



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

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 20, 2023
6:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Work Session - May 10, 2023 6:00 PM**
 - B. Board of Aldermen - Regular Meeting - Jun 5, 2023 6:00 PM**
 - C. Board of Aldermen - Work Session - Jun 5, 2023 6:30 PM**
 - D. Closed Session Minutes - June 5, 2023**
- 5. Agenda Items**
 - A. Council Bill 61: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF LAURA FREES TO THE PARK BOARD.**
 - B. Council Bill 62: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF AARON BOLLINGER TO THE PARK BOARD.**
 - C. Council Bill 63: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF ROBERT WISEMAN TO THE HISTORIC PRESERVATION COMMISSION.**
 - D. Council Bill 64: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2023, THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE DATE.**

- E. **Council Bill 65: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT**
 - F. **Council Bill 66: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PROVIDE WORK ZONE ENFORCEMENT**
 - G. **PUBLIC HEARING: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.**
 - H. **Council Bill 67: AN ORDINANCE OF BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING OF APPROXIMATELY 4 ACRES OF LAND FROM ESTATE PLANNED (EP) DISTRICT TO SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT ON LAND LOCATED AT 2701 E. ELM STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**
 - I. **PUBLIC HEARING: Section 405.574 Maximum Allowable Affordable Housing Units**
 - J. **Council Bill 68: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ESTABLISHING A MAXIMUM ALLOWABLE PERCENTAGE OF AFFORDABLE HOUSING UNITS**
- 6. **Aldermen and Committee Reports**
 - 7. **Report from the City Administrator**
 - A. **May 2023 Municipal Court Report**
 - 8. **Questions from the Media**
 - 9. **Adjourn from Regular Session**

Posted on City Hall Bulletin Board this 16th day of June, 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.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

**MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
HARRISONVILLE COMMUNITY CENTER
MAY 10, 2023
6:00 PM**

1. Call to Order

The meeting was called to order at 6:01 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	Excused	
Gary Davidson	Harrisonville	Board Member	Excused	
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, Electric Superintendent Andy Pollard, Parks Director Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Fire Chief Rusty Sullivan, Executive Secretary to the City Administrator Theresa West and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Goals

City Administrator Ratliff presented a discussion regarding the Board of Aldermen establishing a new set of goals for the 2023-2024 year.

A consensus of the Board was reached to establish the following goals:

- *Maintain Financial Stability*
- *Economic Development*
- *Strengthen Public Safety*
- *Upgrade Technology and Broadband*

- *Develop Human Capital*
- *Invest in Public Infrastructure*
- *Promote Community Involvement*
- *Eliminate Blight*

Ratliff reminded the Board about a list of prioritized projects to apply American Rescue Plan Act funds toward.

B. Meeting Format Changes

City Administrator Ratliff facilitated a discussion regarding a pair of proposed changes to the way the public is able to formally speak about agenda items at Board of Aldermen meetings.

A consensus of the Board was reached to bring forward for a vote an option to amend the current meeting format to hold the first reading of an ordinance at one meeting and the second reading of said ordinance at the next meeting, in an effort to allow greater opportunity for community input on a given item.

Administrator Ratliff also handed out Part I and Part II of Rosenbury's Rules of Order, and requested the Board to read over them and said he will bring this up again for a work session discussion.

C. Ethics Discussion

City Administrator Ratliff and Mayor Zaring facilitated a discussion regarding the ethical requirements for elected officials and appointed boards and commission members who serve the City of Harrisonville.

D. Capital Improvement Project Overview

The Board heard reports from various department heads regarding the status of the ongoing and upcoming Capital Improvement Projects.

E. USE Tax Discussion

City Clerk Barnett facilitated a discussion regarding the plan to place a Use Tax measure on the August 2023 ballot.

A motion to adjourn from the Work Session was made by Alderman Chaney, with a second by Alderman Turner. Motion carried with all ayes. Meeting adjourned at 8:59 p.m.

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

Work Session**Monday, May 10, 2023****6:00 PM**

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of May 10, 2023 6:00 PM (Approval of Minutes)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 5, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:03 PM by Mayor Mike Zaring.

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Mike Zaring	Harrisonville	Mayor	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Remote	
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 Steve Mauer, Director of Administrative Services Jeremy Smith, Parks and Recreation Grant Purkey, Community Development Director Christina Stanton, Police Chief John Hofer, Economic Development Director Jim Clarke, Electric Superintendent Andy Pollard, Fire Chief Rusty Sullivan, Public Works Director/City Engineer Carl Brooks, IT Specialist Jeffrey Lowe, and Executive Secretary to the City Administrator Theresa West - recording.

2. Ceremonial Matters

A. 2022 HPD Officer of the Year

Police Chief Hofer presented Records Clerk Arianna Welch with a plaque for the Employee of the Year Award. Hofer spoke about her contributions to the department and her excellent customer service.

3. Public Participation

None.

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - May 15, 2023 6:00 PM

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

B. Board of Aldermen - Work Session - May 15, 2023 6:30 PM

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

5. Agenda Items

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

Staff report presented by Electric Superintendent Pollard.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3652.

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

B. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, ADOPTING SHORT TERM GOALS OF THE CITY OF HARRISONVILLE, MISSOURI

Staff report presented by City Administrator Ratliff.

Ratliff spoke to the goals were identified at the May 10, 2023, Board of Aldermen Retreat.

Upon passage, Mayor Zaring designated the resolution to be Resolution number 2023-25.

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

C. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LAND PURCHASE AND SALE AGREEMENT

Staff report presented by Economic Development Director Clarke.

Clarke spoke to the process for selling the railroad spur and asked that the Board execute the resolution so that the City Administrator can sell the property.

Clarke informed the Board that they would need to approve a vacation for the spur's right-of-way, at some point in the coming months.

Upon passage, Mayor Zaring designated the resolution to be Resolution number 2023-26.

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

D. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT

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

Brooks reminded the Board that the grant totaled \$4.49 Million.

Brooks also reminded the Board that \$24 million of the project cost will be provided by the 291/71 Highway Transportation Development District.

Brooks said the money from the grant will be used as leverage to begin construction on the project.

Alderman Chaney asked if the Missouri Department of Transportation could pull the finding for the grant.

Brooks said it is possible but said he has never seen MoDOT pull back from an agreement when a city possesses the funds to complete a project, which Harrisonville currently does.

City Attorney Mauer said once the grant is awarded, the money can be taken back if the City does not hold up its end of the agreement.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3653.

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

E. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION SURFACE TRANSPORTATION BLOCK GRANT (STBG) PROGRAM AGREEMENT

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

Brooks spoke to the Board about the various funding opportunities that the S Commercial Street Extension project has received.

Alderwoman Milner asked how far S Commercial Street would be extended.

Brooks said the project would extend the street from its current location at Brookhart Drive to Brickplant Road at E 267th Street.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3654.

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

6. Aldermen and Committee Reports

Aldерwoman Franklin provided an update from the recent Park Board meeting, and spoke about the opening of the Outdoor Pool, the upcoming Independence Day fireworks display, lifeguard certifications and upcoming dive-in movie nights. Franklin also spoke about the start of the farmers market season and the upcoming Junk in the Trunk event.

Alderman Chaney spoke about the upcoming Elks Lodge fishing derby and said that the lakes in City Park look wonderful.

Alderman Turner commended first responders for their efforts during a recent crash that caused large traffic delays just outside of town.

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 that the Chamber of Commerce Board has voted to support and promote the Use Tax on the November 2023 ballot.

Ratliff told the Board that the City has received 11 responses to the Request For Qualifications for the James to Blueberry Storm Drainage Improvement project.

Ratliff informed the Board that City staff have selected Trans Systems to be the City's Owner Agent engineer for the Royal Street Extension project.

Ratliff told the Board that 169 vehicles participated in the second spring City-Wide Clean Up event, bringing the two day total attendance to 343 vehicles.

Ratliff informed the Board that Mr. David Clay came in as the high bidder to harvest the walnut trees located on the City's property behind the old Caravan Inn property. Ratliff said he will also harvest trees from the property owned by the Welborn family to the north.

Ratliff thanked Mr. Clay Potters for donating \$200 and helping plant flowers in the new flower beds in City Park.

Ratliff told the Board that Code Enforcement staff have conducted 800 Rental Ready Program inspections to date.

Ratliff told the Board that five applications have been reviewed and approved for the Community Beautification Grant program.

A. Municipal Court Report April 2023

8. Questions from the Media

None.

Minutes Acceptance: Minutes of Jun 5, 2023 6:00 PM (Approval of Minutes)

9. Adjourn from Regular Session

A motion was made by Alderman Davidson to adjourn, with a second by Alderwoman Milner. Motion carried with all ayes. Meeting adjourned at 6:37 p.m.

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Jun 5, 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
JUNE 5, 2023
6:30 PM

1. Call to Order

The meeting was called to order at 6:52 PM by Mayor Mike Zaring.

2. Present

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Mike Zaring	Harrisonville	Mayor	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Remote	
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 Steve Mauer, Director of Administrative Services Jeremy Smith, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Electric Superintendent Andy Pollard, Parks Director Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke. IT Specialist Jeffrey Lowe and Executive Secretary to the City Administrator Theresa West - recording.

3. Discussion Items

A. Continued Housing Discussion

Community Development Director Stanton continued a discussion from the May 15, Work Session regarding subsidized rental units in new housing developments.

Stanton spoke about the issues that can arise when subsidized housing is concentrated to a specific area.

Stanton spoke about studies reflecting issues that occur when subsidized housing is concentrated at a rate of over 20-percent.

Stanton said staff suggest a subsidized housing cap of 12-percent or 13-percent.

City Attorney Mauer spoke to the value of a subsidized housing cap versus a subsidized housing minimum.

A consensus of the Board was reached to create a section of municipal code for new multi-family developments, which would have a 12-percent cap on subsidized housing units.

At 7:21 p.m., the Board of Aldermen voted to go into Closed Session pursuant to City Code to discuss Litigation. A motion was made by Alderman Milner and seconded by Alderman Chaney. In attendance and voting to go into Closed Session were Aldermen Reece, Franklin, Davidson, Doerhoff, Milner, Chaney, Mills (remote) Turner (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 Davidson to adjourn from the Work Session. The motion was seconded by Alderman Milner. The motion carried with a unanimous vote. Meeting adjourned at 7:43 p.m.

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

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Jun 5, 2023 6:30 PM (Approval of Minutes)

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: June 15, 2023
SUBJECT: Laura Frees Reappointment to the Park Board

Type of Item: *Appointment*

A. Action Item (ID # 4559)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF LAURA FREES TO THE PARK BOARD.

Attachments:

Laura Frees reappoint to Park Board 2023 (DOCX)

Council Bill No. 2023**Resolution No. 2023**

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF LAURA
FREES TO THE PARK BOARD.**

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

WHEREAS, Laura Frees has faithfully served on the Park Board for several years and fully
meets the qualifications for reappointment to this Commission; and

WHEREAS, said appointment will expire in June of 2026; and.

WHEREAS, Mayor Mike Zaring recommends the reappointment of Laura Frees to the Park
Board upon approval of the Board of Alderman;

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

Section 1. The Board of Aldermen approves the reappointment of Laura Frees to
the Park Board.

Section 2. Effective Date. This resolution shall become effective on June 20,
2023, upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE
MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 20TH DAY OF JUNE
2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

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

Attachment: Laura Frees reappoint to Park Board 2023 (Laura Frees Reappointment to the Park Board)

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 20th day of June, 2023.

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: June 15, 2023
SUBJECT: Aaron Bollinger to the Park Board

Type of Item: *Appointment*

B. Action Item (ID # 4558)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF AARON BOLLINGER TO THE PARK BOARD.

Attachments:

Aaron Bollinger to Park Board 2023 (DOCX)

Council Bill No. 2023**Resolution No. 2023****A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF AARON
BOLLINGER TO THE PARK BOARD.**

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

WHEREAS, Aaron Bollinger fully meets the qualifications for appointment to this Commission;
and

WHEREAS, said appointment will expire in June of 2026; and.

WHEREAS, Mayor Mike Zaring recommends the appointment of Aaron Bollinger to the Park Board upon approval of the Board of Alderman;

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

Section 1. The Board of Aldermen approves the appointment of Aaron Bollinger to the Park Board.

Section 2. Effective Date. This resolution shall become effective on June 20, 2023, upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 20TH DAY OF JUNE 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 20th day of June, 2023.

Attachment: Aaron Bollinger to Park Board 2023 (Aaron Bollinger to the Park Board)

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: June 15, 2023
SUBJECT: Robert Wiseman Reappointment to the Historic Preservation Commission

Type of Item: *Appointment*

C. Action Item (ID # 4560)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF ROBERT WISEMAN TO THE HISTORIC PRESERVATION COMMISSION.

Attachments:

Robert Wiseman to HPC reappoint 2023 (DOCX)

Council Bill No. 2023**Resolution No. 2023****A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE REAPPOINTMENT OF ROBERT WISEMAN TO THE HISTORIC PRESERVATION COMMISSION.**

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

WHEREAS, Robert Wiseman has faithfully served on the Historic Preservation Commission for several years and fully meets the qualifications for appointment to this Commission; and

WHEREAS, said appointment will expire in May of 2026; and.

WHEREAS, Mayor Mike Zaring recommends the reappointment of Robert Wiseman to the Historic Preservation Commission upon approval of the Board of Aldermen;

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

Section 1. The Board of Aldermen approves the reappointment of Robert Wiseman to the Historic Preservation Commission.

Section 2. Effective Date. This resolution shall become effective on June 20, 2023 upon approval and passage by the Board of Aldermen.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 20TH DAY OF JUNE 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

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

Attachment: Robert Wiseman to HPC reappoint 2023 (Robert Wiseman Reappointment to the Historic Preservation Commission)

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 20th day of June, 2023.

STAFF REPORT

TO: Board of Aldermen
FROM: Kim Hubbard, Finance Manager
DATE: June 14, 2023
SUBJECT: BUDGET AMENDMENT

Type of Item: *Budget*

Budget Amendments

The 2023 budget was based off estimates anticipating the refinancing of the community center portion of the Zion lease. Staff received the actual amortization schedule for the remainder of the Zion lease which allowed for budgeting of actual allocations to each department which is why we are requesting this budget amendment.

The amendment affects 3 departments, Parks, Streets, and CWSS. Below is a table reflecting the accounts and the new budget amounts.

Account	Budget	Increase	Decrease	New budget amount
1-0707-0496-00	\$31,882.08	\$3,993.86	\$0.00	\$35,875.94
08-0103-0496-00	\$67,322.85	\$8,368.61	\$0.00	\$75,691.46
11-1125-0496-00	\$30,512.01	\$18,730.07	\$0.00	\$49,242.08

During the 2023 budget process the remaining budget of the Animal Control Donation expenditure line 01-0312-0214-00. The remaining budget amount from 2022 was \$25,106.90 since the amount was not reallocated in went into reserves. Below are the accounts that will be affected:

Account	Budget	Increase	Decrease	New budget amount
01-0312-0214-00	\$29,560.32	\$25,106.90	\$0.00	\$54,667.22

During the 2023 budget process, the fire truck lease payment of \$60,345 was budgeted which is

the principal but the interest of \$3,699.56 did not get budgeted.

Account	Budget	Increase	Decrease	New budget amount
16-0103-0496-00	\$170,329.19	\$3,699.56	\$0.00	\$174,028.75

With the refinancing of the Community Center/Parks Zion lease items into the COPS 2023 Series B, there was an additional \$353,330.34 in proceeds to cover additional Community Center and Park needs which requires a budget amendment to add the funds to the current budget.

Account	Budget	Increase	Decrease	New budget amount
11-0990-4220-00	\$0	\$353,330.34	\$0.00	\$353,330.34
11-5937	\$0	-\$353,330.34	\$0.00	-\$353,330.34

As part of the Muddy Creek Project, CWSS was awarded a grant via FEMA in the amount of \$913,498.20 to purchase and demolish five (5) homes located in flood plains. This amendment will add the grant funds to the Grants and Entitlements line item and increase the budget to fund this portion of the project.

Account	Budget	Increase	Decrease	New budget amount
08-5626	-\$6,065,710.00	-\$913,498.20	\$0.00	-\$6,979,208.20
08-0932-3069	\$170,916.96	\$913,498.20	\$0.00	\$1,084,415.16

Staff recommends approval.

Council Bill No.

Ordinance No.

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY
OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1,
2023, THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE
DATE.**

Council Bill No. 2023

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2023, THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville (“City”) staff has reviewed the Fiscal Year January 1, 2023 to December 31, 2023 (“Fiscal Year”) revenues and expenditures; and

WHEREAS, proposed amendments to the Fiscal Year 2023 Budget as operations or unforeseen expenses have occurred throughout the year within the Parks and Recreation, Streets, Animal Control, Fire and Combined Water and Sanitary Sewer Departments; and

WHEREAS, proposed amendments to the Fiscal Year 2023 Budget as operations or unforeseen expenses have occurred throughout the year, impacting animal shelter donations, fire truck lease payments, Community Center/Parks lease refinancing and grant funds to buyout five homes located in a flood plain; and

WHEREAS, this is a standard accounting practice to do budget amendments throughout the year; and

WHEREAS, The Board of Aldermen feel it is in the best interest of the City to approve the budget amendment presented for Fiscal Year 2023;

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

Section 1: That the annual operating budget for the City of Harrisonville, Missouri, for the fiscal year beginning January 1, 2023, and ending on December 31, 2023, is hereby amended. Maximum amounts to be expended by fund are as follows:

General Fund			
Account	Line-Item Description	Increase	Decrease
01-0707-0496-00	Streets-Equipment Lease	\$ 3,993.86	\$ -
01-0312-0214-00	Animal Control-Donation Expenditures	\$ 25,106.90	\$ -
CWSS Fund			
08-5626	CWSS-Grants & Entitlements	\$ 913,498.20	\$ -
08-0932-3069-00	CWSS-Muddy Creek Retention	\$ 913,498.20	\$ -
08-0103-0496-00	CWSS-Equipment Lease	\$ 8,368.61	\$ -
Park Fund			
11-5937	Pks-COPS 2023 Series B Proceeds	\$ 353,303.34	\$ -
11-0990-4220-00	Pks-COPS 2023 Series B Expenditures	\$ 353,303.34	\$ -
11-1125-0496-00	Pks-Equipment Lease	\$ 18,730.07	\$ -
EMS Fund			
16-0103-0496-00	EMS-Equipment Lease	\$ 3,699.56	

Attachment: Budget amendment June 2023 (BUDGET AMENDMENT)

Section 2: That the City Administrator is hereby authorized to amend the line items of the budget as needed, but in no event shall more funds be expended for any particular fund than that authorized by this budget without prior approval of the Board of Aldermen. In addition, any monies set aside for capital outlays shall not be used for any other purposes without prior approval of the Board of Aldermen.

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

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 20TH DAY OF JUNE 2023
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 20TH DAY OF
JUNE 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 20TH DAY OF
JUNE 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 20th day of June 2023.

Attachment: Budget amendment June 2023 (BUDGET AMENDMENT)

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: June 15, 2023
SUBJECT: MoDOT Cost Share Agreement Ordinance

Type of Item: *Approval*

E. Action Item (ID # 4561)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT

Attachments:

MoDOT Governor's Cost Share Agreement 2023-05-31 (PDF)

Staff Report 06 14 23 (DOC)

MoDOT Ordinance Agreement Cost Share Funds (DOCX)

CCO Form: FS35G
 Approved: 1/20 (MWH)
 Revised: 3/23 (RSV)
 Modified:

Entity: City of Harrisonville
 Project Number: Commercial St. Ext.
 MoDOT Project Number: SNS0018
 eAgreement #: 2023-03-77127

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and **City of Harrisonville** (hereinafter, "Entity").

WITNESSETH:

WHEREAS, pursuant to Section 4.445 of Truly Agreed to and Finally Passed House Bill 3004 from the 2022 legislative session (**TAFP HB 3004 2022**), the Missouri General Assembly (**GA**) has appropriated seventy-five million dollars (\$75,000,000) in general revenue funds to the Commission to be expended for road and bridge projects under the *Governor's Transportation Cost Share Program* (**Program**); and

WHEREAS, the Entity applied to the Commission for participation in the Program; and

WHEREAS, on January 4, 2023, the Commission approved the Entity's application to the Program for a proposed road and bridge improvement project (**Project**) off the State Highway System subject to the terms and conditions of this Agreement; and

WHEREAS, the Commission will administer these Program funds to the Entity with the understanding that such funds will be used for the purpose of funding the Entity's proposed Project, as further described within TAFP HB 3004 2022 and within this Agreement.

WHEREAS, the Entity desires to construct the Project discussed in this Agreement using federal funds.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations in this Agreement, the parties agree as follows:

(1) PROGRAM PURPOSE AND AMOUNT OF PROGRAM:

(A) The Program purpose is to provide financial assistance to public and private entities for public road and bridge projects satisfying a transportation need, provided that these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted State Transportation and Improvement Plan (**STIP**), including all amendments thereto, as of the

date of passage of TAFP HB 3004 2022 by the GA.

(B) The total amount of this Program, as provided within Section 4.445 of TAFP HB 3004 2022, is Seventy-Five Million dollars (\$75,000,000). These Program funds are subject to appropriations made by the GA and gubernatorial release of such funds appropriated to the Commission. The Commission will administer funds from the Program in an amount not to exceed Seventy-Five Million dollars (\$75,000,000), however in the event state funds appropriated within Section 4.445 of TAFP HB 3004 2022 are reduced so that the Commission is incapable of completely satisfying its obligations to the Entity, the Commission may recompute and reduce this Program and the amount of this Agreement.

(C) The designation of this Program does not create a lump sum quantity contract, but rather only represents the amount of funding available for reimbursement of eligible Program expenses. In no event will the Commission reimburse the Entity for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all Project expenses to ensure that they are eligible Program expenses.

(D) These Program funds are for construction contract costs only. All other non-construction costs, including but not limited to preliminary engineering, environmental services, right-of-way services and acquisitions, utilities, construction inspection, etc. are ineligible for funds from Section 4.445 of TAFP HB 3004 2022. The Entity shall be solely responsible for all ineligible costs.

(2) PROGRAM TIME PERIOD: This Agreement provides Program funding for expenditures during State Fiscal Year (**SFY**) 2023 (July 1, 2022 - June 30, 2023). In the event the funds are re-appropriated by the GA into another SFY, the Program time period will automatically be adjusted to reflect the new SFY.

(3) REQUEST FOR RE-APPROPRIATION OF FUNDS AND EXTENSION OF TIME FOR COMPLETION OF PROJECT: It is anticipated the Seventy-Five Million dollars (\$75,000,000) provided within Section 4.445 of TAFP HB 3004 2022 will not be fully expended by June 30, 2023, the end of SFY 2023. Therefore, the Commission will request for the re-appropriation of Program funds and extension of time for completion of the Project. If the re-appropriation is not approved by the GA, the Entity has the discretion to complete the construction of the Project at the Entity's expense and at no cost or expense whatsoever to the Commission.

(4) PURPOSE: The purpose of this Agreement is to coordinate participation by the Commission in the cost of the Entity's proposed Project in accordance with Section 4.445 of TAFP HB 3004 2022. *The Entity's responsibilities relating to funding are also outlined in a separate STBG 2900(412) Agreement executed contemporaneously by the parties, eAgreement #2023-04-78435. The Entity shall abide by and carry out the conditions and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273. The Entity*

shall at all times comply with all applicable FHWA regulations, policies, procedures and directives, as they may be amended or promulgated from time to time during the term of this Agreement. The Entity's failure to comply shall constitute a material breach of this Agreement

(5) LOCATION AND JOB NUMBER: The proposed Project that is the subject of this Agreement is identified as MoDOT job number SNS0018 and STBG 2900(412) Commercial Street Extension. The Project is contemplated at the following location:

City of Harrisonville S. Commercial St. extension from the current location at the S. Brookhart Drive intersection to S. Brickplant Road and E. 267th Street. This will be approx. 2500 ft of new roadway.

The general location of the Project is shown on the attachment marked as “**Exhibit A**” and is incorporated herein by reference.

(6) SCOPE OF WORK: The Entity shall undertake and complete the proposed Project described in the Entity’s Scope of Work Statement, which is attached and marked as “**Exhibit B**” and is incorporated herein by reference. The Project will be defined by the Entity’s Scope of Work Statement. Any proposed changes to the Entity’s Scope of Work, during design or construction of the Project, must be submitted in writing for Commission review and approval before the changes will be considered eligible for participation in the Program.

(7) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Entity and the Commission.

(8) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(9) ENTITY REPRESENTATIVE: The Entity's City Administrator is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

(10) PROJECT RESPONSIBILITIES: With regard to Project responsibilities under this agreement, the parties agree as follows:

(A) The Entity shall be responsible for design of the Project and shall

prepare detailed right-of way and construction plans and specifications. The Entity shall provide the Commission with final construction Plans, Specifications and Estimate (PS&E) prior to bidding the Project.

(B) The Entity shall acquire right-of-way as needed for the Project in accordance with Commission requirements for Local Public Agency projects.

(C) The Entity shall be responsible for letting the road and bridge improvement Project, which includes advertising the Project for bids and awarding the construction contract. The Entity shall award the contract to the lowest, responsive, responsible bidder. The Commission will review all contractors' bids and concur with the selection of the apparent successful low bidder prior to the Entity awarding the construction contract.

(D) The Entity shall be responsible for construction of the Project which includes administration of the construction contract.

(E) The Entity shall be responsible for inspection of the Project work and is subject to the Commission's oversight, approval, and acceptance.

(11) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The Program funds are only eligible to be used for construction contract costs on the Entity's proposed Project in accordance with Section 4.445 of TAFP HB 3004 2022. All other Project costs are ineligible for Program funds and shall be the responsibility of the Entity. The estimated construction contract cost for the Entity's proposed Project is two million six hundred eighty-one thousand seven hundred and thirty-four dollars (\$2,681,734).

(B) The Commission will reimburse fifty percent (50%) of the construction contract costs not to exceed one million three hundred forty thousand eight hundred sixty-seven dollars (\$1,340,867).

(C) The Entity shall be one hundred percent (100%) responsible for the balance of the construction contract costs in excess of two million six hundred eighty-one thousand seven hundred and thirty-four dollars (\$2,681,734).

(D) The Commission and Entity will share any construction contract cost savings based on pro rata share between the parties.

(E) The estimated Construction Contract Cost, Project Responsibilities and Financial Responsibilities are shown in "**Exhibit C**", which is attached hereto and incorporated herein by reference.

(12) REIMBURSEMENT FOR ELIGIBLE EXPENSES: The Commission will reimburse the Entity as discussed in section (11) for Project expenses based on eligible construction contract costs.

(A) The Entity may request reimbursement for eligible costs incurred at any time subsequent to the execution of this Agreement by both parties. Requests for reimbursement shall be submitted to the Missouri Department of Transportation (**MoDOT**) monthly and shall be supported with invoices and documentation that its providers were paid in full for the work performed.

(B) It is understood and agreed by and between the parties that the Commission shall make no reimbursement payment which could cause the aggregate of all payments under this Agreement to exceed one million three hundred forty thousand eight hundred sixty-seven dollars (\$1,340,867) as approved by the Commission.

(C) The request for reimbursement must include a construction progress summary that includes an estimated percent complete, list of major items of work completed during the pay period and status of schedule.

(D) Within ninety (90) days of final inspection of the Project funded under this Program, the Entity shall provide to the Commission a final payment request and all financial performance and other reports as required by this Agreement.

(E) If the Commission determines that the Entity was overpaid, the Entity shall remit the amount of overpayment to the Commission.

(F) The Entity must submit reimbursement requests by May 31st of the Program Time Period to ensure reimbursement by the end of the SFY.

(13) EXPENDITURE OF PROGRAM FUNDS: All funds not expended by the Entity at the end of the Program Time Period within this Agreement may be redistributed to another applicant at the discretion of the Commission.

(14) WITHDRAWAL OF PROGRAM OFFER: The Commission reserves the right to amend or withdraw this Program offer at any time prior to acceptance by the Entity.

(15) MAINTENANCE: Upon completion of construction of this Project, the Entity shall accept maintenance and control of the improved Commercial Street at no cost or expense whatsoever to the Commission. All obligations of the Commission under this Agreement shall cease upon completion of the Project.

(16) ACQUISITION OF RIGHT OF WAY: The Entity shall acquire any additional necessary right of way required for the Project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the

Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act.

(17) DESIGN AND CONSTRUCTION SPECIFICATIONS: The Entity agrees that all design and construction work for the proposed Project will be in accordance with policies, procedures, design criteria, design standards, and construction specifications adopted by the Entity for Entity's streets. In absence of such Entity adopted requirements, the Entity shall use Commission requirements for Local Public Agency projects. Any work on the State Highway System shall be in accordance with current Commission policies, procedures, design criteria, and the Missouri Standard Specifications for Highway Construction.

(18) PERMITS: The Entity shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the Project.

(19) TRAFFIC CONTROL: The plans shall provide for temporary and permanent traffic control using signs, signals, and markings in accordance with the Manual of Uniform Traffic Control Devices (**MUTCD**).

(20) SOLICITATION FOR BIDS AND CONTRACT AWARD: The Entity shall solicit bids for the Project in accordance with plans developed by the Entity. The Entity shall review all contractor bids received and award the contract to the lowest, responsive, responsible bidder. Prior to awarding the contract, the Entity shall submit the bids to the Commission for review and concurrence. The Entity shall not make any award for the Project without prior written consent of the Commission.

(21) NOTICE TO PROCEED: After award of the construction contract, the Entity shall provide the Commission with copies of the executed construction contract between the Entity and the contractor, the performance and payment bonds, and any other documentation as required by this Agreement. Upon receipt of all necessary documents, the Commission will authorize the Entity to issue a notice to proceed with construction.

(22) CONSTRUCTION PROGRESS AND INSPECTION: The Entity shall provide and maintain adequate, competent, and qualified engineering supervision and construction inspection at the Project site during all stages of the work to ensure that the completed work conforms with the Project plans and specifications. The inspection staff shall utilize construction progress and inspection reports to sufficiently document the work and to document proper payments for completed work. Project oversight by other personnel does not relieve the Entity of this responsibility.

(23) PROMPT PAYMENT: The Commission and the Entity will require all contractors to pay all subcontractors and suppliers for satisfactory performance of services in compliance with section 34.057 RSMo, Missouri's prompt payment statute. Pursuant to section 34.057 RSMo, the Commission and the Entity will also require the

prompt return of all retainage held on all subcontractors after the subcontractors' work is satisfactorily completed, as determined by the Entity and the Commission.

(24) AUDIT OF RECORDS: The Entity shall maintain all records relating to this Agreement, including but not limited to bidding documents, construction contracts, construction inspection reports, invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(25) NONDISCRIMINATION CLAUSE: The Entity shall comply with all state and federal statutes applicable to the Entity relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(26) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(27) PROJECT SCHEDULE: The Project schedule is shown on the attachment marked as "**Exhibit D**" and is incorporated herein by reference. Any lack of progress which significantly endangers substantial performance of the Project within the specified time shall be deemed a material breach of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Entity in writing once such a determination is made.

(28) PROJECT ACCEPTANCE AND CERTIFICATION: The Entity shall certify in writing that the Project was completed in accordance with all applicable state and federal laws and applicable construction requirements were met. The certification form is shown on the attachment marked as "**Exhibit E**" and is incorporated herein by reference. This certification will be submitted during the final closeout phase of the Project. The Commission will withhold final payment until certification is received.

(29) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(30) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(31) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(32) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(33) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(34) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(35) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to:	Missouri Department of Transportation Attn: District Engineer 600 NE Colbern Rd Lee's Summit, MO 64086
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City of Harrisonville to:	City of Harrisonville 300 E Pearl Street Harrisonville, MO 64701
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or to such other place as the parties may designate in accordance with this Agreement.

(36) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(37) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state

and federal laws and regulations relating to the performance of this Agreement.

(38) WORK PRODUCT: All documents, reports, exhibits, etc. produced by the Entity at the direction of the Commission and information supplied by the Commission shall remain the property of the Commission.

(39) CONFIDENTIALITY: The Entity shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Entity shall notify the Commission immediately of any request for such information.

(40) NONSOLICITATION: The Entity warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Entity, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(41) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(42) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(43) INSURANCE: The Entity or the Commission will require any contractor procured to work on or under this Agreement:

(A) To obtain a no cost permit from the Commission's District Engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's District Engineer will not be required for work outside of the Commission's right-of-way); and

(B) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The Entity shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(44) NOTIFICATION OF CHANGE: The Entity shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the Project in accordance with the provisions of this Agreement.

(45) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(46) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Entity, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Entity responsible for damages.

(47) ENTITY RIGHT-OF-WAY: All Project improvements made within Entity-owned right-of-way shall become the Entity's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Entity. The Entity further agrees that the right of way provided for any improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

[The Remainder of This Page Is Intentionally Left Blank.]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity on _____(DATE).

Executed by the Commission on _____ (DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF HARRISONVILLE

Title _____

By_____
Title_____

Attest:

Attest:

Secretary to the Commission

By_____
Title_____

Approved as to Form:

Commission Counsel

Ordinance No. _____

Attachment: MoDOT Governor's Cost Share Agreement 2023-05-31 (MoDOT Cost Share Agreement Ordinance)

EXHIBIT A
LOCATION

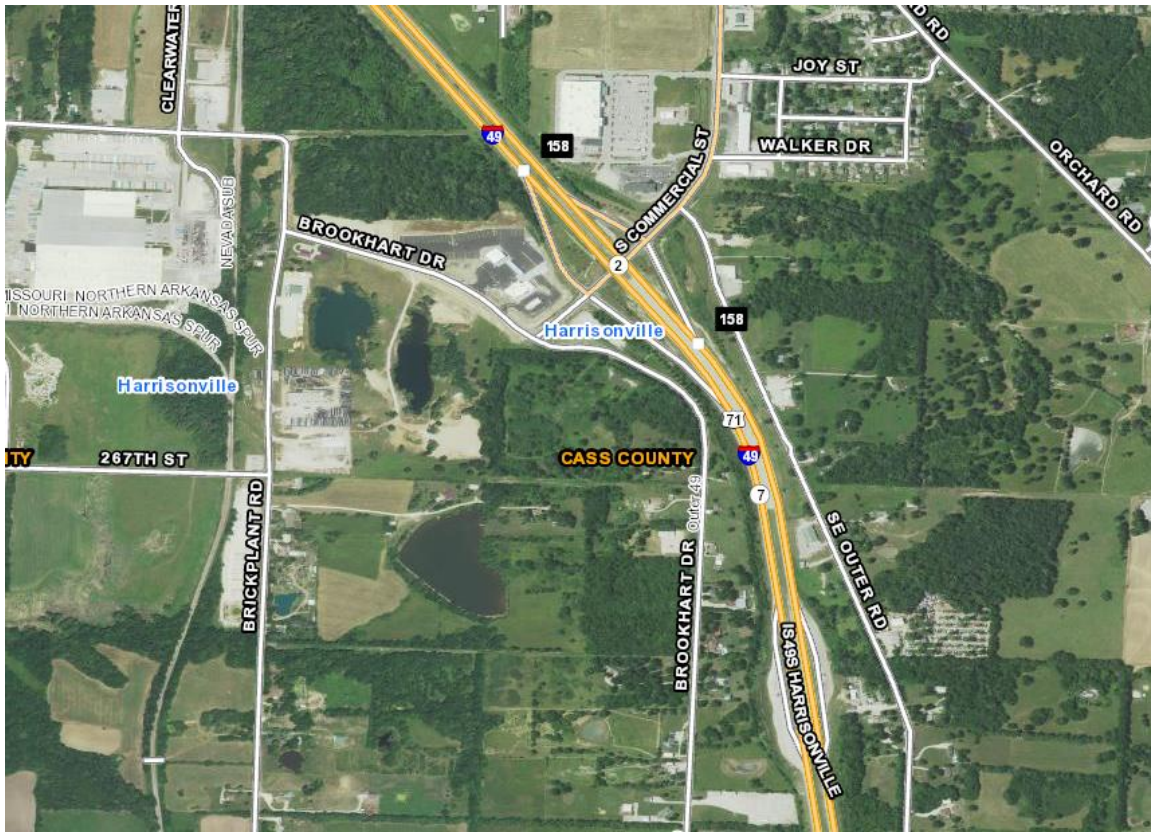


EXHIBIT B
SCOPE OF WORK

The project will extend South Commercial Street from South Brookhart Drive to South Brickplant Road. The extension of South Commercial Street will improve safety, circulation, access and mobility, and create opportunities for economic development.

EXHIBIT C

FINANCIAL SUMMARY

Project Name: Commercial St. Extension

Project Number: SNS0018

Description: The project will extend South Commercial Street from South Brookhart Drive to South Brickplant Road. 2500 ft of new roadway resulting in approximately 0.47 miles of new roadway.

Total Construction Contract Cost Estimate: \$2,681,734

Local Entity: City of Harrisonville

	Current Estimate
Construction	\$2,681,734

Project Responsibilities:

Preliminary Engineering/Design	Entity
Right of Way Acquisition	Entity
Bid Letting and Construction	Entity
Utilities	Entity
Construction Engineering/Inspection	Entity

Financial Responsibilities for Cost Share Eligible:

Governor's Cost Share Funds	\$1,340,867	Total Program Share
Governor's Cost Share Economic Development Funds	\$0	\$1,340,867
Entity	\$1,340,867	Total Entity Share
		\$1,340,867
Total:	\$2,681,764	

How are overruns and underruns handled?

The entity will be responsible for the cost in excess of the Governor's Cost Share amount, and underruns will be based on the pro rata share per paragraph above in agreement.

EXHIBIT D

PROJECT SCHEDULE

	2022						2023									
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Project Timeline	Aug 2															
Application of MODOT Cost Share	Sep-22															
Award of MODOT Cost Share			Oct 22-Mar 23													
Selection of Engineer				Nov 22-Mar 23												
Preliminary Engineering								Mar 23-Sept 23								
Right of Way Application									Apr 23-Sept 23							
Utility Relocation Construction									Apr 23-Sept 23							
Final Design																S
Advertise																
Bid																
Award																
Construction																

	2024															
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Project Timeline	2-Nov 24															
Application of MODOT Cost Share																
Award of MODOT Cost Share																
Selection of Engineer																
Preliminary Engineering																
Right of Way Application																
Utility Relocation Construction																
Final Design	pt 23-Dec 23															
Advertise		Nov 23-Jan 24														
Bid				Jan 24-Feb 24												
Award					Feb-24											
Construction						Mar 24-Nov 24										

EXHIBIT E



Missouri Department of Transportation

Certification for Acceptance

Governor's Transportation Cost Share Program

Funding Recipient:					
Address					
City		State		Zip	
Project Identification Number:					
County		Route		Completion Date	
Project Location					
Type of Improvement					
I hereby certify the Governor's Cost share project identified above has been completed in accordance with all state and federal laws and the following requirements have been met: 1. Project field tests were performed in conformity with the governing specifications and the results were in reasonably close conformity with the specifications. 2. The project was constructed substantially in conformity with the plans and specifications. 3. A copy of the Final Invoice and a Final List of Pay Quantities have been submitted to MoDOT. 4. The Funding Recipient has received certification from the Contractor that all lawful claims in connection with the project have been paid and discharged. 5. For projects exceeding \$75,000, all Missouri Prevailing Wage laws were followed and enforced (for a checklist, see Form PW-5 at https://labor.mo.gov/).					
Signed by an Authorized Representative of the Funding Recipient:		_____ Signature _____ (Date)			



PUBLIC WORKS DEPARTMENT, 201 W. Chestnut St., Harrisonville, MO, 64701, Phone (816) 380 – 8964

To: Mayor & Board of Aldermen

From: Carl Brooks, Director of Public Works (cbrooks@harrisonville.com)

Date: June 20, 2023

Re: Ordinance No. 2023-xx, Mayor & Board of Alderman (BOA) Acceptance of the MoDOT Governor's Transportation Cost Share Agreement

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Approval of Ordinance

Purpose: Acceptance of the MoDOT Governor's Transportation Cost Share Agreement for the South Commercial Street Extension.

Property Location: South Commercial Street Extension from S. Commercial St. & S. Brookhart Drive to E. 267th Street & S. Brickplant Rd.

PROPOSAL

The attached MoDOT Governor's Transportation Cost Share Agreement is for the South Commercial Street Extension Project Number SNS0018. This agreement grants the City of Harrisonville \$1,340,867 for the construction of the South Commercial Street Extension from S. Commercial St. & S. Brookhart Dr to E. 267th Street & S. Brickplant Rd. City staff have been requested to obtain approval of the attached agreement. The agreement has been drafted by MoDOT staff and must be fully executed by the city with the attached ordinance.

PREVIOUS ACTIONS

The City submitted and received a Governor's Transportation Cost Share grant for the South Commercial Street Extension from S. Commercial St. & S. Brookhart Dr. to E. 267th Street & S. Brickplant Rd in the amount of \$1,340,867.

In addition, the City submitted and received a Mid-America Regional Council (MARC) STBG grant for the South Street (MO Hwy 2) and S. Independence Street Intersections project in the amount of \$909,024; and with the award of the Governor's Transportation Cost Share grant as mentioned above the city

received for the S. Commercial Street Extension project, City staff requested from MARC to move the funding forward and use the funding for the S. Commercial Street Extension project. MARC approved the city's request.

KEY ISSUES

This project is fully funded by the following accounts:

- 1) The Governor's Transportation Cost Share grant - \$1,340,867
- 2) MARC - \$929,024
- 3) City's ARPA Funds - \$1,057,580.50

STAFF COMMENTS AND SUGGESTIONS

City staff agree with the proposed MoDOT Governor's Transportation Cost Share Agreement, with the proposed ordinance; and that the City attorney has reviewed the attached agreement and ordinance.

STAFF RECOMMENDATION

City staff recommends passage of this ordinance.

ATTACHMENTS

MoDOT Governor's Transportation Cost Share Agreement

Ordinance 2023-xx

Council Bill No. 2023-xx**Ordinance No. xxxx****AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT**

WHEREAS, the City of Harrisonville ("City") and the Missouri Highways and Transportation Commission desire to enter into a municipal agreement for the construction of South Commercial Street Extension from S. Commercial Street & South Brookhart Drive to E. 267th Street & South Brickplant Road and to partially cover the costs associated with the construction of the South Commercial Street Extension from S. Commercial Street & South Brookhart Drive to E. 267th Street & South Brickplant Road.

WHEREAS, the Board of Alderman have reviewed the request and believe the municipal agreement to be in the best interest of the city to enter the Governor's Transportation Cost Share Agreement with the MoDOT Commission.

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

Section 1: The City Administrator is hereby authorized and directed by the Board of Aldermen to enter the Governor's Transportation Cost Share Agreement with the Missouri Highways and Transportation Commission for the South Commercial Street Extension from S. Commercial Street & South Brookhart Drive to E. 267th Street & South Brickplant Road Project.

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

Read for the first time and second time by title only on the 20th day of June 2023.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

PASSED by the BOARD OF ALDERMEN and APPROVED by the Mayor this 20th day of June 2023.

Attachment: MoDOT Ordinance Agreement Cost Share Funds (MoDOT Cost Share Agreement Ordinance)

STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: June 15, 2023
SUBJECT: MoDOT Work Zone Enforcement

Type of Item: Agreement

GENERAL INFORMATION

Applicant: John J. Hofer, Chief of Police

Requested Actions: Ordinance approval for MoDOT work zone enforcement.

Date of Application: June 1, 2023

PROPOSAL

MoDOT is requesting Harrisonville Police Officers to provide enforcement activities in work zone areas within the City of Harrisonville for the many MoDOT projects working in the next year and a half. The agreement is in effect from July 1, 2023, through December 31, 2024.

According to the agreement MoDOT will reimburse the City of Harrisonville for the overtime hours officers work under the program.

PREVIOUS ACTIONS

We have not had a work zone enforcement agreement with MoDOT in many years, however, we have completed many traffic enforcement grants (DWI, Hazardous Moving Violations, and Occupant Protection) in recent years.

KEY ISSUES

N/A

STAFF COMMENTS AND SUGGESTIONS

Staff looks forward to partnering with MoDOT on making work zone traffic enforcement a priority.

STAFF RECOMMENDATION

Staff recommends approval of the agreement and proposed ordinance.

ATTACHMENTS

MoDOT Traffic Enforcement Agreement
Proposed Ordinance

STAFF CONTACT:

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

F. Action Item (ID # 4564)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PROVIDE WORK ZONE ENFORCEMENT

Attachments:

Work Zone Ordinance final (DOCX)

MoDOT Work Zone Enforcement Agreement 2023 (PDF)

Council Bill No. ____

Ordinance No. ____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR TO
ENTER INTO A CONTRACT WITH MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION TO PROVIDE WORK ZONE ENFORCEMENT**

WHEREAS, the City of Harrisonville wishes to enter into a Work Zone Enforcement Program Agreement and Work Zone Program Order with the Missouri Highways and Transportation Commission (“MHTC”); and

WHEREAS, the agreement allows MHTC to provide the City funds to be used to support work zone enforcement activities; and

WHEREAS, the term of the agreement runs from July 1, 2023 through December 31, 2024.

WHEREAS, the City of Harrisonville Police Department will provide work zone law enforcement activities under the terms of the agreement.

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

Section 1: The City Administrator is hereby authorized to enter into a agreement with the MHTC, and to do all things necessary to carry out the terms of said agreement including entering into additional agreements, for the purpose of providing work zone law enforcement activities, said agreement substantially in the same form as the document attached to the agenda item.

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

Read for the first time by title only on the 20th day of June 2023. Read for the second time by title only on the 20th day of June 2023.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

Attachment: Work Zone Ordinance final (MoDOT Work Zone Enforcement)

APPROVED by the Mayor this 20th day of June 2023.



Highway Safety and Traffic
830 MoDOT Drive
P. O. Box 270
Jefferson City, Missouri 65102

Missouri Department of Transportation
Patrick K. McKenna, Director

573.751.4161
Fax: 573.634.5977
1.800.800.2358

May 23, 2023

Harrisonville Police Department
Chief John Hofer
PO Box 367
Harrisonville, MO 64701

Dear Chief Hofer:

Enclosed is a **Work Zone Enforcement Program Agreement** and a **Work Zone Program Order** between the Missouri Highways and Transportation Commission (MHTC) and your agency for enforcement to be conducted in designated Missouri Department of Transportation (MoDOT) Work Zones.

The **Work Zone Enforcement Program Agreement** will be valid for the award years 2023-2027. The award years establishes a lengthier term agreement so that an agreement and ordinance will only need to be approved every five years. On the Work Zone Enforcement Program Agreement **article (6)**, please fill in your **Agency's Representative's title** which is the **authorizing official** for signature on the Work Zone Program Order. Please have the **appropriate authorizing official(s)** sign and date the Work Zone Enforcement Program Agreement and **attach a copy of an Ordinance**.

The **Work Zone Program Order** is for **Program Order Number CWZES02Z** in the contract amount of **\$6,160.00** with the effective date of **July 1, 2023 thru December 31, 2024**. Please have the appropriate **Agency Representative**, which is the **authorizing official**, sign and date the **Work Zone Program Order**.

NOTE: The Work Zone Enforcement Program Agreement must be dated prior to or same day to the date on the Work Zone Program Order. Return the original signed and dated Work Zone Enforcement Program Agreement, Work Zone Program Order and Ordinance to the MoDOT Highway Safety and Traffic Division, PO Box 270, Jefferson City, MO 65102.

Once the Work Zone Enforcement Program Agreement and Work Zone Program Order have been signed and fully executed by the MHTC, one original copy of each document will be returned to your agency and your agency may begin work.

If you have any questions about the process, please call me at 573-522-1341.

Sincerely,

Scott Jones
Highway Safety Program Administrator

c: Mr. Daniel Barnett, City Clerk
Enclosure



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

Attachment: MoDOT Work Zone Enforcement Agreement 2023 (MoDOT Work Zone Enforcement)



Highway Safety and Traffic
830 MoDOT Drive
P. O. Box 270
Jefferson City, Missouri 65102

Missouri Department of Transportation
Patrick K. McKenna, Director

573.751.4161
Fax: 573.634.5977
1.800.800.2358

May 23, 2023

Harrisonville Police Department
Chief John Hofer
PO Box 367
Harrisonville, MO 64701

Dear Chief Hofer:

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The **Work Zone Enforcement Program Agreement** will be valid for the award years 2023-2027. The award years establishes a lengthier term agreement so that an agreement and ordinance will only need to be approved every five years. On the Work Zone Enforcement Program Agreement **article (6)**, please fill in your Agency's Representative's title which is the **authorizing official** for signature on the Work Zone Program Order. Please have the **appropriate authorizing official(s) sign and date** the Work Zone Enforcement Program Agreement and **attach a copy of an Ordinance**.

The **Work Zone Program Order** is for **Program Order Number CWZES02Z** in the contract amount of **\$6,160.00** with the effective date of **July 1, 2023 thru December 31, 2024**. Please have the appropriate **Agency Representative**, which is the **authorizing official**, **sign and date** the **Work Zone Program Order**.

NOTE: The Work Zone Enforcement Program Agreement must be dated prior to or same day to the date on the Work Zone Program Order. Return the original signed and dated Work Zone Enforcement Program Agreement, Work Zone Program Order and Ordinance to the MoDOT Highway Safety and Traffic Division, PO Box 270, Jefferson City, MO 65102.

Once the Work Zone Enforcement Program Agreement and Work Zone Program Order have been signed and fully executed by the MHTC, one original copy of each document will be returned to your agency and your agency may begin work.

If you have any questions about the process, please call me at 573-522-1341.

Sincerely,

Scott Jones
Highway Safety Program Administrator

c: Mr. Daniel Barnett, City Clerk
Enclosure



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

Attachment: MoDOT Work Zone Enforcement Agreement 2023 (MoDOT Work Zone Enforcement)

CCO Form: HS03
 Approved: 07/06 (AMN)
 Revised: 08/19 (GH)
 Modified:

Award year: 2023-2027
 Region: KC – Kansas City
 eAgreements No.: 2023-05-79277

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM ON CALL WORK
 ZONE ENFORCEMENT PROGRAM AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Harrisonville, a municipal corporation in the State of Missouri (hereinafter, "City");

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) **PURPOSE:** The Commission has authorized funds to be used to support Statewide Transportation Improvement Program (hereinafter, "STIP") On Call Work Zone Enforcement activities. The purpose of this Agreement is to grant the use of such funds to the **City**.

(2) **ACTIVITY:** The funds which are the subject of this Agreement are provided to support law enforcement work zone activities to further STIP On Call Work Zone Enforcement.

(3) **INDEMNIFICATION:**

(A) To the extent allowed or imposed by law, the **City** shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the **City** wrongful or negligent performance of its obligations under this Agreement.

(B) The **City** will require any contractor procured by the **City** to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri

public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The **City** shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the **City** and the Commission.

(5) COMMISSION REPRESENTATIVE: This Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

Her Title (6) CITY REPRESENTATIVE: The **City's** _____ designated as the **City's** representative for the purpose of administering the provisions of this Agreement. Further, the **City** Representative shall have the authority to execute Program Orders in accordance with this Agreement.

(7) NONDISCRIMINATION CLAUSE: The **City** shall also comply with all state and federal statutes applicable to the **City** relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(8) ASSIGNMENT: The **City** shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(9) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The **City** shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(10) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the **City** with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the **City**.

(11) FUNDING/REIMBURSEMENT:

(A) Eligible Costs / Documentation: With regard to work under this Agreement, the **City** agrees that funds to implement work zone law enforcement activities shall only be available for reimbursement of eligible costs which have been incurred by the **City**. The **City** shall supply to the Commission copies of all bid information, purchase orders, invoices and, for hours worked, certified payroll (on Program Agreements that include salaries). Any costs incurred by the **City** prior to authorization and notification to proceed from the Commission are **not** reimbursable costs. The Commission shall not be responsible for any costs associated with the activity herein unless specifically identified in this Agreement or subsequent written amendments or Task Orders.

(B) Peace Officer Standards and Training: Law enforcement work performed by a duly licensed, Peace Officer Standards and Training certified law enforcement officer will be reimbursed.

(12) EQUIPMENT:

(A) Procurement: The **City** may use its own procurement regulations which reflect applicable state/local laws, rules & regulations provided they adhere to the following:

1. Equipment with a cost of \$3,000 or more must be purchased on a competitive bid basis, or purchased through use of state cooperative procurement.
2. Price or rate quotations shall be solicited from at least three (3) sources.
3. All procurement transactions, regardless of whether by sealed bids or by negotiation, shall be conducted in a manner that provides maximum open and free competition.
4. The **City** shall have a clear and accurate description of the item to be purchased. Such description shall not, in competitive procurements, contain features that unduly restrict competition. A "brand name or equal" description may be used as a means to define the performance or other requirement of procurement.
5. If for some reason the low bid is not acceptable, the **City** must have written approval from the MHTC prior to bid approval and purchase.
6. The **City** will make a good faith effort to utilize minority and women owned businesses within resource capabilities when procuring goods and services.

(B) Disposition: The **City** shall make written request to the MHTC for instructions on the proper disposition of all items of equipment provided under the terms of this contract with a cost of \$3,000 or more. The **City** must keep and maintain equipment with a cost of under \$3,000 until it is no longer useful for its originally intended purpose.

(C) Replacement: No equipment may be funded on a replacement basis. Participation in equipment and manpower projects must be in addition to the **City** previous twelve months authorized strength.

(13) ACCOUNTING / DOCUMENTATION: The **City** shall maintain all documentation in file for audit review; failure to provide supporting documentation at the time of audit could result in questioned costs. The **City** must document the following: (1) Receipt of funds; (2) date and amount paid to officers; (3) officer's timesheet (regular hours and overtime hours). Documentation shall be kept available for inspection for representatives of the MHTC for a period of three years following date of final payments. Copies of such records shall be made available upon request.

(14) PROGRAM ORDER: On Call Work Zone Enforcement funding will be conducted under a Program Order. Each Program Order must be executed by the Commission and the City's Representative. Each Program Order shall contain, but is not limited to the following: (1) Program Order Job Number(s); (2) Funds available for the completion of the Program Order; (3) Starting and completion dates for the Program Order.

(15) LIMITS ON OVERTIME: The **City** will not be eligible for reimbursement for any individual law enforcement officer working under this grant where said officer is claiming to have worked as a law enforcement officer for more than 16 hours in any 24 hour period.

(16) USE OF FUNDS: Any employee of the **City** whose salary or wages are paid in whole or in part with federal funds is prohibited from participating in certain partisan political activities, including, but not limited to, being a candidate for elective office pursuant to Title 5 United States Code (hereinafter, "U.S.C."), Sections 1501-1508. If an employee of the **City** participates in activities prohibited by the Hatch Act, the **City** shall no longer pay that employee's salary or wages with federal funds unless the requirements of 5 U.S.C. Sections 1501-1508 are not applicable to that employee pursuant to 5 U.S.C. Section 1502(c).

(17) AUDIT OF RECORDS: The **City** must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(18) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(19) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The **City** shall refund any overpayments as determined by the final audit.

(20) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the **City**.

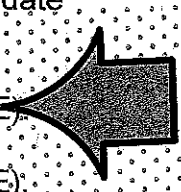
(21) EMPLOYEES ONLY: The funding granted by the Commission to the **City** under this Agreement extends only to reimbursement for work zone enforcement by employees of the **City** covered by the **City** worker's compensation plan.

(22) DURATION AND EXTENSION: Unless otherwise terminated, this Agreement shall be in effect for five years from the execution of this Agreement. Upon the approval of both parties, the terms and conditions of this Agreement are renewable for an additional two, one year extensions from the date of the expiration of the Agreement. Any extension shall be memorialized in an appropriate Supplemental Agreement and executed by the duly authorized representatives of the parties.

(23) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by City of Harrisonville on _____ (DATE) 

Executed by Commission on _____ (DATE)

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By _____

Title _____

ATTEST:

Secretary to the Commission

Approved as to Form

Commission Counsel

CITY OF HARRISONVILLE, MISSOURI

By _____

Title _____

By _____

Title _____

By _____

Title _____

ATTEST:

By _____

Title _____

Approved as to Form:

attach ordinance

Title _____

Ordinance No _____

CCO Form: HS06
 Approved: 07/06 (AMN)
 Revised: 03/23 (GH)
 Modified:

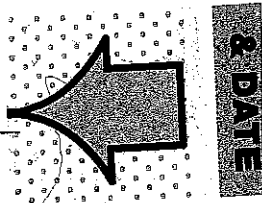
**WORK ZONE PROGRAM ORDER
 TO ON CALL WORK ZONE ENFORCEMENT PROGRAM
 AGREEMENT DATED _____
 eAgreements No. 2023-05-79277**

← leave blank

C.F.D.A. Number: 20.205

Program Order Number: CWZES02Z

Date: _____



Contract Amount: \$6,160.00

Effective Date: July 1, 2023

Completion Date: December 31, 2024

Contractor: Harrisonville Police Department

Mail Invoices/Vouchers to: MoDOT Highway Safety and Traffic Division
 PO Box 270
 Jefferson City, MO 65102

This Work Zone Program Order is issued under the authority of the Agreement between the Missouri Highways and Transportation Commission (the "Commission") and the City of Harrisonville (the "City") dated _____ and is subject to all applicable provisions and covenants of that Agreement, which are incorporated herein by this reference.

← leave blank

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have caused this contract to be duly executed intending to be bound thereby.

Executed by City of Harrisonville on _____ (Date).

Executed by Commission on _____ (Date).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF HARRISONVILLE

By _____

By _____

Title _____

Title _____

ATTEST:

By _____

Secretary to the Commission

APPROVED AS TO FORM:

By _____

Commission Counsel

DATE

**SIGN
HERE**

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: June 16, 2023
SUBJECT: Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.

Type of Item: *Public Hearing*

G. Action Item (ID # 4565)

Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.

Attachments:

Staff Rpt - Virginia Ford RZ 6-20-2023 BOA (PDF)

Application (PDF)

Rezoning Exhibit (PDF)

Ord 2216 (PDF)

Ord 2242 (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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

5.G.a

To: Mayor and Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: June 20, 2023

Re: Appl. #RZ-23-002 – REZONING from Estate Planned (EP) District to Single-Family Residential (R-1) District on property located at 2701 E. Elm St.

GENERAL INFORMATION

Applicant: Virginia Ford

Requested Actions: Approval of Requested Rezone from Estate Planned (EP) District to Single-Family Residential (R-1) District

Date of Application: May 24, 2023

PROPOSAL

Ms. Virginia Ford is seeking approval of a requested Rezoning from Estate Planned (EP) District to Single-Family Residential (R-1) District, with the intent to split the existing lot into two lots as shown on the Exhibit. The property must be rezoned in order for the property to be further divided as the minimum lot size for the Estate Planned District is three (3) acres.

Please see the attached zoning and aerial maps.

The surrounding properties are currently zoned as follows:

North (across Elm St.): Orient Cemetery located in Cass County

East: A (Agriculture District) – Crown Care Nursing Facility

South: R-1 (Single-Family Residential District) – Single-Family Residences in East Elm Estates

West: R-1 (Single-Family Residential District) – Single-Family Residences in East Elm Estates

PREVIOUS ACTIONS

- March 25, 1996—The Board of Aldermen approved an Ordinance (#2216) to annex certain adjacent territory owned by Robert A. and Virginia L. Ford.
- May 13, 1996—The Board of Aldermen approved a Rezoning of property from unzoned to EP (Estate Planned) District for property located at 2701 E. Elm Street by Ordinance #2242.
- June 15, 2023—The Planning & Zoning Commission voted 8-0 to recommend approval of the requested rezone from Estate Planned (EP) District to Single-Family Residential (R-1) District subject to conditions 1 and 2, as presented.

KEY ISSUES

- This property is currently zoned Estate Planned (EP) District.

- The City's 2040 Comprehensive Plan shows the property and surrounding area as Suburban Neighborhood, which allows for single-family homes, cottage courts, townhomes, and small-scale apartments.
- The applicant is requesting to Rezone the property to R-1 (Single-Family Residential) District, which allows for single-family and accessory dwelling units for dwellings.
- The applicant is planning to divide the property into two lots as shown on the Exhibit but must first rezone to the R-1 District to be able to do so.
- The existing sanitary sewer that serves 2701 E. Elm Street is a 4-inch lateral line. The newly created lot will have to have a second sewer lateral line constructed for service on the Lot 2 property. The line will need to connect to the existing sanitary sewer located between Lots 40 and 41 in East Elm Estates.

STAFF COMMENTS AND SUGGESTIONS

The City's 2040 Comprehensive Plan shows this area as "Suburban Neighborhood". According to page 36 of the City's Comprehensive Plan, "While single-family homes are the predominate housing type, these neighborhoods may also include accessory dwelling units ("mother-in-law suites"), cottage courts, townhomes, and small-scale apartments". The use of the property as a single-family residence is compatible with the city's vision of this area being a "Suburban Neighborhood".

Additionally, the proposed new lots meet or exceed the zoning district requirements in the following ways:

Comparison of Minimum Dimensional Standards with Proposed Lots				
District/Standard	Lot Size	Lot Width	Lot Depth	% Impervious Coverage
R-1	8,500 sqft.	75 feet	N/A	35%
Proposed	76,585 – 76,974 sqft.	331.6 feet	230.4 - 232.7 feet	0 – 20%

There are currently legally existing a house and three (3) detached accessory structures. While these structures meet or exceed all setback requirements, the R-1 District does only allow for two (2) detached accessory structures. Legal's recommendation to remedy this is that either one (1) of the detached accessory structures be removed or the applicant obtain a variance. Approval of the requested rezoning without either of these would be creating a legal non-conforming situation with respect to the number of detached accessory structures.

Staff recommends approval of the requested rezone from Estate Planned (EP) District to Single-Family Residential (R-1) District with conditions listed below.

STAFF RECOMMENDATION

Staff recommends approval of the requested rezone from Estate Planned (EP) District to Single-Family Residential (R-1) District with the following condition:

- 1) The builder of Lot 2 shall install a sewer lateral line to serve the house on that lot and said line shall connect to the existing sanitary sewer located between Lots 40 and 41 in East Elm Estates.
- 2) The applicant shall obtain a variance to allow an additional detached accessory structure.

ATTACHMENTS

Application
Zoning Exhibit
Ordinance #2216
Ordinance #2242
Zoning Map
Aerial Map



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

LAND USE – ZONING APPLICATION

Application Type

- ☒ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☐ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)
☐ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)
 * Staff-only approval required

Applicant and Owner Information

Applicant (Print): Virginia Ford Signature: Virginia Ford
 Company Name: _____
 Street Address: 2701 E Elm City: Harrisonville State: MO Zip: 64701
 Phone: 816-616-3877 Email: gshouse1@gmail.com

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): Virginia Ford Signature: Virginia Ford
 Street Address: 2701 E Elm City: Harrisonville State: MO Zip: 64701
 Phone: 816-616-3877 Email: _____

Firm Preparing Application:

Contact: _____
 Street Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

*All correspondence should be sent to: Applicant _____ Property Owner _____ Firm _____

Project Information

General Location or Address: 2701 E Elm
 Project Description: ~~2701~~ Acres or Sq. Ft. _____
 Current Zoning: Estate Proposed Zoning: R1

Items to be Submitted 30 Days Before Planning Commission Meeting

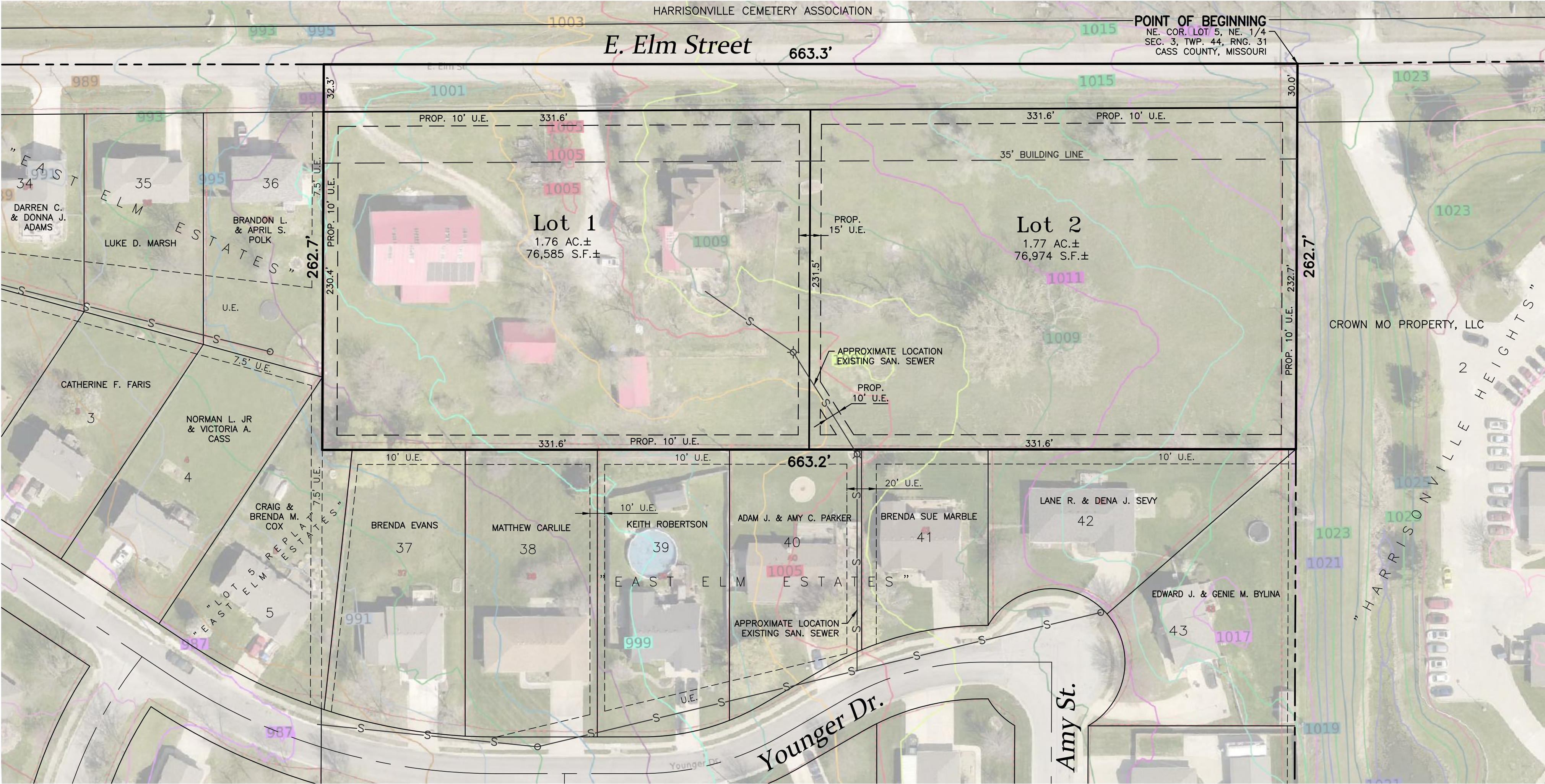
- ___ 1) Application
- ___ 2) Filing Fee – Payable to City of Harrisonville or contact the Community Development Office to pay by phone.
- ___ 3) Site Plan drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 1/2" x 11", and one (1) electronic copy emailed to the planner.
- ___ 4) Email full legal description in WORD to planner (not assessor's abbreviated description).

City Staff may modify submittal requirements as necessary.

For Office Use Only

Case No RZ-23-002 Filing Fee: Amount Paid \$ 305.00 Date Application Received: 5/24/23
 Staff-only approval: _____ P&Z meeting: 6/15/23 BOA Meeting: 6/20/23

Zoning Sketch



Notes:

1. THIS DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY, THIS ZONING SKETCH IS FOR PLANNING PURPOSES ONLY. DIMENSIONS AND AREAS SHOWN ARE BASED ON DEED DIMENSIONS OF THE SUBJECT TRACT.
2. RECORD DEED AND ADJACENT PARCEL DEED INFORMATION WAS NOT PROVIDED BY THE CLIENT, THIS INFORMATION WAS OBTAINED BY THE SURVEYOR FROM THE CASS COUNTY GIS MAP. THE RECORD DEED USED FOR THIS ZONING SKETCH IS A WARRANTY DEED, BOOK 4070, PAGE 3, RECORDER OF DEEDS, CASS COUNTY, MISSOURI. IF OTHER DEEDS EXIST THAT AFFECT THIS TRACT THE CLIENT SHALL NOTIFY THE SURVEYOR AND PROVIDE A COPY OF SAID OTHER DEEDS TO THE SURVEYOR.
3. THIS SURVEYOR HAS MADE NO OTHER INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. APPROXIMATE SANITARY SEWER LOCATIONS HAVE BEEN SHOWN ON THIS ZONING SKETCH. NO OTHER ATTEMPT HAS BEEN MADE AS A PART OF THIS ZONING SKETCH TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL / PUBLIC / PRIVATE SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, CONTACT THE APPROPRIATE AGENCIES.
5. THE SUBJECT PROPERTY IS NOT WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 29037C0187F AND NO. 29037C0189F, BOTH DATED JANUARY 2, 2013.
6. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS ZONING SKETCH TO DETERMINE WHETHER JURISDICTIONAL WATERS OF THE UNITED STATES ARE PRESENT ON THIS PROPERTY; WHETHER THIS SOIL IS SUITABLE FOR A SEPTIC SYSTEM; WHETHER THE SOIL IS SUITABLE TO SUPPORT A FOUNDATION OR INFRASTRUCTURE IMPROVEMENTS; WHETHER ANY EXISTING SEWAGE TREATMENT FACILITIES THAT SERVE THIS PROPERTY MEET APPLICABLE HEALTH DEPARTMENT OR MISSOURI DEPARTMENT OF NATURAL RESOURCES REGULATIONS; WHETHER THIS PROPERTY HAS DRIVEWAY ACCESS TO A STATE, COUNTY, OR CITY ROADWAY RIGHT-OF-WAY OR THAT ONE WILL BE GRANTED; THAT ANY EXISTING OR PROPOSED DRIVEWAY OR ROAD ACCESS TO A PUBLIC ROADWAY MEETS SAFETY CRITERIA OF THE STATE, COUNTY, OR CITY; WHETHER UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES OR UTILITIES OR WASTE MATERIALS MAY OR MAY NOT EXIST WHICH MAY AFFECT THIS PROPERTY.

Zoning:

CURRENT: "E" ESTATE DISTRICT
REQUESTED: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

Record Description:

BOOK 4070, PAGE 3
PART OF THE EAST HALF OF LOT 5 OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 44, RANGE 31, IN, CASS COUNTY, MISSOURI, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 5 OF THE NORTHEAST QUARTER OF SECTION 3, AFORESAID, AND RUNNING THENCE SOUTH 89 DEGREES 57 MINUTES 22 SECONDS WEST, ALONG THE NORTH LINE THEREOF, 663.29 FEET; THENCE SOUTH 0 DEGREES 12 MINUTES 33 SECONDS WEST, 262.71 FEET, THENCE NORTH 89 DEGREES 57 MINUTES 22 SECONDS EAST, 663.18 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5; THENCE NORTH 0 DEGREES 13 MINUTES 58 SECONDS EAST, 262.71 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF ELM STREET.

REVISED: 5/24/23 - LOT SIZES

FOR: VIRGINIA FORD

PO BOX 536, HARRISONVILLE, MO 64701



Bowers Land Survey Co. LLC

P.O. BOX 541
1000 W. MECHANIC STREET
HARRISONVILLE, MISSOURI 64701
TELEPHONE: 816.225.0160
WEBSITE: BOWERSSURVEY.COM

SITE ADDRESS: 2701 E. ELM ST, HARRISONVILLE, MO 64701

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
3	44	31	CASS	MISSOURI	5/24/23	21831-22
DRAWING NO.	21831ZS.DWG	DRAWN BY:	TSB	CHECKED BY:	TSB	

BOWERS LAND SURVEY CO. LLC, LAND SURVEYING, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. LS-2020010824

COUNCIL BILL 024

ORDINANCE NO. 2216 (21-96)

AN ORDINANCE TO ANNEX CERTAIN ADJACENT TERRITORY OWNED BY ROBERT A. AND VIRGINIA L. FORD, INTO THE CITY OF HARRISONVILLE, MISSOURI.

WHEREAS, a verified petition was signed by the owners of the real estate hereinafter described requesting annexation of said territory into the City of Harrisonville, Missouri, was filed with the City Clerk; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the existing corporate limits of the City of Harrisonville, Missouri, and

WHEREAS, a public hearing concerning said matter was held at the City Hall in Harrisonville, Missouri, at the hour of 7:30 p.m. on Monday, March 11, 1996; and

WHEREAS, notice of said public hearing was given by publication of notice thereon in the CASS COUNTY DEMOCRAT MISSOURIAN, a weekly newspaper of general circulation in the County of Cass, State of Missouri; and

WHEREAS, at said public hearing, all interested persons, corporations, or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, the City and Property Owners have fully executed a certain Annexation Agreement addressing details pertaining to the annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen, City of Harrisonville, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, does find and determine that said annexation is reasonable and necessary for the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to said area within a reasonable time after annexation;

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

Section 1: Pursuant to the provision of Section 71.012 RsMO. the following described real estate is hereby annexed into the City of Harrisonville, Missouri, to-wit:

Part of the East Half of Lot 5 of the Northeast Quarter of Section 3, Township 44, Range 31, in Cass County, Missouri, described as beginning at the Northeast corner of Lot 5 of the Northeast Quarter of Section 3, aforesaid, and running thence South 89 degrees 57 minutes 22 seconds West, along the North line thereof, 663.29 feet; thence South 0 degrees 12 minutes 33 seconds West, 262.71 feet; thence North 89 degrees 57 minutes 22 seconds East, 663.18 feet to a point on the East line of said Lot 5; thence North 0 degrees 13 minutes 58 seconds East, 262.71 feet to the Point of Beginning. Subject to the right-of-way of Elm Street (Cemetery Road).

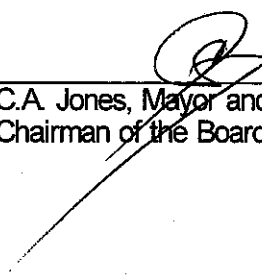
COUNCIL BILL 024
ORDINANCE NO. 2216 (21-96)
Page 2

Section 2: That the boundaries of the City of Harrisonville, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3: That the City Clerk of the City of Harrisonville is hereby ordered to cause three certified copies of this ordinance to be filed with the Cass County Clerk.

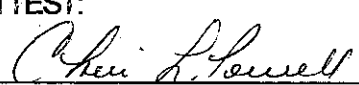
Section 4: That this ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times by title only on March 25, 1996, and duly passed by the Board of Aldermen of the City of Harrisonville, Missouri, this 25th day of March, 1996.



C.A. Jones, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Cheri L. Powell, City Clerk

APPROVED by the Mayor this 25th day of March, 1996.

Attachment: Ord 2216 (Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.)

COUNCIL BILL 054

ORDINANCE NO. 2242 (47-96)

AN ORDINANCE TO APPROVE REZONING APPLICATION OF ROBERT A. AND VIRGINIA L. FORD FOR REZONING OF PROPERTY FROM UNZONED TO EP (ESTATE PLANNED DISTRICT) CERTAIN PROPERTY LOCATED AT 2701 E. ELM STREET.

WHEREAS, the Planning and Zoning Commission of the City of Harrisonville, Missouri, held a public hearing on April 24, 1996, in regard to the rezoning application of ROBERT A. AND VIRGINIA L. FORD to rezone the hereinafter described property; and

WHEREAS, the Planning and Zoning Commission on April 24, 1996, recommended the hereinafter described property be rezoned from unzoned to EP (Estate Planned District);

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on May 13, 1996; and after considering the property to be rezoned and the surrounding properties, and for the purpose of promoting the public health, safety, morals and considering the general welfare of the community, it is determined that the hereinafter described property should be rezoned; and

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

Section 1: That the Board of Aldermen of the City of Harrisonville, Missouri, hereby finds and declares that the following described property owned by ROBERT A. AND VIRGINIA L. FORD shall be rezoned from unzoned to EP (Estate Planned District), to-wit:

Part of the East Half of Lot 5 of the Northeast Quarter of Section 3, Township 44, Range 31, in Cass County, Missouri, described as beginning at the Northeast corner of Lot 5 of the Northeast Quarter of Section 3, aforesaid, and running thence South 89 degrees 57 minutes 22 seconds West, along the North line thereof, 663.29 feet; thence South 0 degrees 12 minutes 33 seconds West, 262.71 feet; thence North 89 degrees 57 minutes 22 seconds East, 663.18 feet to a point on the East line of said Lot 5; thence North 0 degrees 13 minutes 58 seconds East, 262.71 feet to the Point of Beginning. Subject to the right-of-way of Elm Street (Cemetery Road).

This property is generally located at the 2701 E. Elm Street.

Section 2: That the official zoning map of the City of Harrisonville shall be amended to reflect such changes in zoning.

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

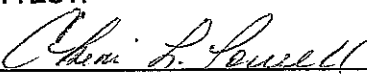
COUNCIL BILL 054
ORDINANCE NO. 2242 (47-96)
Page 2

Read two times by title only on May 13, 1996 and duly passed by the Board of Aldermen and approved by the Mayor of the City of Harrisonville, Missouri, this 13th day of May, 1996.



C.A. Jones, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

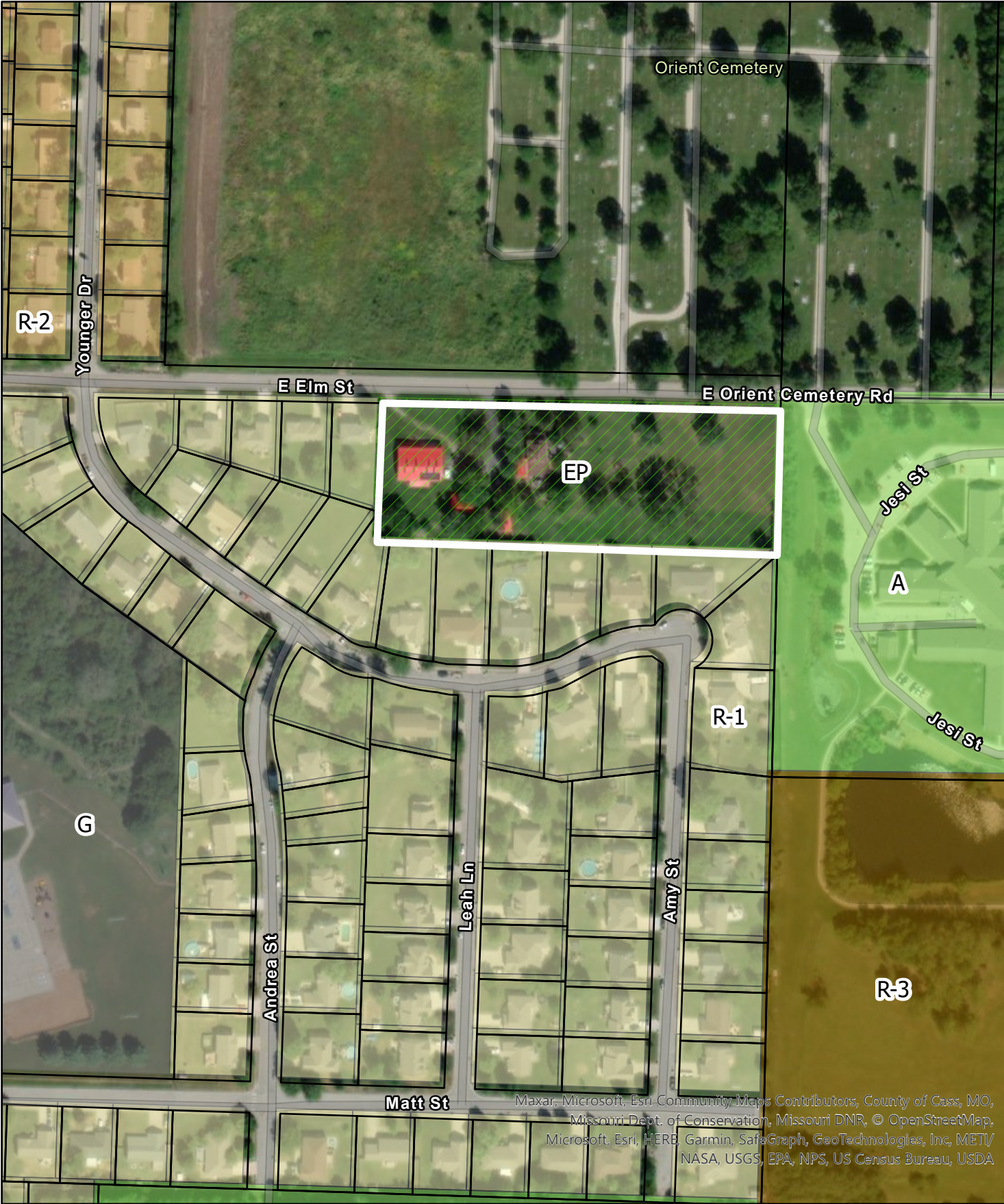


Cheri L. Powell, City Clerk

APPROVED by the Mayor this 13th day of May, 1996.

Attachment: Ord 2242 (Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.)

Zoning Map

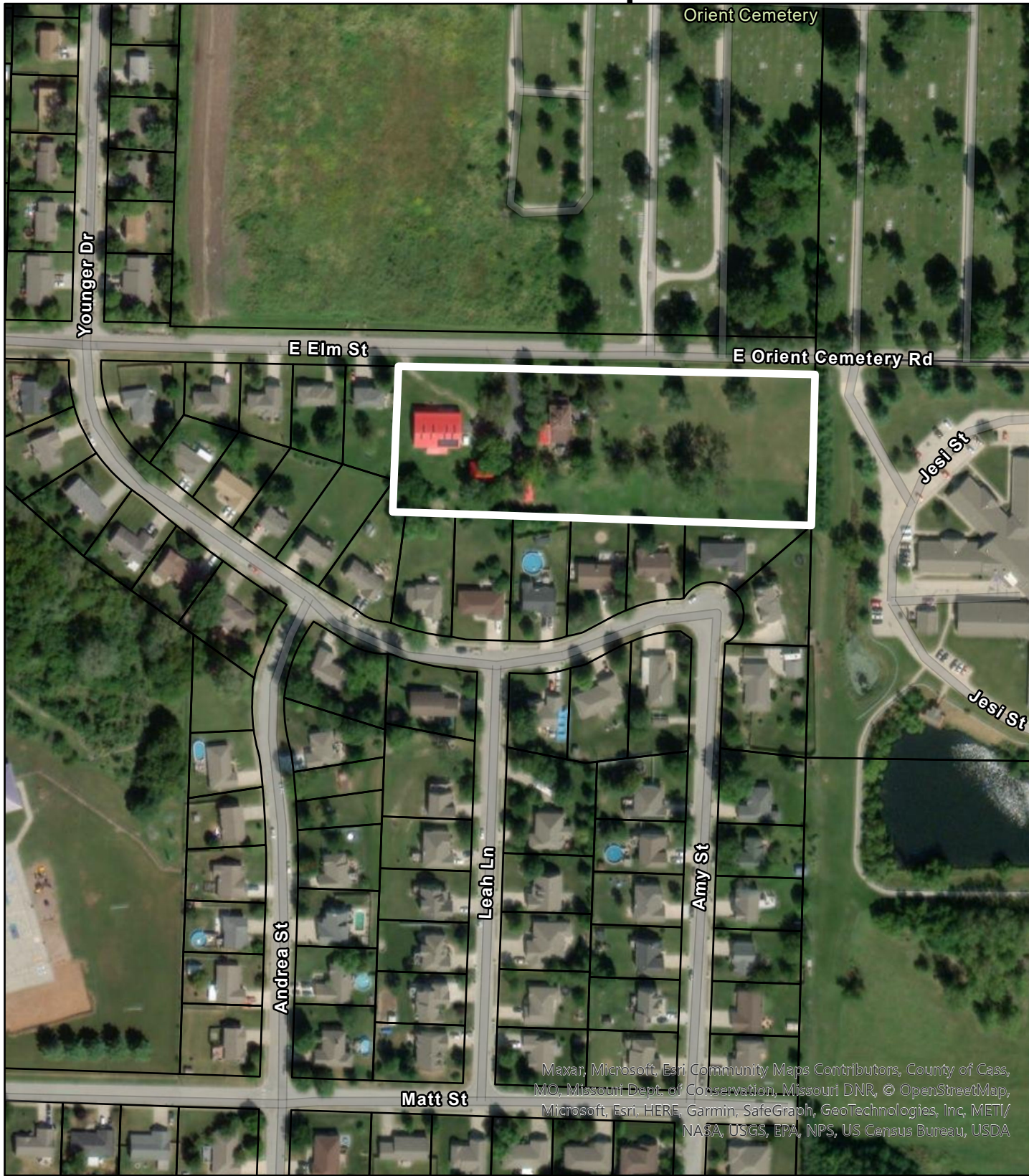


Maxar, Microsoft, Esri Community Maps Contributors, County of Cass, MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

Attachment: Zoning Map (Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.)

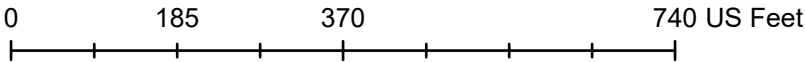
0 135 270 540 US Feet

Aerial Map



Attachment: Aerial Map (Public Hearing: Appl. #RZ-23-002 - REZONING from EP District to R-1 District at 2701 E Elm St.)

Maxar, Microsoft, Esri Community Maps Contributors, County of Cass, MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 16, 2023
SUBJECT: Ordinance Rezoning 2701 E Elm Street

Type of Item: *Approval*

H. Action Item (ID # 4567)

AN ORDINANCE OF BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING OF APPROXIMATELY 4 ACRES OF LAND FROM ESTATE PLANNED (EP) DISTRICT TO SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT ON LAND LOCATED AT 2701 E. ELM STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Attachments:

Ordinance Rezone 2701 E Elm (DOC)

Council Bill No.

Ordinance No.

AN ORDINANCE OF BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING OF APPROXIMATELY 4 ACRES OF LAND FROM ESTATE PLANNED (EP) DISTRICT TO SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT ON LAND LOCATED AT 2701 E. ELM STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Virginia Ford, seeking approval of a Rezoning for approximately 4 acres of land from Estate Planned (EP) to Single-Family Residential (R-1) District on land located at 2701 E. Elm Street in the City of Harrisonville, Cass County, Missouri; and

WHEREAS, a legal notice announcing a public hearing to be held on the requested rezoning application on June 15, 2023, before the Planning & Zoning Commission and on June 20, 2023, before the Board of Aldermen of the City of Harrisonville, Missouri was published in the June 1, 2023, edition of the *Tribune and Times* newspaper; and

WHEREAS, the Rezoning was considered by the Planning and Zoning Commission on June 15, 2023, and, with a vote of 8-0, recommended that the Board of Aldermen approve the requested Rezoning with the two conditions proposed; and

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation, find the approval of the Rezoning is in the best interest of the City of Harrisonville and its residents.

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

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby approves a Rezoning of approximately 4 acres of land from Estate Planned (EP) District to Single-Family Residential (R-1) District on land located at 2701 E. Elm Street in the City of Harrisonville, Cass County, Missouri, with the following two (2) conditions of approval:

- 1) The builder of Lot 2 shall install a sewer lateral line to serve the house on that lot and said line shall connect to the existing sewer located between Lots 40 and 41 in *East Elm Estates*.
- 2) The applicant shall obtain a variance to allow an additional detached accessory structure.

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

LEGAL DESCRIPTION:

PART OF THE EAST HALF OF LOT 5 OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 44, RANGE 31, IN. CASS COUNTY, MISSOURI, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 5 OF THE NORTHEAST

QUARTER OF SECTION 3, AFORESAID, AND RUNNING THENCE SOUTH 89 DEGREES 57 MINUTES 22 SECONDS WEST, ALONG THE NORTH LINE THEREOF, 663.29 FEET; THENCE SOUTH 0 DEGREES 12 MINUTES 33 SECONDS WEST, 262.71 FEET, THENCE NORTH 89 DEGREES 57 MINUTES 22 SECONDS EAST, 663.18 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5; THENCE NORTH 0 DEGREES 13 MINUTES 58 SECONDS EAST, 262.71 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF ELM STREET.

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

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

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

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 20TH OF JUNE 2023 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 17TH DAY OF JULY 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 17TH DAY OF JULY 2023.

AYES:

NAYS:

AWAY:

ABSENT:

ABSTAIN:

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

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 17TH day of July 2023

Attachment I: Zoning Map

Zoning Map



Attachment: Ordinance Rezone 2701 E Elm (Ordinance Rezoning 2701 E Elm Street)

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: June 16, 2023
SUBJECT: Public Hearing: Code Creation: Section 405.574 Maximum Allowable Affordable Housing Units

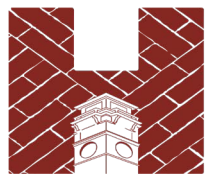
Type of Item: *Public Hearing*

I. Action Item (ID # 4566)

Code Creation: Section 405.574 Maximum Allowable Affordable Housing Units

Attachments:

Code Creation-Section 405.574 Max Allowable Affordable Housing Units 6-20-23 BOA (PDF)



To: Mayor and Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: June 20, 2023

Re: Public Hearing: Code Creation—Section 405.574 Maximum Allowable Affordable Housing Units

GENERAL INFORMATION

Applicant: Community Development Department, City of Harrisonville

Requested Actions: Approval of Proposed New Section of Code

Date of Application: N/A

PROPOSAL

The proposed ordinance creates code Section 405.574 Maximum Allowable Affordable Housing Units.

PREVIOUS ACTIONS

- **June 15, 2023**—The Planning & Zoning Commission discussed the desire to exempt senior and disable housing as some seniors have been on waiting lists for over 2 years. Vice-chair Chiodini posed the questions: 1) What are we trying to avoid? And 2) What do we want to encourage? Ultimately, the Planning & Zoning Commission voted 8-0 to send it back to the Board of Aldermen for further discussion regarding these items.
- **June 5, 2023**—The Board of Aldermen, at a work session, further discussed imposing a limitation on the percentage of subsidized housing units to be allowed in all future new multi-family developments. Much of the discussion was on the changes in the poverty rate and how, in a normalized population, the poverty rate tends to be between 12 and 14 percent.
- **May 15, 2023**—The Board of Aldermen, at a work session, discussed the recently completed Housing Study. The Housing Study indicated that approximately 40% of all the housing stock within the City of Harrisonville is rental. It further stated that 29% of the rental stock is currently subsidized.
- **July 8, 2022**—The Board of Aldermen established a one-year moratorium on applications to establish subsidized housing in Harrisonville, with direction for City staff to complete a full evaluation of the need, or lack thereof, for subsidized housing in the Harrisonville community.

SUMMARY/KEY ISSUES

- **Highlights from the Housing Study:**
 - The single-family housing market is stable at 66%, but the rental market is considered high at 41% of the housing stock.

- Harrisonville is active in three (3) federal government programs to assist low-income renters: Housing Choice Voucher (148), Section 8 (86), and Low-Income Housing Tax Credit (246).
- The total as a percentage of renter households is 29%, significantly higher than the metropolitan area (21%).
- Harrisonville's owner-occupied units are more affordable than the metropolitan area.
- More affordable, rental properties are needed to support the market and to lower the number of cost-burdened households.
- Professor Kirk McClure, "Problems arise when households with income below poverty are spatially concentrated whether subsidized or not. Generally, about 12 to 14% of the population lives in poverty. If markets had absolutely even distribution of poverty, every neighborhood would contain a population with 12 to 14%. George Galster's work suggests that problems occur when poverty gets concentrated to 20% and is very harmful at 30% and above...Subsidized housing is a response to poverty, not a cause of it."

Statistic/Place	City of Harrisonville (2021 ACS, 5 Yr. Estimates)	Cass County (2021 ACS, 1 Yr. Estimates)	State of Missouri (2021 ACS, 1 Yr. Estimates)	Nation (2021 ACS, 1 Yr. Estimates)
Poverty	10.7%	6.4%	12.7%	12.8%
Margin of Error (% Range)	2.8 (7.9 – 13.5%)	2.2 (4.2 – 8.6%)	0.4 (12.3 – 13.1%)	0.1 (12.7 – 12.9%)

City of Harrisonville Poverty Rate Comparison with American Community Survey (ACS) 5 Year Estimates			
Statistic/Year (Range)	2021 (2021 – 2017)	2020 (2020 – 2016)	2019 (2019 – 2015)
Poverty	10.7%	14.7%	17.6%

STAFF RECOMMENDATION

Staff recommends that the Board of Aldermen consider the concerns of the Planning & Zoning Commission and have the necessary changes incorporated into the draft ordinance prior to final approval of the proposed ordinance creating Section 405.574 Maximum Allowable Affordable Housing Units.

ATTACHMENTS

Proposed Ordinance

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 16, 2023
SUBJECT: Subsidized Housing Cap Ordinance

Type of Item: *Approval*

J. Action Item (ID # 4568)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI ESTABLISHING A MAXIMUM ALLOWABLE PERCENTAGE OF AFFORDABLE HOUSING UNITS

Attachments:

Housing Subsidy Cap Ordinance (DOCX)

Council Bill No. ____

Ordinance No. ____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI ESTABLISHING A MAXIMUM ALLOWABLE
PERCENTAGE OF AFFORDABLE HOUSING UNITS**

WHEREAS, the City of Harrisonville currently has adequate affordable housing within the City and additional affordable housing may adversely affect the quality and the availability of market-rate rental properties; and

WHEREAS, the American Community Survey determined the percentage of Harrisonville citizens living in poverty is 10.7%, while the percentage of Cass County, Missouri citizens living in poverty is 6.4%; and

WHEREAS, the City of Harrisonville conducted a year-long housing study that showed the City currently has a disproportionate amount of rental housing compared to single family housing and the overall rental rates were depressed due to competition in the community caused by subsidized housing; and

WHEREAS, depressed rental rates lead to lower quality and inadequately maintained rental housing; and

WHEREAS, the City of Harrisonville consultant advised the City that too much rental housing can stagnate a city's growth; and

WHEREAS, the City of Harrisonville desires to establish a maximum allowable percentage of affordable housing units in all new multi-family housing developments.

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

Section 1: Section 405.574 of the Code is hereby established to read as follows:

“Maximum Allowable Affordable Housing Units.

All new multi-family housing developments shall not maintain more than twelve percent (12.00%) of the total number of housing units as “affordable units.” Affordable units are defined as units rented to those with a state, or federal, government housing subsidy or voucher. If a property and/or building is deemed blighted by the Community Development Department, then a majority of the Board of Aldermen may amend the percentage requirement in this Section to a different percentage requirement.”

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

Read for the first time by title only on the 20th day of June 2023. Read for the second time by title only on the 3rd day of July 2023.

Attachment: Housing Subsidy Cap Ordinance (Subsidized Housing Cap Ordinance)

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 3rd day of July 2023.

Attachment: Housing Subsidy Cap Ordinance (Subsidized Housing Cap Ordinance)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: June 15, 2023
SUBJECT: May 2023 Municipal Court Report

Type of Item: *Discussion*

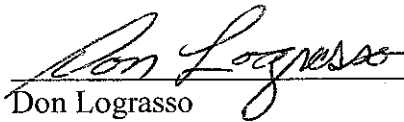
- A. Discussion Item (ID # 4563)**
May 2023 Municipal Court Report

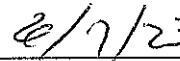
Attachments:

May 2023 Municipal Court Report (PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI
CASS COUNTY

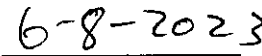
I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of **May 2023** and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.


Don Lograsso
Municipal Court Judge


Date

Presented and reviewed as required by Court Operating Rule 4.29.


City Clerk


Date

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

Notary

RECEIVED
JUN 08 2023
CITY OF HARRISONVILLE

Attachment: May 2023 Municipal Court Report (May 2023 Municipal Court Report)

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Harrisonville Municipal		Reporting Period: May 1, 2023 - May 31, 2023	
Mailing Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701					
Physical Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701			County: Cass County		Circuit: 17
Telephone Number: (816)3808903			Fax Number:		
Prepared by: MICHELLE SHAFFER			E-mail Address: michelle.shaffer@courts.mo.gov		
Municipal Judge: Don Lograsso					
<u>II. MONTHLY CASELOAD INFORMATION</u>					
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance	
A. Cases (citations/informations) pending at start of month		41	655	498	
B. Cases (citations/informations) filed		3	39	16	
C. Cases (citations/informations) disposed					
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0	
2. court/bench trial - GUILTY		0	0	1	
3. court/bench trial - NOT GUILTY		0	1	0	
4. plea of GUILTY in court		2	21	12	
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	22	1	
6. dismissed by court		0	0	0	
7. <i>nolle prosequi</i>		0	4	5	
8. certified for jury trial (not heard in Municipal Division)		0	0	0	
9. TOTAL CASE DISPOSITIONS		2	48	19	
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		42	646	495	
E. Trial de Novo and/or appeal applications filed		0	0	0	
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>		<u>IV. PARKING TICKETS</u>			
1. # Issued during reporting period	30	1. # Issued during period		0	
2. # Served/withdrawn during reporting period	47	☐ Court staff does not process parking tickets			
3. # Outstanding at end of reporting period	1,109				

Attachment: May 2023 Municipal Court Report (May 2023 Municipal Court Report)

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Harrisonville Municipal	Reporting Period: May 1, 2023 - May 31, 2023
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V. DISBURSEMENTS

Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$2,491.00	Court Automation	\$399.64
Clerk Fee - Excess Revenue	\$360.00	Law Enf Arrest-Local	\$776.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$11.10	Total Other Disbursements	\$1,175.64
Bond forfeitures (paid to city) - Excess Revenue	\$0.00	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$9,360.50
Total Excess Revenue	\$2,862.10	Bond Refunds	\$0.00
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Total Disbursements	\$9,360.50
Fines - Other	\$4,019.00		
Clerk Fee - Other	\$397.09		
Judicial Education Fund (JEF) ☒ Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$62.09		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$445.09		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$11.99		
Law Enforcement Training (LET) Fund surcharge	\$128.00		
Domestic Violence Shelter surcharge	\$130.00		
Inmate Prisoner Detainee Security Fund surcharge	\$129.50		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$0.00		
Total Other Revenue	\$5,322.76		

Attachment: May 2023 Municipal Court Report (May 2023 Municipal Court Report)