CITY OF HARRISONVILLE, MISSOURI.

Staff report presented by Community Development Director Stanton.

Aldерwoman Milner asked how fees were calculated.

Stanton said averages were taken of past figures both in Harrisonville and in surrounding communities to create many of the new fee amounts.

Alderman Doerhoff asked when the fees were last reviewed and changed.

Stanton said they were last changed in 2020.

Upon passage, Mayor Zaring designated the resolution to be Resolution number 2023-19.

RESULT:	APPROVED [8 TO 0]
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Sandy Franklin, Board Member
AYES:	Mills, Franklin, Turner, Doerhoff, Milner, Reece, Davidson, Chaney

6. Aldermen and Committee Reports

Aldерwoman Reece thanked Community Development Director Stanton for her leadership and hard work.

Alderman Doerhoff said he was devastated to hear about the violent attack that Officer Scott Ramsey had faced while volunteering off-duty at the Prom dance. Doerhoff offered well wishes to Officer Ramsey and his family and wished him a speedy and complete recovery.

Alderman Turner said this week is National Teachers Week and thanked all those who serve as educators in our community.

Alderman Davidson said he was also very saddened to hear about what happened both to Officer Ramsey and the violence against a member of Harrisonville School District Administration. Davidson said he is hopeful that the justice system will find justice in this matter.

Aldерwoman Franklin provided several updates regarding the Parks system, including notes about the disc golf course and outdoor pool. Franklin announced that the Bright Futures fundraiser at Kurzweils has been rescheduled to June 10. Franklin spoke about a recent fundraiser held at the local dog washing station, and thanked Mr. Obie Carl for his business's participation. Franklin also thanked Community Development Director Stanton for her hard work and her efforts to educate the Board.

Alderman Chaney thanked Mayor Zaring and City Staff for their hard work throughout the community. Chaney expressed frustration for the attack on Officer Ramsey and wished him a speedy recovery. Chaney announced that the Cass County Elks Lodge will be holding a carnival this weekend in their parking lot.

Alderman Mills congratulated Mayor Zaring and Alderman Chaney on their new roles within the Board of Aldermen. Mills spoke to the continued developments within the 291 Highway Transportation Development District.

7. Report from the City Administrator

City Administrator Ratliff spoke to the Board about a series of upcoming events that will be taking place in and around the community.

Ratliff informed the Board Ash Street Culvert and Town Creek Bridge and Channel Improvement project Kick Off meeting will be held on Tuesday, May 2.

Ratliff said the S Commercial Street Extension project received seven proposals during its recent request for proposals. Ratliff said City staff are currently reviewing the proposals.

Ratliff informed the Board that 114 loads of brush were safely disposed of during the Spring Brush Drop Off event.

Ratliff spoke to the Board about the most recent round of grease trap inspections and said all but three traps passed inspection.

Ratliff said 75-percent of businesses in Harrisonville have received and passed their annual fire inspections.

Ratliff informed the Board that 144.5 pounds of prescription drugs were removed from the Harrisonville community during the April Prescription Drug Take Back event.

Ratliff said building permits have been received for the LOVES Truck Wash demolition and rebuild, a building addition at ACCI, and for the expansion of the dietary complex at Cass Regional Medical Center.

Ratliff said staff were recently notified that the Warner property was selected by Missouri Partnership as a top 10 location in the state of Missouri. Ratliff said this will greatly improve the marketing potential of the property.

Budget informed the Board that the Finance Department had received a Distinguished Budget Presentation Award from the Government Finance Officers Association for the City's 2023 Budget.

Ratliff offered well wishes to Officer Scott Ramsey and his family and wished him a speedy and complete recovery.

8. Questions from the Media

None.

9. Adjourn from Regular Session

Mayor Zaring shared his disappointment to hear about the violent attack that Officer Scott Ramsey had faced while volunteering off-duty at the Prom dance. Zaring commended the Harrisonville Police Department and wished Ramsey a speedy and complete recovery.

A motion was made by Alderman Doerhoff to adjourn, with a second by Alderwoman Reece. Motion carried with all ayes. Meeting adjourned at 7:27 p.m.

Mike Zaring, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of May 1, 2023 6:00 PM (Approval of Minutes)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT

MINUTES CITY OF HARRISONVILLE BOARD OF ALDERMEN WORK SESSION CITY HALL MAY 1, 2023 6:30 PM

1. Call to Order

The meeting was called to order at 7:34 PM by Mayor Mike Zaring.

2. Present

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

Others present: City Administrator Brad Ratliff, Director of Administrative Services Jeremy Smith, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Fire Chief Rusty Sullivan, Electric Superintendent Andy Pollard, Parks Director Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Executive Secretary to the City Administrator Theresa West, Baker Tilly C.P.A. Ben Hart, Joey McLiney of McLiney and Company and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Update on COP Bonds

Joey McLiney of McLiney and Company informed the Board that the City has secured a 4.72-percent interest rate for 30 years on the City's COP 2023 Series bonds.

McLiney said the required revenue threshold for the bonds would be slightly more than half of 1-percent of current City sales tax revenues.

McLiney outlined current trends within the City's sales tax revenue, and said he believed the current rates are well within reach for the City.

McLiney said there will be no principal due in 2023.

McLiney said the bonds will close on May 3.

B. First Quarter Financial Presentation

Baker Tilly C.P.A Ben Hart provided an overview of major City General Fund revenue accounts to assess the City's overall financial position through Quarter 1 of the 2023 fiscal year, as they compare to the same time frame in the 2022 fiscal year.

Hart spoke to a slight increase in revenues for 2023 quarter one, compared to the same time in 2022.

Hart spoke to an increase of 3.44-percent in sales tax revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to an increase of 5.72-percent in property tax revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to fluctuations in franchise fee-revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to an increase of 16.75-percent in motor vehicle tax revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to an increase of 21.57-percent in road and bridge tax revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to a decrease of 11.80-percent in building permit revenue from the first quarter of 2023, as compared to 2022.

Hart spoke to increases in expenses, highlighting personnel costs, from the first quarter of 2023, as compared to 2022.

Hart spoke to concerns regarding transfers from the City's General Fund and to sales tax revenues for the remainder of 2023.

Hart spoke to the feasibility of hiring an additional police officer, based on the comparisons of the first quarter of 2023 and the first quarter of 2022.

Fire Chief Sullivan spoke to recent discussions held with Cass Regional Medical Center CEO Chris Lang, regarding the City partnering with the hospital to run ambulance calls for the hospital.

At 8:06 p.m., the Board of Aldermen voted to go into Closed Session pursuant to City Code to discuss the Leasing, purchase or sale of real estate. A motion was made by Alderwoman Milner and seconded by Alderman Davidson. In attendance and voting to go into Closed Session were Aldermen Reece, Turner, Franklin, Davidson, Doerhoff, Milner, Chaney, Mills (remote) and Mayor Mike Zaring. Mayor Zaring then convened the meeting in Closed Session.

Upon returning to the Work Session, a motion was made by Alderman Doerhoff to adjourn from the Work Session. The motion was seconded by Alderwoman Franklin. The motion carried with a unanimous vote. Meeting adjourned at 8:21 p.m.

Mike Zaring, Mayor & Ex-Officio
Chairman of the Board of Aldermen

Minutes Acceptance: Minutes of May 1, 2023 6:30 PM (Approval of Minutes)

Work Session**Monday, May 1, 2023****6:30 PM**

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of May 1, 2023 6:30 PM (Approval of Minutes)

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: May 11, 2023
SUBJECT: Renaming the Streets Department Shop 2023

Type of Item: *Approval*

A. Action Item (ID # 4531)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE CITY ADMINISTRATOR TO RENAME AN EXISTING STRUCTURE OWNED BY THE CITY.

Attachments:

Renaming the Streets Department Shop 2023 (DOCX)

Council Bill 2023-

Resolution 2023-

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE AUTHORIZING THE CITY ADMINISTRATOR TO RENAME AN
EXISTING STRUCTURE OWNED BY THE CITY.**

WHEREAS, Rodney Jacobs was formally hired by the City of Harrisonville on November 10, 1975, and began working in the City’s Streets Department; and

WHEREAS, Jacobs was promoted to the position of Streets Department Superintendent in June of 2009, where he has served for the last 14 years; and

WHEREAS, in total, Jacobs has faithfully served the City of Harrisonville for 47 years and six months, and has been a diligent example of humble and selfless service; and

WHEREAS, the City of Harrisonville desires to honor the legacy that Jacobs will leave behind, and in doing so create a daily reminder of the importance of hard work and a service-above-self attitude.

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

Section 1. The City Administrator is authorized to rename the City of Harrisonville Streets Department Facility located at 1403 S Independence Street to the “Rodney Jacobs Streets Maintenance Shop”.

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 15TH DAY
OF MAY 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

Attachment: Renaming the Streets Department Shop 2023 (Renaming the Streets Department Shop 2023)

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 15th day of May 2023.

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: May 11, 2023
SUBJECT: Resolution Adopting City of Harrisonville Voluntary Flood Buyout Policy

Type of Item: *Approval*

B. Action Item (ID # 4534)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ADOPTING THE CITY OF HARRISONVILLE VOLUNTARY FLOOD BUYOUT POLICY.

Attachments:

Local Voluntary Flood Buyout Policy (DOC)

Resolution City of Harrisonville Voluntary Flood Buyout Policy (DOC)

**A Resolution
by
The City of Harrisonville, Missouri
To Adopt FEMA's Voluntary Flood Buyout Policy**

The City of Harrisonville Board of Aldermen hereby adopts the City of Harrisonville Voluntary Flood Buyout Policy as follows:

A. Priorities of Buyout Program

1. Residential properties on the original application.
2. Residential properties added to the buyout will be given consideration based on:
 - a.) Frequency of inundation,
 - b.) Proximity to the creek; and
 - c.) Elevation.
3. Properties listed in the 2022 Buyouts by Priority (FEMA-DR-4490-MO, Project #0029)
 - 1.1605 S. Independence St
 - 2.107 E. Walker Street
 - 3.704 E. South Street
 - 4.105 E. Walker Street
 - 5.103 E. Walker Street

B. Open Space Assurance Statement

1. The City of Harrisonville, through adoption of this Policy does hereby provide the necessary assurance that all property acquired through the Hazard Mitigation Grant Program will be deed restricted, dedicated and maintained in perpetuity for uses outlined below in 44 CFR 206.434(e).
 - (a) Property acquisitions and relocation requirements. Property acquisitions and relocation projects for open space proposed for funding pursuant to a major disaster declaration must be implemented in accordance with part 80 of this chapter.
 - (b) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called the property):
 - (1.) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and (ii) No new structure(s) will be built on the property except as indicated below:
 - i)A public facility that is open on all sides and functionally related to a designated open space or recreational use.
 - ii)A rest room; or
 - iii)A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the Administrator approves in writing before the construction of the structure begins.

(2) After completion of the project, no application for additional disaster assistance will be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance.

(3) In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow evacuation), temporary storage in the open of wheeled vehicles which are easily movable (except mobile homes), unimproved, previous parking lots, and buffer zones.

C. General Eligibility Requirements

In general, to be eligible to participate in the City of Harrisonville's flood buyout program, all conditions listed below must be met:

1. Property must be listed in the original buyout application submitted to the Federal Emergency Management Agency.
2. The property must be a **primary residential** home (no vacation homes, clubhouses or businesses).

D. General Buyout Policy

1. A residential buyout package must encompass no more than one (1) acre or less. Any survey fees will be paid for by the City with grant funds.
2. Garages and outbuildings must be located on the same property and be considered as a part of the residential package.
3. The City will conduct a title search to determine the rightful owner(s) of the property prior to making an offer to buy. The cost for the title search will be paid for by the City with grant funds.
4. If a title search is not conclusive regarding true ownership, it will be the sole responsibility of the reported property owner to prove ownership. The City will not pay for any legal costs necessary to prove ownership or provide clear title.
5. The title to the property must be clear of all liens before the city will take title to the property. If the lien amounts cannot be satisfied prior to the closing, all lien amounts due will be deducted from the buyout proceeds at the time of closing. If clear title cannot be provided by the property owner, the property will be withdrawn from the project.
6. All properties will be appraised by a State of Missouri board certified, licensed appraiser. This process is outlined in more detail on page 3. The cost for the appraisal will be paid for with grant funds.
7. All property owners must sign a statement recognizing that this program is voluntary and therefore are not entitled to any relocation assistance under the **Uniform Relocation Assistance Act (URA)**, unless CDBG funds are used as matching funds. In this instance, URA benefits must be approved by SEMA and FEMA. By signing the statement, the

property owners also indicate their understanding that the City will not invoke any power of eminent domain to take the property as part of the grant program, if the property owner chooses to withdraw from the project.

8. Property owners will be given two (2) weeks from the date of offer to decide if they will accept or reject the City's offer to purchase.
9. Property owners will be required to vacate the premises entirely prior to closing. All personal property remaining on or in the structure(s) will be considered public property after closing.
10. Property owners are not allowed to remove structural items from the home or any outbuildings after the appraisal is completed. If a property owner wishes to remove an item that would normally remain in a real estate transaction (for example, light fixtures, windows, doors, hot water heaters, furnace etc.) the appraisal must be reduced by the current market value of the removed item.
11. Once a property has been acquired by the City, any items within the structure must be disposed of in a public manner. The City may choose to remove usable items and store them until a public auction can be held or bids received by all interested citizens. **Or, salvage rights may be granted to the demolition contractor, in which case, citizens then would contact the demolition contractor if interested in select items.** Any Program Income generated by the project will be documented.
12. Current property owners are responsible for the property taxes on the structure from the first of the year through the date of the closing on a pro-rated basis.
13. Demolition costs and liability expenses for the buyout structure will be the responsibility of the City upon transfer of title. Until the title is transferred, the property owner remains solely responsible for the property.
14. No structure may be demolished until the Missouri State Office of Historic Preservation and the Federal Emergency Management Agency have determined that the property is not historically significant or that historically significant properties have been recorded and documented sufficiently to enable the city to demolish the structure.
15. The Date of Negotiations for the City of Harrisonville is the day the City provides written notification to potential buyout participants that grant funding **has been provided** to the City for a voluntary buyout program.

E. Fair Market Value Determination

1. All offers to property owners will be based on the pre-flood fair market value established by a State of Missouri board certified, licensed appraiser minus any Duplication of Benefits.

2. The City, in compliance with local procurement procedures, will hire a State of Missouri board certified, licensed appraiser to complete the appraisals. The cost for the appraisal will be paid for by the grant funds.
3. The City's grant administrator will coordinate when the property will be appraised with each owner. The City encourages each property owner to be present during the site inspection by the appraiser to aid the appraiser in properly identifying property boundary lines and outbuildings etc.
4. If the property owner has an appraisal that was completed within the last twelve (12) months prior to the flooding event date by a State of Missouri board certified, licensed appraiser, he/she may submit that appraisal to the City for review. (NOTE: property owners are not required to submit the appraisal.) If the City determines that the appraisal was completed in accordance with the City's buyout program guidelines, this appraisal may be used to establish the fair market value of the property. The City will not reimburse property owners for appraisal costs they incurred when this appraisal was completed.
5. The appraisal completed by the City is the official fair market value. If a property owner is in disagreement with the value indicated, he/she may hire a State of Missouri board certified, licensed appraiser, at his/her own expense, and provide an original appraisal to the City for review. The City will then forward both the City of Harrisonville and owner appraisal to the Missouri State Emergency Management Agency (SEMA). The State's independent licensed appraiser will review both appraisals and determine the final fair market value. The State's decision is final.
6. All property appraisals will be completed with the following special buyout provisions:
 - a.) The pre-flood appraisal must clearly indicate the value of the entire buyout package **and**
 - 1) the value of the residential structure only
 - 2) the value of the underlying real property and outbuildings only
 - b.) Appraisals will be based on comparable sales for properties located in a flood hazard area. If properties **not** located in a flood hazard area are used as comparable sales, a location adjustment must be reflected in the appraisal.
 - c.) Property previously purchased by the City of Harrisonville as part of the flood buyout program may not be used as comparable sales for other buyout appraisals.
 - d.) Rental property will be appraised on the sales comparison approach. In no event may rental property be acquired based on a market value established through the rental income approach.
7. All property appraisals (whether completed by the City's appraiser or submitted by a property owner) will be forwarded to the Missouri State Emergency Management Agency prior to an offer being made.

F. Duplication of Benefits (DOBs)

1. Financial payments paid to homeowners for structural repairs to the flooded property will be deducted from the pre-flood appraisal if not used for the intended purpose. Each property owner participating in a FEMA flood buyout **must sign an affidavit** disclosing any benefits received from **any sources** in conjunction with the event leading to the buyout project.

Some examples when a DOB may occur include the following:

- a.) The property owner has received insurance, loans, repair grants, compensation in compliance with a court order, or other assistance available to them to help address damages to the structure regardless of whether such benefits were sought or received. This is because payment of full pre-flood fair market value (FMV) compensates the owner for the loss of value that has occurred;
 - b.) Legal claims are appropriate or legal obligations arise in connection to the property that may provide a benefit to the property owner. Parties involved in pending legal disputes must take reasonable steps to recover benefits available to them;
 - c.) Relocated tenants receive relocation assistance and rental assistance but have received payments for the same purpose as part of the disaster assistance provided by any agency or payments from any other source. Any buyout-related assistance provided to tenants must be reduced accordingly. However, tenant-related DOB deductions do not affect amounts available to the property owner.
2. Property owners who have an SBA loan will have to repay the loan or roll it over to a new property at closing as part of the settlement.
3. When property owners retain receipts for any repairs made, the property owner may submit them through the City to SEMA. SEMA then submits the receipts to FEMA for review and approval to offset some or all of the DOBs. **(Note: Receipts must be from businesses recognized by local governments. The labor of property owners, friends, family, or volunteers for clean up and repair is not eligible to offset the DOBs.)**
4. If a property owner carried a policy, through the **National Flood Insurance Program (NFIP)**, at the time of the event, a payment equal to the amount of premiums for structural coverage paid by the current property owner for up to five years prior to the event. The premiums ***may be*** refunded to the policy holder as part of the Duplication of Benefits calculation. This amount is determined by FEMA/SEMA as part of their research of the Duplication of Benefits calculation. It is also dependent upon the availability of grant funds.

G. Buyout Categories

The appraised value of a property and the occupancy status (owner occupied or renter occupied) will determine what type of buyout offer a participant will receive. The criteria for each type of offer is as follows:

1. General Buyout Criteria:

- a.) Home and underlying real property is owned by the same owner
- b.) Property is occupied by the owner of the property (at time of event) or a tenant/renter*
- c.) A property and property owner meeting the criteria listed above will be acquired at the pre-flood fair market value established by a qualified appraisal less any Duplication of Benefits.
- d.) Example: Pre-flood property appraised at \$40,000
 Duplication of Benefits total \$5,000
 Property owner will be offered \$35,000.

*tenant may qualify for a tenant relocation assistance grant minus any Duplication of Benefits; (see page 8)

2. Land Plus Owner Relocation Payment Criteria:

- a.) Home and underlying real property is owned by the same owner as a primary residence
- b.) Property is occupied by the owner of the property (i.e., owner-occupied)
- c.) Meet all requirements as outlined below per the *Hazard Mitigation Assistance Unified Guidance*
- d.) For a property owner to receive a supplemental payment for Owner Relocation, the City must demonstrate that all of the following circumstances exist:
 - Decent, safe, and sanitary housing of comparable size and capacity is not available in non-hazard prone sites within the community at the anticipated acquisition price of the property being vacated; and/or
 - The project would otherwise have a disproportionately high adverse effect on low-income or minority populations because project participants within those populations would not be able to secure comparable decent, safe, and sanitary housing; and
 - Funds cannot be secured from other more appropriate sources, such as housing agencies or voluntary groups.
 - Complete and Notarize the Replacement Housing Worksheet for each qualifying property.

3. **Post-Flood Owner Purchase**

- a.) If for some reason, the property was acquired after the disaster event, the offer to the current property owner is (1) the documented purchase price plus any verifiable repairs or (2) the current fair market value, **whichever is less**.
- b.) Note, the property owner is responsible for providing documentation verifying the purchase price and verifiable repairs, i.e. receipts, etc.

H. Relocation Assistance Categories

Based on the buyout categories listed above, two (2) types of “relocation” payments may be available:

- a.) Replacement Housing Payment a.k.a. Owner Relocation (maximum \$31,000)
- b.) Renter Relocation Assistance payment (maximum \$7,200 plus moving costs)

1. **Replacement Housing (aka Owner Relocation) Payment**

- a.) Maximum owner relocation payment a buyout participant may receive is \$31,000.
- b.) Individuals and families entitled to a replacement housing payment are those that:
 - 1.) Own and occupy the dwelling participating in the buyout program as a primary residence, and
 - 2.) Owned and occupied the dwelling participating during the incident period for the disaster, and
 - 3.) Meets all other requirements as listed under the *Buyout Categories* section of this document.
 - i.) The property owner must purchase a replacement dwelling outside the Special Flood Hazard Area. Rental, lease, or other occupancy of a replacement dwelling does not qualify for a replacement housing payment.
 - ii.) The replacement housing payment is determined by the purchase price of the replacement dwelling minus the Fair Market Value of the flood damaged dwelling.
 - iii.) It is the responsibility of the homeowner to locate a new replacement home and provide all required documentation to the City’s grant administrator.
 - iv.) Mobile homes are eligible replacement dwelling units provided that the mobile home has been purchased and transported to a dwelling site outside the Special Flood Hazard Area prior to any replacement housing payment being made.
 - v.) The City will not make a replacement housing payment until the buyout site is vacated and the new dwelling purchased and occupied. The City’s grant administrator will coordinate property closings to ensure that the property owner is provided with the replacement housing payment in the most expedient manner possible.

vi.) The owner may choose between a straight buyout **or** a replacement housing payment offer, whichever creates a better financial assistance payment to the property owner.

2. **NOTE: All criteria listed above must be met and verified to be eligible for a replacement housing (owner relocation) payment.**

3. Example:

Fair Market Value of Replacement Home	\$35,000
Fair Market Value of Flood-Damaged Home	\$21,000
Cost of new home:	\$35,000
Less: value of flood-damaged home:	<u>(\$21,000)</u>
Replacement Housing Payment:	\$14,000 CANNOT EXCEED \$31,000
Homeowner receives	\$21,000
Plus:	<u>\$14,000</u>
Total Buyout Offer:	<u>\$35,000*</u>

***This amount is subject to a deduction for Duplication of Benefits as outlined previously in this document, if applicable.**

4. **Renter Relocation Assistance Payment**

- a.) Due to the involuntary nature of the impact of a buyout project on tenants/renters, they **MAY** be eligible for relocation assistance should a property they reside in be acquired by the City through the flood buyout program.
- b.) The maximum renter relocation assistance grant may not exceed \$7,200 plus the cost to move personal property located inside the property based on a standard table of costs.
- c.) It is the responsibility of the property owner or renter to contact the City to determine if a renter is eligible for a grant.
- d.) A *Relocation Assistance to Tenants/Renters Worksheet* must be completed and certain documentation provided by the renter/landlord to determine the level of assistance, if any.
- e.) The payment for moving personal property consists of household furniture and is determined by pre-established government charts based on the number of furnished rooms in the property.
- f.) No renter relocation assistance payment will be provided until the property in the buyout program has been acquired with completed closing procedures.
- g.) If a tenant/renter has received funds from other primary funding sources (FEMA, other grants, and/or funds from any other sources) such as insurance and other funds to address the same purpose or loss, Duplication of Benefits may apply. This includes any funds received by the tenant/renter provided through the FEMA disaster assistance programs including temporary housing and rental assistance. Any acquisition-related assistance provided to tenants/renters must be reduced accordingly. Tenant/renter-related Duplication of Benefits deductions do not affect amounts available to the property owner.
- h.) Tenants/renters must also certify that they are a U.S. citizen or are lawfully present in the United States to be considered eligible for this assistance.

I. Environmental Considerations

Participants in the buyout program must sign a Sales Contract plus all Exhibits (A, B, and C) which, by signing, represents and warrants to the City that:

1. There are no abandoned wells, agricultural drainage wells, solid waste disposal areas or underground storage tanks (as defined in Revised Statutes of Missouri) located in, on or about the property;
2. There is and has been no hazardous waste stored, generated, treated, transported, installed, dumped, handled or placed in, on or about the property;
3. At no time have any federal or state hazardous waste cleanup funds been expended with respect to any of the property;
4. There has never been any solid waste disposal site or underground storage tank located in, on or about the property, nor has there been any release from any underground storage tank on real property contiguous to the property which has resulted in any hazardous substance coming in contact with the property;
5. The seller has not received any directive, citation, notice, letter or other communication, whether written or oral, from the Environmental Protection Agency, the Missouri Department of Natural Resources, any other governmental agency with authority under any Environmental Laws, or any other person or entity regarding the release, disposal, discharge or presence of any hazardous waste on the property, or any violation of any Environmental laws; and
6. To the best of property owner's knowledge, neither the property nor any real property contiguous to the property nor any predecessors in title to the property are in violation of or subject to any existing, pending or threatened investigation or inquiry by any governmental authority or to any removal or remedial obligations under Environmental Laws.

J. Special Considerations

Any scenarios that have not been covered by the approved City of Harrisonville Buyout Policy will be reviewed by an advisory council consisting of representatives from SEMA and the City of Harrisonville Board of Aldermen. In the event of disputes, differences of interpretation, or disagreements over these guidelines, the decision of the City, acting by and through the Board of Aldermen shall be final and in all cases shall be the determining factor, after consultation with the State of Missouri.

Approved and read by the Harrisonville's Board of Aldermen on _____.

 Mayor
 City of Harrisonville, MO

Council Bill 2023-

Resolution 2023-

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI ADOPTING THE CITY OF HARRISONVILLE
VOLUNTARY FLOOD BUYOUT POLICY.**

WHEREAS, the City of Harrisonville intends to participate in the Federal Emergency Management Agency's Hazard Mitigation Grant Program; and

WHEREAS, the proposed City of Harrisonville Voluntary Flood Buyout Policy has been reviewed and approved by qualified individuals in the applicable fields; and

WHEREAS, staff have reviewed the details of the proposed policy and approved of sending this proposed City of Harrisonville Voluntary Flood Buyout Policy to the City's full Board of Aldermen for review and approval; and

WHEREAS, the City of Harrisonville Board of Aldermen, after careful and due deliberation, concludes that adopting the City of Harrisonville Voluntary Flood Buyout Policy as set forth below would be in the best interest of the City;

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

Section 1. The City of Harrisonville Board of Aldermen hereby adopts the City of Harrisonville Voluntary Flood Buyout Policy, a copy which is attached to this resolution.

Section 2. *Effective Date.* The effective date of this Resolution shall be the 15th day of May 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 1st day of May 2023.

Attachment

1. City of Harrisonville Voluntary Flood Buyout Policy

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: May 11, 2023
SUBJECT: Resolution Hazard Mitigation Grant Program

Type of Item: *Approval*

C. Action Item (ID # 4533)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE HAZARD MITIGATION GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING AND IDENTIFYING A PROJECT MANAGER.

Attachments:

Resolution Authorizing the Mayor and Designating the Project Manager (DOC)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HARRISONVILLE, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE HAZARD MITIGATION GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING AND IDENTIFYING A PROJECT MANAGER.

WHEREAS, The Robert T Stafford Act, as amended, does include provisions for property.

acquisition and relocation assistance; and,

WHEREAS, The City of Harrisonville does have areas of need which may be addressed through the Hazard Mitigation Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Harrisonville, Missouri, as follows:

SECTION 1. That the City of Harrisonville desires to participate with the Federal Emergency Management Agency and the State of Missouri Emergency Management Agency in plans and activities for the improvement of the community under the program.

SECTION 2. That funds approved under the aforementioned program are intended to be used toward acquisition and/or relocation of residential properties damaged by past flood events.

SECTION 3. That all properties purchased under this grant must be removed from the parcel of land in question. The land that is acquired through this grant will be owned by the city of Harrisonville and must be restricted as to future use. By submitting this application, the city asserts that an evaluation has been conducted of all potential non-open space needs for this land including use for flood control. The city has determined that there are no such needs identified and therefore, the city is, with full knowledge, willing to commit to the purchase of this land and the placement of a permanent and irrevocable deed restriction that will prohibit future non-open space use including levees, flood walls and other flood control structures. The enclosed excerpt from the Robert T. Stafford Act, as amended, has been reviewed and is understood.

SECTION 4. That the Mayor of the City of Harrisonville, Missouri, be and is hereby authorized to prepare and submit an application to the State of Missouri Emergency Management Agency to pursue funding to conduct a hazard mitigation project using State of Missouri and FEMA funds under the aforementioned program.

SECTION 5. That the City Engineer/Floodplain Administrator of the City of Harrisonville, Missouri, be and is hereby designated as the Project Manager, who shall act as the point-of-contact for the program participants, State officials and contractors.

WHEREUPON, this Resolution, having been read in full on this _____ day of May 2023, the Board of Aldermen voted as follows:

_____ ayes _____ nays _____ absences

ADOPTED and APPROVED this _____ day of May 2023, by the Board of Aldermen for the City of Harrisonville, Missouri.

City of Harrisonville, Missouri

By: _____
Mayor Mike Zaring

ATTEST:

Daniel Barnett, City Clerk

Flood Buyout Program

It is expressly understood that all properties purchased under this grant must be removed from the parcel of land in question. The land that is acquired through this grant will be owned by the city of Floods and must be restricted as to future use. By submitting this application, the city asserts that an evaluation has been conducted of all potential non-open space needs for this land including use for flood control. The city has determined that there are no such needs identified and therefore, the city is, with full knowledge, willing to commit to the purchase of this land and the placement of a permanent and irrevocable deed restriction that will prohibit future non-open space uses including levees, flood walls and other flood control structures.

The enclosed excerpt from the Robert T. Stafford Act, as amended, has been reviewed and is understood.

Portion of the Stafford Act, as Amended

Section 404 (b)(2):

An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if

- (A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a) of this section; and
- (B) on or after December 3, 1993, the applicant for the assistance enters into an agreement with the Director that provides assurances that
 - (1) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices.
 - (2) no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than
 - (1) a public facility that is open on all sides and functionally related to a designated open space.
 - (2) a restroom; or
 - (3) a structure that the Director approves in writing before the commencement of the construction of the structure; and
 - (3) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program.
 - (1) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and
 - (2) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

STAFF REPORT

TO: Board of Aldermen
FROM: Kim Hubbard, Finance Manager
DATE: May 9, 2023
SUBJECT: BANK SIGNATURE UPDATES

Type of Item: *Approval*

This memo is to update the bank authorized signatures due to the new mayor. Mike Zaring was elected Mayor on April 4, 2023.

Judy Bowman will be removed from the signature list and Mayor Zaring will be added.

The bank contract includes authorized signatures and when there are staff changes the signatures need to be updated and authorized.

Recommendation to approve the following staff with position titles for bank signatures is:

Mike Zaring, Mayor

Jeremy Smith, Director of Administrative Services

Daniel Barnett, City Clerk/PIO

Kim Hubbard, Finance Manager

Courtney Calkins, Accounting Specialist

Current bank accounts are held at Community Bank and Commerce Bank. Commerce has two accounts, the Municipal Court Bond account and the Operating account. The Community Bank account is still collecting the credit card transactions from the Parks staff is working on moving these the Parks credit transaction will run through the Commerce Bank instead Community Bank.

Staff recommends the Board of Aldermen approve these staff members as signatories for the banking institutions.

Council Bill No.

Resolution No.

**A RESOLUTION OF THE HARRISONVILLE BOARD OF ALDERMEN OF THE
CITY OF HARRISONVILLE AUTHORIZING CITY ADMINISTRATOR TO
UPDATE AUTHORIZED BANKING SIGNATURES AT COMMUNITY BANK
AND COMMERCE BANK, AND ESTABLISHING AN EFFECTIVE DATE.**

Council Bill 2023

Resolution 2023

A RESOLUTION OF THE HARRISONVILLE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING CITY ADMINISTRATOR TO UPDATE AUTHORIZED BANKING SIGNATURES AT COMMUNITY BANK AND COMMERCE BANK, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville (“City”) wishes to update authorized banking signatures at both Community Bank and Commerce Bank, due to staffing changes; and

WHEREAS, the Board of Aldermen have reviewed following changes and believe it to be in the best interests of the city to approve the following recommendations:

Mike Zaring, Mayor
 Jeremy Smith, Director of Administrative Services
 Daniel Barnett, Deputy City Clerk/PIO
 Kim Hubbard, Finance Manager
 Courtney Calkins, Accounting Specialist

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

Section 1: The City Administrator is hereby authorized and directed to update authorized banking signatures at both Community Bank and Commerce Bank.

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 15TH DAY OF MAY 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Mike Zaring, Mayor and Ex-Officio
 Chairman of the Board of Aldermen

Attachment: Update bank signatures 2023 (BANK SIGNATURE UPDATES)

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 15th day of May 2023.

Attachment: Update bank signatures 2023 (BANK SIGNATURE UPDATES)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: May 9, 2023
SUBJECT: Resolution Osage Valley Territory Agreement

Type of Item: *Approval*

E. Action Item (ID # 4526)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A TERRITORIAL AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND OSAGE VALLEY ELECTRIC COOPERATIVE ASSOCIATION.

Attachments:

Minutetraq Staff Report City of Harrisonville and Osage Valley Agreement-Resolution (DOC)
A. Territorial agreement Harrisonville 4.20.23 (DOC)
A. Joint Application for Approval of Territorial Agreement Harrisonville 4.20.23 (DOCX)
Agreement between Harrisonville and Osage Valley (DOC)

To: Board of Aldermen
From: Andy Pollard, Electric Director
Date: May 15, 2023
Re: Territorial Agreement between Osage Valley Electric Coop and City of Harrisonville

GENERAL INFORMATION

Requested Actions: Approve the agreement between Osage Valley Electric Cooperative and City of Harrisonville. Approve the Resolution to allow Osage Valley Electric Cooperative to serve an area within city limits that the City of Harrisonville Electric currently is not serving.

Date of Application: May 16, 2023

PROPOSAL

Currently, the City of Harrisonville does not serve the area South of the City of Harrisonville around the Hwy 7 and I-49 interchange. MoDOT approached the City of Harrisonville and Osage Valley Electric to get power to areas that are currently not served by either electric provider. Osage Valley has facilities in the area and can serve this area currently with a minor extension of its lines.

PREVIOUS ACTIONS

Currently there are not any plans to extend City of Harrisonville electric lines to this area as all current businesses in the area are served by other electric suppliers. This is the area that was annexed in 2022.

KEY ISSUES

There are currently no plans to extend the City of Harrisonville Electric Facilities to the area due to lack of customers to serve and cost to extend the current infrastructure.

STAFF COMMENTS AND SUGGESTIONS

Mauer Law Firm has assisted with the agreement and resolution. The Missouri Public Service Commission will have to rule on the issue, as well.

STAFF RECOMMENDATION

Staff recommends approval of the agreement and the resolution.

ATTACHMENTS

Public Service Commission request, Agreement between City of Harrisonville and Osage Valley, and the Resolution.

STAFF CONTACT:

Andy Pollard, Electric Director

Appendix B**TERRITORIAL AGREEMENT**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2023, by and between the CITY OF HARRISONVILLE, MISSOURI, a city of the fourth class organized and existing under the laws of Missouri with its principal office located at 300 East Pearl Street Harrisonville, Missouri 64701 ("Harrisonville") and OSAGE VALLEY ELECTRIC COOPERATIVE ASSOCIATION, a Missouri rural electric cooperative organized and existing pursuant to Chapter 394, RSMo. with its principal office located at 1321 Orange St, Butler, Missouri 64730 ("Osage Valley").

WITNESSETH:

WHEREAS, Harrisonville and Osage Valley are authorized by law to provide electric service within certain areas of Missouri, including portions of Cass County; and

WHEREAS, Section 394.312, RSMo. provides that competition to provide retail electrical service as between rural electric cooperatives such as Osage Valley and municipal electrical suppliers such as Harrisonville may be displaced by written territorial agreements; and

WHEREAS, Harrisonville and Osage Valley desire 1) to promote the orderly development of retail electrical service within a portion of the City of Harrisonville, Cass County, Missouri, 2) to avoid unnecessary and wasteful duplication of electrical facilities therein, and 3) to most effectively avail themselves of prior investment(s) for serving the public; and

WHEREAS, this Territorial Agreement does not require any customer of either Harrisonville or Osage Valley to change its supplier.

NOW, THEREFORE, Harrisonville and Osage Valley, in consideration of the mutual covenants and agreements herein contained, the adequacy and sufficiency of which are hereby acknowledged, agree as follows:

1. Description of Territory Affected.

A. This Agreement pertains to two parcels of land in Cass County, Missouri, both of which are located within State right-of-way for a highway corridor. A description of the parcels is as follows and shall herein after be referred to as the “tracts”:

1. SE ¼ of the NW ¼ of Section 16, Township 44N, Range 31W of Cass County, Missouri.
2. NW ¼ of the NE ¼ of Section 16, Township 44N, Range 31W of Cass County, Missouri.

B. A map of the above-described tracts is attached hereto and marked Exhibit A.

C. This Agreement shall have no effect whatsoever upon service by Osage Valley or Harrisonville in any other area.

D. The described tracts are located within the corporate limits of the City of Harrisonville, Missouri, and thus is not a “rural area” as defined by Section 394.020(3) RSMo.

2. Definitions.

A. For purposes of this Agreement, the references to “structure” have the same meaning as the statutory definition of the term “structure” found in Section 394.315 RSMo. in effect at the relevant time. In the event no such statutory definitions exist or are not otherwise applicable, the term shall be construed to give effect to the intent of this agreement which is to designate an exclusive provider, as between the parties hereto, of retail electric service for anything using or designed to use electricity that is located within the tracts described herein.

B. The term “permanent service” shall have the same meaning as the definition of “permanent service” found in Section 394.315 RSMo., in effect at the relevant time. The term shall be liberally construed to give effect to the expressed intent of this Agreement.

C. The term “new structure” shall mean (i) one on which construction has not commenced by the Effective Date, or (ii) one on which construction has commenced by the Effective Date but on the Effective Date is not complete from the standpoint that permanent wiring for the electrical power and energy to be utilized by or within in the structure has not been permanently installed and permanently energized by physical connection to the facilities of an electrical supplier, or (iii) one for which the respective electrical inspection authority has not granted a permit by the Effective Date for it to be energized, or (iv) one for which the respective building authority has not granted an occupancy permit by the Effective Date.

D. The term “Effective Date” shall mean 12:01 a.m. of the date on which the Report and Order of the Commission approving this Agreement is effective pursuant to the terms of such Report and Order, unless a writ of review or other proceeding is taken challenging the Report and Order, in which case there shall be no Effective Date of this Agreement until Harrisonville and Osage Valley both execute a document which establishes an Effective Date for purposes of this Agreement.

3. Exclusive Service Areas Established.

A. Osage Valley, pursuant to this Territorial Agreement, shall be entitled to provide permanent service to all structures now located within the tracts described in Paragraph 1A above and all new structures that may be built therein and therefore it shall be considered the exclusive Service Area of Osage Valley, as between Harrisonville and Osage Valley. Harrisonville does not now serve any structures, and shall not be allowed to serve any new structures, within the tracts.

B. This Agreement does not purport to affect the rights of any electric supplier not a party to this Agreement.

4. Condition Precedent – Regulatory Approvals. This Agreement is conditioned upon receipt of approval of it by the Commission with no changes, or those changes which have been

expressly agreed to by Harrisonville and Osage Valley. Either party may file an application for rehearing or other document with the Commission prior to the effective date of a Commission order approving this Agreement if the party objects to the form or content of the Commission's order approving the Agreement. If neither party files such an application for rehearing or document prior to the effective date of the Commission order approving this Agreement, it shall be presumed that the approval is satisfactory in form and content to both parties.

5. Service to Structures Receiving Service as of the Date of this Agreement. Structures within the subject service area are being served by Osage Valley. To the knowledge of Harrisonville and Osage Valley, there are no other suppliers of electricity providing permanent electric service within the tracts.

6. Structures Coming Into Existence After the Effective Date.

A. After the Effective Date, Osage Valley shall have the exclusive right, as between Harrisonville and Osage Valley, to provide permanent service to new structures within the tracts described in Paragraph 1A above.

B. During interim period between the date of execution of this Agreement and the Effective Date, the parties shall abide by the territorial division provisions of this Agreement and may provide provisional service to any customer seeking service. Pending the issuance of a decision by the Commission either granting or denying approval of this Agreement, however, neither party shall construct primary or secondary electric facilities within the territory assigned exclusively to the other pursuant to this Agreement, unless (i) ordered to do so by the Commission or a court of competent jurisdiction or (ii) as a necessary part of the provision of service to its customers in other areas and such construction is within a previously established easement obtained for the purpose of providing service in other areas. In the interim before this Agreement is approved by the Commission, if a new structure should come into existence on one side of the proposed boundary and request service from the party on the opposite side of the boundary, and that party has existing right to provide such service, the parties agree to submit the matter to the Commission for determination in the case docketed for approval of this Agreement. The parties agree to propose to the Commission in such case that the party which will have the

exclusive right to serve the customer if this Agreement is approved by the Commission should have the exclusive right and obligation to serve the customer in the interim.

7. Indirect Provision of Service to Structures Not Permitted. The intent of this Agreement is to designate an exclusive provider of electric service for structures or anything else using or designed to use electricity to be located within the described areas. Neither party shall furnish, make available, assist in providing, render or extend electric service to a structure, which that party would not be permitted to serve directly pursuant to this Agreement, by indirect means such as through a subsidiary corporation, through another entity, or by metering services outside of the area for delivery within the area. This shall not be construed to otherwise prohibit sales of electric power and energy between the parties to this Agreement.

8. Term. The initial term of this Agreement shall be thirty-five (35) years from and after the Effective Date (“initial term”). Thereafter, this Agreement shall be automatically renewed for successive ten (10) year terms (“renewal terms”) commencing on the anniversary of the Effective Date (“renewal date”) unless either party hereto shall notify the other party in writing of its intent to terminate this Agreement at least one (1) year in advance of any such renewal date. The parties agree that a copy of any notice of termination of this Agreement shall be simultaneously served upon the Commission and the Office of the Public Counsel. Termination of this Agreement shall eliminate the exclusive service territories provided for herein, but shall not entitle a party to provide service to a structure lawfully being served by the other party, or allow a change of supplier to any structure in the other’s Service Area hereunder, unless such a change is otherwise permitted by law.

9. Cooperation. Harrisonville and Osage Valley agree to undertake all actions reasonably necessary to implement this Agreement. Harrisonville and Osage Valley will cooperate in presenting a joint application to the Commission demonstrating that this Agreement is in the public interest. Osage Valley shall pay the entire filing fee of this Agreement; the parties shall pay equal halves of all other costs assessed by the Commission (none are anticipated) for seeking administrative approval of this Agreement. All other costs, including but not limited to the attorneys fees of each party, will be borne by the respective party incurring the costs, unless otherwise agreed by the parties.

10. General Terms.

A. Land Description. The land description utilized in this Agreement is assumed by the parties to be accurate and sufficiently reliable and to match any maps being submitted; however, where there are maps and the map does not correspond with the metes and bounds description, the map shall be controlling.

B. No Constructive Waiver. No failure of Harrisonville or Osage Valley to enforce any provision hereof shall be deemed to be a waiver.

C. Modifications. Neither the boundaries described in this agreement nor any provision of this Agreement may be modified or repealed except by a signed writing of the parties which is approved by all applicable regulatory authorities.

D. Survival. This Agreement shall inure to the benefit of and be binding upon the parties, their respective successors, and assigns.

E. Lack of Approval or Termination. If the Commission or any other regulatory authority having jurisdiction does not approve this Agreement, this Agreement shall be nullified and of no legal effect between the parties. If this Agreement is terminated pursuant to its terms, it shall thereafter be nullified and of no further legal effect except as may be necessary to govern disputes concerning situations existing prior to such termination. Further, if any part of this Agreement is declared invalid or void by a court or agency of competent jurisdiction, then the parties shall replace such provision as similarly as possible to the provision which was declared invalid or void so as to return each of them, as much as practical, to the status quo prior to the declaration.

F. This Agreement shall not be construed to prevent either party from obtaining easements or right of way through or in any part of the Service Area of the other if the acquisition of such easement or right of way is reasonably necessary to or desirable for the performance of the party's duties to provide electric service, or any other service to its customers in other areas.

G. The subsequent platting, re-platting, subdividing, re-subdividing, or re-naming of any parcel or subdivision covered by this Agreement shall not affect the respective rights of Harrisonville or Osage Valley established by this Agreement.

12. Subsequent Legislation. This Agreement is reached between the parties based upon their understanding of the current state of the law in Missouri under Sections 394.312 and 394.315 RSMo., which allow an electrical supplier, once it lawfully commences supplying retail electric energy to a structure through permanent service facilities, to have the right to continue serving such structure. Further, the concept of service under those sections at the current time contemplates not only the physical provision of the conductors to provide an electrical path and connection between the structure and the conductors of the electrical supplier, but also the provision of electrical power and energy through such conductors. In the event the law in Missouri is changed during any term of this Agreement to provide that the provider of the electrical facilities (i.e., conductors) within the Service Area is not also required or assumed to be the provider of electrical power and energy (i.e., the electricity), and thereby give customers a choice as to who provides their electricity, as contrasted with who owns the wires over which such electricity is provided, then nothing in this Agreement shall be construed to prohibit Harrisonville from providing electrical power and energy to structures within the Service Area of Osage Valley established by this Agreement, or Osage Valley from providing electrical power and energy to structures within the Service Area of Harrisonville established by this Agreement, under the terms of such future legislation, notwithstanding the terms of this Agreement to the contrary. However, if Sections 394.312 or 394.315 RSMo. are repealed and not reenacted in a form substantially equivalent to their status on the Effective Date, this Agreement shall terminate, coincident with the effective date of the elimination of the current content of Sections 394.312 and 394.315 RSMo., as the case may be.

IN WITNESS WHEREOF, the parties have executed this Agreement as of this ____ day of _____, 2023.

CITY OF HARRISONVILLE, MISSOURI

OSAGE VALLEY ELECTRIC
COOPERATIVE ASSOCIATION

By: _____

By: _____

Title: _____

Title: _____

Attest: _____

Attest: _____

(seal)

(seal)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Osage	)	
Valley Electric Cooperative Association and	)	
The City of Harrisonville, Missouri for Approval	)	
Of a Written Territorial Agreement Designating	)	File No. _____
The Boundaries of each Electric Service Supplier	)	
Within the City of Harrisonville, Cass County,	)	
Missouri.	)	

JOINT APPLICATION FOR APPROVAL OF TERRITORIAL AGREEMENT

COME NOW Osage Valley Electric Cooperative Association ("Osage Valley") and the city of Harrisonville, Missouri ("Harrisonville") (collectively, Applicants), by and through their respective counsel, and for their Joint Application to the Missouri Public Service Commission (the "Commission"), pursuant to 4 CSR 240-2.060, 4 CSR 240-3.130, and RSMo. §394.312 and §416.041, for an order approving Applicants' Joint Application for Approval of Territorial Agreement (Agreement), respectfully state as follows:

Applicants

1. Osage Valley is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 1321 Orange St, Butler, Missouri 64730. Osage Valley is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri counties. Osage Valley has no pending action or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. Osage Valley has no overdue annual report or assessment fees. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary was filed with the Commission in Case No. EO-2021-

0339 and is incorporated herein by reference.

2. Harrisonville is a Missouri fourth class municipality existing pursuant to §79.010 RSMo, with its principal office and place of business at Harrisonville City Hall, 300 E. Pearl Street, Harrisonville, MO. 64701. Harrisonville is engaged in the business of providing electrical services to customers in its municipal service area. Harrisonville has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or its rates, which have occurred within the three years immediately preceding the filing of this Joint Application. Harrisonville has no overdue annual report or assessment fees.

Correspondence and Communication

3. Correspondence, communications, and orders in regard to this Joint Application should be directed to:

Alex C. Felzien
Mauer Law Firm, PC
1100 Main Street, Suite 2100
Kansas City, MO 64105
16.759.3300 (telephone)
Email: afelzien@mauerlawfirm.com

Megan E. McCord
Friel, McCord & Smiley, LLC
P.O. Box 14287
Springfield, MO 65814
417-227-8405 (telephone)
e-mail: mmccord@reclawfirm.com

The Territorial Agreement

4. **The Territorial Agreement.** Subject to the terms and conditions of the Agreement, Applicants have specifically designated the boundaries of the exclusive electric service area of each electric service supplier for service of new structures in portions of Cass County, which are more particularly described in the Territorial Agreement. Applicants have attached a copy of the Territorial Agreement to this Application as **Appendix B**. The impetus for this Agreement is a request by MoDOT to

serve new facilities to be installed within the city limits of Harrisonville to which Harrisonville desires Osage Valley provide electric service.

5. **Service Areas.** A map of the boundary established between the Applicants' service areas is part of **Appendix B** and are incorporated herein by reference.

6. **Authority to Serve in Proposed Areas.** Osage Valley is authorized to serve the areas it is proposing to serve in the Agreement, incorporated rural areas of Cass County, Missouri under Sections 394.080 and 394.312 RSMo.

7. **Change of Supplier.** The Agreement does not require transfer of any facilities or customers between the parties, so no list of structures and persons whose utility service would be changed by the Addendum, as required by 4 CSR 240-3.130(1)(E), is included.

8. **Other Electric Suppliers.** To Applicants' knowledge and belief, there are no other electric suppliers serving in the areas covered by this Agreement.

9. **Public Interest.** The Agreement is not detrimental to the public interest. It is affirmatively in the public interest because it will ensure reliable electric service for the affected area. The change also achieves operational efficiencies and reduces utility duplication. Thus, the proposed change of supplier is in the public interest for reasons other than a rate differential.

10. **Scope of Agreement.** Osage Valley will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement. Harrisonville will continue to have service responsibilities beyond the boundaries of the Agreement unaffected by the terms of the Agreement. This Agreement does not bind or detrimentally affect non-parties.

11. **Application Fee.** The Commission's fee required by 4 CSR 240-3.130 is submitted herewith.

WHEREFORE, Applicants respectfully request that the Commission issue its report and order:

- (a) Finding that the designation of electric service areas is not detrimental to the public interest and approving the Applicants' Territorial Agreement;
- (b) Granting Applicants full administrative authority to perform in accordance with all of the terms and conditions of their Agreement, presented as **Appendix A** to this Joint Application; and
- (c) Ordering all further relief and actions as necessary or convenient to implement said agreement.

Respectfully submitted,

Megan E. McCord, #62037
 Friel, McCord & Smiley, LLC
 P.O. Box 14287
 Springfield, MO 65814
 (417) 227-8401 (telephone)
 Email: mmccord@reclawfirm.com
 ATTORNEY FOR OSAGE VALLEY
 ELECTRIC COOPERATIVE

Alex C. Felzien, #70054
 Mauer Law Firm, PC
 1100 Main Street, Suite 2100
 Kansas City, MO 64105
 816.759.3300 (telephone)
 Email: afelzien@mauerlawfirm.com

ATTORNEY FOR THE CITY OF
 HARRISONVILLE

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Joint Application was served by electronic mail or U.S. Mail, postage prepaid, this ____ day of _____, 2023 upon the following:

Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Missouri 65102
staffcounsel@psc.mo.gov

Megan E. McCord

VERIFICATION

STATE OF MISSOURI)
) ss
 COUNTY OF _____)

Being first duly sworn, Jarrod Campbell states as follows: that he is the General Manager of Osage Valley Electric Cooperative; that he has read the foregoing Application; that the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief; and, that Megan E. McCord of Friel, McCord & Smiley, LLC is authorized by Osage Valley Electric Cooperative, Inc. to make this filing and represent it in this matter.

 Jarrod Campbell

Subscribed and sworn to before me this ____ day of _____, 2023.

 Notary Public

VERIFICATION

STATE OF MISSOURI)
)ss
 COUNTY OF _____)

I, _____ state that I am employed by the City of Harrisonville as City Administrator; that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of Harrisonville.

Subscribed and sworn to before me this ____ day of _____, 2023.

 _____, Notary Public

Council Bill 2023-

Resolution 2023-

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A TERRITORIAL AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND OSAGE VALLEY ELECTRIC COOPERATIVE ASSOCIATION.

WHEREAS, the City of Harrisonville intends to enter into a Territorial Agreement with Osage Valley Electric Cooperative Association to designate the boundaries of the exclusive electric service area of each electric service supplier for service of new structures in portions of Cass County, which are more particularly described within said agreement; and

WHEREAS, the agreement does not require transfer of any facilities or customers between the parties; and

WHEREAS, there are no other electric suppliers serving in the areas covered by this Agreement; and

WHEREAS, Osage Valley will continue to have service responsibilities beyond the boundaries of the agreement and unaffected by the terms of the agreement; and

WHEREAS, the City of Harrisonville will continue to have service responsibilities beyond the boundaries of the agreement unaffected by the terms of the agreement.

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

Section 1. The City Administrator is authorized to enter into a Territorial Agreement between the City of Harrisonville and Osage Valley Electric Cooperative Association, a copy which is attached to this resolution.

Section 2. The Territorial Agreement between the City of Harrisonville and Osage Valley has been concurrently reviewed and approved by Osage Valley.

Section 3. *Effective Date.* The effective date of this Resolution shall be the 1st day of May 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:
ABSENT:
ABSTAIN:
EXCUSED:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk
WITNESS my hand and seal this 1st day of May 2023.

Attachment

1. Territorial Agreement between the City of Harrisonville and Osage Valley
Electric Cooperative Association

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: May 11, 2023
SUBJECT: Ordinance Utility Disconnects

Type of Item: *Approval*

F. Action Item (ID # 4532)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE,
MISSOURI ESTABLISHING ELECTRIC UTILITY DISCONNECT SERVICE

Attachments:

Minutetraq Staff Report City of Harrisonville Utility Disconnect Ordinance (DOC)

Electric Utility Disconnect Ordinance (DOCX)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

5.F.a

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

To: Board of Aldermen
From: Andy Pollard, Electric Director
Date: May 15, 2023
Re: Utility Disconnect

GENERAL INFORMATION

Applicant:

Requested Actions: Approve the Ordinance reflecting that if a service is interrupted to a customer where CT Metering is in place that a Utility Disconnect must be installed.

Date of Application: May 16, 2023

PROPOSAL

Currently, the City of Harrisonville does not require that a customer who has services removed due to non-payment or for other actions to install a Utility Disconnect so that the service does not have to be removed to do so in the future.

PREVIOUS ACTIONS

In the past we have not required a Utility Disconnect to be installed, but with all of the renovations and some recent shut-offs requiring customer service line removed has cost the City a larger than normal service cost to either remove or turn on services once repairs or payment has been made. Currently, two trucks (usually bucket trucks) and four workers are needed to safely remove a service.

KEY ISSUES

Less staff would need to reconnect as only the Utility Disconnect would need to be turned on or off. Only using a pickup and one person to operate the switch. An Electric Department lock would be installed to hamper any tampering.

STAFF COMMENTS AND SUGGESTIONS

Mauer Law Firm has assisted with the drafting of the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

ATTACHMENTS

Utility Disconnect Ordinance.

Attachment: Minutetraq Staff Report City of Harrisonville Utility Disconnect Ordinance (Ordinance Utility Disconnects)

STAFF CONTACT:

5.F.a

Andy Pollard, Electric Director

Council Bill No. ____

Ordinance No. ____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI ESTABLISHING ELECTRIC UTILITY DISCONNECT
SERVICE**

WHEREAS, the City of Harrisonville desires to establish a new Municipal Code section regarding the installation of a Electric Utility Disconnect in the event a user of Harrisonville electric fails to pay for services rendered.

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

Section 1: Section 700.295 of the Code is hereby established to read as follows:

“Electric Utility Disconnect.

If the City of Harrisonville deems it necessary, it may install a physical Utility Disconnect on any Residential or Commercial structure receiving electrical service from the City. The fee for installation of the Utility Disconnect shall be the sole responsibility of the owner of the structure receiving the Utility Disconnect. The Utility Disconnect fee shall be Five Hundred Dollars (\$500.00), unless amended by the City’s Fee Resolution. In addition to the Utility Disconnect fee, the structure’s owner shall be responsible for all past and due electric service fees before service will be reestablished by the City. Where possible, the Utility Disconnect shall be located between the transformer and the meter on any given structure.”

Section 2: That this Ordinance shall be in effect immediately upon passage.

Read for the first time by title only on the 15th day of May, 2023. Read for the second time by title only on the 15th day of May 2023.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 15th day of May 2023.

Attachment: Electric Utility Disconnect Ordinance (Ordinance Utility Disconnects)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: May 9, 2023
SUBJECT: Ordinance Blight Study

Type of Item: *Approval*

G. Action Item (ID # 4525)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE FINDING THE HARRISONVILLE SQUARE NEIGHBORHOOD REDEVELOPMENT AREA AS A BLIGHTED AREA.

Attachments:

Blight study cover sheet (DOCX)
Harrisonville blight study (PDF)
Ordinance finding blight (DOCX)



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

Summary of the Harrisonville Square Neighborhood

Redevelopment Area Blight Study.

The Board of Aldermen has approved the Harrisonville Square Neighborhood Redevelopment Plan. The next step towards implementing this redevelopment plan is for the Board to pass an ordinance finding Blight in the redevelopment area. Because the chapter 353 economic development plan involves tax abatement, state law requires that the project serve a “public purpose.” In this case, and in most cases, that public purpose is the remediation of “blight.” The definition of blight includes any “unsanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes [.]” To assist the board in making a determination that blight exists in the redevelopment area, the City had a blight study conducted. The report and conclusions have now been made available.

The blight study that was conducted found all of the blight factors within the redevelopment area. The study found broken windows, cracked and crumbling stairs and sidewalks, as well as vacant buildings throughout the redevelopment area. These are all sufficient to support a finding of blight.

Based on the evidence and data collected throughout the study, the report suggests that the board make the required blight finding and approve the proposed ordinance.

Study of Blighting Factors within the Harrisonville Square Neighborhood Redevelopment District

Introduction.

In accordance with Chapter 353, this analysis of factors within the Redevelopment District (the “District”) described in that certain development plan entitled “Harrisonville Square Neighborhood Redevelopment Plan” (the “Plan”) has been prepared to assist the Harrisonville Board of Aldermen (the “Board of Aldermen”) in determining whether the District constitutes a “blighted area,” as that term is used and defined in the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri, as amended (“Chapter 353”). This analysis was conducted in March and April of 2023.

Methodology.

We conducted a visual survey of the proposed redevelopment area. We also reviewed information provided by the City of Harrisonville and other information that was publicly available. In addition, we compared the findings to peer-reviewed studies indicating the effects of the visually observed defects on the surrounding environment, the area as a whole, and on the City of Harrisonville.

Description of Redevelopment District

The District is located in the heart of the City of Harrisonville, Missouri, as depicted on **Exhibit A** attached to the Plan and incorporated by reference in this analysis. The redevelopment area is located in an area generally known as the Harrisonville Square and the surrounding neighborhood, which is described in the Development Plan.

This area consists of mostly single-family residences occupied by at least 55% low to moderate-income households according to HUD’s 2021 Low and Moderate-Income Summary Data Sets.

The dominant land use in the plan area is residential. Single-family structures make up the bulk of the housing stock, followed by some multifamily structures, in addition to the

area's commercial and retail corridors.

DEFINITION OF BLIGHT

Chapter 353 requires as a prerequisite to the undertaking of proposed redevelopment activities, including the granting of real property tax abatement, that the Board of Aldermen make a determination that the District is a “blighted area,” as that term is used and defined in Chapter 353. A “blighted area” is defined by Chapter 353 to have the same definition as § 99.805(1) which reads:

“(1) “Blighted area”, an area which, by reason of **[1]** the predominance of insanitary or unsafe conditions, **[2]** deterioration of site improvements, or **[3]** the existence of conditions which endanger life or property by fire and other causes, **[4]** or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use;

(§ 99.805(1) RSMo 2021 (numbering added)).

If the property contains one or more of these three conditions and either retards housing accommodations or constitutes an economic liability or constitutes a social liability or is a menace to the public health, safety, or welfare, then the property is a blighted area.

The determination of statutory “blight” need not encompass the entire District. Rather, Chapter 353 expressly provides that “any such area may include buildings and improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, re-planning, reconstruction, rehabilitation of the area of which such buildings, improvements, or real property form a part.”

Based on the analysis detailed below, the Board of Aldermen has a sufficient factual basis to support a determination that the District is indeed a “blighted area” under Chapter 353.

DETERMINATION OF BLIGHT

The following factors demonstrate that the District is a “blighted area” as that term is defined and used in Chapter 353 and applicable judicial determinations:

Blight factors present within the District include:



(1) “insanitary or unsafe conditions”

(2) “deterioration of site improvements”

(3) “the existence of conditions which endanger life or property by fire and other causes”

Each is discussed below.

Deteriorating sidewalks create safety hazards and barriers to access.

1. The District is Characterized by “insanitary or unsafe conditions”

The Meriam-Webster dictionary defines “insanitary” to mean “unclean enough to endanger health.” Illegal dumping of trash, broken building materials, and deteriorated pavement have been found to constitute “unsafe and insanitary conditions.” (*City of Kan. City v. Chung Hoe Ku*, 282 S.W.3d 23, 31 (Mo. App. 2009).).

Most of the streets and sidewalks in the area do not meet the standards of the Americans with Disabilities Act (ADA). This makes those streets and sidewalks largely inaccessible to persons with disabilities and parents with strollers. This means fewer people on the streets which has been linked to crime and vandalism. (Wilson and Kelling 1982) As such the streets, and especially the sidewalks, constitute an unsafe condition in the area.

Much of the area was built before the bans on asbestos and lead paint. Asbestos was used for a variety of things, including insulation, paint texture, and floor tiles. Lead, which may accumulate in the bloodstream and cause organ damage, was allowed to be used as a paint component until 1978. Unless proven otherwise, any structure built before 1977 is assumed to have these two chemicals, necessitating costly mitigating procedures to isolate them for removal. Visual surveys of the area suggest that most residential and commercial properties fall into this category.



Standing water and unauthorized dumping create health and crime issues.



2. The District is Characterized by Deterioration Of Site Improvements:

Improvements in the District suffer from significant physical deterioration. Peeling paint, broken windows, and other maintenance issues are clearly visible.

In particular, deteriorating infrastructure is closely associated with crime and vandalism. In their famous work “Broken Windows” Kelling and Wilson wrote:



“Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.”
((Wilson and Kelling 1982))

Broken sidewalks make the city less accessible, especially for the blind and those who use wheelchairs, canes, or walkers (Shoup, Donald 2010, Access vol. 36).

As curb appeal diminishes, a residential property will be slower to sell and have decreased value (Elam and Stigarll 2012) Therefore these maintenance issues on individual properties create an anchor, weighing down the values of all the properties in the area. As such they are a clear economic liability to the community.



3. The Property is Characterized by the Existence Of Conditions Which Endanger Life Or Property By Fire And Other Causes

Eleven vacant properties have been identified within the redevelopment area. However, this reflects only those properties which have been identified as vacant to the City of Harrisonville. It is likely, based on our survey, that the number is much higher.

Abandoned properties have been directly correlated with higher crime and social



disruption (Cui and Walsh 2015).

Studies have shown that

“Abandoned houses are magnets for vandalism, theft, fires, drug trafficking, and more serious crimes, all of which require more and better municipal services.”

(Click or tap here to enter text..

That same report points out that abandoned properties require more municipal services while at the same time paying lower municipal taxes. In this case, the property pays no property tax and

generates no sales tax. Abandoned buildings and empty storefronts act as an economic drag on the area and increase crime. According to a report issued by H.U.D.,

“Vacant and abandoned properties have negative spillover effects that impact neighboring properties and, when concentrated, entire communities and even cities. Research links foreclosed, vacant, and abandoned properties with reduced property values, increased crime, increased risk to public health and welfare, and increased costs for municipal governments.”
(HUD 2014)

In addition, it has been shown that the longer a property remains abandoned, the more significant the economic impact is on surrounding properties and the further away the

negative impacts reach (Han 2014).

Vacant properties are also associated with an increased arson rate, both for them and for surrounding buildings (Schachterle 2012). Thus abandoned properties, by their very nature, encourage crimes and fires, both on the property and nearby.

4. The Blighting Factors Of The Property Constitute An Economic Or Social Liability or a Menace to the Public Health, Safety, or Welfare In Its Present Condition and Use.

As detailed above, the blighting conditions found on the property are directly linked to health, safety, and welfare concerns. Missouri's Courts have previously found that abandoned properties create a social liability by encouraging loitering, juvenile delinquents, and crime. (*Land Clearance for Redevelopment Auth. v. Inserra*, 284 S.W.3d 641, 647-48 (Mo. App. 2009).). The Han study cited above indicates that the longer a property remains abandoned the greater the impact on the

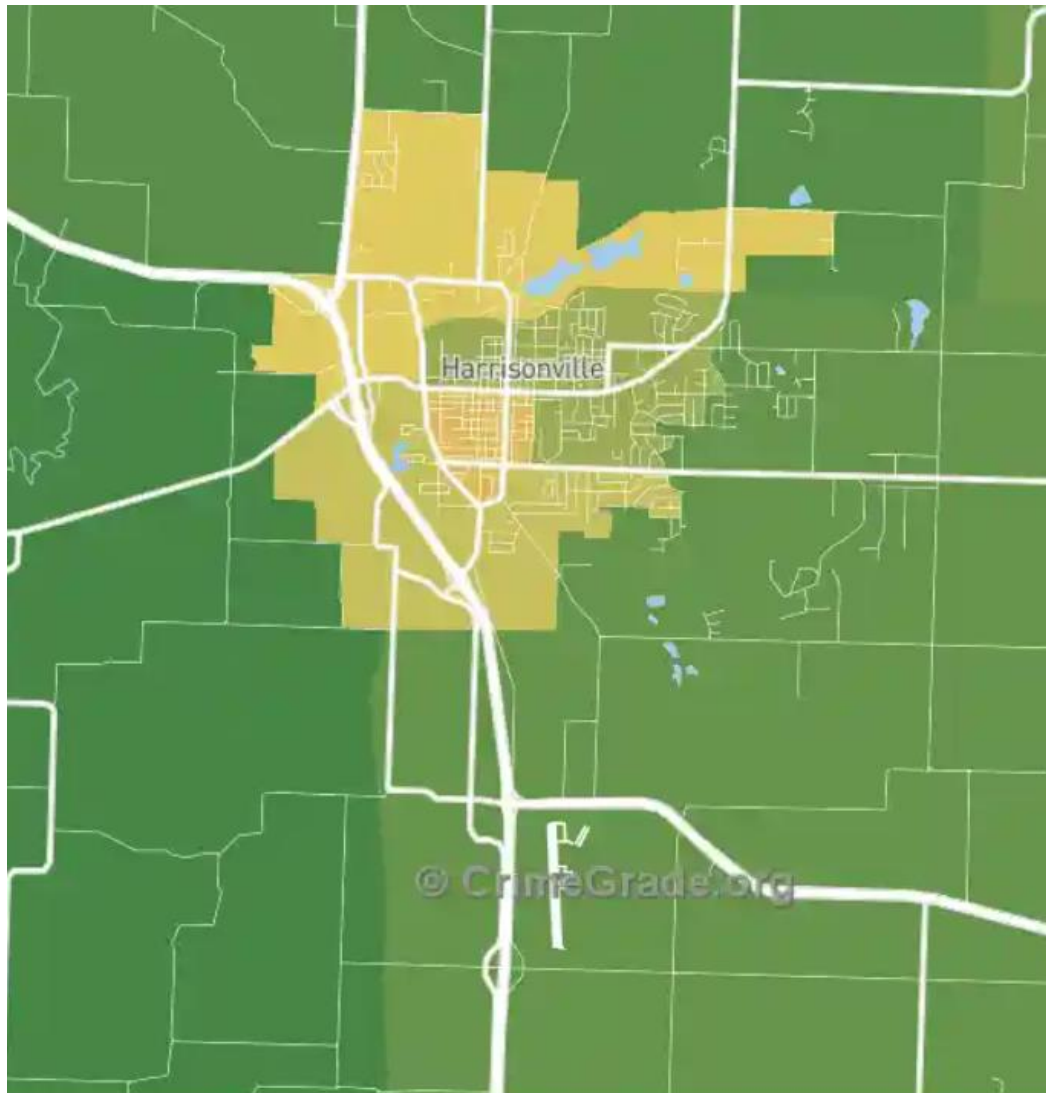


surrounding community (Han 2014). The Land study indicates that abandoned properties disproportionately burden municipal services (Lind 2015). The HUD study connects vacant properties directly with crime as does the Lind study (HUD 2014).

The HUD study also directly links abandoned properties with decreased property values in the area. A more recent study shows that vacant and blighted properties decrease the value of surrounding properties by between 0.04% and 3.5% depending on the distance between them (Furio and Voith 2016).

Not surprisingly, crime is generally higher in the redevelopment area. Although crime rates in Harrisonville are generally higher than the rest of the nation, in the redevelopment

area they are significantly higher than surrounding areas, as shown below:



Crime Grades



A+ (dark green) areas are safest

CONCLUSION:

This analysis demonstrates that the District exhibits conditions that meet statutory definition of blight. The District is characterized by all three blighting factors listed in the statute (1) “insanitary or unsafe conditions” (2) “deterioration of site improvements” (3) “the existence of conditions which endanger life or property by fire and other causes” These factors can be directly linked to clear and proven social harm as well as an increased risk of physical harm by fire or crime. While not every property in the district would meet the definition of ‘blight’ there are enough to so characterize the entire area.

There is clear evidence supporting a determination by the Board of Aldermen that the Redevelopment District constitutes a “blighted area” so that the clearance, re-planning, reconstruction, or rehabilitation of the Redevelopment District is necessary to effectuate the purposes of Chapter 353, as amended. This analysis recommends that the Board of Aldermen so find and determine.

EXHIBIT A

Chapter 353 Boundaries



Attachment: Harrisonville blight study (Ordinance Blight Study)

Sources

- Wilson, James Q, and George L Kelling. 1982. "Broken Windows - The Atlantic."
- Cui, Lin, and Randall Walsh. 2015. "Foreclosure, Vacancy and Crime." *Journal of Urban Economics* 87: 72–84.
- Elam, Emmett, and Andrea Stigarll. 2012. 30 J. Environ. Hort *Landscape and House Appearance Impacts on the Price of Single-Family Houses* 1. http://meridian.allenpress.com/jeh/article-pdf/30/4/182/1757649/0738-2898_30_4_182.pdf.
- Furio, Caitlin, and Richard Voith. 2016. *The Economic Case for Fixing Blight*. [https://econsultsolutions.com/economic-case-for-fixing-blight-baltimore-case-study\[4/14/2023](https://econsultsolutions.com/economic-case-for-fixing-blight-baltimore-case-study[4/14/2023).
- Han, Hye Sung. 2014. "The Impact of Abandoned Properties on Nearby Property Values." *Housing Policy Debate* 24(2): 311–34.
- HUD. 2014. "Vacant and Abandoned Properties: Turning Liabilities Into Assets." *Evidence Matters*: 1–8.
- Lind, Kermit J. 2015. "Perspectives on Abandoned Property in a Time of Dystopia." *Journal of Affordable Housing & Community Development Law* 24(1): 121–32.
- Schachterle, Stephen E. 2012. "Proximity to Vacant Buildings Is Associated with Increased Fire Risk in Baltimore, Maryland, Homes ." *Injury Prevention*.

BILL NO.: _____

ORDINANCE NO.: _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE FINDING THE HARRISONVILLE SQUARE NEIGHBORHOOD
REDEVELOPMENT AREA AS A BLIGHTED AREA.**

WHEREAS, on April 5, 2023, the Board of Aldermen approved the Harrisonville Square Neighborhood Redevelopment Plan (“Development Plan”), pursuant to Chapter 353, RSMo, the Urban Redevelopment Corporations Law and amendments thereto (“Act”), the Development Plan contemplates redevelopment of an area generally known as the Harrisonville Square and the surrounding neighborhood (“Redevelopment Area”); and

WHEREAS, it was understood on April 5, 2023, that a blight study of the Redevelopment Area was being conducted and the results were pending.

WHEREAS, the blight study has been completed and the results have been made available to the Board of Aldermen.

WHEREAS, the evidence presented in the blight study indicates that blight is a leading factor in an increase in crime, a driver in declining economic vitality, and threat to physical health and safety; and

WHEREAS, the blight study provides an analysis of the current conditions in the Redevelopment area, and supports a finding that the Redevelopment Area is a “blighted area” as defined in Chapter 353.

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

SECTION 1. Upon due consideration of the Blight Study, the Board of Aldermen finds that the Redevelopment Area is a “blighted area” as defined in Chapter 353 and the Urban Redevelopment Ordinance, and redevelopment of the Redevelopment Area is necessary for the public interest, convenience and necessity.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage approval.

SECTION 3. That the City Clerk is authorized by this ordinance to correct any scrivener’s errors identified within this Ordinance.

READ TWICE AND PASSED by the Board of Aldermen of the City of Harrisonville, Missouri, and approved by the Mayor of Harrisonville this ____ day of _____, 2023.

Attachment: Ordinance finding blight (Ordinance Blight Study)

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk.

Attachment: Ordinance finding blight (Ordinance Blight Study)

**EXHIBIT A
HARRISONVILLE SQUARE NEIGHBORHOOD REDEVELOPMENT PLAN
(ATTACHED)**

Attachment: Ordinance finding blight (Ordinance Blight Study)