City of Harrisonville est. 1836

AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
COMMUNITY CENTER
JULY 5, 2016
7:00 PM

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

2. **Roll Call**

   A. **Roll Call**

3. **Ceremonial Matters**

4. **Public Participation**

5. **Approval of Minutes**

   A. **Board of Aldermen - Work Session - Jun 20, 2016 6:00 PM**

   B. **Board of Aldermen - Regular Meeting - Jun 20, 2016 7:00 PM**

   C. **Board of Aldermen - Budget Meeting - Jun 21, 2016 5:30 PM**

6. **Agenda Items**

   A. **Public Hearing for the Enhanced Enterprise Zone Tax Abatement Term Extension from 10 Years to 20 Years**

   B. **Council Bill 042: A Resolution of the City of Harrisonville, Missouri, Considering a Request by a Prospective Company to Extend the Term of Their Enhanced Enterprise Zone Tax Abatement from Ten (10 Years to Twenty (20) Years**

   C. **Council Bill 043: A resolution of the Board of Aldermen of Harrisonville, Missouri authorizing the City Administrator to execute a contract with Shafer, Kline, and Warren for the engineering design of waterline improvements in the Beckerdite subdivision at a cost not to exceed $64,470.**

   D. **Council Bill 044: A resolution of the Board of Aldermen of Harrisonville, Missouri authorizing the City Administrator to execute a contract with Shafer, Kline, and Warren for the engineering design of a waterline crossing under I-49 at a cost not to exceed $32,660.**

E. **Council Bill 045: A Resolution Rescinding Resolution 019-16 of May 16, 2016 Authorizing the City Administrator Enter Into An Agreement with Clayton Holdings, LLC, an Equity Subsidiary of Commerce Bank, to Finance $845,850 for a Period of Five Years to Make Emergency Repairs to the City Wastewater Treatment Plant Digester Basin Floor.**

F. **Council Bill 046: An Ordinance Authorizing the City Administrator to Execute Change Order No. 1 with Vance Brothers, Inc. for the Airfield Maintenance Project in an Amount Not to Exceed $8,449.85**

G. **Council Bill 047: An Ordinance Authorizing the City Administrator to Execute a Revised Development Agreement in Connection with the the Harrisonville Villas Development, Generally Located North of the Harrisonville Community Center.**

7. **Aldermen and Committee Reports**

8. **Report from the City Administrator**

9. **Report from the Mayor**

10. **Questions from the Media**

11. **Adjourn to Executive Session -- Legal Matters (RSMO 610.021 (1))**

12. **Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 30th day of June 2016

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Sheryl Stanley, Deputy 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

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
JUNE 20, 2016
6:00 PM

1. Call to Order

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

2. Present

Present: Aldermen Judy Bowman, Brad Bockelman, Judith reece, Marcia Milner, David dickerson, Clint Long, Matt Turner and Josh Stafford.

Also: City Administrator Mike Tholen, Finance Director Marcella McCoy, Director of Public Works Jerry Gibbs, Assistant Director of Public Works Eric Patterson, Community Development Director Rick DeLuca, Economic Development Manager Jim Clarke, Airport Manager James Green, and Deputy City Clerk Sheryl Stanley, recording.

3. Discussion Items

A. LAWRENCE SMITH MEMORIAL AIRPORT MONTHLY REPORT - May 2016

James Green presented a report on Lawrence Smith Memorial Airport. He told members that because of the age of the asphalt on some runways, more extensive maintenance was required this year. In a number of instances, the asphalt could not be repaired and had to be replaced. This resulted in a cost overrun of $8,449.50. He will be bringing a change order to a future Board of Aldermen meeting to cover the overage. He also said that the final draft of the airport layout plan was being prepared and would be presented to them shortly. In response to a question from Alderman Dickerson, he said there are currently 44 planes in hangars, and the hangars are all occupied.

B. Harrisonville Economic Development Incentive Policy

ED Manager Jim Clarke presented each member with a binder containing ED policies from 6 area communities. (A copy of the material was also given to the City Clerk.) He told the group that such policies are useful in helping a city provide complete, consistent information to appropriate target audiences, both internal and external, outline responsibilities of the developer and provide information on discretionary incentives.

Mayor Hasek said he thought it would be a good idea to hire someone to help Harrisonville write a formal economic development policy and suggested attorney Joe Lauber as one possibility.

C. Residential Building Permit Fees

Community Development Director Rick DeLuca recapped his memo to the board on a comparison of permit fees between Harrisonville and other cities in the area. He said it appears that building in Harrisonville is less expensive overall than building in others. He also said there are 2 waivers left from the original 25 authorized.

The meeting adjourned at 6:37 p.m.

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

ATTEST:

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Kim Hubbard, City Clerk

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 20, 2016
7:00 PM

1. Call to Order & Pledge of Allegiance

The meeting was called to order at 7:01 p.m. by Mayor Brian Hasek.

2. Roll Call

Attendee Name	Organization	Title	Status	Arrived
Judy Bowman	Harrisonville	Board Member	Present	
Clint Long	Harrisonville	Board Member	Present	
Josh Stafford	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	

Also present: City Administrator Mike Tholen, City Attorney Steve Mauer, Finance Director Marcella McCoy, Police Chief John Hofer; Director of Public Works Jerry Gibbs; Assistant Director of Public Works Eric Patterson; Street Superintendent Rodney Jacobs; Deputy City Clerk Sheryl Stanley, recording.

3. Ceremonial Matters

A. A Service Award Honoring Scott Mathes, EMS, for 15 years of loyal service to the City of Harrisonville

Mayor Hasek presented a 15-year service award to Firefighter/EMT Scott Mathes for his loyal service to the city. EMS Captains Johnny Coday and Duane Gerke were also present.

4. Public Participation

Mr. Lyle Wise, 2705 Leawood, spoke in opposition to the proposed change regarding parking/no parking on Delmar. He said it would be safer to designate parking from Leawood to Cherokee Road, rather than Hillside to Cherokee.

Obie Carl invited everyone to attend the benefit car wash on June 25. The high school football team will be washing cars, and funds will go to the purchase of a canine officer for the police department. He said there will be another fund raiser in July where people can have their cars or their dogs washed.

5. Approval of Minutes

A. Board of Aldermen - Work Session - Jun 6, 2016 6:00 PM

Marcia Milner moved that the minutes of the June 6, 2016 Work Session be approved as presented. Judy Bowman seconded. Minutes were approved.

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

B. Board of Aldermen - Regular Meeting - Jun 6, 2016 7:00 PM

Minutes were approved and accepted as presented.

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

6. Agenda Items

A. Special Event Permit: Life Issues, 4.4 Mi. Walk, Sept. 3, 2016

Chief Hofer presented this request and recommended approval.

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

B. Special Event Permit: HHS Foundation 5K, Sept. 24, 2016

Chief Hofer presented this request and recommended approval.

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

C. Special Event Permit: Trunk or Treat, Oct. 30, 2016

Chief Hofer presented this request and recommended approval.

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

D. Reappointment of Brent Caruthers, Ed Roberts, and Clint Miller to the Parks & Recreation Board

Mayor Hasek announced he would like to re-appoint Brent Caruthers, Ed Roberts, and Clint Miller to three-year terms on the Park Board. Matt Turner moved to approve, Clint Long seconded. Approval was unanimous.

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

E. A Resolution Authorizing the City Administrator of the City of Harrisonville to Enter into a Contract with Gateway Industrial Power to Service and Maintain the City's 12 Emergency Generators

Jerry Gibbs reviewed the city's need for a comprehensive plan to service all the city's emergency generators and presented a bid to provide such service from Gateway Industrial. Following unanimous approval, Council Bill 40 was designated Resolution 024.

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

F. AN ORDINANCE AMENDING SECTION 355.010, SCHEDULE 2, OF THE HARRISONVILLE CODE OF ORDINANCES REGARDING PARKING/NO PARKING ON DELMAR STREET BETWEEN STATE ROUTE 291 AND EASTON DRIVE WITHIN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Chief Hofer presented the original request from a resident on Delmar Street regarding a change in the designated parking/no parking areas. Taking Mr. Wise's earlier comments into consideration, the board moved to amend Sections 3 & 4 of Council Bill 041 to reflect no parking on the north side of Delmar from Highway 291 to Leawood and parking on the *south side of Delmar from Leawood to Cherokee Road. The motion to amend was made by Marcia Milner, seconded by David Dickerson and passed unanimously on a voice vote*

David Dickerson moved the rules be suspended and the bill passed to a second reading. His motion was seconded by Clint Long, and passed unanimously on a roll call vote.

Following its second reading and unanimous passage on a roll call vote, Council Bill 41 was designated Ordinance 3364.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
AYES:	Bowman, Long, Stafford, Dickerson, Turner, Milner, Reece, Bockelman

7. Aldermen and Committee Reports

Judy Bowman remarked on her recent tour of the Wal Mart Distribution Center.

Marcia Milner asked that staff look at the ordinance governing tattoo parlors and that it be put on a future agenda for discussion and possible amendment. Other members concurred.

Matt Turner stated he also wants the board to take a look at the city code regarding tattoo parlors.

Josh Stafford said he had enjoyed the Fishing Derby held at City Park earlier in June for children. He said it is a great event put on by the Elks Club.

8. Report from the City Administrator

Mike Tholen reminded members that 1) the budget retreat would be Tuesday, June 21, beginning at 5:30 p.m., 2) the July 4th meeting will move to July 5th to avoid conflicting with the holiday, and 3) city staff will look at the code re: tattoo parlors

9. Report from the Mayor

The mayor encouraged everyone to stay cool and to participate in the July 4 activities in City Park, where he will be taking part in the Dunk Tank.

10. Questions from the Media

There were no questions from the media.

11. Executive Session -- Legal Matters (RSMO 610.021 (1))

Mayor Hasek said the Executive Session had been cancelled.

12. Adjourn From Regular Session

Matt Turner moved the meeting be adjourned, Clint Long seconded. Meeting adjourned at 7:31 p.m.

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

ATTEST:

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Kim Hubbard, City Clerk

City of Harrisonville est. 1836

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
BUDGET MEETING
EMS TRAINING ROOM
JUNE 21, 2016
5:30 PM

1. Call to Order

The meeting was called to order at 5:47 PM by Mayor Brian Hasek

Attendee Name	Organization	Title	Status	Arrived
Judy Bowman	Harrisonville	Board Member	Present	
Clint Long	Harrisonville	Board Member	Present	
Josh Stafford	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 attending: Interim City Administrator Mike Tholen, Finance Director Marcella McCoy, Public Information Officer Sheryl Stanley, City Clerk Kim Hubbard, Police Chief John Hofer, Electric Department Director Keith Thomas, EMS Director Larry Francis, IT Director Jeremy Smith, Assistant Public Works Director Eric Patterson, Street Superintendent Rodney Jacobs, Public Works Director Jerry Gibbs, and Community Development Director Rick DeLuca.

2. Discussion - 2017 Budget Preparation

1. Fiscal Year 2017 Budget Retreat

Ms. McCoy reviewed the framework for budget preparation, the 2014 survey and went through a PowerPoint to assist in identifying priorities for 2017.

Funding ideas were discussed for the street budget and it was noted that August 1 there will be a discussion/report on the street infrastructure.

There were no changes to the mission statement.

Mr. Smith was asked to look at the cost to set up the council chambers with video recording capabilities.

The following dates were set:

August 15 - set tax levy; August 29th and 30th - review general fund budget; September 19 - EMS; September 20 - Parks and Community Center; September 26 - Electric & CWSS;

October 3 - 1st draft of 2017 budget; October 17 - 1st reading of 2017 budget; and November 7 - 2nd reading of 2017 budget.

Tuesday, July 19th will be the tour of city facilities for the elected officials.

Mr. Smith spoke about the importance of cyber security and that the city's insurance company is working requirements that we will need to meet.

3. Adjournment

The meeting was closed at

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

ATTEST:

Kim Hubbard, City Clerk

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **June 28, 2016**

SUBJECT: **Public Hearing for the Enhanced Enterprise Zone Tax Abatement Term**

Type of Item: *Public Hearing*

Type of Item: Action Item

Issue:

The prospective company is presenting a request to the Board of Aldermen, for consideration of Real Property Tax Abatement Term Extension, from 10 years, to 20 years, for their proposed project.

Background:

Project Lead Update: City staff was contacted in August 2015 by a Kansas City area commercial broker, inquiring of available acreage in Harrisonville for an industrial operator. Staff provided information on available sites. Site visits were achieved on two sites of interest. The prospect identified one site of strong interest and Harrisonville was Short-Listed. Other sites on the short-list were in both Missouri and Kansas.

After careful consideration, the prospective company has identified the Harrisonville site as their preferred site. The prospect's site search team has presented the Harrisonville site to their CEO and their Board of Directors.

The prospective company has also been working with the Missouri Department of Economic Development (DED) on this proposed project. Missouri Department of Economic Development (DED) provided the prospective company with an Incentives Proposal.

The prospect did consider use of the Chapter 100 Bonds Program, but company leadership has determined the Enhanced Enterprise Zone (EEZ) Program may be a preferred fit for this proposed project.

The Board of Aldermen did receive a previous request by this prospect for consideration of use of the Chapter 100 Bonds Program. The Board of Aldermen did approve this prospect's request for a twenty (20) year term on the Real Property Tax Abatement portion, on this proposed project, through the Chapter 100 Bonds Program.

Project Scope and Scale: The proposed project would be a production operation (manufacturing), in the plastics industry. The prospective company would invest $28,675,000, including $8,125,000 in Real Estate and $20,550,000 in Machinery & Equipment. This project would create 77 new Full-Time jobs, with a payroll of $3,242,000, calculating to an average wage of approximately $42,104. Cass County's average wage is $30,588. The prospect would construct a 65,000 s.f. building on approximately 34 acres.

NOTE: The Chapter 100 Bonds Program does allow tax incentive benefits on personal property (machinery and equipment), while the Enhanced Enterprise Zone Program allows tax abatement only on real property. Hence, affected taxing jurisdictions would receive one hundred percent (100%) of property tax revenue on personal property (machinery and equipment) for the life of this proposed project, as there is no property tax abatement on personal property with the Enhanced Enterprise Zone Program.

Request:

Prospect Requesting Tax Abatement Term Extension:

The prospective company is requesting consideration for granting a Term of 20 years for their Real Property Tax Abatement, rather than the adopted Tax Abatement Term of 10 years. The Enhanced Enterprise Zone Board approved a recommendation to the Board of Aldermen on June 6, 2016, for a 20 year Term for the Real Property Tax Abatement, for this prospective company.

Decision: The prospect has reached a point they need to make a decision on a location and launching their project. Timing is critical; hence, the City's responsiveness to their request is critical.

Options:

The Board of Aldermen may:

- Approve the prospect's Tax Abatement Term Extension request as presented
- Modify the Tax Abatement Term Extension requested and then approve, if agreed to by the prospect
- Deny the Tax Abatement Term Extension request, by this prospect, on this proposed project

A. Discussion Item (ID # 2238)

Public Hearing for the Enhanced Enterprise Zone Tax Abatement Term Extension from 10 Years to 20 Years

Attachments:

EEZ Real Property Tax Abatement Calculations & Estimates (includes site prep., rail spur) - 6-1-16 BOA 7-5-16 (PDF)

EEZ Real Property Tax Abatement Calculations & Estimates (includes site prep., rail spur) - yrs. 11-20 & 20 yr. Total - 6-2-16 BOA 7-5-16 (PDF)

Harrisonville Enhanced Enterprise Zone (EEZ) - Real Property Tax Calculations & Estimates 6-Jun-16

Project Assumptions

Capital Investment			New Jobs		Tax Abatement Rate - Project Scale Eligibility	
Year 1:	$17,495,000	(R.E. $8,125,000 - M&E $9,370,000)	Year 1:	40	Year 1:	Addt'l. Abatement: Investment 10% - Jobs 15%
Year 2:	$ 4,780,000	(All M&E)	Year 2:	18	Year 2:	Addt'l. Abatement: Investment 10% - Jobs 20%
Year 3:	$ 6,400,000	(All M&E)	Year 3:	19	Year 3:	Addt'l. Abatement: Investment 15% - Jobs 20%
	$28,675,000	Total New Capital Investment	Tot. New Jobs	77		

Real Property Investment $8,125,000

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Real Property Tax Estimate Due	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$1,795,640
Applied Tax Abatement Rate	65%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Estimated Real Property Tax Savings	$116,717	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$1,247,972
Combined Real Property Taxes Due	$62,847	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$547,668

Real Property Taxes Estimate Due to Affected Taxing Jurisdictions

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
School Districts (Harrisonville Millage)	$46,202	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$402,620
Combined Other Taxing Jurisdictions	$5,129	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$44,693
City	$6,329	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$55,154
Surcharge	$4,914	$4,212									
State of Missouri	$273	$234									
	$62,847	$53,869									

Formula and Cacluation Varialbes for Real Property Tax Abatement

Commercial Assessment Rate of 32%
Harrisonville Combined Millage Rate $6.9063

Real Property Investment X Assessment Rate = Assessed Value
Assessed Value X Millage Rate (using combined millage rate for this calculation)/100 = Real Property Tax Due (Combined Affected Taxing Jurisdictions)
$8,125,000 X 32% = $2,600,000 $2,600,000 X $6.9063 = 17,956,380/100 = **$179,564 (Real Property Tax Due - Estimate)**

NOTE: The EEZ Tax Abatement applies only to Real Property Tax. The EEZ Tax Abatement does not apply to Personal Property Tax.

NOTE: In calculating potential additional incremental EEZ Tax Abatement Benefit - Total New Capital Investment is used - though the Tax Abatement applies to only the Real Property Tax.
(Hence, the New Capital Investment in Machinery & Equipment is also used to calculate the Tax Abatement Rate applied to Real Property Tax)

NOTE: The Estimated Tax Abatement Rate (and the Estimated Tax Savings) may change, if Project Assumptions change or are not met

NOTE: The Additional Tax Abatement Rate is calculated on a cumulative basis, as the New Investment and New Jobs are tied to this same project, that is a three year build-out.

Harrisonville Enhanced Enterprise Zone (EEZ) - Real Property Tax Calculations & Estimates 6-Jun-16

Project Assumptions

Capital Investment			New Jobs		Tax Abatement Rate - Project Scale Eligibility	
Year 1:	$17,495,000	(R.E. $8,125,000 - M&E $9,370,000)	Year 1:	40	Year 1:	Addt'l. Abatement: Investment 10% - Jobs 15%
Year 2:	$ 4,780,000	(All M&E)	Year 2:	18	Year 2:	Addt'l. Abatement: Investment 10% - Jobs 20%
Year 3:	$ 6,400,000	(All M&E)	Year 3:	19	Year 3:	Addt'l. Abatement: Investment 15% - Jobs 20%
	$28,675,000	Total New Capital Investment	Tot. New Jobs	77		

Real Property Investment $8,125,000

	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Yrs. 1-10	Total
Real Property Tax Estimate Due	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$179,564	$1,795,640	$3,591,280
Applied Tax Abatement Rate	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%		
Estimated Real Property Tax Savings	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$125,695	$1,256,950	$2,513,900
Combined Real Property Taxes Due	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$53,869	$538,690	$1,077,380

Real Property Taxes Estimate Due to Affected Taxing Jurisdictions

	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Yrs. 1-10	Total
School Districts (Harrisonville Millage)	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$39,602	$396,020	$792,040
Combined Other Taxing Jurisdictions	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$4,396	$43,960	$87,920
City	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$5,425	$54,250	$108,500
Surcharge	$4,212											
State of Missouri	$234											
	$53,869											

Formula and Cacluation Varialbes for Real Property Tax Abatement

Commercial Assessment Rate of 32%
Harrisonville Combined Millage Rate $6.9063

Real Property Investment X Assessment Rate = Assessed Value
Assessed Value X Millage Rate (using combined millage rate for this calculation)/100 = Real Property Tax Due (Combined Affected Taxing Jurisdictions)
$8,125,000 X 32% = $2,600,000 $2,600,000 X $6.9063 = 17,956,380/100 = **$179,564 (Real Property Tax Due - Estimate)**

NOTE: The EEZ Tax Abatement applies only to Real Property Tax. The EEZ Tax Abatement does not apply to Personal Property Tax.

NOTE: In calculating potential additional incremental EEZ Tax Abatement Benefit - Total New Capital Investment is used - though the Tax Abatement applies to only the Real Property Tax. (Hence, the New Capital Investment in Machinery & Equipment is also used to calculate the Tax Abatement Rate applied to Real Property Tax)

NOTE: The Estimated Tax Abatement Rate (and the Estimated Tax Savings) may change, if Project Assumptions change or are not met

NOTE: The Additional Tax Abatement Rate is calculated on a cumulative basis, as the New Investment and New Jobs are tied to this same project, that is a three year build-out.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **June 29, 2016**

SUBJECT: **Resolution for the Enhanced Enterprise Zone Tax Abatement Term Extension**

Type of Item: *Approval*

Council Bill No. 042

Resolution No.

A Resolution of the City of Harrisonville, Missouri, Considering a Request by a Prospective Company to Extend the Term of Their Enhanced Enterprise Zone Tax Abatement from Ten (10 Years to Twenty (20) Years

WHEREAS, the Board of Aldermen of the City of Harrisonville pursued application for designation of the Harrisonville Enhanced Enterprise Zone; and

WHEREAS, the Department of Economic Development of the State of Missouri confirmed that the City of Harrisonville's proposed Enhanced Enterprise Zone met the guidelines for designation as an Enhanced Enterprise Zone, as set forth in RSMo. 135.950; and

WHEREAS, Sections, 135.950 to 135.973, RSMo, provides a means and an opportunity for the City of Harrisonville to cooperate with the State of Missouri to relieve economic distress and attract new jobs and new capital investment to our area; and

WHEREAS, the Board of Aldermen and the Enhanced Enterprise Zone Board of the City of Harrisonville support this type of incentive to encourage businesses to locate and expand in the Enhanced Enterprise Zone; and

WHEREAS, the Enhanced Enterprise Zone Tax Abatement rate is calculated on the Total Project Cost, to include real property investment and personal property investment and additional Tax Abatement rate may be received, with additional capital investment or additional new Full-time jobs; and

WHEREAS, the Enhanced Enterprise Zone Tax Abatement benefit, applies only to real property tax and does not apply to personal property tax; and

WHEREAS, a prospective company/employer is requesting consideration to extend their Enhanced Enteprise Zone Tax Abatement from the ten (10) year term to a twenty (20) year term; and

WHEREAS, the Harrisonville Enhanced Enterprise Zone Board recommended approval of the requested 20 year abatement on June 6, 2016, to the Board of Aldermen for this prospective company/employer.

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

- The Harrisonville Board of Aldermen grants the Enhanced Enterprise Zone Tax Abatement term extension request from ten (10) years, to twenty (20) years contingent upon the project assumptions being met as presented.
- If the proposed project assumptions are not met, the Enhanced Enterprise Zone Tax Abatement estimates will vary and the Tax Abatement realized will be calculated (from the adopted tiered abatement schedule) from the actual project investment and actual new jobs created.

Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution 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.

Effective Date. That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED ON THIS 5TH DAY OF JULY 2016, AND APPROVED BY THE BOARD OF ALDERMEN AND MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI THIS 5TH DAY OF JULY 2016.

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

APPROVED by the Mayor this 5th day of July, 2016.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Eric Patterson, Asst. Director**

DATE: **June 27, 2016**

SUBJECT: **Beckerdite Waterline Replacement Engineering**

Type of Item: *Approval*

Issue:

Staff seeks approval to award the engineering design of waterline improvements in the Beckerdite subdivision. A contract agreement is necessary to stipulate the terms and conditions of engineering services.

Background:

The project is the next phase of work to replace waterlines with inadequate capacity in the Beckerdite subdivision. These lines are in poor structural condition and insufficient to meet needed fire flows. In general the location of the work is south of Mechanic along South Halsey Avenue, Charles Street, and South Stella Street.

The City received three engineering proposals for the surveying and engineering services. The engineering consultants considered for the work are:

- Shafer, Kline, and Warren
- Burns and McDonnell
- Anderson Engineering

Staff evaluated each consultants response based on the following criteria:

- Project manager's experience;
- Consultant's staff experience with storm drainage design;
- History of work with City and similar projects;
- Consultant's approach and understanding of the project;
- Ability to meet the City's scope of work and schedule.

Recommendations:

Based on these selection criteria, staff has selected Shafer, Kline, and Warren (SKW) for this project. The engineering design budget is $70,000 and we have negotiated a fee of $64,470. Staff request the Board approve award of the engineering design contract to the firm of Shafer, Kline, and Warren for the fee of $64.470.

Council Bill No. 043

Resolution No.

A resolution of the Board of Aldermen of Harrisonville, Missouri authorizing the City Administrator to execute a contract with Shafer, Kline, and Warren for the engineering design of waterline improvements in the Beckerdite subdivision at a cost not to exceed $64,470.

WHEREAS, the City has need of an engineering firm to design waterline improvements for the Beckerdite subdivision, and

WHEREAS, a Request for Proposals was issued, and proposals were accepted and reviewed,

WHEREAS, Shafer, Kline and Warren was determined to have submitted the best proposal,

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

Section 1: That the City Administrator is hereby authorized and directed to execute a contract with Shafer, Kline and Warren for engineering design of waterline improvements in the Beckerdite subdivision at a cost not to exceed $64, 470.

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

PASSED AND RESOLVED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Harrisonville, Missouri, this 5th day of July 2016

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 5th day of July 2016

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Eric Patterson, Asst. Director**

DATE: **June 27, 2016**

SUBJECT: **I-49 Waterline Crossing**

Type of Item: *Approval*

Issue:

Staff seeks approval to award the engineering design of new waterline crossing under I-49. A contract agreement is necessary to stipulate the terms and conditions of engineering services.

Background:

The project was recommended in the Water System Master Plan prepared by Burns & McDonnell to provide a system loop and secondary source for water west of I-49.

The City received three engineering proposals for the surveying and engineering services. The engineering consultants considered for the work are:

- Shafer, Kline, and Warren
- Burns and McDonnell
- Anderson Engineering

Staff evaluated each consultants response based on the following criteria:

- Project manager's experience;
- Consultant's staff experience with storm drainage design;
- History of work with City and similar projects;
- Consultant's approach and understanding of the project;
- Ability to meet the City's scope of work and schedule.

Recommendations:

Based on these selection criteria, staff has selected Shafer, Kline, and Warren (SKW) for this project. The engineering design budget is $35,000 and we have negotiated a fee of $32,660. Staff request the Board approve award of the engineering design contract to the firm of Shafer, Kline, and Warren for the fee of $32,660.

Council Bill No. 044

Resolution No.

A resolution of the Board of Aldermen of Harrisonville, Missouri authorizing the City Administrator to execute a contract with Shafer, Kline, and Warren for the engineering design of a waterline crossing under I-49 at a cost not to exceed $32,660.

WHEREAS, the City has need of an engineering firm to design a waterline crossing under I-49, and

WHEREAS, a Request for Proposals was issued, and proposals were accepted and reviewed,

WHEREAS, Shafer, Kline and Warren was determined to have submitted the best proposal,

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

Section 1: That the City Administrator is hereby authorized and directed to execute a contract with Shafer, Kline and Warren for engineering design of a waterline crossing under I-49 at a cost not to exceed $32,660

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

PASSED AND RESOLVED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Harrisonville, Missouri, this 5th day of July 2016

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 5th day of July 2016

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Marcella McCoy, Supervisor**

DATE: **June 29, 2016**

SUBJECT: **Update Digester Repair Financing**

Type of Item: *Approval*

INTRODUCTION

The purpose of this memo is to update the status for financing the digester repair. The Board of Alderman approved the contract for repair in an amount of $845,850. Recommendation was to enter into a short term lease for this project with the idea of early payoff after the bid award and receipt of reimbursement of engineer/design costs for the water treatment plant.

We have been notified by Department of Natural Resources (DNR) that they cannot authorize the additional debt against the system. Recommendation is to use money available in the CWSS Fund to pay for the repair.

DISCUSSION

The repair contract for the digester at the waste water treatment plant was approved for $845,850 at the April 18th Board of Aldermen meeting. At that time, presentation was made recommending entering into a five-year lease with Commerce Bank at a rate of 2.15% to provide funding for the repair.

City staff contacted DNR requesting approval to enter into the lease agreement with Commerce. After legal review and review of existing debt covenants, DNR determined that approval was not to be awarded.

As stated earlier, the City anticipates reimbursement of design/engineering costs through the Direct Loan Program for the water treatment plant. Included is the letter received from DNR that states the design/engineering costs paid are eligible for reimbursement. Based on this notification and that there is money available in the CWSS Fund, recommendation is to use available money to pay the repair.

I caution use of large sums of reserve without a source to reimburse the reserve in a short period of time. Reserves are to be used for emergency repairs and are required in bond covenants. The digester repair is an emergent need and reserves will be replenished with the reimbursement of the water plant design/engineering expenses during the bond closing process. The bond closing is anticipated this Fall. At that time, reserves will be replenished and available for future needs as approved by the Board of Alderman.

ACTION REQUESTED/RECOMMENDATION

Recommendation is to complete the digester repair as outlined in the approved contract and pay the repair with existing money in the CWSS Fund.

Council Bill No. 045

Resolution No.

A Resolution Rescinding Resolution 019-16 of May 16, 2016 Authorizing the City Administrator Enter Into An Agreement with Clayton Holdings, LLC, an Equity Subsidiary of Commerce Bank, to Finance $845,850 for a Period of Five Years to Make Emergency Repairs to the City Wastewater Treatment Plant Digester Basin Floor.

Whereas, the City of Harrisonville must make emergency repairs to the wastewater treatment plant digester basin floor, and

Whereas, the cost of such repairs will be $845,850, and

Whereas, the City can obtain financing in this amount through Clayton Holdings, LLC, a subsidiary of Commerce Bank,

Whereas, the Department of Natural Resources did no authorize additional debt against the system,

Whereas, the City has sufficient money available in the CWSS Fund to pay the repairs based on eligibility for reimbursement of design/engineering expenses for the water treatment plant,

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

Section 1: That Resolution 019-16 be rescinded that the City Administrator is authorized and directed to enter into an agreement with Clayton Holdings, LLC, an equity subsidiary of Commerce Bank, to finance $845,850 for a period of five years to make emergency repairs to the City Wastewater Treatment Plant digester basin floor.

Section 2: That the City Administrator be authorized to make payment for the City Wastewater Treatment Plant Digester Basin Floor repair from reserves available in the CWSS Fund.

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

PASSED AND RESOLVED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Harrisonville, Missouri, this 5th day of July 2016.

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

ATTEST:

Kim Hubbard, City Clerk

Approved by the Mayor this 5th day of July 2016

STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

June 15, 2016

Mr. Jerry Gibbs, P.E., Public Works Director
City of Harrisonville
P.O. Box 367
Harrisonville, MO 64701

RE: DW291356-01 City of Harrisonville – Engineering Contract

Dear Mr. Gibbs:

The Professional Engineering Services Agreement dated January 24, 2013, Amendment No. 3 dated August 13, 2014, and Amendment No. 4 dated May 13, 2016 for the above referenced drinking water project between the city of Harrisonville, MO and Burns & McDonnell Engineering Company, Inc. has been evaluated. The agreement and amendments appear to comply with state regulation 10 CSR 60-13.020 (2)(K) in regard to the nature, scope and extent of work to be performed. The A/E contract and amendments establish the following contract amounts that are eligible for the Drinking Water State Revolving Fund (DWSRF) program:

1. Original Agreement: (January 24, 2013)

2. Amendment No. 3: (August 13, 2014)

3. Amendment No. 4: (May 13, 2016) Adjusted contract amounts from Amendment #3 to the following amounts:

- Design & Bid Services for		
o Construction Contract 2	Not-to-Exceed Amount	$1,083,875
- Construction Phase Services	Not-to-Exceed Amount	$214,125
- One Year Certification	Not-to-Exceed Amount	$12,934

In accordance with Amendment No. 4, Article II Engineer's Scope of Services, 44 (Construction Phase Services) of the contract, the engineer shall prepare a plan of operation and an operation and maintenance manual. The plan of operation needs to be submitted by fifty percent construction completion and approved by ninety percent construction completion. The operation and maintenance manual will be submitted by eighty percent construction completion. Please provide an electronic copy of these submittals to the Financial Assistance Center.

Recycled Paper

In accordance with Amendment No. 4, Article II Engineer's Scope of Services, 45 (System Certification) of the contract, the System Certification will also assist with the operation of the facility for the duration of the one year certification period. Please notify the Financial Assistance Center when the one-year period starts.

Enclosed is a printout from the SRF database. This printout shows the line items and not-to-exceed values from the agreement and amendments for engineering services contracts between the city of Harrisonville, MO and Burns & McDonnell Engineering Company, Inc. Please structure your invoices to match the enclosed printout to allow for more efficient processing of your pay requests.

If you have any question please contact me at (573) 526-0844 or Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you.

Sincerely,

WATER PROTECTION PROGRAM

Ted Koenig

Ted Koenig, Project Coordinator
Financial Assistance Center

TK/jb

c. Mr. Jeff Klein, P.E. Burns & McDonnell Engineering Company, Inc.
Nathan Graessle, P.E. Water Protection Program, Financial Assistance Center

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jerry Gibbs, Director**

DATE: **June 27, 2016**

SUBJECT: **AIRPORT MAINTENANCE PROJECT**

Type of Item: *Change Order*

Staff Report by James Green, Airport Manager

RE: Change order with Vance Brothers, Inc. for the Airfield Maintenance Project in the amount of $8,449.85.

Background:

This change order eliminates the patch work from the project because the asphalt's current condition would not support the machinery needed to perform the patch repairs correctly. It also shifts the funds (at MoDOT's preference) from the removed patch work to crack sealing and seal coating the entire hangar area and the connecting taxiway, which was not included in the original project. The additional grant money was available from our yearly entitlement grant and will be reimbursed at 90% leaving the city responsible for approximately $845 of the cost.

Budget:

The budget already approved by the Board for the entire project is:

Design Services (Lochner, Inc.)	$28,375
Construction Services (Lochner, Inc.)	$38,600
Construction (Vance Bros.)	$290,446
Approved Project Total	$357,421

Change Order #1 (seeking approval)	$7,604.86
Additional local match	$844.99
Total Change Order #1	**8,449.85**

Recommendations:

Staff recommends to the board that Change Order #1 with Vance Brothers, Inc. be approved for the amount of **$8,449.85**

Council Bill No. 046

Ordinance No.

An Ordinance Authorizing the City Administrator to Execute Change Order No. 1 with Vance Brothers, Inc. for the Airfield Maintenance Project in an Amount Not to Exceed $8,449.85

WHEREAS, the City of Harrisonville approved an agreement with Vance Brothers, Inc., for the airfield maintenance project and

WHEREAS, additional maintenance work to the runways and taxiway was identified and performed by Vance Brothers, Inc., at a cost of $8,449.85,

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

<u>Section 1:</u> That the City Administrator of the City of Harrisonville is hereby authorized and directed to execute Change Order No. 1 with Vance Brothers, Inc. for the airfield maintenance project.

<u>Section 2:</u> That this resolution 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 JULY 5, 2016, AND FOR THE SECOND TIME BY TITLE ONLY ON JULY 5, 2016, AND PASSED BY THE BOARD OF ALDERMEN THIS 5TH DAY OF JULY 2016.

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 5th day of July 2016

CHANGE ORDER

SHEET NO. 1 of 1

SEQUENCE NO.: 1
COUNTY: Cass
AIRPORT: Lawrence Smith Memorial
PROJECT NO.: 15-110C-1

TO Vance Brothers, Inc CONTRACTOR

YOU ARE HEREBY DIRECTED TO MAKE THE FOLLOWING CHANGES FROM THE CONTRACT

1. DESCRIPTION AND REASON FOR CHANGE: (ATTACH SUPPLEMENTAL SHEETS IF REQUIRED)

During construction it became evident that the existing runway pavement could not hold up to construction traffic necessary to complete the asphalt full depth patching per the plans and specifications. It was decided mid-stream to reduce the amount of full depth patching and utilize a small mill head to repair the worse areas by removing and replacing the upper 3". In addition, it was determined that the taxilane pavements would benefit from a sealcoat at this time. This change order reconciles the contract quantities to match those measured in the field as well as allow for the minor scope change with regards to the full depth patching item.

2. ESTIMATE OF COST OF WORK AFFECTED BY THIS CHANGE ORDER.

(A) EST. LINE NO.	(B) CONTRACT ITEM NO.	(C) ITEM DESCRIPTION	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENT	UNIT	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN OR PLUS CONTINGENT	(I) AMOUNT OF UNDERRUN OR MINUS CONTINGENT
1	3	Asphalt Pavement Repair (Full Depth)	1,760	1,620	140	S.Y.	$50.00		$7,000.00
2	4	Reflectorized Pavement Marking	26,077	27,335	1,258	S.F.	$1.34	$1,685.72	
3	6	Clean and Seal Joints and Cracks < 1"	41,553	31,646	9,907	L.F.	$0.66		$6,538.62
4	7	Clean and Seal Joints and Cracks (1" to 2")	2,020	1,630	390	L.F.	$5.71		$2,226.90
5	9	Pavement Friction Sealcoat Surface Treatment	45,671	62,116	16,445	S.Y.	$1.37	$22,529.65	
							TOTALS	$24,215.37	$15,765.52

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:

1. CONTRACT AMOUNT		$290,446.05
2. OVERRUN OR UNDERRUN THIS ORDER (H-I)	$8,449.85	
3. OVERRUN PREVIOUS (LINE 4 ON PREV. ORDER)	$0.00	
4. TOTAL OVERRUN TO DATE (2+3)		$8,449.85
5. TOTAL (1+4)		$298,895.90

4. COMMENTS:

06-06-16

SUBMITTED - PROJECT ENGINEER DATE

APPROVED - SPONSOR DATE

APPROVED - MoDOT AVIATION DATE

THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO.

Vance Brothers, Inc
CONTRACTOR (Company Name)

6/6/16

SIGNATURE (Authorized Representative) DATE

FILENAME: I:\KAC\PRJ\000009567\02\AE\EXCEL\PAY EST\[MasterPayEst.xlsx]Pay#3

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **June 29, 2016**

SUBJECT: **Harrisonville Villas Revised Development Agreement**

Type of Item: *Approval*

Type of Item: Action Item

This agreement is for the Harrisonville Villa's development located north of the community center. The applicant has requested approval to construct the infrastructure concurrently with the structures. The attached development agreement would allow for concurrent construction. The applicant has requested a change to this agreement.

The requested revision is located under Fees and Bonds, Section 2. A single sentence (see underlined) has been added.

> *2. The subdivider agrees to furnish performance bonds based on the estimated development costs of all public improvements as shown on the approved construction plans. The City Engineer shall review and determine that the costs, as presented, are reasonable. <u>The City may accept of letter of credit in-lieu of a performance bond</u>.*

Council Bill No. 047

Ordinance No.

An Ordinance Authorizing the City Administrator to Execute a Revised Development Agreement in Connection with the the Harrisonville Villas Development, Generally Located North of the Harrisonville Community Center.

WHEREAS, developer agrees to assume all development obligations of the City as described in the attached agreement; and

WHEREAS, the City of Harrisonville desires to ensure that developer will accomplish certain things in order to protect the public health, safety and welfare.

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

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to enter into a revised agreement with developer for the installation of infrastructure and issuance of a building permit in connection with the development Harrisonville Villas.

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

Section 3. *Severability*. 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.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

READ TWO TIMES BY TITLE ONLY ON JULY 5, 2016 AND PASSED BY THE BOARD OF ALDERMEN THIS 5th DAY OF JULY 2016.

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

APPROVED by the Mayor this 5th day of July 2016.

DEVELOPMENT AGREEMENT
Harrisonville Villa's

THIS AGREEMENT, MADE THIS ____ day of _________________, 2016, by and between, _____________________, hereinafter referred to as "Subdivider" and the City of Harrisonville, Missouri, a Municipal Corporation, hereinafter referred to as "City".

WHEREAS, subdivider seeks to obtain approval from the City a subdivision to be known as Harrisonville Villa's, which is located in the City of Harrisonville, Cass County, Missouri, and;

WHEREAS, the subdivider, herein defined, agrees to assume all subdivision development obligations of the City as described in this agreement, and;

WHEREAS, the subdivider desires to construct the private on-site improvements concurrently with the public infrastructure improvements, and;

WHEREAS, the City desires to ensure that the subdivider will accomplish certain things in order to protect the public health, safety and welfare.

NOW, THEREFORE, in consideration of the promises and covenants herein set forth, and receipt by the City of fees and costs as required by the City Of Harrisonville, the parties agree as follows:

GEOGRAPHIC LOCATION:

1. The terms of this agreement apply to the following property:

> A tract of land located in the East half of Section 33, Township 45 North, Range 31 West, Cass County, Missouri, and being part of the tract described by the Deed recorded in Book 3838, Page 758 and being more particularly described as follows:
>
> Beginning on the East line of said Section 33, at the Northeast corner of the Final Plat of Community Center, recorded in Plat Book 17, Page 61; thence from the Point of Beginning and with the North line of said Plat, N 87°21'30"W, 484.00 feet; thence leaving said North line N 2°01'25"E, 900.00 feet; thence S 87°21'30"E, 484.00 feet to the East line of said Section 33; thence with the East line of said Section, S 2°01'25"W, 900.00 feet to the Point of Beginning and containing 10.00 acres.

INSTALLATION OF INFRASTRUCTURE & ISSUANCE OF BUILDING PERMIT

1. The construction of the public infrastructure may be installed concurrently with the construction of the structure(s) on the subject property with the following conditions.

- A land disturbance permit may be issued with the approval of a grading plan, storm water management plan and erosion control plan.
- Prior to the installation of any improvements/infrastructure or the issuance of building permit(s), the subdivider shall have all site development and infrastructure plans approved by the City of Harrisonville.
- A footing/foundation permit may be issued when a notice to proceed is given for the construction of the infrastructure and a site development plan is approved.
- A full building permit may be issued when adequate fire protection and access is provided to the site as determined by the Building Official.
- A temporary certificate of occupancy may be granted at the discretion of the Building Official.
- The subdivider shall install all public improvements, as shown on the approved construction plans (and the City must accept), prior to receiving a certificate of occupancy. Said improvements shall include, but shall not be limited to, any required off site improvements and/or any non-City infrastructure improvements.

2. The subdivider shall be responsible for the installation of all improvements in accordance with the approved construction plans, subdivider hereby agrees to indemnify and hold harmless the City and its past, present and future employees, officers and agents from any and all claims arising from the construction of the improvements located on subdivider's property or off site improvement locations or from the City's plan review and inspection services, practices and policies relating to the improvements to be placed on the subdivider's property. Subdivider hereby agrees to pay to the City all damages, costs and reasonable attorney's fees incurred by the City and its employees, officers and agents in defending said claims.

3. The subdivider agrees to provide the City of Harrisonville "as-built" plans for all public improvements as required by the City Of Harrisonville subdivision regulations. Said plans shall be considered a part of the improvements for the purpose of acceptance by the City.

FEES & BONDS

1. The subdivider agrees to pay all fees as typically required by the City of Harrisonville.

2. The subdivider agrees to furnish performance bonds based on the estimated development costs of all public improvements as shown on the approved construction plans. The City Engineer shall review and determine that the costs, as presented, are reasonable. <u>The City may accept of letter of credit in-lieu of a performance bond</u>.

3. Prior to issuance of the Certificate of Occupancy within said subdivision, subdivider will provide a guarantee in the form of a Maintenance Bond that is satisfactory to the City Attorney and consistent with what is required by City ordinances. This guarantee shall be based on 50% of the cost of all public improvements shown on approved construction plans and shall be for a period of one year after acceptance by the City.

GENERAL PROVISIONS

1. The parties agree that execution of this agreement in no way constitutes a waiver of any requirements of applicable City ordinances with which the subdivider must comply and does not in any way constitute prior approval of any future proposal for development.

2. The covenants herein shall run with the land described in this agreement and shall be binding and insure to the benefit of the parties hereto and their successors or assigns and on any future and subsequent purchasers.

3. This agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing, subject to the approval of the parties.

4. If, at any time, any part hereof has been breached by subdivider, the City may withhold or revoke approval of any or all building permits and/or certificates of occupancy applied for in the subdivision, until breach or breaches has or have been cured.

5. This agreement shall be enforced until the completion of the project.

6. Any provision of this agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.

7. The undersigned represent that they each have the authority and capacity from the respective parties to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

____
Subdivider

____
Michael E. Tholen
City Administrator