



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
DECEMBER 2, 2019
7:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. 2020 Census Proclamation**
 - B. Chaldean Women's Club Presentation**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Work Session - Nov 18, 2019 5:30 PM**
 - B. Board of Aldermen - Regular Meeting - Nov 18, 2019 7:00 PM**
 - C. Board of Aldermen - Special Meeting - Nov 21, 2019 6:00 PM**
 - D. Board of Aldermen - Special Meeting - Nov 22, 2019 6:00 PM**
 - E. Board of Aldermen - Work Session - Nov 25, 2019 6:00 PM**
 - F. Executive Session Nov. 21, 2019**
 - G. Executive Session Nov. 22, 2019**
- 5. Agenda Items**
 - A. APPOINTMENT TO PLANNING & ZONING**
 - B. PUBLIC HEARING and Council Bill 76: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, GRANTING A 10-YEAR SPECIAL USE PERMIT TO GRAHAM AND SANDRA GENTRY AND AQUAFRESH BARRAMUNDI, LLC TO OPERATE AN INDOOR AQUACULTURE FARM TO RAISE FISH WITH AN ATTENDANT'S LIVING QUARTERS AND AN INDOOR HYDROPONIC FARM AT 4241 BROOKHART DRIVE IN THE CITY OF HARRISONVILLE, MISSOURI**

- C. Council Bill 77: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2019 THROUGH DECEMBER 31, 2019.**
 - D. Council Bill 72: SECOND READING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.530, BY ESTABLISHING NEW RATES FOR MUNICIPAL ELECTRIC SERVICES**
 - E. Council Bill 73: SECOND READING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.460, BY ESTABLISHING NEW RATES FOR MUNICIPAL SEWER SERVICES**
 - F. Council Bill 74: SECOND READING AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**
 - G. Council Bill 47: SECOND READING AN ORDINANCE AUTHORIZING A VARIANCE FOR THE DEVELOPER OF THE HARRISONVILLE VILLAS A VARIANCE OF THE APPROVED SUBDIVISION PLAT BY NOT REQUIRING TIMBER DRIVE TO EXTEND TO THE WEST PROPERTY LINE**
 - H. REPORT OF INVESTIGATION COMMITTEE**
- 6. Aldermen and Committee Reports**
 - 7. Report from the City Administrator**
 - 8. Questions from the Media**
 - 9. Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 27th day of November, 2019

Randall K. Jones, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman

PROCLAMATION

Partnering with the 2020 Census Bureau to Help Ensure an Accurate Count for Harrisonville, Missouri

WHEREAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS, the 2020 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS, the information collected by the Census is confidential and protected by law under Title 13, U.S. Code.

Now, therefore we proclaim that the City of Harrisonville, Missouri is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2020. As a 2020 Census partner we will support the goals of the 2020 Census, encourage people in our community to participate to ensure a full and accurate census and create opportunities to raise awareness of the 2020 Census.

Done and ordered this 2nd day of December, 2019

Judy Bowman, Mayor



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
NOVEMBER 18, 2019
5:30 PM

1. Call to Order

The meeting was called to order at 5:30 PM by Mayor Judy Bowman

2. Present

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Late	6:23 PM
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Absent	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present were: City Administrator Mike Tholen, Police Chief John Hofer, Public Works Director Eric Patterson, Finance Director Marcella McCoy, HES Chief Eric Myler, Police Lieutenant Chris Osterberg, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

3. Discussion Items

A. MGT Presentation - Administrative Transfer Analysis

Finance Director Marcella McCoy, introduced Jerry McKenzie with MGT Consulting Group who performed an administrative transfer analysis for the City. Mr. McKenzie gave presentation using the fiscal year of 2018 for the basis of study. His presentation was in four parts: introduction and purpose, administrative transfer fee, return on investment and summary of calculations. Mayor Bowman asked if this was basically a documentation issue and the answer was yes. MGT has developed a city-wide transfer fund policy manual for the City to review and possibly adopt. City Administrator Mike Tholen stated that the City needed to be following the Federal Code Regulations that are

Minutes Acceptance: Minutes of Nov 18, 2019 5:30 PM (Approval of Minutes)

acceptable by other governmental agencies to be eligible for grants and other funding opportunities.

B. Animal Control Agreement with Peculiar

Staff report presented by Police Chief John Hofer along with Lieutenant Chris Osterberg. The City has been providing animal control services to the City of Peculiar since 2010 at a rate of \$1,500.00 per month. With the rising costs of operations and the shortage of staff members in the department to perform these extra duties, city staff is recommending to terminate the contract. Chief Hofer said they had 51 calls for Peculiar so far this year and had a total of 76 for the year of 2018. Alderman Milner stated that the City of Peculiar could purchase a temporary kennel to be used until normal operating hours for pick up/transfer to eliminate call out and overtime issues. Alderman Turner suggested charging extra for night/after hour pickups. City Administrator Mike Tholen stated that we need to look at two things: do we want to continue the service, and if we did an increase in the monthly charge, it would not be enough to cover the cost of additional staff. The Board was in agreement to end the contract by giving notice to terminate as of March 1, 2020. A voice vote was taken with all in agreement.

A motion was made by Alderman Miller to adjourn with a second by Alderman Turner. Motion carried. Meeting adjourned at 6:25 p.m.

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 18, 2019 5:30 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
NOVEMBER 18, 2019
7:00 PM

1. Call to Order

The meeting was called to order at 7:00 PM by Mayor Judy Bowman

A. Pledge of Allegiance

Mayor Bowman introduced Boy Scout Troop #240 and Cub Scout Pack #100 who were in attendance to earn credit towards their merit badges. She invited them to come forward and lead the group in repeating the Pledge of Allegiance to the American Flag.

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Absent	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present were: City Attorney Alex Felzien, City Administrator Mike Tholen, Public Works Director Eric Patterson, Finance Director Marcella McCoy, Parks & Recreation Director Chris Deal, IT Director Jeremy Smith, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

2. Ceremonial Matters

None

3. Public Participation

Bonnie Unruh, 506 Hamlet Drive, addressed the Mayor and Board concerning the proposed tax increases on the sewer and electric rates.

Paul Mensching, 3009 Canyon Drive, addressed Mayor and Board on behalf of the school district and staff concerning statement an Alderman made blaming the district for no growth in Harrisonville. He stated his support for hiring an Economic Development Director.

Jerry Tabb, 1607 N. Lexington, wanted to know the charge for deposits on utilities. He wanted to know where the money from the State Audit is. Mayor Bowman asked that Eric Patterson follow up with Mr. Tabb concerning the deposit amounts.

4. Approval of Minutes

A. Executive Session Minutes November 4, 2019

Alderman Reece made motion to approve executive session minutes from November 4, 2019 with a second by Alderman Doerhoff. Motion carried with voice vote all ayes.

B. Executive Session Minutes November 5, 2019

Alderman Turner made motion to approve executive session minutes from November 5, 2019 with a second by Alderman Miller. Motion carried with voice vote all ayes.

C. Board of Aldermen - Work Session - Nov 4, 2019 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Marcia Milner, Board Member
SECONDER:	Matt Turner, Board Member
AYES:	Doerhoff, Milner, Reece, Miller, Dickerson, Turner
ABSENT:	Brad Bockelman, Gary Davidson

D. Board of Aldermen - Regular Meeting - Nov 4, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Clint Miller, Board Member
AYES:	Doerhoff, Milner, Reece, Miller, Dickerson, Turner
ABSENT:	Brad Bockelman, Gary Davidson

E. Board of Aldermen - Special Meeting - Nov 5, 2019 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Judy Reece, Board Member
AYES:	Doerhoff, Milner, Reece, Miller, Dickerson, Turner
ABSENT:	Brad Bockelman, Gary Davidson

5. Agenda Items

Minutes Acceptance: Minutes of Nov 18, 2019 7:00 PM (Approval of Minutes)

- A. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR THE 2019 AIRPORT ROOF REPAIRS FROM HD ROOF COATINGS IN THE AMOUNT OF \$16,940.00 AND ESTABLISHING AN EFFECTIVE DATE.**

Staff report presented by Public Works Director Eric Patterson. Upon passage, Mayor Bowman designated it to be Resolution #046.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Matt Turner, Board Member
SECONDER: David Dickerson, Board Member
AYES: Doerhoff, Milner, Reece, Miller, Dickerson, Turner
ABSENT: Brad Bockelman, Gary Davidson

- B. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.530, BY ESTABLISHING NEW RATES FOR MUNICIPAL ELECTRIC SERVICES**

Alderman Milner made a motion to postpone until the December 2, 2019 meeting to allow time for more research with a second by Alderman Reece. Voice vote - 3 ayes and 3 nays. Mayor Bowman broke the tie. The proposed ordinance is continued to the December 2, 2019 meeting.

RESULT: POSTPONED

Next: 12/2/2019 7:00 PM

- C. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.460, BY ESTABLISHING NEW RATES FOR MUNICIPAL SEWER SERVICES**

Alderman Doerhoff made a motion to postpone until the December 2, 2019 meeting to allow time for more research with a second by Alderman Reece. Voice vote - 3 ayes and 3 nays. Mayor Bowman broke the tie. The proposed ordinance is continued to the December 2, 2019 meeting.

RESULT: POSTPONED

Next: 12/2/2019 7:00 PM

- D. Fiscal Year 2020 Budget AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**

Alderman Turner called for Question with a second by Alderman Miller. Alderman Milner made a motion to postpone to the December 2, 2019 meeting with a second by Alderman Doerhoff. Alderman Turner asked if ordinance was read two times does action need to be done immediately. After discussion of proper procedure, Alderman Turner made a motion to end the debate with a second by Alderman Miller. Motion failed with 3 ayes and 3 nays. Alderman Milner then made a motion to postpone to the December 2, 2019

meeting with a second by Alderman Doerhoff. Voice vote 3 ayes and 3 nays. Mayor Bowman broke the tie. Ordinance postponed to the December 2, 2019 meeting.

RESULT: POSTPONED

Next: 12/2/2019 7:00 PM

6. Aldermen and Committee Reports

Alderman Reece announced that something good was happening and would pass it on to Alderman Miller.

Alderman Miller passed it on to Parks & Recreation Director Chris Deal, who came forward to announce that Bill Mills with the Family Center made a pledge of \$25,000 to cover the cost of the fencing for the dog park.

Alderman Miller gave Park Board update. He highlighted that both dams at the City Park need repair and referred to a study that was done in 2010. He also wanted to go on record regarding the proposed rate increases that he needs facts and figures to justify the increases. Alderman Miller stated he is not in favor of hiring an Economic Development Director.

Alderman Dickerson stated he was in agreement with Alderman Miller concerning the dam repair.

Alderman Turner gave an update from Planning & Zoning. He asked if the budget was supposed to be passed by the end of November.

7. Report from the City Administrator

City Administrator Mike Tholen reminded everyone of the work session on November 25th at 6 p.m. to review proposed rate increases and the 2020 budget. City Hall will be closed next week on November 28th and 29th in observance of Thanksgiving. Mr. Tholen extended a thank you to Mr. Mills for his donation. He stated that our fire department was highlighted on the news for their use of old hoses in our schools to help keep intruders out.

Mayor Bowman stated she regretted that there was not a consensus on some of the ordinances that were postponed. She reminded the board of the resolution that was passed after the board retreat in May and she was hopeful that next Monday night's meeting will answer the remaining questions that some aldermen have. Mayor Bowman said that the role of the Economic Development Director is more than just bringing businesses to Harrisonville, it is also about retaining existing businesses, promoting entrepreneurship and workforce development. She also pointed out the amount of real estate and personal property taxes paid by businesses to our schools, the City and other entities. She asked that the board would do their homework and research on these matters.

Minutes Acceptance: Minutes of Nov 18, 2019 7:00 PM (Approval of Minutes)

A. October 2019 Municipal Court Report**8. Questions from the Media**

None

9. Adjourn From Regular Session

A motion was made by Alderman Dickerson with a second by Alderman Milner to adjourn. Motion carried. Meeting adjourned at 7:41 p.m.

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 18, 2019 7:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
SPECIAL MEETING
CITY HALL
NOVEMBER 21, 2019
6:00 PM

1. Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

2. Adjourn to Executive Session pursuant to RSMo 610.021 (3) Hiring, firing or discipline of employee

A motion was made by Alderman Milner to enter into Executive Session pursuant to RSMo 610.021 (3) Hiring, firing or discipline of employee with a second by Alderman Miller. Roll call vote: Alderman Bockelman absent, Alderman Doerhoff aye, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Motion carried.

3. Adjourn From Regular Session

A motion to adjourn was made by Alderman Davidson with a second by Alderman Miller. Motion carried. Meeting adjourned at 8:42 p.m.

Minutes Acceptance: Minutes of Nov 21, 2019 6:00 PM (Approval of Minutes)

Special Meeting

Thursday, November 21, 2019

6:00 PM

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 21, 2019 6:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
SPECIAL MEETING
CITY HALL
NOVEMBER 22, 2019
6:00 PM

1. Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Late	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

2. Adjourn to Executive Session pursuant to RSMo 610.021 (3) Hiring, firing or discipline of employee

A motion was made by Alderman Milner to enter into Executive Session pursuant to RSMo 610.021 (3) Hiring, firing or discipline of employee with a second by Alderman Davidson. Roll call vote: Alderman Bockelman absent, Alderman Doerhoff absent, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Motion carried.

3. Adjourn From Regular Session

A motion to adjourn was made by Alderman Doerhoff with a second by Alderman Miller. Motion carried. Meeting adjourned at 9:21 p.m.

Minutes Acceptance: Minutes of Nov 22, 2019 6:00 PM (Approval of Minutes)

Special Meeting

Friday, November 22, 2019

6:00 PM

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 22, 2019 6:00 PM (Approval of Minutes)



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
NOVEMBER 25, 2019
6:00 PM

1. Call to Order

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

2. Present

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others in attendance were: City Administrator Mike Tholen, Police Chief John Hofer, Finance Director Marcella McCoy, IT Director Jeremy Smith, Public Works Director Eric Patterson, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

3. Discussion Items

Public Works Director Eric Patterson gave an update regarding comments made by Mr. Strack at a prior meeting regarding utility rates. He pointed out the website that Mr. Strack had referred to as well as the Toth Rate Study and how those amounts were derived. Mr. Patterson pointed out that utility rates should be capable of paying all of the general operating expenses. Alderman Milner stated the need to be a forward-thinking board. Alderman Miller asked that they review the sewer rate increase before making a decision on the electric rate increase.

Mr. Patterson stated that Burns & McDonnell had performed a rate study that proposed increases for the next three years. Alderman Miller pointed out that the MGT Study reflected a deficit. Mr. Patterson suggested that the increase for 2020 be the 29.2% and then combine the 2021 and 2022 increase for one time in 2021 of 15%. Alderman Milner asked for verification on possible dam repairs and what department would be responsible. Alderman Miller said he would like to go to the 2021 proposed increase now and then in 2021 go to a 3% increase. A hand vote of those who would be in favor of this increase was 5 for and 2 not sure yet.

The discussion returned to the proposed electric rate increase. Alderman Miller suggested to make a small increase to the base rate of 23%. Alderman Dickerson would like to wait until next year for electric increase. Mayor Bowman thanked Alderman Miller for his research and work on this matter to come to a compromise. Alderman Milner discussed adding a 2% increase per year beginning in 2021 and each year thereafter. Alderman Davidson recommended adding that rates will be reviewed each year. A hand vote of those who would be in favor of this increase was 6 for and 1 against.

City Administrator Mike Tholen addressed the proposed 2020 Budget ordinance and some of the issues that had been mentioned. He stated the main concern seemed to be the hiring of an Economic Development Director. Mr. Tholen recommended waiting until the new city administrator is hired and then seek out his thoughts and ideas. Mr. Tholen also explained that the position would not just be for economic development, but would also become the department head of community development.

Alderman Doerhoff agreed that should keep this position as part of the 2020 budget. Alderman Miller does not want to hire an Economic Development Director for one year and Alderman Dickerson was in agreement with him.

Alderman Dickerson said he would like to see bids for the Police Department shower rooms. Chief Hofer explained the process and that they had received bids and approved.

Mayor Bowman shared an email she had received from Bill Brown, President of Spectrum Strategies, clarifying his role with the Cass County Corporation for Economic Development.

Alderman Milner stated that the board would need to let the new city administrator know to be very careful in hiring an economic development director after receiving any possible health care increases. Alderman Davidson stated they were not adding a new position but filling a position that has been budgeted for. Administrator Tholen will have language to go along with budget ordinance that reflects the direction of the board concerning the economic development director position. A hand vote for those who would be in favor of this ordinance was 6 for and 1 against.

A motion was made by Alderman Milner to adjourn with a second by Alderman Reece. Motion carried. Meeting adjourned at 7:52 p.m.

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 25, 2019 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: November 22, 2019
SUBJECT: APPOINTMENT TO PLANNING & ZONING

Type of Item: *Appointment*

Mayor Bowman would like to appoint Wilbert Crawford to the Planning & Zoning Board. He will replace Jim Proctor, who has asked to be replaced.

A. Appointment (ID # 3418)

APPOINTMENT TO PLANNING & ZONING



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: November 20, 2019
SUBJECT: PUBLIC HEARING Aquafresh Barramundi, LLC Special Use Permit

Type of Item: *Special Use Permit*

P&Z Meeting Nov. 14, 2019

BOA Meeting Dec. 2, 2019

GENERAL INFORMATION**PUBLIC HEARING**

Case No.: SU 19-017

Request: A Special Use Permit (SUP) to operate an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for vegetables and herbs.

Note: Although not a part of this application, the applicant will be seeking City permission to raise and process industrial hemp inside its main building and greenhouses after the Missouri Department of Agriculture completes its rule-making process in early 2020. Forty-seven (47) states now allow the growing of industrial hemp which is used in paper products, molded plastics, textiles, construction materials, food products, and CBD extracts.

Location: 12 ac. identified as Cass County Assessor Parcel No. 13-22-09-000-000-040.009 at 4241 S. Brookhart Dr.

Applicants: Graham and Sandra Gentry
 Aquafresh Barramundi, LLC

Property Owners	Graham and Sandra Gentry
Acres	12 acres
Zoning	M-1 Light Industrial District

The Planning and Zoning Commission unanimously recommended that the Board of Aldermen approve this Special Use Permit at their meeting on November 14, 2019.

General

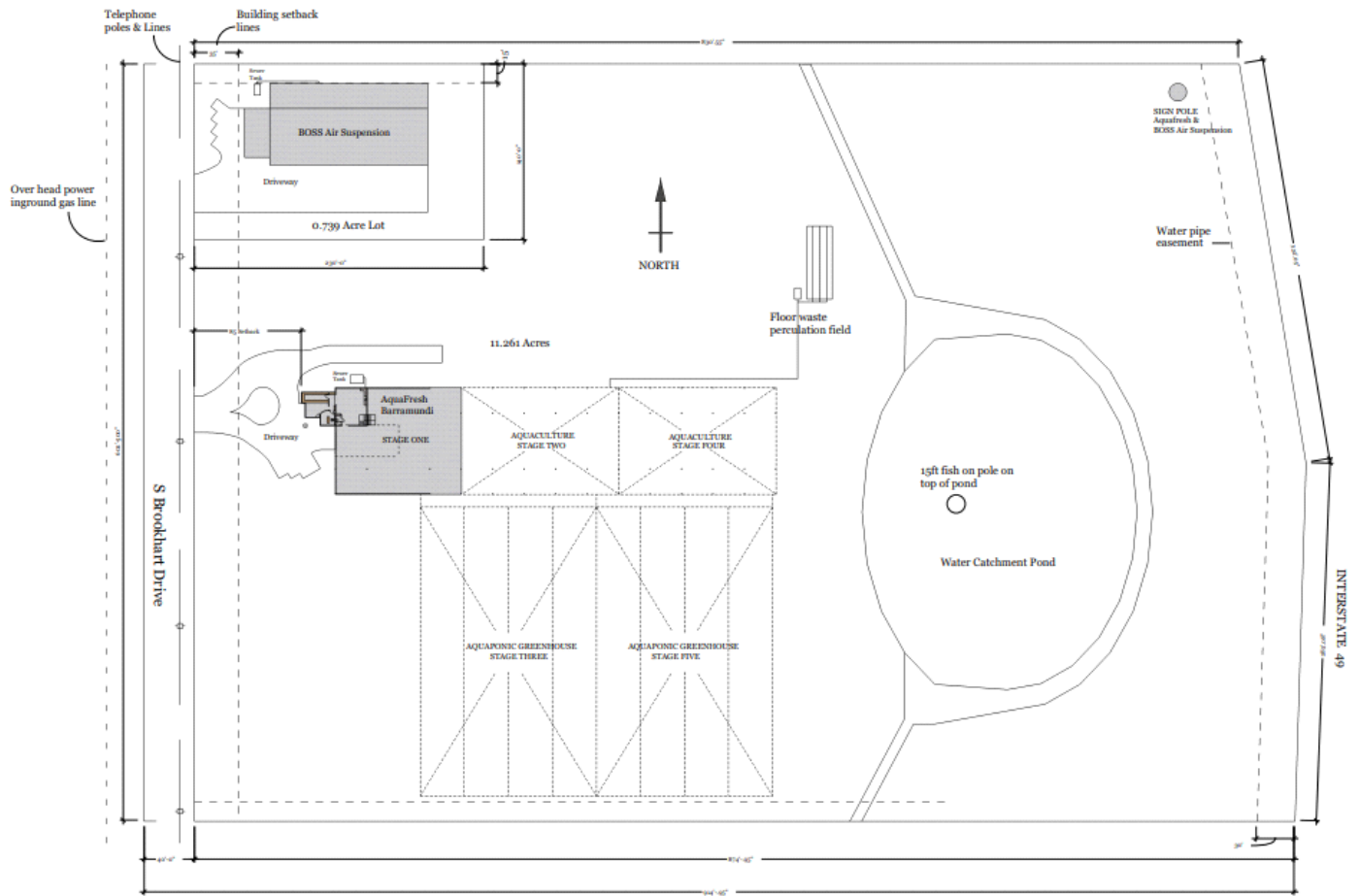
Graham and Sandra Gentry with Aquafresh Barramundi LLC have applied for a special use permit to operate an indoor aquaculture farm and living quarters for operation of an indoor aquaculture farm to raise fish and an indoor hydroponic farm for vegetables and herbs. They recently acquired 12 acres for the project in the M-1 light industrial zoning district at 4241 S. Brookhart Dr.

Vicinity Maps





Full-size copies of site plat will be provided at the meeting.





Platting

If their application for an SUP is approved, the applicants will apply for approval of a preliminary plat and final plat. The 12 acres will be divided into two tracts as follows:

- .74-ac. Tract -- The smaller tract at the northwest corner of the site, will become the global and US home of a 7,200 sq. ft. distribution operation for BOSS Air Suspension, an Australian producer of air suspension systems for vehicles (www.bossairsuspension.com <<http://www.bossairsuspension.com>>). Distribution as a use is allowed by right in the M-1 zoning district. SUP is required and this is not part of the SUP application. A holding tank is proposed.
- 11.26-ac. Tract -- The larger tract will be the site of Aquafresh Barramundi LLC. The following buildings are proposed:
 - a 7500 sq. ft. building with a studio apartment, expandable to about 26,700 sq. ft., for raising of barramundi fish (sea bass). City staff recently toured an indoor fish-operation near Higginsville. As all of the fish can die with loss of heat and aeration, staff supports the request for an attendant's quarters. Processing of industrial hemp (separating seed from stalks) will also occur here after it is approved by the State and City.
 - Two 30,800 sq. ft. green houses for aquaponic raising of vegetables and herbs. An SUP is needed for aquaponic farming.

Proposed Order of Development

Stage 1. Construct 7,500 sq. ft. building for raising fish with a recirculating aquaculture system. The fingerlings are shipped from Australia to US where they are raised for local fish markets. If approved by the City and State, processing of industrial hemp seed and stalks will also occur in this building and may start while awaiting arrival of the first fingerlings fish from Australia.

An engineered septic system is proposed for the apartment. A separate engineered holding tank that meets DNR standards is proposed for the operations area. Laterals may be added for overflows if DNR compliant. Fish solids will be mixed with tree mulch to make compost onsite at the Gentry's pecan nursery at 24507 E 275th St. in rural Cass County.

The applicant proposes to construct a dam and pond near I-49 for stormwater detention and ascetics. The size of the pond will be determined by the stormwater management plan. In the pond will be a 15-ft barramundi fish statue and fountain that will be illuminated at night.

The applicant wishes to construct a sign on the northeast corner of the site that will be approximately 80 ft. in height so as to be visible over trees. The sign code limits the height of signs to 50 ft. But, if the applicant is willing to relocate the sign to the southeast corner of the site which is within 1000 ft. of an I-49 interchange, he may apply for a variance to exceed 50 ft. Approval of the sign is not part of this application.

Stage II. Expand building for fish operation by 9,600 sq. ft. to 17,100 sq. ft.

Stage III. Construct a 30,800 sq. ft. aquaponic greenhouse for farming of green vegetables, herbs and, if approved by the City and State, industrial hemp.

Stage IV. Expand building for fish operation by 9,600 sq. ft. to 26,700 sq. ft.

Stage V. Construct a second 30,800 sq. ft. aquaponic greenhouse for farming of green vegetables, herbs and, if approved by the City and State, industrial hemp.

Performance Standards in the M-1 Zoning District

Section 405.490 sets forth the Performance Standards in the M-1 Zoning District. Those applicable to this application are listed below and incorporated as conditions in the staff recommendation.

- A. All operations shall be conducted within a fully enclosed building.
- B. No use shall be permitted or so operated as to produce or emit:
 - 1. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line.
 - 2. Vibration or concussion perceptible without instruments at the property line.
 - 3. The noise level shall not exceed seventy-five (75) dB(A) at any point along the property line.
 - 4. Industrial processes and wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

Review of Application using Zoning Ordinance Criteria for SUPs:

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

The location of the proposed uses are in an area that is both industrial and rural in character. The zoning is M-1 Light Industrial District. The zoning and uses of the adjacent properties surrounding the subject site are as follows:

	<u>Zoning</u>	<u>Use</u>
North	M-1	Vacant
East	Interstate 49	
West	I-1 (Cass County)	Vacant
South	M-1(City)	MVP Painting (Coating architectural steel)

The proposed uses are consistent with the surrounding neighborhood, existing uses and the M-1 zoning district classification.

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

The physical character of the area is predominantly industrial and rural. The topography of the site is flat.

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

The proposed use is consistent with the following industrial land use policies in the Comprehensive Plan.

- A. Industrial areas shall have reasonable and convenient access to I-49.
- B. The proposed use is in an area of industrial development with similar or compatible uses.
- C. The proposed use is in an area where adequate streets, electricity, water and sewer are available.

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

We believe the subject property is suitable for the proposed aquaculture farming of fish and hydroponic farming of vegetables and herbs.

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

The area surrounding the subject site is zoned M-1, Light Industrial, and gradually filling in with industrial users. The property on the west side of Brookhart Drive, which is unincorporated Cass County, is zoned I-1 by the County.

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

We do not see the aquaculture and hydroponic uses as detrimental to nearby properties as they will occur inside of a building.

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

Public facilities and services in the area are adequate enough to serve the proposed use.

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

We see the subject property as suitable for the proposed use due to its M-1 zoning and available public infrastructure

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

Approximately twenty (20) years.

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

Economic development and investment in capital and jobs is in the public interest.

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

We do not see the proposed uses as being detrimental to the public health, safety and welfare of the community.

STAFF RECOMMENDATION: Approve ordinance authorizing a special use permit for Graham and Sandra Gentry to operate an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for raising vegetables and herbs, all subject to the following conditions:

1. The Use - This special use permit authorizes the operation of an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for raising vegetables and herbs.
2. Location - 12 ac identified as Cass County Assessor Parcel No. 13-22-09-000-000-040.009 at 4241 Brookhart Dr.

3. Environmental -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line.
4. Odors - The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce odors which are noticeable at the property line.
5. Vibration -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.
6. Noise Level -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce a noise level that exceeds seventy-five (75) dB(A) at any point along the property line.
7. Sewage Disposal Facilities - Sewage disposal facilities shall be constructed to meet all City and Department of Natural Resources requirements. Operational processes and wastes shall be of such a quantity and nature so as to not overburden the sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.
8. Off-street Parking and Queuing - Off-street parking shall be provided in a number to accommodate the parking needs of visitors plus one (1) space for each employee.
9. City, County and State Standards - The indoor aquaculture fish farm and an indoor hydroponic farm shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations and statutes.
10. Time Limit - 10 years. Applicant may reapply for renewal of SUP.

B. Action Item (ID # 3417)

PUBLIC HEARING and Council Bill 76: AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, GRANTING A 10-YEAR SPECIAL USE PERMIT TO GRAHAM AND SANDRA GENTRY AND AQUAFRESH BARRAMUNDI, LLC TO OPERATE AN INDOOR AQUACULTURE FARM TO RAISE FISH WITH AN ATTENDANT'S LIVING QUARTERS AND AN INDOOR HYDROPONIC FARM AT 4241 BROOKHART DRIVE IN THE CITY OF HARRISONVILLE, MISSOURI

Attachments:

Ordinance (DOCX)

2019-11-14 Planning & Zoning Commission - Full Minutes-1496 (1) (PDF)

Bill No. 2019–**Ordinance No.**

AN ORDINANCE OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, GRANTING A 10-YEAR SPECIAL USE PERMIT TO GRAHAM AND SANDRA GENTRY AND AQUAFRESH BARRAMUNDI, LLC TO OPERATE AN INDOOR AQUACULTURE FARM TO RAISE FISH WITH AN ATTENDANT’S LIVING QUARTERS AND AN INDOOR HYDROPONIC FARM AT 4241 BROOKHART DRIVE IN THE CITY OF HARRISONVILLE, MISSOURI

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application for a special use permit from Graham and Sandra Gentry to operate an indoor aquaculture farm to raise fish with an attendant’s living quarters and an indoor hydroponic farm for raising vegetables and herbs on 12 acres at 4241 Brookhart Drive which is legally described as:

PART OF A TRACT OF LAND DESCRIBED IN BOOK 3168 AT PAGE 113, IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE EAST HALF OF SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 44, RANGE 31 IN CASS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 9, AFORESAID, RUN THENCE NORTH 88°00'56" WEST, ALONG THE SOUTH LINE THEREOF, 1315.45 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 01°51'21" EAST, ALONG THE WEST LINE OF SAID EAST HALF, 874.51 FEET, TO THE NORTHWEST CORNER OF "KELLY SUBDIVISION", A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; THENCE SOUTH 88°04'14" EAST, ALONG THE NORTH LINE THEREOF, 40.00 FEET, TO THE NORTHWEST CORNER OF LOT 1, IN SAID "KELLY SUBDIVISION, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 01°51'21" EAST, PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, 602.59 FEET; THENCE SOUTH 88°04'14" EAST, 830.55 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. INTERSTATE 49 (FORMERLY U.S. 71 HIGHWAY), AS NOW LOCATED; THENCE SOUTH 07°35'05" EAST, ALONG SAID RIGHT-OF-WAY LINE, 322.05 FEET; THENCE SOUTH 03°33'01" WEST, ALONG SAID RIGHT-OF-WAY LINE, 285.08 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1, "KELLY SUBDIVISION"; THENCE NORTH 88°04'14" WEST, ALONG THE NORTH LINE OF SAID LOT 1, 874.95 FEET, TO THE TRUE POINT OF BEGINNING. CONTAINS 12.00 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHT-OF-WAYS.

WHEREAS, on November 14, 2019 the Planning and Zoning Commission did conduct a public hearing, and after evaluating the application for a special use permit did recommend that the Board of Aldermen approve the special use permit subject to certain conditions; and

WHEREAS, on December 2, 2019 the Board of Aldermen did conduct said public hearing, did evaluate the application for the special use permit, and did consider the recommendation of the Planning Commission;

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

Section 1. A special use permit is hereby approved for Graham and Sandra Gentry to operate an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for raising vegetables and herbs at 4241 Brookhart Drive, subject to the following conditions:

1. The Use – This special use permit authorizes the operation of an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for raising vegetables and herbs.
2. Location – 12 ac identified as Cass County Assessor Parcel No. 13-22-09-000-000-040.009 at 4241 Brookhart Drive.
3. Environmental -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce or emit dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line.
4. Odors – The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce odors which are noticeable at the property line.
5. Vibration -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce vibration or concussion perceptible without instruments at the property line.
6. Noise Level -- The indoor aquaculture fish farm and an indoor hydroponic farm shall not be operated so as to produce a noise level that exceeds seventy-five (75) dB(A) at any point along the property line.
7. Sewage Disposal Facilities – Sewage disposal facilities shall be constructed to meet all City and Department of Natural Resources requirements. Operational processes and wastes shall be of such a quantity and nature so as to not overburden the sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.
8. Off-street Parking and Queuing – Off-street parking shall be provided in a number to accommodate the parking needs of visitors plus one (1) space for each employee.

9. City, County and State Standards – The indoor aquaculture fish farm and an indoor hydroponic farm shall operate in conformance with all applicable City, County, State and Federal ordinances, regulations and statutes.
10. Time Limit – 10 years. Applicant may reapply for renewal of SUP.

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.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 2ND DAY OF DECEMBER 2019 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 2ND DAY OF DECEMBER 2019 AND PASSED BY THE BOARD OF ALDERMEN THIS 2ND DAY OF DECEMBER 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 2nd day of December 2019



**MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
NOVEMBER 14, 2019
6:00 PM**

1. Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Chuck Jones	Harrisonville		Present	
Chris Chiodini	Harrisonville	Chair	Present	
Scott Milner	Harrisonville		Present	
Judy Bowman	Harrisonville	Mayor	Present	
Jim Proctor	Harrisonville		Present	
Virgil Butler	Harrisonville		Present	
Dorothy Young	Harrisonville		Present	
Cheryl Bush	Harrisonville	Board Member	Present	
Barrett Welton	Harrisonville		Present	

Also in attendance were Graham and Sandra Gentry, Applicants; Matt Turner, Alderman Liaison; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Oct 17, 2019 6:00 PM

With no additions or corrections, the minutes of the October 17, 2019 meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Chuck Jones
SECONDER:	Judy Bowman, Mayor
AYES:	Jones, Chiodini, Milner, Bowman, Proctor, Butler, Young, Bush, Welton

3. Agenda Items

A. SUP 19-017 Application for Aquafresh Barramundi PUBLIC HEARING

Roger Kroh presented the application for Special Use Permit 19-0017 to operate an indoor aquaculture farm to raise fish with an attendant's living quarters and an indoor hydroponic farm for vegetables and herbs. The 12 acre location is between I-49 and Brookhart Drive and 267th and 275th Streets. This area is zoned M-1 Light Industrial which does not allow residential. There are several phases planned for this site including expanding the fish operation and constructing multiple aquaponic greenhouses for farming of green vegetables; herbs and eventually industrial hemp. Mr. Kroh visited a similar facility and stated that Lafayette County had no complaints from neighbors about smells. Permission to grow industrial hemp is not being considered at this time as the State has not yet approved it.

Staff recommends approval of a motion recommending that the Board of Alderman approve SUP 19-017 with the conditions stated in the staff report for a period of ten (10) years.

The Chairman opened the public hearing.

Graham Gentry, applicant, has an engineering background and is currently working in solar. They have a pecan farm south of Harrisonville. It takes 18 months for the Barramundi to full grown. It is a financially sound investment as he already has clients in the city at high-end restaurants lined up. Judy Bowman asked if the filleting would be done on sight. Mr. Gentry said no, that would be done by the customer. He said that he will eventually build a kitchen to do the filleting there. Jim Proctor asked where the waste would go? Mr. Gentry stated that wherever his customers take their waste that is where he will take his. Barrett Welton asked what the timetable for the different stages would be? Mr. Gentry said that he will be starting with 5000 fingerlings a month, producing 5000 to 6000 pounds a month and progressing to 22,000 pounds a month. Mayor Bowman asked how the fish would be delivered to the customers. Mr. Gentry said that the fish are instantly killed in ice water, packed and distributed in a refrigerated truck making 5 deliveries a week so everything would be fresh. Chris Chiodini asked if there were any special permits needed from the Department of Natural Resources? Mr. Gentry said that he needs permits for the septic and fish waste from MO DNR. Mayor Bowman asked how many people would be employed? Mr. Gentry stated that it would probably be 4, plus the Gentry's, until Stage three. The Chairman closed the public hearing.

Dorothy Young made a motion to recommend approval to the Board of Alderman with the specifics and conditions in the staff report. Chuck Jones seconded the motion. The Commission voted unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Dorothy Young
SECONDER:	Chuck Jones
AYES:	Jones, Chiodini, Milner, Bowman, Proctor, Butler, Young, Bush, Welton

4. Discussion Items

Roger Kroh passed a copy of a letter written to the Commission from Block Real Estate about stormwater detention at the Dollar General site at Harrisonville Towne Center.

5. Adjourn

With nothing further to before the Commission, Chuck Jones made a motion to adjourn. Barrett Welton seconded. The Commission voted unanimously. The meeting was adjourned at 6:36 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary



STAFF REPORT

TO: Board of Aldermen
FROM: Marcella McCoy, Director
DATE: November 27, 2019
SUBJECT: FY 2019 Budget Amendment

Type of Item: *Budget*

INTRODUCTION

The purpose of this memo is to outline the proposed changes to Fiscal Year 2019 Budget as operations, unforeseen or projected expenses, have occurred, specifically to the Aquatic Center Fund.

Director Deal and myself have reviewed the operations of the Aquatic Center to determine the projected year end results based on actual revenue and projected expense. The proposed amendment meets the requirement of a balanced budget and is presented with revenue meeting expenditures including the use of final reserves that are available and a transfer from General Fund to cover the shortage.

DISCUSSION

As the close of Fiscal Year 2019 begins, I have completed an analysis of the funds to determine if there is a need to amend the budget. The need to amend the budget for the Aquatic Center Fund has been determined and was anticipated with expenditures that occurred during the open season for the Outdoor Pool.

The 2019 Aquatic Center season expenses exceeded the anticipated projections. Revenue did not meet projections primarily due to weather for the season and is less than last year's actual. As you know, Outdoor Pools across the country depend on "good weather for a good year", regarding revenue. Additionally, changes in the Swim Team activity was not anticipated that resulted in less revenue in 2019 compared to 2018. Total FY 2019 revenue is about \$12,000 less than last year.

The FY 2019 expense projections anticipated an increase in the minimum wage, but the number of hours projected was short resulting in personnel expense going over budget. Additionally, supply costs were higher than last year because of increase in supply costs.

The proposed budget amendment does not change the transfer from reserve that uses the remainder of the Park Board directed reserve that was established in 1997 when the Outdoor Pool opened. The reserve comprised of the left-over funds from the construction project. The

Park Board Directed reserve was set up to supplement operations when needed and has been available for over 20 years. The last few years, it was stated the reserve fund would soon run out and additional funding would be needed for ODP operations. The proposed amendment includes a transfer from General Fund to provide the necessary funding. General Fund has savings throughout operations to cover this additional transfer without a formal budget amendment to General Fund.

In 2023, the Park Sales tax will supplement the Outdoor Pool, as stated in the 10 year budget plan. However, until that date, supplemental funding is needed in order to operate the ODP.

The table on the following page outlines the Aquatic Center fund budget reflecting decreases in operating revenue to actual, the addition of the transfer from General Fund, and the projected expenses for the remained of FY 2019 to present a balanced budget.

FUND	BUDGETED REVENUE	BUDGETED EXPENDITURES
GENERAL	\$ 9,524,570	\$ 9,524,570
PARK	547,680	547,680
COMMUNITY CENTER	2,163,960	2,163,960
EMERGENCY SERVICES	4,123,240	4,123,240
DEBT SERVICE	893,085	893,085
REFUSE	593,790	593,790
ELECTRIC	12,885,340	12,885,340
CWSS	4,881,680	4,881,680
AQUATIC CENTER	188,395	188,395
	35,801,740	35,801,740

The FY 2019 budget amendment is presented to maintain a balanced budget as required.

ACTION REQUIRED/RECOMMENDED

Staff respectfully asks the Board of Alderman to approve the transfer from General Fund to the Aquatic Center Fund in the amount of \$31, 950. Additionally, respectfully request the Board waive the rules and consider on first reading to have this budget amendment approved prior to the end of the 2019 Fiscal Year.

Council Bill No. 77**Ordinance No.**

**AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY
OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1,
2019 THROUGH DECEMBER 31, 2019.**

WHEREAS, the City of Harrisonville ("City") staff has reviewed the Fiscal Year January 1, 2019 to December 31, 2019 ("Fiscal Year") revenues and expenditures;

WHEREAS, changes reflecting those revenues and expenditures in the Aquatics Fund occurring during the Fiscal Year need to be adopted before the end of 2019;

WHEREAS, this is a standard accounting practice to do a final budget amendment at the end of the Fiscal Year;

WHEREAS, The Board of Aldermen feel it is in the best interest of the City to approve the budget amendment presented for Fiscal Year 2019.

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, 2019, and ending on December 31, 2019, is hereby amended. Maximum amounts to be expended by fund are as follows:

FUND	BUDGETED REVENUE	BUDGETED EXPENDITURES
GENERAL	\$ 9,524,570	\$ 9,524,570
PARK	547,680	547,680
COMMUNITY CENTER	2,163,960	2,163,960
EMERGENCY SERVICES	4,123,240	4,123,240
DEBT SERVICE	893,085	893,085
REFUSE	593,790	593,790
ELECTRIC	12,885,340	12,885,340
CWSS	4,881,680	4,881,680
AQUATIC CENTER	188,395	188,395
	35,801,740	35,801,740

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.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

Read for the first time by title only on the 2nd day of December 2019. Read for the second time by title only on the _____ day of December 2019.

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

ATTEST:

Randall K Jones, City Clerk

APPROVED by the Mayor this _____ day of December 2019



STAFF REPORT

TO: Board of Aldermen
FROM: Eric Patterson, Director
DATE: October 29, 2019
SUBJECT: 2019 Electric Rate Ordinance

Type of Item: *Approval*

Utility Rates**1.) Electric Rates**

- a. Rate study done and presented to the Board
- b. See attached exhibits from Toth Study
 - i. Recommendation year 1 (requires change in Ord.)
 - 1. Base rate Residential \$4.27/mo to \$7.00/mo
 - 2. Base rate Commercial \$8.54/mo to \$14.00/mo
 - 3. Base rate Power & Demand \$25.62/mo to \$42.00/mo
 - ii. Recommendation year 2 (requires change in Ord. do with year 1 change)
 - 1. 1% adjustment across the board (all base rates and all usage rates)
 - iii.

2.) Water Rates

- a. Rate Study in progress (Burns & McDonnell)
- b. See attached rate calculation (DNR rate model)
 - i. There is no proposed rate change at this time (maybe after rate study)

3.) Sewer Rates

- a. Rate Study in progress (Burns & McDonnell)
- b. See attached rate calculations before and after (DNR rate model)

i. Recommended interim increase (will probably need more after rate study)

- 1. Base Rate \$10.45/mo to \$15.00/mo**
- 2. Usage Charge \$6.80/thousand to \$8.40/thousand**

Council Bill No. 72**Ordinance No.**

**SECOND READING AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS:
CHAPTER 700, SECTION 700.530, BY ESTABLISHING NEW RATES FOR
MUNICIPAL ELECTRIC SERVICES**

**Council Bill 2019-
Ordinance 2019-**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.530, BY
ESTABLISHING NEW RATES FOR MUNICIPAL ELECTRIC SERVICES**

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

Section 1. That the following described electric rates are hereby adopted by the amendment of Chapter 700.530 A, Electrical Rates, by the deletion of the old rates and the adoption of the following new rates. All other portion of the Section not set out herein shall remain unchanged.

1. Residential service rates:
 - a. Character of Service....
Monthly service charge \$7.00/month
2. Total electric residential service rate:
 - a. Character of service...
Monthly service charge \$7.00/month
3. Commercial service rate:
 - a. Character of service...
Monthly base service charge \$14.00/month
4. Combined light and power service rate:
 - a. Character of service...
Monthly service charge \$42.00/month

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

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Read by title only for the first reading on November 4, 2019. Read by title only for the second reading on November 4, 2019. Vote taken as follows:

AYE:

NAY:

ABSENT:

ABSTAIN:

PASSED AND ORDAINED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville this 4th day of November 2019.

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

ATTEST:

Randall K. Jones, City Clerk

APPROVED by the Mayor this 4th day of November, 2019

P.O. Box 367, East Pearl Street - Harrisonville, Missouri 64701 p. (816) 380-8964 f. (816) 380-3997

Proposed amendment to Council Bill No. 72

Section 1. That the following described electric rates are hereby adopted by the amendment of Chapter 700.530 Electrical Rates, by the deletion of the old rates and the adoption of the following new rates. All other portion of Section not set out herein shall remain unchanged.

A.)

1. Residential service rates:
 - a. Character of Service....
Monthly base service charge \$5.25/month
2. Total electric residential service rate:
 - a. Character of service...
Monthly base service charge \$5.25/month
3. Commercial service rate:
 - a. Character of service...
Monthly base service charge \$10.50/month
4. Combined light and power service rate:
 - a. Character of service...
Monthly base service charge \$31.50/month

B.)

All portions being “Monthly base service charge”, “kWh/volume”, and “Demand KW” will be increased by 2%

Section 2. That Section 1.A. of this ordinance shall become effective for all billings due on or after February 1, 2020
Section 1.B. shall become effective for all billings due on or after January 01, 2021 and each year thereafter.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Attachment: Electric Utility Rate Amendment (002) (2019 Electric Rate Ordinance)



STAFF REPORT

TO: Board of Aldermen
FROM: Eric Patterson, Director
DATE: October 29, 2019
SUBJECT: 2019 Sewer Rate Ordinance

Type of Item: *Approval*

Utility Rates**1.) Electric Rates**

- a. Rate study done and presented to the Board
- b. See attached exhibits from Toth Study
 - i. Recommendation year 1 (requires change in Ord.)
 - 1. Base rate Residential \$4.27/mo to \$7.00/mo
 - 2. Base rate Commercial \$8.54/mo to \$14.00/mo
 - 3. Base rate Power & Demand \$25.62/mo to \$42.00/mo
 - ii. Recommendation year 2 (requires change in Ord. do with year 1 change)
 - 1. 1% adjustment across the board (all base rates and all usage rates)
 - iii.

2.) Water Rates

- a. Rate Study in progress (Burns & McDonnell)
- b. See attached rate calculation (DNR rate model)
 - i. There is no proposed rate change at this time (maybe after rate study)

3.) Sewer Rates

- a. Rate Study in progress (Burns & McDonnell)
- b. See attached rate calculations before and after (DNR rate model)

i. Recommended interim increase (will probably need more after rate study)

- 1. Base Rate \$10.45/mo to \$15.00/mo**
- 2. Usage Charge \$6.80/thousand to \$8.40/thousand**

Council Bill No. 73**Ordinance No.**

**SECOND READING AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES OF THE CITY OF HARRISONVILLE AS FOLLOWS:
CHAPTER 700, SECTION 700.460, BY ESTABLISHING NEW RATES FOR
MUNICIPAL SEWER SERVICES**

**Council Bill 2019-
Ordinance 2019 –**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
HARRISONVILLE AS FOLLOWS: CHAPTER 700, SECTION 700.460, BY
ESTABLISHING NEW RATES FOR MUNICIPAL SEWER SERVICES**

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

Section 1. That the following described sewer rates are hereby adopted by the amendment of Chapter 700.480 B, Basic Sewer Service Charge, by the deletion of the old rates and the adoption of the following new rates. All other portion of the Section not set out herein shall remain unchanged.

1. Commercial:
 - a. Fifteen dollars and no cents (\$15.00) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons eighty-four cents (\$0.84) per 100 gallons.
2. Residential:
 - a. Fifteen dollars and no cents (\$15.00) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons eighty-four cents (\$0.84) per 100 gallons.

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

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Read by title only for the first reading on November 4, 2019. Read by title only for the second reading on November 4, 2019. Vote taken as follows:

AYE:

NAY:

ABSENT:

ABSTAIN:

PASSED AND ORDAINED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville this 4th day of November, 2019.

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

ATTEST:

Attachment: 2019 Sewer Rate Ordinance (002) (2019 Sewer Rate Ordinance)

Randall K. Jones, City Clerk

APPROVED by the Mayor this 4th day of November, 2019

P.O. Box 367, East Pearl Street - Harrisonville, Missouri 64701 p. (816) 380-8964 f. (816) 380-3997

Proposed amendment to Council Bill 73

Section 1. That the following described sewer rates are hereby adopted by the amendment of Chapter 700.480 B, B. Sewer Service Charge, by the deletion of the old rates and the adoption of the following new rates. All other portions of the Section not set out herein shall remain unchanged.

A.)

1. Commercial:
 - a. Sixteen dollars and Thirty Five cents (\$16.35) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons nine-one point six cents (\$0.916) per 100 gallons.
2. Residential:
 - a. Sixteen dollars and Thirty Five cents (\$16.35) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons nine-one point six cents (\$0.916) per 100 gallons.

B.) That Section 1.A. of this ordinance shall become effective for all billings due on or after February 1, 2020.

Section 2. That the following described sewer rates are hereby adopted by the amendment of Chapter 700.480 B, B. Sewer Service Charge, by the deletion of the old rates and the adoption of the following new rates. All other portions of the Section not set out herein shall remain unchanged.

A.)

1. Commercial:
 - a. Sixteen dollars and Thirty Five cents (\$16.85) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons nine-one point six cents (\$0.944) per 100 gallons.
2. Residential:
 - a. Sixteen dollars and Thirty Five cents (\$16.85) for the first 1,000 gallons.
 - b. For all in excess of one thousand (1,000) gallons nine-one point six cents (\$0.944) per 100 gallons.

Section 2. That Section 2A. shall become effective for all billings due on or after January 01, 2021.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.



STAFF REPORT

TO: Board of Aldermen
FROM: Marcella McCoy, Director
DATE: October 30, 2019
SUBJECT: Fiscal Year 2020 Budget Ordinance

Type of Item: *Budget*

Council Bill No. 74**Ordinance No.**

**SECOND READING AN ORDINANCE ADOPTING AN OPERATING BUDGET
FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR
JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**

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, 2020, and ending on December 31, 2020, a copy of which is appended hereto and made a part hereof, is hereby adopted. Maximum amounts to be expended by fund are as follows:

FUND	BUDGETED REVENUE	BUDGETED EXPENDITURES
GENERAL	\$ 8,899,145	\$ 8,899,145
PARK	531,870	531,870
COMMUNITY CENTER	2,151,860	2,151,860
EMERGENCY SERVICES	3,984,835	3,984,835
DEBT SERVICE	847,430	847,430
REFUSE	606,805	606,805
ELECTRIC	13,193,080	13,193,080
CWSS	5,434,440	5,434,440
AQUATIC CENTER	188,700	188,700
	35,838,165	35,838,165

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 January 1, 2020 upon its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

Read for the first time by title only on the 4th day of November 2019. Read for the second time by title only on the _____ day of November 2019.

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

ATTEST:

Randall K Jones, City Clerk

APPROVED by the Mayor this _____ day of November 2019



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

November 4, 2019

Honorable Mayor
Members of the Board of Aldermen
City of Harrisonville

INTRODUCTION

Submitted for your consideration is the proposed Fiscal Year 2020 budget for the City of Harrisonville. The annual budget for Fiscal Year 2020, as proposed, represents the administrative and financial plan for the City of Harrisonville. This budget is the product of a comprehensive team effort of the municipal organization.

Fiscal Year 2020 proposed budget includes items identified by the Mayor and Board of Alderman. Those items are a full-time Economic Development Director and an additional holiday to recognize Martin Luther King. Management proposed moving the part-time Executive Secretary to full-time upon retirement for half the year.

Department directors submitted requests to meet the overall department responsibilities and capital requests. Departmental submissions were reviewed, streamlined, and adjusted during individual department review by the Department Director, Finance Director and City Administrator in an effort to balance financial constraints and service delivery mandates. This process has been thorough in order to maintain cost effective delivery of City services, but does not end with adoption of the budget document. The Fiscal Year 2020 budget presents a balanced program of services and cost control measures, which will be monitored throughout the year to provide the quality programs and services important to the citizens of Harrisonville.

This document begins with an outline of the proposed Fiscal Year 2020 budget in summary. First is presented a proposed balanced budget for the entire Fiscal Year 2020 across all funds. Next will be an outline of each fund including request for capital purchases, objectives as proposed, and operating transfers recommended. Finally is the detail line item report that includes actuals for 2016, 2017, & 2018 along with the 2019 adopted budget, 2019 year-to-date actuals as of September 30, and proposed 2020 budget.

Attachment: Fiscal Year 2020 Budget summary (Fiscal Year 2020 Budget Ordinance)

DISCUSSION

Harrisonville is a full-service city that offers Police, Emergency Services (Fire and Ambulance), Streets, Storm Water Management, Airport, Solid Waste Services, Electric, Water and Sewer services along with an expansive Parks system that includes the outdoor Aquatics Center and Harrisonville Community Center. The following table is a summary of projected revenue compared to expenditures for each fund showing revenue equaling expenditures in each fund. The expenditures include operations and planned capital purchases presented with each division and fund. Also included are any projected increases in insurance costs, retirement costs, and other general operating costs to maintain benefits and service levels.

Fund	Revenue	Expenditures
General	\$ 8,899,145	\$ 8,899,145
Refuse	\$ 606,805	\$ 606,805
Electric	\$ 13,193,080	\$ 13,193,080
CWSS	\$ 5,434,440	\$ 5,434,440
Park	\$ 531,870	\$ 531,870
Aquatics	\$ 188,700	\$ 188,700
Community Center	\$ 2,151,860	\$ 2,151,860
Emergency Services	\$ 3,984,835	\$ 3,984,835
Debt Service	\$ 847,430	\$ 847,430
	\$ 35,838,165	\$ 35,838,165

The table above presents a complete balanced budget as required by Missouri State Statute. There is projected money available in General Fund designated for capital projects and/or operating transfers as needed to other funds. The Electric fund has enough operating revenues over expenses to cover capital requests and an amount designated to fund a future expansion. The CWSS fund includes use of reserve monies to assist in paying for engineering required for improvement to the Wastewater Plant. The remaining funds use fund balance or include an operating transfer from other funds to cover shortages. In 2018 the Board of Alderman approved elimination of the Sales Tax Fund that recorded and reflected transfers of the sales tax revenue to the perspective operations. The adopted Fiscal Year 2019 budget presented the change in the presentation of the Parks Sales Tax from the Sales Tax Fund to the Community Center Fund. Fiscal Year 2020 proposed budget continues reflecting the Parks Sales Tax in the Community Center Fund as retirement of the debt nears. The next several pages outline individual funds showing the revenue sources and proposed expenditures.

GENERAL FUND

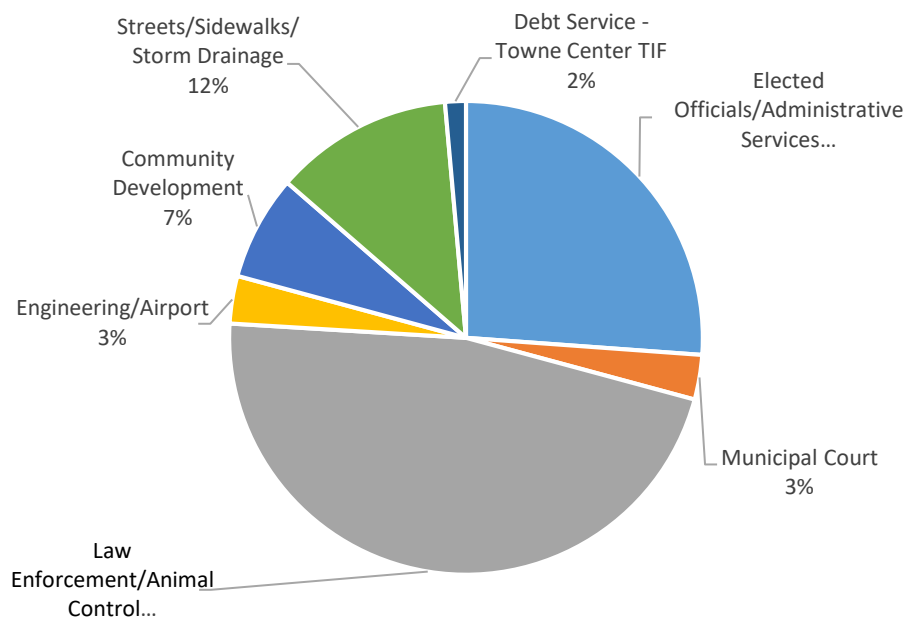
Let's begin with the General Fund, the general operating fund for the City. General Fund includes all basic operations for the City to function. Divisions are listed with the proposed expenditures for the fiscal year in the following table.

GENEARL FUND OPERATING EXPENDITURES

Elected Officials	178,070
Administration & Legal	638,185
Finance/Customer Services/Building Maintenance/IT	1,024,925
Municipal Court	214,550
Law Enforcement/Dispatch/Patrol	3,046,095
Animal Control	246,650
Engineering	86,310
Community Development & Economic Development	504,700
Streets/Sidewalks/Storm Drainage	858,850
Airport	142,230
Debt Service - Towne Center TIF	100,000
Transfers Out (Operating Support)	950,105
Total Operating Expenditures	7,990,670

General Fund Expenditures

- Elected Officials/Administrative Services
- Law Enforcement/Animal Control
- Community Development
- Debt Service - Towne Center TIF
- Municipal Court
- Engineering/Airport
- Streets/Sidewalks/Storm Drainage

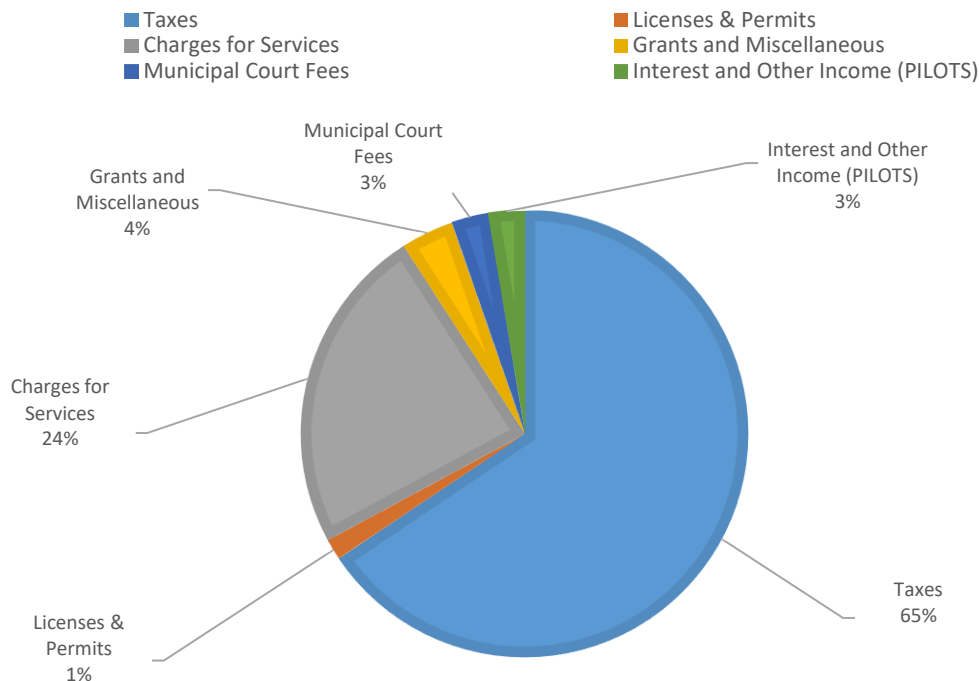


General Fund operations are typically covered with tax revenue. There are other revenue sources including licenses and permits, charges for services, administrative fees, court costs and fines, a small amount of interest income and the School Resource Officer funding, as well. The following table outlines the revenue sources for General Fund.

GENERAL FUND REVENUE

Sales Taxes	\$ 2,401,500
Property Taxes	831,150
Other Taxes- Motor Fuel Tax/Road & Bridge Tax	637,000
Franchise Fees	1,555,115
Licenses & Permits	125,600
Charges for Services	180,900
Administrative Services Fee	1,789,370
Misc. Income	120,600
Intergovernmental	193,050
Municipal Court	223,750
Interest	129,550
Payment in Lieu of Taxes	84,900
Total Operating Revenues	8,272,485

GENERAL FUND REVENUE



The City generates more revenue than operating expenditures. The above table only includes operating revenues and does not reflect the use of fund balance needed to cover capital and transfers out. There is no current dedicated source of revenue for capital projects or equipment for operations. The additional \$281,815 revenue over expenditures is recommended to be used to fund capital projects and equipment requested. Operating transfers out include \$220,910 to

the Park Fund to support our park system and \$604,195 to Emergency Services to support fire and ambulance operations.

Projected Capital Expenditures

The following table outlines the recommended Capital items and transfers from General Fund for capital purchases to other funds. The table lists each item or project with the projected costs. This utilizes the available revenue projection of \$281,815 plus use of fund balance in the amount of \$626,660.

		Requested Capital	
CIP Program		Police	
Sidewalks	100,000	Replace In-Car Video	7,895
Stormwater	100,000	Locker Room	56,000
Asphalt	300,000	Pole Camera	7,495
Recommended CIP	500,000	Crosswalk Flashers	15,000
		Patrol Vehicles (2)	93,950
			180,340
Streets		Community Development	
New Wash Bay	18,000	HP Plotter/printer Ext Warranty	24,000
		Lower Level Lighting	4,130
Airport			28,130
Replace Credit Card System - Fuel	12,000		
		Streets	
Finance		Back Hoe Purchase (CWSS)	40,000
INCODE Software Upgrade (3yr Proj)	15,000	10 Foot Salt Spreader	18,000
City Hall Interior Improvements/Facade Repair	25,000		58,000
	40,000		
		Total Capital Equipment	266,470
Total Requested Capital Project and Equipment			836,470
Transfers Out for Capital Items			
Parks - Capital Equipment	25,000		
EMS - Capital Equipment	134,500		
Community Center - Capital	20,000		
Total Requested Capital Transfers Out			179,500

Fund Balance

Fiscal Year 2020 projected beginning fund balance is \$5,223,913 based upon projections of receipt and expenditure of the Fiscal Year 2019 budget. The City does not currently have a formal adopted fund balance policy. The last several years the recommendation is to maintain fifty percent of operating expenditures in fund balance. To achieve this goal for 2020, the ending undesignated fund balance projection needs to be \$4,909,100 including the factor of six months for Park and Emergency Services with General Fund. The current projections of revenue and expenditures included capital reflects the fund balance projection being short by \$311,847.

ENTERPRISE FUNDS

Enterprise funds are funds that operate most like a business. These funds are service-based funds and the revenue is generated primarily by user rates. The user rates are set to be sufficient to meet all operational and debt costs for the fund. The three funds included in this section are the Refuse, Electric and CWSS Funds. The Aquatic Center Fund is also considered an Enterprise Fund, however, it is presented along with the other two Park funds.

REFUSE FUND

The Fiscal Year 2020 Refuse Fund budget is proposed as a balanced budget. In 2017, requests for proposals were completed and a new trash collection provider selected. There was an increase in the cost of each residential pickup with the award of a new contract in 2018. There is no further increase in the cost of service projected in the 2020 Refuse Fund budget. The service provided has met expectations.

The refuse collection fee covers the cost of the contract for trash and recycle collection service, the Household Hazardous Waste program, and, beginning in 2016, the City-Wide Cleanup event. The City-Wide Cleanup event has a successful addition to the refuse services provided.

The projected cash balance for year ending 2019 is \$80,893 based on 100% collection of charges included in the budget and expenses exactly meeting budget. The 2020 proposed budget does not increase the cash reserve for the fund. Current fund position for the Refuse Fund reflects about 20% of annual expenses. Because this is a basic collection and payment for service provided, 20% is a sufficient balance for fund position. The following table is a summary of revenue compared to expenses for Fiscal Year 2020.

REFUSE FUND

Operating Revenues:

Charges for Services	606,505
Misc. Income	-
Interest	300
Total Operating Revenues	606,805

Operating Expenditures:

Administrative Service Charge	28,470
Contractual Services	578,335
Total Operating Expenses	606,805

ELECTRIC FUND

The 2020 Electric Fund Budget is presented as a balanced budget providing \$250,000 for future substation improvement and increasing fund position to 50% of operating expenses. The rate study was completed and presented to the Board in 2019. The 2020 budget includes an increase in the base rate as recommended in the rate study. The projected increase in sales compared to 2019 Budget is \$214,150.

The final debt payment in the Electric Fund is scheduled for November 1, 2020. This will free up approximately \$250,000 annually. The final payment in 2020 is \$259,675.

The 2020 proposed budget includes \$653,500 in capital requests including a tractor w/loader, a bucket truck, transformers, lighting along the 291 corridor and cameras for the substations. These items were discussed during Budget Work Sessions with the Board of Aldermen and are included in the detail pages.

The following table is a summary of revenue compared to expenses proposed for Fiscal Year 2020 including detail of capital expenses proposed.

ELECTRIC FUND	
Operating Revenues:	
Charges for Services	12,839,030
Misc. Income/Intergovernmental	289,050
Interest	65,000
Other Rev. Sources/Transfers	-
Total Operating Revenues	13,193,080
Operating Expenditures:	
Administration	9,984,840
Distribution	687,215
Debt Service	259,675
Meter Reading	31,335
Tree Trimming	571,380
Transfer to reserve	1,005,135
Total Operating Expenditures	12,539,580
Capital Expenditures:	
Office Rehab	3,500
Transformers, Lighting, Cameras	115,000
Utility Tractor w/loader	55,000
Bucket Truck	130,000
Capital Equipment	303,500
Capital Projects	350,000
Total Capital Expenditures	653,500
Total Requirements	13,193,080
Revenue Over(Under) Expenses	-

COMBINED WATER SEWERAGE SYSTEM

The CWSS Fund is presented as a balanced budget with use of reserve in the amount of \$78,980. Fiscal Year 2020 includes purchase of several capital equipment items and engineering services for the Wastewater Treatment Plant. There are no proposed changes in water rates. Sewer rates are proposed to increase to provide funding for the projected Wastewater Treatment Plant improvements. The following table is a summary of revenue compared to expenses proposed for Fiscal Year 2020 including detail of capital expenses proposed.

COMBINED WATER SEWERAGE SYSTEM FUND

Operating Revenues:	
Licenses & Permits	5,500
Charges for Services	5,031,715
Misc. Income	97,465
Intergovernmental	-
Interest	220,780
Other Rev. Sources/Transfers	78,980
Total Operating Revenues	5,434,440
Operating Expenditures:	
Administration	1,186,935
Water Plant	624,290
Distribution	661,895
Debt Service	1,375,755
Wastewater Treatment Plant	733,565
Total Operating Expenditures	4,582,440
Capital Expenditures:	
Capital Equipment -- pump motors	57,000
Backhoe	110,000
Mower	10,000
Boom Truck	125,000
SCADA - Wastewater Treatment	50,000
Total Equipment	352,000
SRF Wastewater Treatment Plant - Engineering	500,000
Total Capital Expenditures	852,000
Total Requirements	5,434,440
Revenue Over(Under) Expenses	-

Attachment: Fiscal Year 2020 Budget summary (Fiscal Year 2020 Budget Ordinance)

PARKS AND RECREATION DEPARTMENT FUNDS

As part of the development and explanation of the 2020 operating budget for the Parks & Recreation Department, this memo notes each division of the Parks & Recreation Department funds. *The Park Board has reviewed and approved this 2020 Budget proposal.*

In brief summary, there will be some staffing changes for 2020 with two of our veteran Maintenance Workers retiring. This will create a salary savings in both the Park Fund and the Community Center Fund. This savings will help offset the increase in minimum wage and other employee expenses, which will be noted in each division. The proposed staffing changes have been reviewed and approved by the Park Board Executive Committee, and Interim City Administrator.

PARK FUND

The Park Fund budget is presented as balanced with transfers from General Fund. The Park Fund continues to be a “*maintenance fund*” with minimum wage increase being a significant factor. Parks utilizes mostly part-time staff for seasonal activities. There is little change in the revenue projections compared to prior year with many of the same programs offered. The Aquatic Weed Removal now becomes an annual maintenance item with the first initial year complete. General Fund provides an operating transfer of \$220,910 and \$25,000 for two capital item requests, a deck mower and field drag as detailed in the table below.

The following table outlines the projected 2020 revenue compared to expenditures for the Park Fund including transfers in from General Fund.

PARK FUND

Operating Revenues:	
Property Taxes	186,940
Charges for Services	27,045
Recreation Programs	55,525
Misc. Income	16,250
Intergovernmental	-
Interest	200
Other Rev. Sources- Transfers Supporting Operations	<u>220,910</u>
Total Operating Revenues	506,870
Capital Revenues: Transfers Supporting Capital	<u>25,000</u>
Total Operating and Capital Revenue	531,870
Operating Expenditures:	
Park Maintenance	506,870
Capital Expenditures:	
Deck Mower 4x4 Front Mount	20,000
AI Turf Field Drag	<u>5,000</u>
Capital Equipment	25,000
Total Capital Expenditures	<u>25,000</u>
Total Requirements	<u>531,870</u>
Revenue Over(Under) Expenditures	-

AQUATIC CENTER FUND

The Aquatic Center Fund (Outdoor Pool) is also in a maintenance mode, with the main change being the increase in minimum wage, and the necessity to raise fees in order to cover those increases. The Aquatic Fund is dependent on good weather with no “major” maintenance issues, which is difficult to project with a 22-year-old pool. For most Outdoor Pools, supplemental funding is necessary for seasonal operations, which is a mixture of “active” and “passive” recreation.

It has been forecasted for several years now, that when the *Park Board Directed Reserve Fund (PBDR)* is depleted, there will be the need for supplemental funding from the General or “other funding” in order to keep the Outdoor Pool open. With the final depletion of the PBDR Fund, it is estimated that \$25,000 will be needed as supplemental funding for the 2020 budget, and a budget amendment for 2019 in order to reach the budget projection of zero at the end of the year. There is an increase in fees recommended for next summer, but if fees are raised any higher, Harrisonville will be beyond the local market for Outdoor Pool entrance fee charges.

The following table on the provides a summary of the revenue compared to expense projected for the Aquatic Center Fund.

AQUATIC CENTER FUND	
Operating Revenues:	
Charges for Services	126,850
Misc. Income	36,550
Interest	300
Other Rev. Sources: Transfers in Support of Operations	<u>25,000</u>
Total Operating Revenues	188,700
Operating Expenditures:	
Aquatic Center	<u>188,700</u>
Total Operating Expenditures	188,700
Revenue Over(Under) Expenses	-

COMMUNITY CENTER FUND

The Community Center Fund is also in a maintenance mode. Membership has held steady for the last 5 plus years (Average 4,200 members). Expenses increase with the minimum wage increase. The Capital and transfer from General Fund request is for a new Sauna as the current Sauna is in constant maintenance and needs replacement. The Sauna has proven to be a “membership retention feature” for our HCC Members.

Even though annual preventative maintenance is done on the HCC building and equipment, the biggest concern is the HVAC equipment replacement costs with a 14-year-old building. These replacement funds are set for 2023-24 and beyond, and the long-term goal is to make it to 2023 with the remaining HCC Fund Balance, which is currently around \$200,000 held in the Debt Service Fund to support the final payment in December 2022. Requests for Capital items from the General Fund (currently) are made for this reason.

The following table provides a summary of proposed revenue compared to expenditures and includes the requested transfer from General Fund to provide for Capital.

COMMUNITY CENTER FUND

Operating Revenues:	
Parks Sales Tax	1,021,975
Charges for Services	870,275
Recreation Programs	208,230
Misc. Income	30,650
Interest	730
Transfer from Other Funds	-
Transfers in Support of Operations from Debt Service Fund	-
Total Operating Revenues	2,131,860
Capital Revenues	
Transfer from General Fund - Capital Improvement	20,000
Total Capital Revenues	20,000
Revenues	2,151,860
Operating Expenditures:	
Administration	456,480
Aquatics Center	166,060
Recreation Programs	244,610
Debt Service	848,260
Buildings & Grounds	416,450
Total Operating Expenditures	2,131,860
Capital Expenditures:	
Capital Equipment - replace Sauna	20,000
Capital Projects	-
Total Capital Expenditures	20,000
Total Requirements	2,151,860
Revenue Over(Under) Expenditures	-

Attachment: Fiscal Year 2020 Budget summary (Fiscal Year 2020 Budget Ordinance)

EMERGENCY SERVICES FUND

The Fiscal Year 2020 proposed budget for Emergency Services is presented as a balanced budget with revenue meeting expenditures with a transfer of operations from General Fund in the amount of \$604,195. This is just for operations and does not include any capital items. The requested capital items total \$134,500 and is presented as a transfer from General Fund to provide for these capital purchases.

Revenue is generated through the public safety sales tax, charges for services, and some miscellaneous income for sales of surplus equipment and educational classes offered. Expenditures are operational costs including personnel, supplies, and maintenance just to name a few.

Capital Outlay: \$134,500 is requested for capital that includes turnout gear, New LifePack 15 Heart monitors, EXT tools, ventilators, and a lease payment on a fire truck as listed in the detail pages and in the table below.

The following table provides a summary of proposed revenue compared to expenses

EMERGENCY SERVICE FUND	
Operating Revenues:	
Sales Taxes	\$ 508,200
Charges for Services	2,697,120
Misc. Income	40,820
Interest	-
Transfer In (General Fund Operating Support)	<u>604,195</u>
Total Operating Revenues	3,850,335
Capital Revenues: Transfers Supporting Capital	<u>134,500</u>
Total Operating and Capital Revenue	3,984,835
Operating Expenditures:	
Fire and Ambulance	<u>3,850,335</u>
Total Operating Expenditures	3,850,335
Capital Expenditures:	
Turnout Gear	12,500
Fire Truck Replace E20 (Lease Payment)	55,000
LP15 Replace LP12	28,000
Batt Powered EXT Tools	25,000
Ventilators (2)	<u>14,000</u>
Total Capital Equipment	<u>134,500</u>
Total Requirements	<u>3,984,835</u>
Revenue Over(Under) Expenditures	-

DEBT SERVICE FUND

The Fiscal Year 2020 budget proposed for the Debt Service Fund is presented as a balanced budget. The Debt Service Fund currently reflects only the debt associated with the Community Center certificates of participation issued in 2012. The Community Center Fund collects the Park Sales Tax that is transferred into this fund for the annual debt payment. The following table outlines the transfers and debt payments.

DEBT SERVICE FUND	
Operating Revenues:	
Transfer from Park Sales Tax	846,180
Interest	1,250
Other Rev. Sources/Transfers	-
Total Operating Revenues	847,430
Operating Expenditures:	
Transfer out to Community Center Fund	-
Debt Service	<u>847,430</u>
Total Operating Expenditures	847,430

ACTION REQUESTED/RECOMMENDATION

In conclusion, I thank each department director for their diligence in putting together this document. Each have been present to answer any questions as the proposed budget was presented to the Board of Aldermen in order to provide a good foundation of operational responsibilities and the need for capital purchases.

At this time, the proposed budget is recommended for approval by the Board of Alderman.



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: November 6, 2019
SUBJECT: TIMBER DRIVE VARIANCE EXTENSION

Type of Item: *Approval*

Issue:

An ordinance passed in October 2017 allowing Timber Dr. to not be extended to the west property line of the Harrisonville Villas Development.

Background:

The Board voted 4-3 to allow a variance for the developer to waive the requirement that Timber Dr., an accepted City right of way, not be extended to the west property line adjacent to the Welborn Property. A vacant seat existed in Ward 4 and the previous attorney wrote an opinion that the Board could adopt an ordinance with a 4-3 vote. Our current attorney disputes that claim (see AG Opinion attachment) that to adopt an ordinance it takes at least 5 members voting for the ordinance and has requested we bring this before the Board for a vote to approve or reject the variance.

Recommendation:

Planning and Zoning in 2017 recommended approval of the variance.

Council Bill No. 47**Ordinance No.**

**SECOND READING AN ORDINANCE AUTHORIZING A VARIANCE FOR
THE DEVELOPER OF THE HARRISONVILLE VILLAS A VARIANCE OF THE
APPROVED SUBDIVISION PLAT BY NOT REQUIRING TIMBER DRIVE TO
EXTEND TO THE WEST PROPERTY LINE**

WHEREAS, Harrisonville Villas is a Missouri Housing Development Commission (“MHDC”) supplemented senior housing development with 48 residences on the north end of the City of Harrisonville, Missouri;

WHEREAS, the City approved the development plat improvement on July 5, 2016;

WHEREAS, Harrisonville Villas, LP (the “Developer”) encountered some delays and extra expenses while building the affordable housing development:

WHEREAS, the Developer presented its request for a variance to the Planning and Zoning Commission to amend the requirement under the development plat and Development Agreement to extend Timber Dr. from the intersection of the private drive to the west property line of Harrisonville Villas and the adjacent sidewalk (the “Extension”), as required in City Code Sections 410.350 and 410.520, on August 17, 2017 (the “Sections”);

WHEREAS, the Planning and Zoning Commission heard from the Developer on the extra expenses and delays, discussed in detail why the Extension will create an unwarranted economic hardship in completing the development, heard from the developer the budget constraints they are facing, discussed the Extension is not necessary or desirable for the advantageous development of the adjacent tracts, such that the Developer could be relieved of the requirement for the Extension with the variance, and voted to approve the requested variance and forward it to the Board of Aldermen;

WHEREAS, the Board of Aldermen find that the review, decision, and recommendation of the Planning and Zoning Commission for the approval of the variance should be sustained;

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

Section 1: That the Board sustains the recommendation of the Planning and Zoning Commission for a variance relieving the Developer of the requirement under the Sections to construct the Extension.

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

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

**READ FOR THE FIRST TIME BY TITLE ONLY ON THE 15TH DAY OF JULY 2019
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 2ND DAY OF
DECEMBER 2019 AND PASSED BY THE BOARD OF ALDERMEN THIS 2ND DAY
OF DECEMBER 2019.**

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand this 2nd day of December 2019



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
OCTOBER 16, 2017
7:00 PM

1. **Call to Order & Pledge of Allegiance**
2. **Roll Call**

Attendee Name	Organization	Title	Status	Arrived
Judy Bowman	Harrisonville	Board Member	Present	
Clint Long	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Brad Bockelman	Harrisonville	Board Member	Present	
Brian Hasek	Harrisonville	Mayor	Present	

Others present were: City Administrator Happy Welch, City Attorney John Fairfield, Finance Director Marcella McCoy, Police Chief John Hofer, Street Superintendent Rodney Jacobs, Community Development Director Jim Clarke and City Clerk Randall Jones, Recording.

3. **Ceremonial Matters**

A. Proclamation: Harrisonville Cass County BusinessWomen Week

Mayor Hasek presented proclamation to the Harrisonville and Cass County Business Women, declaring the week of October 16-21, 2017 as Missouri Business Women's Week. Present were Ruth Christain, Betty Beason, Shirley Howell, Kim York, Mary Parker and Judy Bowman.

4. **Public Participation**

John Foster, 2619 Duncan Circle, addressed Mayor and Board in regard to Council Bill #65 - Harrisonville Villas variance request. His concerns were the placement of utility lines, sidewalks

and occupancy. He was concerned with the variance to waive the street completion. Alderman Bowman asked if he had seen any street signs or street lights.

Obie Carl, 27917 S. Bybee, reported to the Mayor and Board that the Burnt District Festival went well and expressed his gratitude to city staff for their involvement.

Virgil Butler, 606 N. King, addressed Mayor and Board over Alderman Bowman's statement from last meeting. He asked Alderman Bowman for the question she had for the Mayor and Alderman Bowman reminded him that he is only to address the Board as a whole. He stated that he was the one who had asked Alderman Bockelman to go look at the Harrisonville Villas.

Andrea Girard, 2102 N. Truman, Archie, addressed the Mayor and Board over concern with Harrisonville Villas and the completion of a road that involves private property. She also had concerns over the Chapter 430 revisions and Alderman Bowman's request for listing of owners of all corporations involved. Girard asked for an explanation of the 353 financing. She stated that if anyone could not back up an accusation then they should not bring it forward.

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Oct 2, 2017 7:00 PM

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Clint Long, Board Member
AYES:	Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

B. Board of Aldermen - Budget Meeting - Oct 9, 2017 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

C. Minutes of Executive Session, Oct. 2, 2017

Motion by Alderman Dickerson and second by Alderman Turner to approve minutes as presented. Motion carried with a voice vote.

6. Agenda Items

A. Appointment to Historic Preservation Commission

Motion to appoint Robert Wiseman to Historic Preservation Commission. Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Clint Long, Board Member
AYES:	Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

B. Special Event Permit: Twin Oaks Block Party 2017

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

C. Special Event Permit: Veterans Day Recognition 2017

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marcia Milner, Board Member
SECONDER:	David Dickerson, Board Member
AYES:	Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

D. An Ordinance Authorizing a Variance for the Developer of the Harrisonville Villas a Variance of the Approved Subdivision Plat By not Requiring Timber Drive to Extend to the West Property Line

Second reading. Following second reading, Mayor Hasek designated Council Bill #65 as Ordinance #3417 after passage.

Prior to vote was discussion:

Developer Debbie Hart addressed the Board along with Greg Lee, General Contractor for Harrisonville Villas. They explained the development and why a request for a variance for Timber Drive came about. Mr. Lee addressed some concerns that were voiced earlier in the meeting and gave an update on where they were in finishing the project.

Alderman Dickerson addressed the question from Mr. Lee in regard to 3-phase electricity and why it was required by former electric director.

Alderman Milner asked if roads and sidewalks were in original plans, explanation of street light needs and explanation of delays from City.

Mayor Hasek stated the pipe that was delivered to be installed was wrong size.

Alderman Milner stated there had been issues with former city inspector and that the City had paid for having a new inspector for project.

Mayor Hasek asked if they had spoken with adjoining property owners - the Welborns. Debbie Hart stated that she had and Mr. Welborn was okay with shortened road but voiced more concern over the tie-in at the west end of the property with 291.

Alderman Dickerson asked if there would be any violation if this variance was approved.

Alderman Bowman asked about street not being complete - Mr. Lee said a top coat should be completed next week.

Alderman Bowman asked about some of the first residents moving in with non-working smoke alarms.

Alderman Bowman stated the city inspector allegations were unfounded but City hired another inspector. Mr. Lee said the complaints were about inconsistencies. Mayor Hasek said former staff was not following procedures.

Alderman Bowman asked Hart about tax credit amounts received and asked about her monetary investment in said project.

Alderman Bowman asked city attorney about Board majority needed to pass an ordinance because of vacated Alderman seat in Ward 4 and requested his written legal opinion on matter.

RESULT: **ADOPTED [4 TO 3]**
AYES: Clint Long, David Dickerson, Matt Turner, Brad Bockelman
NAYS: Judy Bowman, Marcia Milner, Judy Reece

E. An Ordinance of the Board of Aldermen of Harrisonville, Missouri Repealing Chapter 430 of the City Code and Enacting in lieu thereof an Amended Chapter 430 Urban Redevelopment Regulations of the City of Harrisonville, Missouri and Establishing an Effective Date.

Second reading. Following second reading, Mayor Hasek designated Council Bill #67 as Ordinance #3418 after passage.

Mayor Hasek read minutes from previous Community Development Committee meetings.

Alderman Bowman did not see where item 2 - review process, was discussed at committee meeting. Bowman again requested written legal opinion from City Attorney.

RESULT: **ADOPTED [4 TO 3]**
AYES: Clint Long, David Dickerson, Matt Turner, Brad Bockelman
NAYS: Judy Bowman, Marcia Milner, Judy Reece

F. A Resolution of the Board of Aldermen of Harrisonville, Missouri Authorizing the City Administrator to enter into a 5-year service contract with Praxair Distribution, Inc. for the bulk supply of Liquid Oxygen at the Harrisonville Water Treatment Plant

Designated by Mayor Hasek as Resolution #39 upon passage.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marcia Milner, Board Member
SECONDER: Clint Long, Board Member
AYES: Bowman, Long, Dickerson, Turner, Milner, Reece, Bockelman

7. Aldermen and Committee Reports

Alderman Bowman asked City Administrator for update on new trash service contract. He stated that he was working on it with Mr. Moore and city attorney.

8. Report from the City Administrator

A. City Admin Rpt 10-16-17

9. Report from the Mayor

Reminder about Parks & Rec Haunted Hayrides on October 28th.

Mayor Hasek reminded Aldermen that any concerns should be brought to the Mayor and/or City Staff prior to meetings.

Mayor Hasek stated that the Mayor has the right to form committees. Those that had voted against having committees were not placed on a reformed committee and some have voiced concern over committees not sharing of information.

10. Adjourn From Regular Session

Motion by Alderman Dickerson and second by Alderman Long to adjourn. Motion carried and meeting adjourned at 8:55 p.m.

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Attachment: Minutes from 10-16-17 (TIMBER DRIVE VARIANCE EXTENSION)



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JOSHUA D. HAWLEY
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 19, 2018

Representative Ira Anders
201 West Capitol Avenue
Jefferson City, MO 65101-6806
(573) 751-5701

Dear Representative Anders:

You ask how many votes are needed in order for the Board of Aldermen in a fourth-class city to pass an ordinance, when one or more of the aldermen positions are vacant due to resignation. You also ask whether a person who is appointed to fill a vacant alderman position has the same powers as someone who was elected to that position.

We conclude that, except where the legislature specified otherwise, the number of votes necessary to pass an ordinance is determined using the total authorized membership. We also conclude that, whether a person has been elected to a position on the Board of Aldermen, or whether a person has been appointed to a position on the Board of Aldermen, that person has the same powers and duties under § 79.130.1, RSMo.

As to your first question, § 79.130.1, RSMo, provides, in pertinent part, as follows: "No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the *members elected* to the board of aldermen shall vote for it, and the ayes and nays be entered on the journal." *Emphasis added*. Similar language is found in § 79.240, RSMo:

1. The mayor may, with the consent of a majority of all the *members elected* to the board of aldermen, remove from office, for cause shown, any elective officer of the city ... Any elective officer ... [may, for cause] be removed from office by a two-thirds vote of all *members elected* to the board of aldermen ... The mayor may, with the consent of a majority of all the *members elected* to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all the *members elected* to the board of aldermen, independently of the mayor's approval or recommendation. ...
2. Nothing in this section shall be construed to authorize the mayor, with the consent of the majority of all the *members elected* to the board of aldermen, or the board of aldermen by a two-thirds vote of *all its members*,¹ to remove or discharge any chief, as that term is defined in section 106.273.

Similar language has been interpreted to refer to the total authorized membership of the public body. *State ex rel. Brown v. City of O'Fallon*, 728 S.W.2d 595, 597-98 (Mo. App. E.D. 1987) (holding that language in § 79.240, RSMo, that allowed the removal of the mayor by “two-thirds vote of all members elected to the board” meant that six of the eight board members needed to vote for the measure; the phrase “all members elected” included the votes of “non-participating members”); *Braddy v. Zych*, 702 S.W.2d 491, 493-94 (Mo. App. E.D. 1985). In *Braddy*, the court considered charter language that required certain votes to be by majority or two-thirds approval of “of all the members” of the board of aldermen. In determining whether this phrase meant all the authorized aldermen, or only the aldermen available to vote on the measures, the court stated:

¹ This phrase is different from all the phrases that preceded it. This is especially strange, given that the only purpose of this provision is to limit the removal power when applied to a chief. This difference in phrasing thus appears to be a stylistic choice, to avoid the clunky sentence that would otherwise occur: “... all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all the members elected to the board of aldermen.”

Treating the language “all the members” as referring to the entire Board as defined in the Charter creates a predictability and definiteness in the requirements for the enactment of laws. It also gives substance to the charter scheme that representatives of sufficient wards to adequately represent the residents of the city support an enactment before it becomes binding on the City as a whole. Interpreting “all the members” to be less than the full board established by the Charter creates the possibility that legislation may be enacted which has support in less than the required number of wards. So also treating “all the members” as describing the full Board as constituted by the Charter insures that actions deemed important enough to require greater than majority approval, such as override of a veto or sale of city real estate, will not have less support than contemplated by the Charter.

Braddy v. Zych, 702 S.W.2d at 493-94. See also *Smith v. Taney County*, --- S.W.3d ---, 2018 WL 2753055, note 4 (Mo. App. S.D. June 8, 2018) (mentioning with approval the holding in *Braddy*). Thus, it makes no difference whether a member of the body is absent due to death, resignation, temporary absence, or abstention, the total authorized number of members of the body is the correct number to use in determining what fraction of that body has voted in favor of an ordinance.

Additionally, where the legislature wanted a vote to be calculated using only the currently serving members of the board of aldermen, the legislature used different language: § 79.280, RSMo, provides that where there is a vacancy “in any elective office,” that office may be filled by mayoral appointment, with “the advice and consent of a majority of the *remaining* members of the board of aldermen.” *Emphasis added*. See *Braddy v. Zych*, 702 S.W.2d at 494 (contrasting a charter provision that required a vote of all the “remaining” members with a charter provision that required a vote of “all the members.”); see also *Mosley v. English*, 501 S.W.3d 497, 505 (Mo. App. E.D. 2016) (in interpreting statutes, the court considers the entire legislative act, and where different terms are used, the court presumes that the legislature intended those terms to have different meanings). Because the legislature specified when it wanted a vote to be counted only by a subset of the entire authorized board, it is reasonable to conclude that the legislature

intended the references to votes by the members elected to the board to refer generically to votes by the entire authorized membership of the board, whether those members were elected or appointed.

We realize this could create a situation where a board lacks the power to pass ordinances, if many of its members have resigned at once. However, § 79.280, RSMo, provides a quick remedy for this situation, and, further, it appears to be the legislative intent of this chapter that ordinances not be passed without adequate representation of all the wards in the city.

Therefore, in answer to your first question, the number of votes necessary to pass an ordinance is determined as a ratio of the number of affirmative votes to the number of authorized board members.

Turning to your second question, under § 79.280, RSMo, when there is a vacancy in the board of aldermen, the mayor convenes a special meeting of the remaining board members. The mayor appoints a person to fill the vacancy, “with the advice and consent of a majority of the remaining members of the board[,]” and that new alderman serves “until the next regular municipal election.” *Id.* Clearly, for a board member to “serve,” that board member must be able to execute the powers and duties of that office. Otherwise, the office would, as a practical matter, still stand vacant. *Compare State ex inf. Lamkin ex rel. Harrison v. Tennyson*, 151 S.W.2d 1090, 1091 (Mo. banc 1941) (“courts indulge a strong presumption against a legislative intent to create a condition that might result in a vacancy in public office.”).

However, you point out that language in Chapter 79, RSMo, could be interpreted to only allow elected, rather than appointed, board members to vote on proposed ordinances: “No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members *elected* to the board of aldermen shall vote for it, and the ayes and nays be entered on the journal.”² § 79.130, RSMo, *emphasis added*. You ask whether this language prevents appointed aldermen from being fully-functioning board members, because they were not members “elected” to the board, but were members “appointed” to the board.

² In *Braddy v. Zych*, 702 S.W.2d 491, 493 (Mo. App. E.D. 1985), the court noted that a Texas court had held that this language referred not to the number of people currently serving who had been elected, but to the number of possible elected positions on the board: “an irreducible number.” The *Braddy* court questioned whether using the adjective “elected” before the term “members” was intended to create a meaningful distinction. *Id.*

Statutes should not be interpreted in a “hyper-technical” sense, but rather they should be read to give a “reasonable and logical ... meaning to the statutes.” *Donaldson v. Crawford*, 230 S.W.3d 340, 342 (Mo. 2007). This is especially true of statutes involving local political subdivisions, many of which statutes are of long standing, and were written to be applied by lay-people. See *State ex inf. Attorney General ex rel. Lincoln v. Bird*, 244 S.W. 938, 940 (Mo. 1922) (school board statutes were written to be applied by lay-people, and, therefore, “no strict and technical construction should be given to them.”).

If § 79.130, RSMo, were read as stripping an appointed alderman of the power to cast a meaningful vote to pass an ordinance, an important part of the alderman’s representation of his or her ward would be limited. Courts do not favor such a result.

For example, in *City of St. Robert, Missouri v. Clark*, 471 S.W.3d 321, 325-26 (Mo. App. S.D. 2015), the court considered a situation where the mayor took a temporary leave of absence, and the acting president of the board of aldermen served in the mayor’s position. During this time, the acting president of the board voted, as a board member, to terminate an employee. *Id.* at 325. Then, with a majority of the aldermen having voted in favor of termination, in his position as acting mayor, he gave his consent to terminating the employee. *Id.* The employee brought suit, claiming it was improper for the board member to vote as an alderman, when he also was executing mayoral powers in the same matter. *Id.* at 323, 328.

The court disagreed, finding that the statutes did not require this result, and further holding that: “to hold that President lost his power to vote as an alderman during the absence of Mayor would deprive the residents of President’s ward of half of the aldermanic voting power they would otherwise have[.]” *Id.* at 328.

Similarly, to conclude that an alderman who was appointed, rather than elected, lost the ability to cast a valid vote with the majority in passing an ordinance, would deprive those of that alderman’s ward of representation. The purpose of appointing an alderman to a vacant office is to ensure the board can continue to function, and that the people of that ward may continue to have representation in the board until the next regular election. See § 79.110, RSMo (duties of board of aldermen); § 79.280, RSMo (vacancies shall be filled by appointment). A hyper-technical reading of § 79.130.1,

Representative Ira Anders
Page 6

RSMo, would frustrate the express purpose of the statutes that require an appointment to fill a vacant office, because this technical reading would make the appointed person not a true board member, but a board member in name, but without essential voting powers. *Compare State ex inf. Lamkin ex rel. Harrison v. Tennyson*, 151 S.W.2d at 1091.

There can situations where statutes specifically distinguish between elected and appointed positions. *See, e.g., Pumphrey v. City of Lutesville*, 707 S.W.2d 475, 477 (Mo. App. S.D. 1986) (statutes provided “for different procedures for the removal of elected officers and appointed officers. ... There are obvious reasons why removing an elected official should be more difficult than removing an appointed official.”). However, in § 79.130.1, RSMo, the term “elected” is not used to distinguish between elected and appointed members and assign them different powers and duties; rather, no mention is made of appointed members, whatsoever, and it appears the term is used merely as a generic adjective regarding the usual composition of board members. And, as explained above, to read the statute in such a hyper-technical way would frustrate the legislative intent in providing for an appointee to fill a board member vacancy.

Therefore, we conclude that all aldermen, whether elected or appointed, have the power to vote on ordinances under § 79.130, RSMo.

Sincerely,



Linda Lemke
Assistant Attorney General

Attachment: AG Memo 5 Votes to Pass (TIMBER DRIVE VARIANCE EXTENSION)



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: November 26, 2019
SUBJECT: REPORT OF INVESTIGATION COMMITTEE

Type of Item: *Approval*

H. Action Item (ID # 3420)
REPORT OF INVESTIGATION COMMITTEE