



City of

Harrisonville ^{est.} 1836

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JANUARY 3, 2017
7:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Pledge of Allegiance**
- 3. Ceremonial Matters**
- 4. Public Participation**
- 5. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - Dec 5, 2016 7:00 PM**
 - B. Board of Aldermen - Special Meeting - Dec 19, 2016 6:00 PM**
 - C. Attachments to Dec. 19 Minutes**
- 6. Agenda Items**

- A. Council Bill 001: A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF D AND T ADDITION LOCATED WITHIN HARRISONVILLE, CASS COUNTY, MISSOURI**
 - B. Council Bill 002: AN ORDINANCE TO ACCEPT THE FINAL PLAT OF D AND T ADDITION, A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI**
 - C. Public Hearing for a Special Use Permit of Scott & Leigh Ann Friedrich for Marquette Cottage**
 - D. Council Bill 003: AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, GRANTING A SPECIAL USE PERMIT FOR AN ALTERNATIVE SHORT-TERM ACCOMMODATION ESTABLISHMENT AT 403 WEST MECHANIC IN HARRISONVILLE, CASS COUNTY, MISSOURI.**
 - E. Council Bill 004: An Ordinance Repealing Ordinance 3351 and Chapter 610, Peddlers, of the City of Harrisonville Code of Ordinances and Adopt a New Version of Chapter 610 Peddlers**
- 7. Aldermen and Committee Reports**
 - 8. Report from the City Administrator**
 - 9. Report from the Mayor**
 - 10. Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 29th day of December

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



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
DECEMBER 5, 2016
7:00 PM

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

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, City Attorney John Fairfield, Finance Director Marcella McCoy, Community Development Director Rick DeLuca, City Clerk Kim Hubbard, Public Information Officer Sheryl Stanley, Parks & Recreation Director Chris Deal, and Street Superintendent Rodney Jacobs.

3. **Ceremonial Matters**

None.

4. **Public Participation**

Mayor announced that the 4 minute rule be enforced.

Jack Cotton, 876 Locust, asked Attorney Fairfield about the ADA accessibility he had inquired about at the last meeting. Mr. Fairfield stated that if the city asks him to look into this that he would. Mr. Cotton asked who will be in charge since the Building Official had resigned. It was noted that the Mayor had engaged IBTS to perform inspections for the Senior Villas and that the

City would likely engage them until the position is filled. Mr. Cotton then challenged all the board members to contact the people in their ward and find out what their thoughts are.

John Foster, 2619 Duncan Circle, shared with the board his disappointment on how the board has handled the issue between codes enforcement and the the Senior Villas and disappointed that the city is paying \$10,000+ to IBTS to provide inspections for the Senior Villas.

Laurence Smith, 18309 E 253rd St, Harrisonville expressed his support of the Senior Housing development of the old hospital. Mr. Smith shared that he did not want to see this project fall into being section 8 housing, that it's difficult to manage and encourage the board to approve the requested tax break.

Brad Seimer, 1808 N. Commercial St. Mr. Seimer started off by congratulating the Harrisonville Football team on their state championship, and encouraged the board to approve the tax breaks that have been requested for the old hospital on Mechanic Street.

Pat Thomas, 25322 Lone Pine, Cleveland, MO expressed his support of the board approving tax breaks for the old hospital on Mechanic Street.

Shawna Hasek, 1300 E Pine, shared her opposition allowing a tax break for the old hospital on Mechanic Street.

5. Approval of Minutes

A. Board of Aldermen - Work Session - Nov 21, 2016 6:00 PM

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

B. Board of Aldermen - Regular Meeting - Nov 21, 2016 7:00 PM

Item H of the minutes were amended to reflect-Alderman Dickerson moved that the city dissolve ~~partnership~~ participation with HSL and Alderman Long seconded.

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

6. Agenda Items

- A. An Ordinance of the Board of Aldermen of the City of Harrisonville, Missouri to Authorize and Direct the Mayor to Enter into an Agreement with the Missouri Department of Transportation to Permit a Monument Sign Currently Located on Highway 291 by McDonalds.**

Attorney Fairfield read Council Bill 077 by title only for a second time. Council Bill 077 became Ordinance 3386.

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

- B. A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF HARRISONVILLE, MISSOURI, AND MID-AMERICA REGIONAL COUNCIL (MARC) RELATING TO THE REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM FOR FISCAL YEAR 2017**

Attorney Fairfield read Council Bill 081 by title only. Mr. Jacobs reviewed the request, noted that this has been yearly request and that it is an excellent program. Council Bill 081 became Resolution 042.

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

- C. Council Bill 082: AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, GRANTING A SPECIAL USE PERMIT ALLOWING FOR THE EXISTING STRUCTURE TO BE USED FOR STORAGE UNITS AT 112 N. INDEPENDENCE STREET IN HARRISONVILLE, CASS COUNTY, MISSOURI.**

Mayor opened public hearing at 7:35pm. David Erwin, 25107 E Orient Cemetery Road stated that the individual who owns the property want to just use it for storage units only. Public hearing closed at 7:36pm.

- D. Consideration of SUP-1611: Special Use Permit of Brian Faust**

Attorney Fairfield read Council Bill 082 by title only. Mr. DeLuca reviewed the request and the criteria, explained that the building cannot be expanded for storage use and outside storage is prohibited. The request is recommended for approval by staff and the planning & zoning commission. Alderman Dickerson made the motion to suspend the rules and move Council Bill 082 to it's second reading. Alderman Long seconded the motion and it was approved by the following roll vote:

Ayes: Aldermen Dickerson, Bockelman, Turner, Stafford, Bowman, Long, Milner, and Reece.

Nays: None

RESULT:	APPROVED [UNANIMOUS]
AYES:	Bowman, Long, Stafford, Dickerson, Turner, Milner, Reece, Bockelman

E. AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

Attorney Fairfield read Council Bill 083 by title only. Ms. McCoy reviewed the amendments and reported staff recommended approval. Alderman Dickerson made the motion to suspend the rules and move Council Bill 083 to its second reading. Alderman Milner seconded the motion and it was approved by the following roll call vote:

Ayes: Aldermen Bockelman, Milner, Stafford, Turner, Dickerson, Bowman, Long, and Reece.

Nays: None

Council Bill 083 became Ordinance 3388.

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

F. Council Bill 084: AN ORDINANCE TO ESTABLISH 4-WAY STOP SIGNS FOR THE INTERSECTION OF ELM STREET AND HALSEY STREET

Attorney Fairfield read Council Bill 084 by title only. Mr. Tholen reviewed the request and reported the stop sign location has been looked at by staff and recommend the change.

Alderman Dickerson made the motion to suspend the rules and move Council Bill 084 to its second reading. The motion was approved by a voice vote:

Ayes: Aldermen Turner, Reece, Long, Dickerson, Bockelman, Bowman, Milner, and Stafford.

Nays: None

Attorney Fairfield read Council Bill 084 by title only for a second time. Council Bill 084 became Ordinance 3389.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Bowman, Long, Stafford, Dickerson, Turner, Milner, Reece, Bockelman

G. Ordinance Authorizing Not to Exceed \$9,544,000 Combined Waterworks and Sewerage System Revenue Bonds

Attorney Fairfield read Council Bill 085 by title only. Mayor Hasek reported the ordinance allowed the sale of the SRF Bonds for the Water Treatment Plant. Ms. McCoy reviewed and asked the board to suspend the rules and move the council to its second reading due to the bond sale needed to be completed by December 15, 2016. Alderman Dickerson made the motion to suspend the rules and move Council Bill 084 to its second reading. Alderman Milner seconded the motion and it was approved by the following roll call vote:

Ayes: Aldermen Stafford, Bockelman, Bowman, Turner, Long, Reece, Dickerson, and Milner.

Nays: None

Attorney Fairfield read Council Bill 085 by title only for a second time. Council Bill 085 became Ordinance 3390.

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

H. Harrisonville Senior Living & 353 Financing

Mayor Hasek opened the floor for discussion. Ms. McCoy reported she had received payment from the developer.

I. Discussion - Inspections

7. Aldermen and Committee Reports

Alderman Bowman commented on how great the Christmas on the Square was, how much she enjoyed judging the baby pageant and wished everyone a Merry Christmas.

Alderman Reece reported she sold cupcakes during the Christmas on the Square event and thanked everyone who attended.

Alderman Milner reported there was a great turnout at the Holiday Store.

Alderman Dickerson wished everyone a Merry Christmas.

Alderman Long wished everyone a Merry Christmas.

Alderman Turner commented on the good turnout for the Christmas on the Square event, and thanked the electric department for installing a street light at the intersection of Twins Oaks and Hwy. 2.

8. Report from the City Administrator

Mr. Tholen reported there was no meeting scheduled for December 19 and that the next regular meeting would be Tuesday, January 3, 2017. Mr. Tholen also thanked the board for approving the bonds for the water treatment plant improvements.

9. Report from the Mayor

Mayor Hasek reported Christmas on the Square was good, the winners of the pageant threw the switch and Commissioner Scavuzzo read the Christmas Story. Mayor Hasek also acknowledged the Harrisonville Football team.

10. Adjourn to Executive Session -- Personnel [RSMo 610.021(3)]

Alderman Dickerson moved to adjourn to Executive Session for the purpose of Section 610.021 (3), personnel. Alderman Turner seconded the motion which was approved with the following roll call vote:

Ayes: Aldermen Bowman, Bockelman, Reece, Milner, Dickerson, Long, Turner and Stafford.

Nays: None

The Board adjourned to Executive Session at 9:10 PM

The Board reconvened to regular session at 9:40 PM

11. Adjourn From Regular Session

Alderman Dickerson made the motion to adjourn the meeting. Alderman Milner seconded the motion and it was approved. The meeting ended at 9:40pm.

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

ATTEST:

Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Dec 5, 2016 7:00 PM (Approval of Minutes)



**MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
SPECIAL MEETING
CITY HALL
DECEMBER 19, 2016
6:00 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	
Josh Stafford	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Absent	
Judy Reece	Harrisonville	Board Member	Present	
Brad Bockelman	Harrisonville	Board Member	Present	
Brian Hasek	Harrisonville	Mayor	Present	

Also in attendance: City Attorney John Fairfield; City Administrator Mike Tholen; Finance Director Marcella McCoy; Director of Public Works Eric Patterson; Deputy City Clerk Sheryl Stanley, recording.

- 3. Adjourn to Executive Session -- Legal or Privileged Communications (RSMo 610.021 (1); Personnel (RSMo 610.021 (3))**
- 4. Agenda Item**
 - A. An Ordinance of the Board of Aldermen to Authorize the Mayor to Execute an Employment Agreement for a City Administrator for the City of Harrisonville, Missouri**

City Attorney Fairfield read Council Bill 086 by title. Mayor Hasek said Mr. Welch, city administrator of Festus, had agreed to accept the appointment as City Administrator of Harrisonville. He had agreed to the employment offer with only minor changes in the contract. City Attorney Fairfield reported on those changes and gave board members copies of the revised document.

David Dickerson moved Council Bill 086 be given its second reading, and Matt Turner seconded. Motion passed, with Aldermen Bockelman, Dickerson, Long, Turner and Stafford voting Aye, Aldermen Bowman and Reece voting Nay and Alderman Milner absent.

After Council Bill 086 was read for a second time by City Attorney Fairfield, Aldermen Bowman and Reece read statements regarding their opposition to the appointment. (These statements are attached.) Following the vote as indicated below and passage, Council Bill 086 was designated Ordinance 3391.

RESULT:	ADOPTED [5 TO 2]
AYES:	Long, Stafford, Dickerson, Turner, Bockelman
NAYS:	Judy Bowman, Judy Reece
ABSENT:	Marcia Milner

5. Adjourn From Regular Session

Alderman Dickerson moved the meeting by adjourned. Alderman Long seconded. Meeting adjourned at 6:16 p.m.

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

ATTEST:

 Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Dec 19, 2016 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: Sheryl Stanley, Deputy City Clerk
DATE: December 29, 2016
SUBJECT: Attachments to Dec. 19 Minutes

Type of Item: *Approval*

Attached are the written statements submitted by Aldermen Bowman and Reece in the course of the December 19 meeting.

C. Action Item (ID # 2419)

Attachments to Dec. 19 Minutes

Attachments:

Bowman statement (PDF)

Reece statement (PDF)

This is my entire statement regarding the extension of an employment agreement to Eugene (Happy) Welch as City Administrator for the City of Harrisonville. A copy of this statement is being provided to the City Clerk or the Deputy City Clerk on December 19, 2016 during a Special Meeting of the Harrisonville Board of Aldermen. I hereby request my statement, as it is written, be made part of the official record of that meeting.

Please allow me to say at the outset that my comments are in no way meant to be personal. If the Board approves the extension of this employment agreement tonight, I will commit to make every effort to have a mutually cordial and professional relationship with Mr. Welch. With the recent departure of several long-tenured department heads and employees of our City, not doing so would be detrimental both to the health and well-being of our staff and citizens alike.

As a board, we agreed on the qualifications and hiring criteria we were seeking in our next city administrator. Those qualifications and criteria were published on the city's website and other employment links as our City Administrator Recruitment Profile. We only interviewed one candidate. How well did we screen this one candidate? Should we have sought and interviewed additional candidates? Offering a substantial six-figure income, executive-level benefits and the inherent authority to manage our city, should have required us to be absolutely certain we have the brightest and the best of the best. Our staff and citizens deserve nothing less.

Additionally, City staff and department heads had certain criteria they were seeking in their next leader. Did this candidate meet those expectations?

Based on my questions and concerns regarding the qualifications and criteria for the position of city administrator not being met, I must vote NO on this ordinance to approve the employment contract for Eugene (Happy) Welch.



Judy Bowman

Harrisonville Alderman Ward 1

Attachment: Bowman statement (2419 : Attachments to Dec. 19 Minutes)

We were given a very specific profile to be used in making our decision on whom to hire for the open City Administrator position. The original profile was revised by Mayor Hasek on 9/12/16, and subsequently presented to the Board of Aldermen.

I have definite concerns about the profile requirements, versus the actual qualifications of this candidate.

If the Board chooses to hire Mr. Welch, I will accept that decision, and work with him in good faith for the betterment of Harrisonville. However, due to the reasons specified above, I cannot in good conscience vote Yes.

My vote is No.

Judy Reece
Alderman, Ward Two

We were given a very specific profile to be used in making our decision on whom to hire for the open City Administrator position. The original profile was revised by Mayor Hasek on 9/12/16, and subsequently presented to the Board of Aldermen.

I have definite concerns about the profile requirements, versus the actual qualifications of this candidate.

If the Board chooses to hire Mr. Welch, I will accept that decision, and work with him in good faith for the betterment of Harrisonville. However, due to the reasons specified above, I cannot in good conscience vote Yes.

My vote is No.

Judy Reece
Alderman, Ward Two



STAFF REPORT

TO: Board of Aldermen
FROM: Rick Deluca, Director
DATE: December 22, 2016
SUBJECT: A Resolution Approving the Preliminary Plat of D and T Addition

Type of Item: *Preliminary Plat*

Issue: The Applicant has requested approval of a preliminary and final plat.

Background:

Location: Rockhaven Road, east of Applebee's
 Applicant: Diamond and Tina Coffey
 Owner: Diamond and Tina Coffey
 Existing Zoning: "C-2" Service Business District
 Adjacent Zoning: North: "C-2" Service Business District
 South: US 71 Right-of-Way
 East: "C-2" Service Business District
 West: "C-2" Service Business District
 Acres: Approximately 1.44 acres
 Number of Lots: 1

The applicant is requesting that the subject property, located on Rockhaven Road (east of Applebee's), be platted. The property must be plated prior to development. Additional easements/right-of-way are being dedicated.

Options:

The City may: 1) Approve the applications with no conditions 2) Conditionally approve the applications 3) Deny the request for preliminary and final plat.

Recommendations:

Staff Recommendation: Approval

Planning & Zoning Commission (December 15, 2016): Approval

Council Bill No. 001

Resolution No.

**A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE
PRELIMINARY PLAT OF D AND T ADDITION LOCATED WITHIN
HARRISONVILLE, CASS COUNTY, MISSOURI**

WHEREAS, after review by the city staff, the application was submitted to the Planning and Zoning Commission for their recommendation; and,

WHEREAS, the Planning and Zoning Commission reviewed the preliminary plat for the above proposed development on December 15, 2016, and hereby recommends approval, contingent upon the staff recommendations to the Board of Aldermen; and,

WHEREAS, after a recommendation of approval had been submitted by the Planning and Zoning Commission, the Board of Aldermen reviewed the proposed preliminary plat and has determined the plat is consistent with the City of Harrisonville Zoning Ordinance, Subdivision Regulation and Comprehensive Plan.

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

Section 1: That the preliminary plat of D and T Addition, filed with the City of Harrisonville, is hereby approved and that the preliminary plat comprises the following described real estate in Cass County, Missouri, to-wit:

PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN RECORD BOOK 1899 AT PAGES 95 AND 96 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID LOT 6, RUN THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE THEREOF, 30.54 FEET (DEED = 30 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: CONTINUING THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 6, 299.70 FEET (DEED = 306.11 FEET) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 (FORMERLY U.S. HIGHWAY NO. 71), AS NOW ESTABLISHED; THENCE SOUTH 73°05'59" EAST (DEED = SOUTH 73°29'48" EAST) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 271.51 FEET; THENCE NORTH 00°52'00" EAST, 170.06 FEET; THENCE NORTH 88°07'00" WEST, 125.00 FEET; THENCE NORTH 00°52'00" EAST, 200.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY

LINE OF ROCK HAVEN ROAD; THENCE NORTH 88°07'00" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 136.80 FEET (DEED = 115.10 FEET) TO THE TRUE POINT OF BEGINNING. CONTAINS 1.44 ACRES, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS.

Section 2. That approval of the preliminary plat is contingent upon compliance with the zoning and subdivision regulations.

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

PASSED AND RESOLVED by the Board of Aldermen of the City of Harrisonville, Missouri this 3rd day of January 2017.

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

ATTEST:

Sheryl Stanley, Deputy City Clerk

WITNESS my hand and seal this 3rd day of January 2017.

Preliminary Plat of D & T Addition a proposed subdivision of land in the City of Harrisonville, Cass County, Missouri

Description:

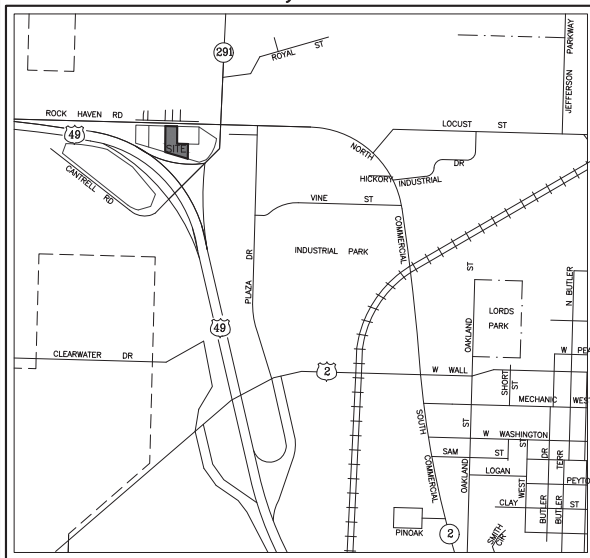
PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN RECORD BOOK 1899 AT PAGES 95 AND 96 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID LC 6, RUN THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE THEREOF, 30.54 FEET (DEED = 30 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; CONTINUING THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 6, 299.70 FEET (DEED = 306.11 FEET) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 (FORMERLY U.S. HIGHWAY NO. 71), AS NOW ESTABLISHED; THENCE SOUTH 73°05'59" EAST (DEED = SOUTH 73°29'48" EAST) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 271.51 FEET; THENCE NORTH 00°52'00" EAST, 170.06 FEET; THENCE NORTH 88°07'00" WEST, 125.00 FEET; THENCE NORTH 00°52'00" EAST, 200.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD; THENCE NORTH 88°07'00" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 136.80 FEET (DEED = 115.10 FEET) TO THE TRUE POINT OF BEGINNING. CONTAINS 1.44 ACRES, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS.

Interstate 49
(FORMERLY U.S. HIGHWAY NO. 71)
(NO ACCESS)

SCALE IN FEET
0 50 100
SCALE: 1" = 50'

NOTE: BEARINGS SHOWN ARE BASED UPON A DEED BEARING OF NORTH 88°07'00" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD IN THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SEC. 5, TWP. 44, RNC. 31, CASS COUNTY, MISSOURI.

Vicinity Sketch



Notes:

- BEARINGS SHOWN ARE BASED UPON A DEED BEARING OF NORTH 88°07'00" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD IN THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SEC. 5, TWP. 44, RNC. 31, CASS COUNTY, MISSOURI.
- RECORD TITLE AND EASEMENT INFORMATION HAS BEEN PROVIDED BY COFFETT LAND TITLE INC. FILE NO. 16060888, DATED MAY 2, 2016. THIS SURVEYOR HAS MADE NO ADDITIONAL INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE.
- MISSOURI ONE CALL WAS NOTIFIED FOR UTILITY LOCATIONS ON THE SUBJECT PROPERTY. ALL UTILITIES MAY OR MAY NOT HAVE BEEN FLAGGED. BOWERS ENGINEERING & SURVEYING, INC. ASSUMES NO RESPONSIBILITY FOR THE INACCURACY OR OMISSION OF ANY EXISTING UTILITIES ON OR ADJACENT TO THE SUBJECT PROPERTY. MISSOURI ONE CALL TICKET NUMBER: 16061448, DATE: SEPTEMBER 22, 2016.
- A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN (ZONE A, NO BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 29037C0186F, DATED JANUARY 2, 2013.
- EXISTING EASEMENTS WHICH MAY AFFECT THE SUBJECT TRACT:
 - EFFECTS, IF ANY, OF AN EASEMENT GRANTED TO THE GAS SERVICE COMPANY BY INSTRUMENT RECORDED JANUARY 12, 1960 IN BOOK 438 AT PAGE 104.
 - EFFECTS, IF ANY, OF AN EASEMENT GRANTED TO C.O. BECKER AND WIFE MAUDE F. BECKER BY INSTRUMENT RECORDED OCTOBER 12, 1937 IN BOOK 318 AT PAGE 460, AND AMENDED BY INSTRUMENT RECORDED JUNE 8, 1948 IN BOOK 366 AT PAGE 10.
 - EFFECTS, IF ANY, OF AGREEMENT FOR RIGHT-OF-WAY GRANTED TO INTERSTATE PIPELINE COMPANY BY INSTRUMENT RECORDED AUGUST 29, 1930 IN BOOK 288 AT PAGE 614.
 - EFFECTS, IF ANY, OF DRAINAGE EASEMENT ACQUIRED BY THE STATE OF MISSOURI, UNDER CAUSE NO. 29276, CIRCUIT COURT OF CASS COUNTY, MISSOURI.
 - EFFECTS, IF ANY, OF ACCESS RIGHTS OF STATE OF MISSOURI ACQUIRED IN CAUSE NO. 29276, CIRCUIT COURT OF CASS COUNTY, MISSOURI.
 - EFFECTS, IF ANY, OF BUILDING AND USE RESTRICTIONS AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 1, 1978 AS DOCUMENT NO. 77615 IN BOOK 704 AT PAGE 391, AND UNDER DOCUMENT NO. 77616 IN BOOK 704 AT PAGE 392.

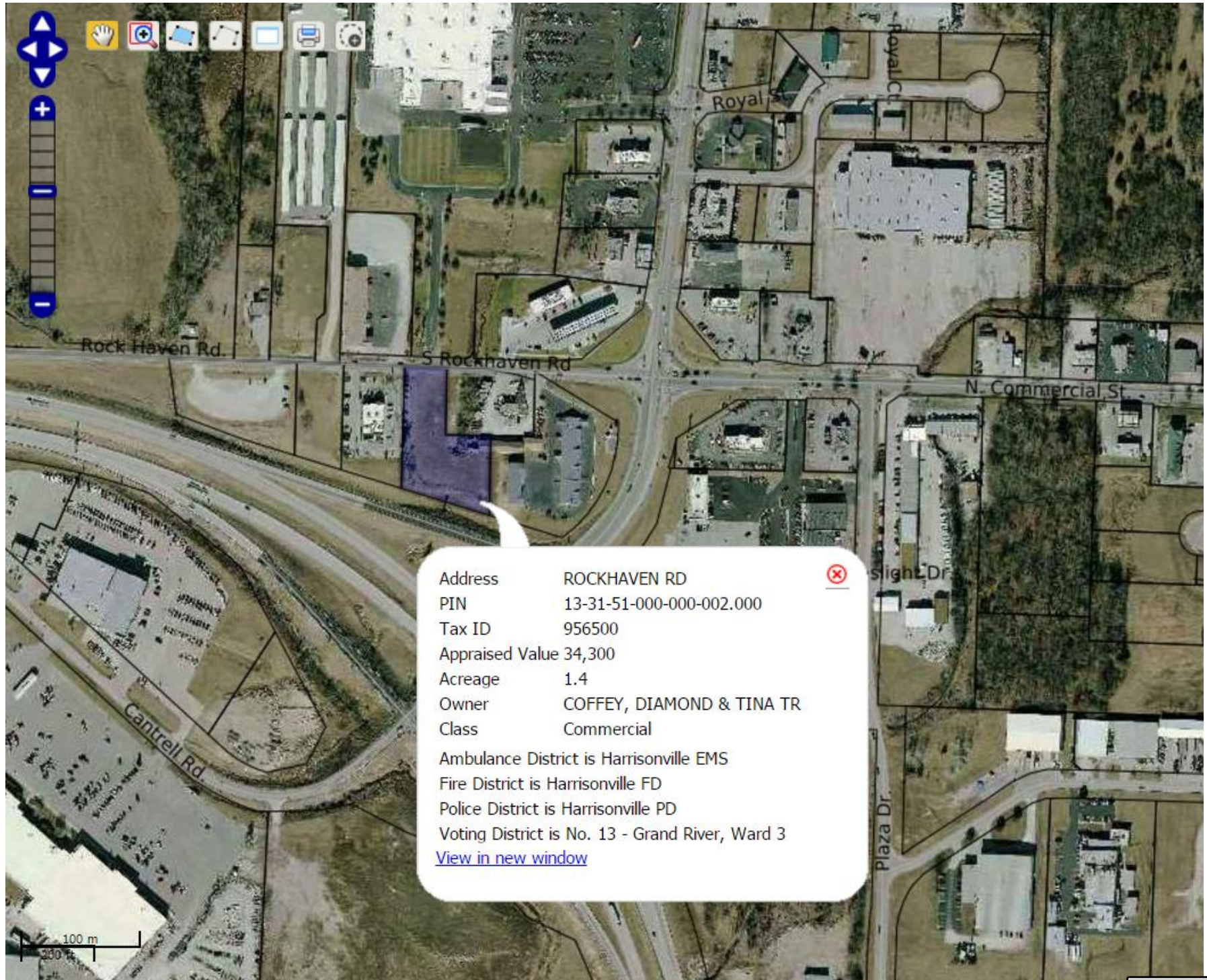
Legend

- = STREET LIGHT
- ⊙ = BUILDING LIGHT
- ⊙ = PARKING LOT LIGHT
- ⊙ = POWER POLE
- ⊙ = ELECTRIC PEDESTAL
- ⊙ = WATER METER
- ⊙ = GAS METER
- ⊙ = GAS REGULATOR
- ⊙ = VALVE
- ⊙ = HYDRANT
- ⊙ = STREET SIGN
- ⊙ = CLEANOUT
- ⊙ = TREE
- ⊙ = BUSH
- ⊙ = TREE STUMP
- = MANHOLE
- ⊙ = DOWN GUY
- ⊙ = TELEPHONE PEDESTAL
- ⊙ = RIGHT-OF-WAY MARKER
- ⊙ = CHAINLINK FENCE
- ⊙ = OVERHEAD POWER LINE
- ⊙ = OVERHEAD TELEPHONE LINE
- ⊙ = OVERHEAD CABLE TV LINE
- ⊙ = OVERHEAD COMMUNICATIONS LINE
- ⊙ = UNDERGROUND TELEPHONE LINE
- ⊙ = UNDERGROUND POWER LINE
- ⊙ = SANITARY SEWER
- ⊙ = STORM SEWER
- ⊙ = GAS
- ⊙ = WATER
- ⊙ = CONCRETE
- ⊙ = CORRUGATED METAL PIPE

REVISED: 11/14/16 PLAT NAME TO "D & T ADDITION"

NOTE: THIS DRAWING IS FOR PLANNING AND ZONING PURPOSE ONLY. IT DOES NOT CONSTITUTE A BOUNDARY SURVEY.

FOR: DIAMOND & TINA COFFEY		ORDERED BY: CHERYL	
Bowers Engineering & Surveying, Inc.		AMERICAN HERITAGE REAL ESTATE	
P.O. BOX 71 106 E. PEARL STREET HARRISONVILLE, MISSOURI 64701		SURVEYING: 816.380.4821	
SECTION	TOWNSHIP	RANGE	COUNTY
5	44	31	CASS
DATE	STATE	COUNTY	DATE
10/14/16	MISSOURI	213	
DRAWING NO. 213544P.DWG. DRAWN BY: RB CHECKED BY: TS			
PROFESSIONAL ENGINEERING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 200			
PROFESSIONAL LAND SURVEYING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 200			





STAFF REPORT

TO: Board of Aldermen
FROM: Rick Deluca, Director
DATE: December 22, 2016
SUBJECT: An Ordinance to Accept the Final Plat of D and T Addition

Type of Item: *Final Plat*

Issue: The Applicant has requested approval of a preliminary and final plat.

Background:

Location: Rockhaven Road, east of Applebee's
 Applicant: Diamond and Tina Coffey
 Owner: Diamond and Tina Coffey
 Existing Zoning: "C-2" Service Business District
 Adjacent Zoning: North: "C-2" Service Business District
 South: US 71 Right-of-Way
 East: "C-2" Service Business District
 West: "C-2" Service Business District
 Acres: Approximately 1.44 acres
 Number of Lots: 1

The applicant is requesting that the subject property, located on Rockhaven Road (east of Applebee's) be platted. The property must be plated prior to development. Additional easements/right-of-way are being dedicated.

Options: The City may: 1) Approve the applications with no conditions 2) Conditionally approve the applications or 3) Deny the request for preliminary and final plat.

Recommendations:

Staff Recommendation: Approval

Planning & Zoning Commission (December 15, 2016): Approval

Council Bill No. 002**Ordinance No.****AN ORDINANCE TO ACCEPT THE FINAL PLAT OF D AND T ADDITION, A
SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS
COUNTY, MISSOURI**

WHEREAS, the Planning and Zoning Commission on December 15, 2016 recommended approval of the final plat; and

WHEREAS, after considering the property for the purpose of promoting the public health, safety, morals and considering the general welfare of the community, it is determined that this final plat be approved.

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

Section 1. That the final plat and dedication of easements of the City of Harrisonville for D and T Addition, as shown by the plat, filed with the City Clerk of the City of Harrisonville, is hereby accepted and approved contingent upon compliance with the improvements and standards as outlined in Harrisonville's land use regulations and any applicable agreements between the City and the applicant.

Section 2. That the final plat comprises the following described real estate in Harrisonville, Cass County, Missouri, to wit:

PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN RECORD BOOK 1899 AT PAGES 95 AND 96 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID LOT 6, RUN THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE THEREOF, 30.54 FEET (DEED = 30 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: CONTINUING THENCE SOUTH 00°42'44" WEST (DEED = SOUTH 00°52'00" WEST) ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 6, 299.70 FEET (DEED = 306.11 FEET) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 (FORMERLY U.S. HIGHWAY NO. 71), AS NOW ESTABLISHED; THENCE SOUTH 73°05'59" EAST (DEED = SOUTH 73°29'48" EAST) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 271.51 FEET; THENCE NORTH 00°52'00" EAST, 170.06 FEET; THENCE NORTH 88°07'00" WEST, 125.00 FEET; THENCE NORTH 00°52'00" EAST, 200.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD; THENCE NORTH 88°07'00" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 136.80 FEET (DEED = 115.10 FEET) TO THE TRUE POINT OF BEGINNING. CONTAINS 1.44 ACRES, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS.

Section 3. *Effective Date.* That this ordinance shall become effective immediately upon its passage and approval.

Section 4. *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 JANUARY 3, 2017 AND PASSED BY THE BOARD OF ALDERMEN THIS 3rd DAY OF JANUARY 2017.

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

ATTEST:

Sheryl Stanley, Deputy City Clerk

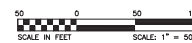
APPROVED by the Mayor this 3rd day of January 2017.

Owners:

DIAMOND COFFEY
2400 RIDGEWOOD RD.
HARRISONVILLE, MO. 64701

TINA COFFEY
701 LINWOOD DR. APT C-51
HARRISONVILLE, MO. 64701

Final Plat of D & T Addition a proposed subdivision of land in the City of Harrisonville, Cass County, Missouri



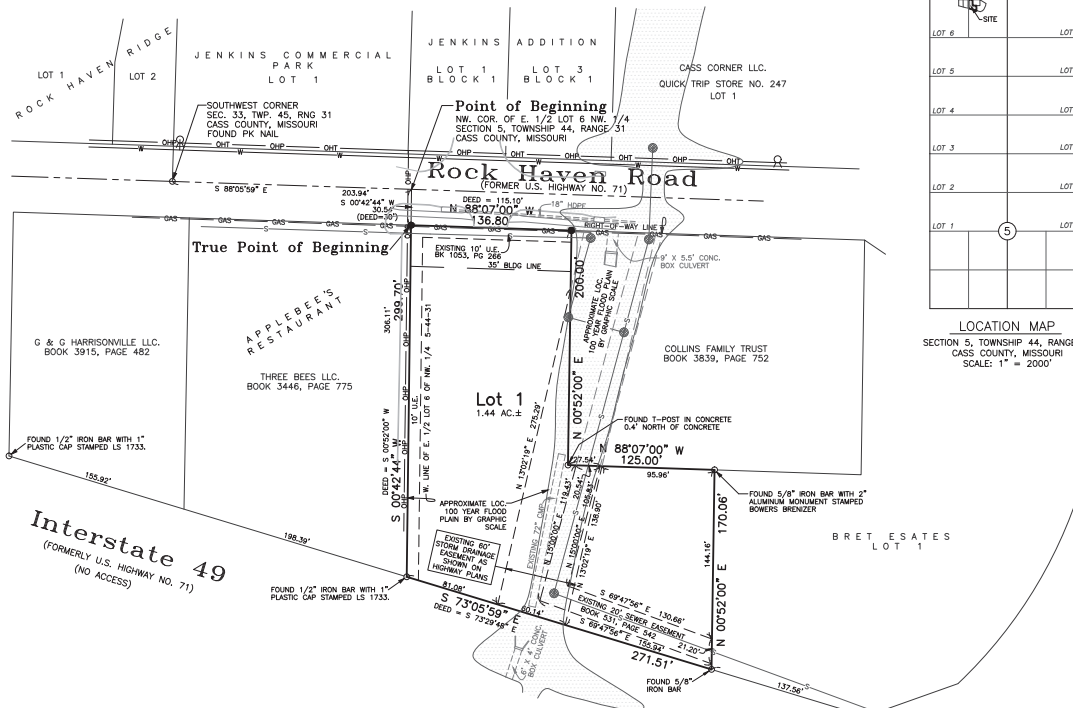
- = FOUND MONUMENT AS NOTED.
● = SET 1/2" IRON BAR WITH 1" PLASTIC CAP STAMPED PLS 2616

Legend

- | | |
|-----------------------|----------------------------------|
| ○ = STREET LIGHT | ● = MANHOLE |
| — = BUILDING LIGHT | — = DOWN GUT |
| — = PARKING LOT LIGHT | — = TELEPHONE PEDESTAL |
| — = POWER POLE | — = RIGHT-OF-WAY MARKER |
| — = ELECTRIC PEDESTAL | — = CHAINING FENCE |
| — = WATER METER | — = OVERHEAD POWER LINE |
| — = GAS METER | — = OVERHEAD TELEPHONE LINE |
| — = GAS REGULATOR | — = OVERHEAD CABLE TV LINE |
| — = GAS MARKER | — = OVERHEAD COMMUNICATIONS LINE |
| — = VALVE | — = UNDERGROUND TELEPHONE LINE |
| — = HYDRANT | — = UNDERGROUND POWER LINE |
| — = STREET SIGN | — = SANITARY SEWER |
| — = CLEANOUT | — = STORM SEWER |
| — = TREE | — = GAS |
| — = BUSH | — = WATER |
| — = TREE STUMP | — = CONCRETE |
| | CMP = CORRUGATED METAL PIPE |

Description:

PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN RECORD BOOK 1899 AT PAGES 95 AND 96 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID LOT 6, RUN THENCE SOUTH 07°42'44" WEST (DEED = SOUTH 07°52'00" WEST) ALONG THE WEST LINE THEREOF, 30.54 FEET (DEED = 30 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; CONTINUING THENCE SOUTH 07°42'44" WEST (DEED = SOUTH 07°52'00" WEST) ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 6, 299.70 FEET (DEED = 306.11 FEET) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 (FORMERLY U.S. HIGHWAY NO. 71), AS NOW ESTABLISHED; THENCE SOUTH 73°05'59" EAST (DEED = SOUTH 73°29'48" EAST) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 271.51 FEET; THENCE NORTH 07°52'00" EAST, 170.06 FEET; THENCE NORTH 88°07'00" WEST, 125.00 FEET; THENCE NORTH 07°52'00" EAST, 200.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD; THENCE NORTH 88°07'00" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 136.80 FEET (DEED = 115.10 FEET) TO THE TRUE POINT OF BEGINNING. CONTAINS 1.44 ACRES, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS.



Notes:

- BEARINGS SHOWN ARE BASED UPON A DEED BEARING OF NORTH 88°07'00" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROCK HAVEN ROAD IN THE EAST HALF OF LOT 6 OF THE NORTHWEST QUARTER OF SEC. 5, TWP. 44, RANG. 31, CASS COUNTY, MISSOURI.
- THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF URBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEY.
- RECORD TITLE AND EASEMENT INFORMATION HAS BEEN PROVIDED BY COFFEY LAND TITLE INC. FILE NO. 16009088, DATED MAY 2, 2016. THIS SURVEYOR HAS MADE NO ADDITIONAL INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE.
- MISSOURI ONE CALL WAS NOTIFIED FOR UTILITY LOCATIONS ON THE SUBJECT PROPERTY. ALL UTILITIES MAY OR MAY NOT HAVE BEEN FLAGGED. BOWERS ENGINEERING & SURVEYING, INC. ASSUMES NO RESPONSIBILITY FOR THE INACCURACY OR OMISSION OF ANY EXISTING UTILITIES ON OR ADJACENT TO THE SUBJECT PROPERTY. MISSOURI ONE CALL TICKET NUMBER: 162661448, DATED: SEPTEMBER 22, 2016.
- A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN (ZONE A, NO BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 29037010186F, DATED JANUARY 2, 2013.
- EXISTING EASEMENTS WHICH MAY AFFECT THE SUBJECT TRACT:
 - EFFECTS, IF ANY, OF AN EASEMENT GRANTED TO THE GAS SERVICE COMPANY BY INSTRUMENT RECORDED JANUARY 12, 1960 IN BOOK 438 AT PAGE 104.
 - EFFECTS, IF ANY, OF AN EASEMENT GRANTED TO C.O. BECKER AND WIFE MAUDE F. BECKER BY INSTRUMENT RECORDED OCTOBER 12, 1937 IN BOOK 316 AT PAGE 460, AND AMENDED BY INSTRUMENT RECORDED JUNE 8, 1948 IN BOOK 366 AT PAGE 10.
 - EFFECTS, IF ANY, OF AGREEMENT FOR RIGHT-OF-WAY GRANTED TO INTERSTATE PIPELINE COMPANY BY INSTRUMENT RECORDED AUGUST 29, 1930 IN BOOK 288 AT PAGE 614.
 - EFFECTS, IF ANY, OF DRAINAGE EASEMENT ACQUIRED BY THE STATE OF MISSOURI, UNDER CAUSE NO. 29276, CIRCUIT COURT OF CASS COUNTY, MISSOURI.
 - EFFECTS, IF ANY, OF ACCESS RIGHTS OF STATE OF MISSOURI ACQUIRED IN CAUSE NO. 29276, CIRCUIT COURT OF CASS COUNTY, MISSOURI.
 - EFFECTS, IF ANY, OF BUILDING AND USE RESTRICTIONS AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 1, 1978 AS DOCUMENT NO. 77815 IN BOOK 704 AT PAGE 391, AND UNDER DOCUMENT NO. 77816 IN BOOK 704 AT PAGE 392.

Owner's Certificate:

AS OWNER I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

IN WITNESS WHEREOF, THE UNDERSIGNED PROPRIETORS HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 20____.

STATE OF _____ } SS
COUNTY OF _____

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____

_____, TO ME, PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY NOTARIAL SEAL, THE DAY AND YEAR ABOVE WRITTEN.

(SEAL)

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

REVISED: 11/14/16 PLAT NAME TO "D & T ADDITION"

Dedication:

THE UNDERSIGNED PROPRIETORS OF THE REAL ESTATE DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "D & T ADDITION". IT SHALL BE A SUFFICIENT DESCRIPTION OF EACH LOT PLATTED HEREON TO BE DESIGNATED BY THE NUMBER WHICH APPEARS ON SAID LOT FOLLOWED BY THE WORDS "D & T ADDITION".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF HARRISONVILLE, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, WATER, GAS AND SEWER PIPES, POLES, WIRES AND ANCHORS AND ALL OR ANY OF THEM UPON THOSE AREAS IN THIS SUBDIVISION OUTLINED ON THIS PLAT AND DEDICATED BY THE WORDS "UTILITY EASEMENT" (U.E.) OR "STORM DRAINAGE AND UTILITY EASEMENT" (S.D. & U.E.).

THE USE OF ALL LOTS ON THIS PLAT SHALL BE SUBJECT TO ANY AND ALL RESTRICTIONS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI.

THIS PLAT OF "D & T ADDITION" HAS BEEN SUBMITTED TO AND APPROVED BY THE HARRISONVILLE PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 20____.

PLANNING & ZONING COMMISSION CHAIRMAN _____

THIS PLAT OF "D & T ADDITION" INCLUDING EASEMENTS AND RIGHTS-OF-WAY ACCEPTED BY THE BOARD OF ALDERMAN HAS BEEN SUBMITTED TO AND APPROVED BY THE HARRISONVILLE BOARD OF ALDERMAN BY ORDINANCE NO. _____, DULY PASSED AND APPROVED BY THE MAYOR OF HARRISONVILLE, MISSOURI, IN THE _____ DAY OF _____, 20____.

(SEAL)
MAYOR: _____

ATTEST: _____ CITY CLERK

_____, CITY ENGINEER

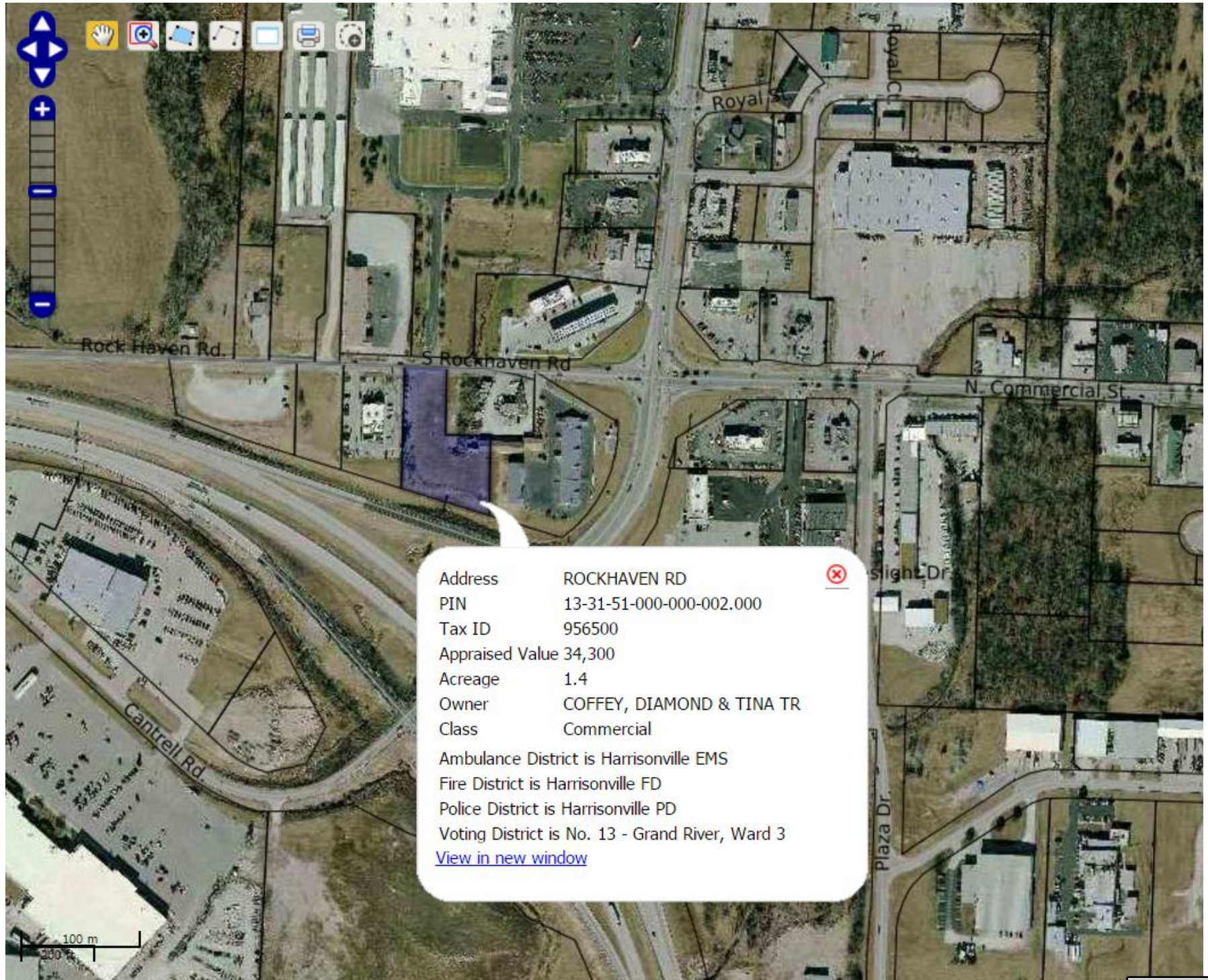
_____, COMMUNITY DEVELOPMENT DIRECTOR

THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES THAT THE DESCRIBED PROPERTY IS BASED ON AN ACTUAL SURVEY MADE BY HIM OR UNDER HIS DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THE MISSOURI DEPARTMENT OF AGRICULTURE LAND SURVEY PROGRAM. HE FURTHER STATES THAT HE HAS COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF HIS PROFESSIONAL KNOWLEDGE AND BELIEF.

THE FIELD WORK WAS COMPLETED ON OCTOBER 5, 2016.

FOR: DIAMOND & TINA COFFEY		ORDERED BY: CHERYL BUSH	
AMERICAN HERITAGE REALTORS HARRISONVILLE, MO.			
Bowers Engineering & Surveying, Inc.			
P.O. BOX 71 108 E. PEARL STREET HARRISONVILLE, MISSOURI 64701 ENGINEERING: 816.380.2600 SURVEYING: 816.380.4821			
SECTION	TOWNSHIP	RANGE	COUNTY
5	44	31	CASS
DATE	DATE	DATE	DATE
10/14/16	21354-14	21354-14	21354-14
DRAWING NO.	DRAWN BY	CHECKED BY	TITLE
21354-14	TSB	TSB	PROFESSIONAL LAND SURVEYOR
PROFESSIONAL ENGINEERING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 002020341			
PROFESSIONAL LAND SURVEYING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 008025770			







STAFF REPORT

TO: Board of Aldermen
FROM: Rick Deluca, Director
DATE: December 22, 2016
SUBJECT: Public Hearing for a Special Use Permit of Scott & Leigh Ann Friedrich for Marquette Cottage

Type of Item: *Public Hearing*

Issue: The Applicant has requested a renewal of an existing special use permit.

Background:

Request: Approval of a special use permit for alternative short-term accommodations.

Location: 403 W. Mechanic

Applicant: Scott and Leigh Fredrich

Owner: Friedrich Rentals, LLC

Existing Zoning: "R-2" Two Family Residential District

Adjacent Zoning: North: "R-2" Two Family Residential

South: "R-2" Two Family Residential

West: "R-2" Two Family Residential

East: "R-2" Two Family Residential

The original Marquette Cottage Special Use permit was approved in October of 2003. An amendment to the Special Use Permit was approved in April of 2009. The property has been purchased by Scott and Leigh Ann Friedrich, therefore the Special Use Permit application has been filed for the new owners.

The conditions outlined in the special use permit are very similar to what was approved in 2003 and 2009.

Special Use Permit Conditions:**The Use**

This SUP authorizes the operation of an alternative short-term accommodation establishment. Events, such as, weddings, job interviews, class reunions, anniversary celebrations, business meetings, extended stay lodging, family events, retreats, corporate lodging, overnight stays and similar type uses would be allowed. However, it is required that the general character of the subject property shall remain residential in nature.

Driveway & Off-Street Parking

All new driveway/parking areas shall be paved to meet or exceed City Standards (Curbs are not required due to the fact residential driveways/parking areas rarely have curbing).

Parking

Sufficient parking shall be provided for all events. Overflow parking shall not interfere with traffic on City Streets or access to adjacent residential properties.

Lighting

Any lighting used to illuminate the parking area or the building shall be directed away from the surrounding properties in such a way as not to interfere with the adjacent residential uses. Furthermore, no glare shall be created.

Screening of Dumpster

Any outdoor storage of trash or waste (i.e. a dumpster) shall be 100% screened from view with a fence or wall.

Time Limit

Time Limit = 12 years (*Applicant may reapply for renewal of SUP after expiration*)

Signage

Signage shall be no larger than 6 square feet and shall unilluminated or indirectly illuminated so as to preserve the residential character of the area.

Ownership

The proposed use is conditioned to these applicants. If the applicants wish to transfer ownership to a second party, the applicant(s) must re-submit an application for a special use permit to the City prior to the transfer of ownership.

Expansion of Facilities

No portion of the building shall be extended, expanded, or enlarged more than 30% without amending this special use permit. Expansion of the property may occur without renewal of the Special Use Permit (i.e. gardens, open space or other non-structural amenities).

Storm Water Management Plan

A storm water management plan must be submitted and approved by the City Engineer prior to establishing additional impermeable surfaces.

Building

The building shall comply with the building code requirements for lodging houses.

Options:

The City may: 1) Approve the special use permit with the conditions as presented 2) Modify the conditions outlined in the special use permit and then approve the permit 3) Deny the request for special use permit.

Recommendations:

Planning and Zoning Commission: Approval, contingent upon meeting the above listed conditions.

Staff Recommendation: Approval, contingent upon meeting the above listed conditions.

C. Discussion Item (ID # 2412)

Public Hearing for a Special Use Permit of Scott & Leigh Ann Friedrich for Marquette Cottage

Attachments:

Marquette Cottage Attachments 2016 (1) - BOA 1-3-17 (PDF)

Packet Pg. 28

FEE: \$50.00
 REC'D BY: 7/28/16
 (STAFF USE ONLY)

**APPLICATION
 FOR
 SPECIAL USE PERMIT
 CITY OF HARRISONVILLE**

PLEASE PRINT

CASE NO.: SUP- 1610
 PC DATE: 7/27/16
 (STAFF USE ONLY)

REQUESTED SPECIAL USE PERMIT FOR: _____

GENERAL LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

403 W. Mechanic, Harrisonville MO

LEGAL DESCRIPTION: The middle one third (1/3) of Block 203,
divided North and South in the Town of Harrisonville,
Cass County Missouri ACRES/SQ. FT.: _____

CURRENT ZONING ON PROPERTY: _____ CURRENT LAND USE: _____

PROPERTY OWNER'S NAME(S): Scott K. and Leigh Ann Friedrich PHONE: 816-380-2555
536-6550
 COMPANY: Friedrich Rentals, LLC FAX: 816-380-3135
 MAILING ADDRESS: PO Box 296, 104 E Pearl St., Harrisonville MO 64701
 STREET CITY STATE ZIP
 E-MAIL ADDRESS: friedrichlaw@yahoo.com

APPLICANT/AGENT'S NAME(S): Scott K. and Leigh Ann Friedrich PHONE: _____
 COMPANY: Same as above FAX: _____
 MAILING ADDRESS: _____
 STREET CITY STATE ZIP
 E-MAIL ADDRESS: _____

ENGINEER/ARCHITECT'S NAME(S): n/a PHONE: _____
 COMPANY: _____ FAX: _____
 MAILING ADDRESS: _____
 STREET CITY STATE ZIP
 E-MAIL ADDRESS: _____

NOTE: *It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. The Planning and Zoning Commission meeting will not be scheduled until the application is complete. It is the applicant's responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. It is the applicant's responsibility to be familiar with the applicable city land use ordinances and requirements prior to the submission of the application. See attached material for examples and instructions.*

SIGNATURE OF OWNER OR AGENT: _____

NOTE: IF NOT SIGNED BY OWNER, AUTHORIZATION OF AGENT MUST ACCOMPANY APPLICATION

CK# 1012
 REC'D 7/28/16
 BY JPS

Attachment: Marquette Cottage Attachments 2016 (1) - BOA 1-3-17 (2412 : Public Hearing for a Special Use Permit of Scott & Leigh Ann



Planning and Zoning Commission

TRACT FOR WHICH REZONING IS REQUESTED:

Owner:

Friedrich Rentals, LLC

Prepared For:

Scott Friedrich d/b/a Friedrich Rents, LLC
104 East Pearl
P. O. Box 296
Harrisonville, MO 64701

To whom it may concern:

An examination of the records of the Recorder of Deeds of Cass County, Missouri, indicates that the owners of the property adjacent to and within 200 feet of above-captioned are as listed below. As an accommodation to you, we have provided address as they appear in the County Tax Rolls:

1, Friedrich Rents, LLC
P. O. Box 296
Harrisonville, MO 64701

2. Jerry Lee Spence
500 W. Mechanic
Harrisonville, MO 64701

3. Rector Hett Enterprise, LLC
23400 Cottage Ln.
Harrisonville, MO 64701

4. Eddie E. McNeil III
402 W. Mechanic
Harrisonville, MO 64701

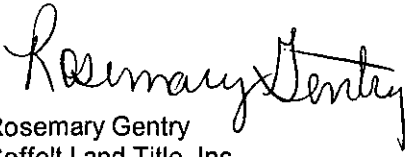
5. Warnock Property Management, LLC
P. O. Box 301
Harrisonville, MO 64701

6. Donna R. Coke
1410 E. South St.
Harrisonville, MO 64701

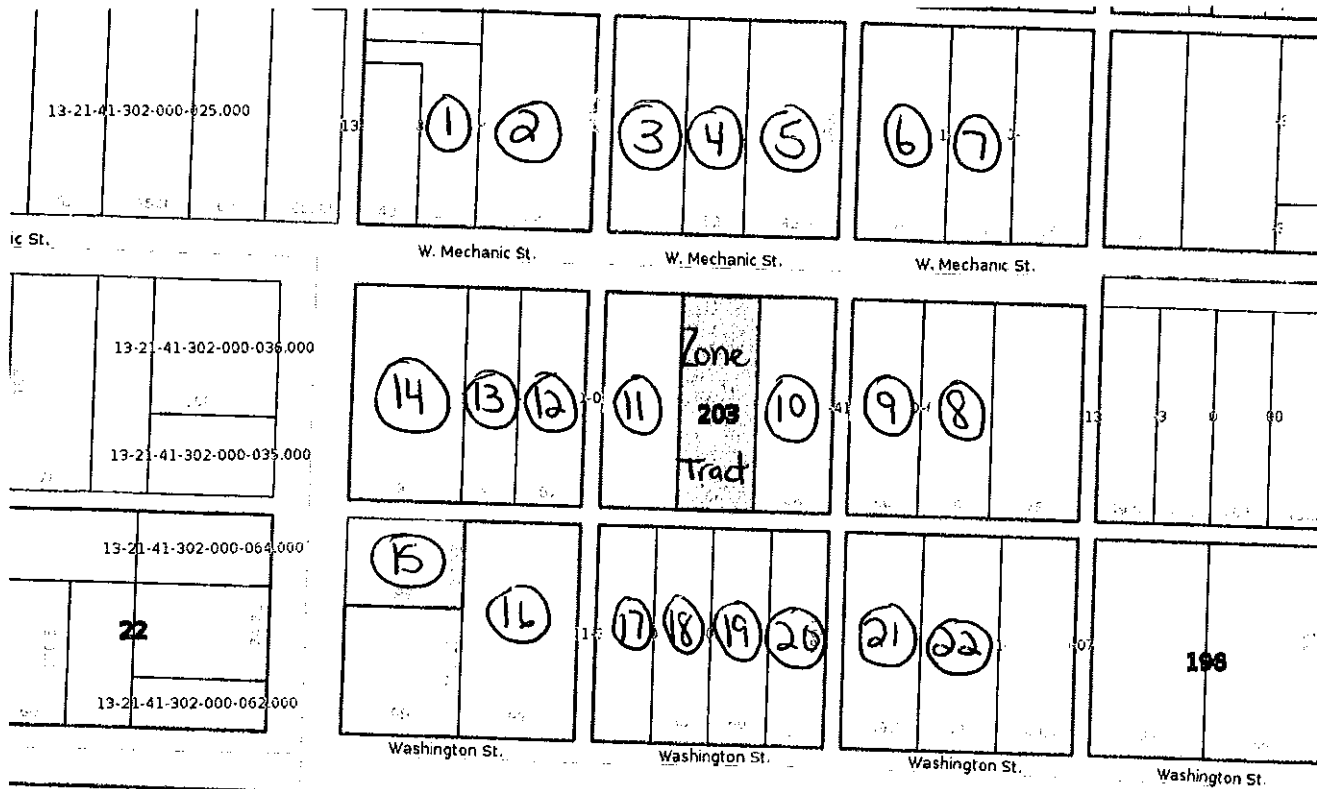
7. Thomas R. and Linda Blasor
302 W. Mechanic
Harrisonville, MO 64701
8. Matthew W. Bohannon
P. O, Box 1127
Harrisonville, MO 64701
9. Justin Ray Sharp
305 W. Mechanic
Harrisonville, MO 64701
10. Travis Roy and Haylee Lawson
401 W. Mechanic
Harrisonville, MO 64701
11. Terrell and Leslie Dianne Warren
405 W. Mechanic
Harrisonville, MO 64701
12. William and Darlene F. Butler
24917 S. Camp Branch
Harrisonville, MO 64701
13. Stephen B. and Tina O. Morriss
1706 Orchard Rd.
Harrisonville, MO 64701
14. Roy Howard
507 W. Mechanic
Harrisonville, MO 64701
15. Provident Investments, LLC
701 Main St. Ste 108
Grandview, MO 64030
16. Kirby M. and Stephanie A. Kropf
500 W. Washington
Harrisonville, MO 64701
17. Mr. and Mrs. Allen Joe Norfleet
406 W. Washington
Harrisonville, MO 64701
18. Joseph A. and Amelita P. Yacaginsky
404 W. Washington
Harrisonville, MO 64701
19. Donald Wayne Tiffany, Jr.
402 W. Washington
Harrisonville, MO 64701
20. Richard E. and Peggy J. Adkins
400 W. Washington
Harrisonville, MO 64701

21. April M. McLaughlin Trust
100 S. Independence St.
Harrisonville, MO 64701

22. William A. Clark
26120 S. Southwood Rd.
Harrisonville, MO 64701


Rosemary Gentry
Coffelt Land Title, Inc.

PIN 13-21-41-301-000-066.000
 Tax ID 898600
 Appraised Value 71,950
 Acreage 0.274
 Address 403 W MECHANIC
 Owner FRIEDRICH RENTALS LLC
 Class Residential



Cass County, MO - Web Copy



FILE NUMBER 581868
 OR BK 3991 PG 539
 RECORDED 04/14/2016 03:57:48 PM
 RECORDING FEE 27.00
 MIKE MEDSKER, RECORDER OF DEEDS
 CASS COUNTY, MISSOURI
 TJ

TRUSTEE'S DEED
 (Missouri)

File No.: 16007951 - CLT

THIS INDENTURE, made as of April 8, 2016, by and between Courtney C. Kroenke, Trustee of the Courtney C. Kroenke and Gail G. Kroenke Trust Agreement dated June 12, 2001, as to an undivided 1/2 interest and Courtney C. Kroenke, Trustee of the Gail G. Kroenke and Courtney C. Kroenke Trust Agreement dated June 12, 2001, as to an undivided 1/2 interest, Grantors, and, Friedrich Rentals, LLC, Grantees whose mailing address is One Orchard Place, Harrisonville, Mo 64701

WITNESSETH, That the said Grantor(s), pursuant to the power and authority vested in the trustee(s) to distribute the real estate hereinafter described, and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to it paid as trustee(s) aforesaid, does by these presents SELL and CONVEY unto the said Grantee(s), the heirs, successors and assigns the following described real estate situate in the County of Cass, State of Missouri, to-wit:

The Middle one-third (1/3) of Block 203, divided North and South in the TOWN OF HARRISONVILLE, Cass County, Missouri, according to the recorded plat thereof.

Gail G. Kroenke Original Trustee of the Gail G. Kroenke Trust Agreement dated 6/12/2012 and Trustee of the Courtney C. Kroenke Trust Agreement dated 6/12/2012 passed away on July 25, 2013 in Cass County, Missouri.

SUBJECT TO: (a) covenants, easements, restrictions and reservations of record, if any; (b) taxes and assessments, general and special, not now due and payable; and (c) the rights of the public to parts thereof in streets, roads or alleys, if any;

This Deed is made and given by the undersigned as Trustee(s) pursuant to the Power of Sale contained in the aforesaid Trust Agreement, which Agreement remains in full force and effect at this time, and has not been revoked or amended. And the Grantor(s) further states that the power to sell and convey the real estate described hereinabove is granted under said Trust Agreement.

TO HAVE AND TO HOLD the premises aforesaid with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining unto the Grantee(s) and unto his/her/their heirs, successors and assigns forever; the said Grantor(s) as Trustee(s) as aforesaid hereby covenants that an indefeasible estate in fee of the aforesaid premises is vested in the said Trustee(s); that the said premises are free and clear from any encumbrance done or suffered by the Trustee(s) or those under whom the Trustee(s) claim(s); and further, that the said Grantor(s) will warrant and defend the title to the said premises unto the said Grantee(s) and unto his/her/their heirs, successors and assigns forever, against the lawful claims and demands of all persons claiming through or under the Grantor(s), as Trustee(s) as aforesaid, except as provided above.

Mike Medsker, Recorder of Deeds

Cass County, MO - Web Copy

The undersigned has/have executed this deed as Trustee(s) under the aforesaid Trust indenture, and not in its individual capacity(ies). By the acceptance thereof, Grantee(s) agree(s) that the undersigned are not and shall not be personally liable upon any covenants or warranties herein, whether expressed or implied, and that its liability as Trustee(s) as aforesaid shall be limited to the assets of said trust estate held by them as such Trustee(s) at the time any such liability may be asserted.

IN WITNESS WHEREOF, the undersigned, as Trustee(s) aforesaid, has/have hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

Courtney C. Kroenke & Gail G. Kroenke Trust Agreement dated 6/12/2001

BY: Courtney C. Kroenke
Courtney C. Kroenke
Trustee

Gail G. Kroenke & Courtney C. Kroenke Trust Agreement dated 6/12/2001

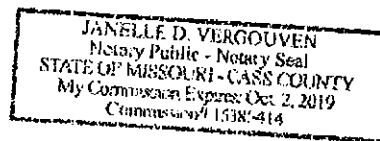
BY: Courtney C. Kroenke
Courtney C. Kroenke
Trustee

STATE OF MISSOURI
COUNTY OF CASS

On this 4/8/16, before me, the undersigned, a Notary Public within and for said County and State appeared Courtney C. Kroenke, Trustee of the Courtney C. Kroenke and Gail G. Kroenke Trust Agreement dated June 12, 2001, as to an undivided 1/2 interest and Courtney C. Kroenke, Trustee of the Gail G. Kroenke and Courtney C. Kroenke Trust Agreement dated 6/12/2001, as to an undivided 1/2 interest under the aforesaid Trust Agreement, to me personally know or affirmed to be the person described in and who executed the within instrument as Trustee of said Trusts, and who acknowledged to me that she executed the within Trustee's Deed in behalf of the aforesaid Trust and that she executed the same as their free act and deed as Trustee for the purposes therein stated.

Notary Public, Janelle D. Vergouven

My Commission Expires: October 2, 2019



Mike Medsker, Recorder of Deeds

File# 581868 OR O DOC_TYPE TR BK 3991 PG 540 PAGE 2 OF 2

COUNCIL BILL NO. 022-09

ORDINANCE NO. 3080 (012-09)

AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, GRANTING A SPECIAL USE PERMIT FOR AN ALTERNATIVE SHORT-TERM ACCOMMODATION ESTABLISHMENT AT 403 WEST MECHANIC IN HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, after a public hearing has been conducted by the Harrisonville Planning and Zoning Commission as required by Chapter 89 RSMo(1986) and the Harrisonville City Code, with said hearing being held March 19, 2009, the Commission has submitted its recommendation of approval to the Board of Aldermen of the City of Harrisonville, Missouri; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on April 6, 2009; and

WHEREAS, the legal description of the property is as follows:

The middle 1/3 of Block 203, divided North and South in the Town of Harrisonville,
Cass County, Missouri.

The street address of the property is 403 W. Mechanic, Harrisonville, MO.

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

Section 1. A special use permit for an alternative short-term accommodation establishment is hereby granted with the following conditions:

The Use

This SUP authorizes the operation of an alternative short-term accommodation establishment. Events, such as, weddings, job interviews, class reunions, anniversary celebrations, business meetings, extended stay lodging, family events, retreats, corporate lodging, overnight stays and similar type uses would be allowed. However, it is required that the general character of the subject property shall remain residential in nature.

Driveway & Off-Street Parking

All new driveway/parking areas shall be paved to meet or exceed City Standards (Curbs are not required due to the fact residential driveways/parking areas rarely have curbing).

Parking

Sufficient parking shall be provided for all events. Overflow parking shall not interfere with traffic on City Streets or access to adjacent residential properties.

Lighting

Any lighting used to illuminate the parking area or the building shall be directed away from the surrounding properties in such a way as not to interfere with the adjacent residential uses. Furthermore, no glare shall be created.

Screening of Dumpster

Any outdoor storage of trash or waste (i.e. a dumpster) shall be 100% screened from view with a fence or wall.

Time Limit

Time Limit = 12 years (*Applicant may reapply for renewal of SUP after expiration*)

Signage

Signage shall be no larger than 6 square feet and shall unilluminated or indirectly illuminated so as to preserve the residential character of the area.

Ownership

The proposed use is conditioned to these applicants. If the applicants wish to transfer ownership to a second party, the applicant(s) must re-submit an application for a special use permit to the City prior to the transfer of ownership.

Expansion of Facilities

No portion of the building shall be extended, expanded, or enlarged more than 30% without amending this special use permit. Expansion of the property may occur without renewal of the Special Use Permit (i.e. gardens, open space or other non-structural amenities).

Storm Water Management Plan

A storm water management plan must be submitted and approved by the City Engineer prior to establishing additional impermeable surfaces.

Building

The building shall comply with the building code requirements for lodging houses.

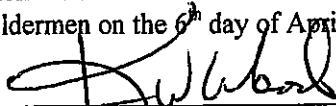
Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This ordinance shall become effective immediately upon its passage and approval.

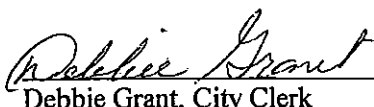
Roll Call Vote:

Ayes:	Aldermen Reece, Fools, Mollenhour, Hammonds, Licht, Coburn, Young, and Dickerson
Nays:	None
Absent:	None
Abstain:	None

Read for the first time by title only on the 6th day of April 2009. Read for the second time by title only on the 6th day of April 2009 and passed by the Board of Aldermen on the 6th day of April 2009.



Kevin W. Wood, Mayor and Ex-Officio
Chairman of the Board of Aldermen



Debbie Grant, City Clerk

APPROVED by the Mayor this 6th day of April, 2009.



STAFF REPORT

TO: Board of Aldermen
FROM: Rick Deluca, Director
DATE: December 22, 2016
SUBJECT: An Ordinance Granting a Special Use Permit for an Alternative Short-Term Accomodation Establishment

Type of Item: *Approval*

Council Bill No. 003**Ordinance No.**

**AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI,
GRANTING A SPECIAL USE PERMIT FOR AN ALTERNATIVE SHORT-
TERM ACCOMMODATION ESTABLISHMENT AT 403 WEST MECHANIC IN
HARRISONVILLE, CASS COUNTY, MISSOURI.**

WHEREAS, after a public hearing has been conducted by the Harrisonville Planning and Zoning Commission as required by Chapter 89 RSMo(1986) and the Harrisonville City Code, with said hearing being held November 17, 2016, the Commission has submitted its recommendation of approval to the Board of Aldermen of the City of Harrisonville, Missouri; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on January 3rd , 2017; and

WHEREAS, the legal description of the property is as follows:

The middle 1/3 of Block 203, divided North and South in the Town of Harrisonville,
Cass County, Missouri.

The street address of the property is 403 W. Mechanic, Harrisonville, MO.

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

Section 1. A special use permit for an alternative short-term accommodation establishment is hereby granted with the following conditions:

The Use

This SUP authorizes the operation of an alternative short-term accommodation establishment. Events, such as, weddings, job interviews, class reunions, anniversary celebrations, business meetings, extended stay lodging, family events, retreats, corporate lodging, overnight stays and similar type uses would be allowed. However, it is required that the general character of the subject property shall remain residential in nature.

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Screening of Dumpster

Any outdoor storage of trash or waste (i.e. a dumpster) shall be 100% screened from view with a fence or wall.

Time Limit

Time Limit = 12 years (*Applicant may reapply for renewal of SUP after expiration*)

Signage

Signage shall be no larger than 6 square feet and shall unilluminated or indirectly illuminated so as to preserve the residential character of the area.

Ownership

The proposed use is conditioned to these applicants. If the applicants wish to transfer ownership to a second party, the applicant(s) must re-submit an application for a special use permit to the City prior to the transfer of ownership.

Expansion of Facilities

No portion of the building shall be extended, expanded, or enlarged more than 30% without amending this special use permit. Expansion of the property may occur without renewal of the Special Use Permit (i.e. gardens, open space or other non-structural amenities).

Storm Water Management Plan

A storm water management plan must be submitted and approved by the City Engineer prior to establishing additional impermeable surfaces.

Building

The building shall comply with the building code requirements for lodging houses.

Section 2. 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.

Section 3. This ordinance shall become effective immediately upon its passage and approval.

Read two times by title only on January 3rd, 2017 and passed by the Board of Aldermen this 3rd day of January 2017.

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

Sheryl Stanley, Deputy City Clerk

APPROVED by the Mayor this 3rd day of January, 2017.



STAFF REPORT

TO: Board of Aldermen
FROM: Kim Hubbard, City Clerk
DATE: October 28, 2016
SUBJECT: Peddler's Permit

Type of Item: *Approval*

January 18, 2016 an amendment to Chapter 610 of the city code was approved by Ordinance 3351. This amendment was sent to General Code who maintains the city's code, I received notification on September 21 that the definitions of "canvasser" and "solicitor" that were repealed were also reflected in other sections of the chapter. I discussed the options available to rectify this with Lee-Ann at General Code. We came to the conclusion that the best course of action would be to repeal Ordinance 3351 and the entire Chapter 610 and rewrite the code. I have also shared the changes with Chief Hofer and he had no additional updates.

I apologize for any confusion.

I am requesting approval from the board.

Council Bill No. 004**Ordinance No.****An Ordinance Repealing Ordinance 3351 and Chapter 610, Peddlers, of the City of Harrisonville Code of Ordinances and Adopt a New Version of Chapter 610 Peddlers**

WHEREAS, the City wishes to replace Chapter 610, Peddlers, of the City of Harrisonville Code of Ordinances

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

Section 1: That the Harrisonville Board of Aldermen accepts the new version of Chapter 610, Peddlers, of the City of Harrisonville Code of Ordinances as presented

Section 2: That the current 610 Chapter, Peddlers be deleted and replaced with the new version that is attached to this ordinance and becomes a part thereof

Section 3: That this ordinance shall become effective immediately for the City of Harrisonville.

Section 4: 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 JANUARY 3rd, 2017 AND PASSED BY THE BOARD OF ALDERMEN THIS 3rd DAY OF DECEMBER 2017

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

ATTEST:

Sheryl Stanley, Deputy City Clerk

APPROVED by the Mayor this 3rd day of January 2017

Chapter 610. Peddlers

Article I. In General

Section 610.010. Definitions.

As used in this Chapter, the following words have the meaning indicated:

PEDDLER

Peddler shall mean a person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service, for profit to himself or his principal, or seeks a donation for any cause of a profit-making or commercial character.

Section 610.020. Exceptions To Chapter.

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer. The provisions of this Chapter shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity in the City.

Article II. Permit

Section 610.030. Identification Card Required For Peddlers

A.

No person shall, as a peddler or attempt to make personal contact with a resident at his/her residence with prior specific invitation or appointment from the resident unless that person obtains from the Chief of Police an identification card in accordance with the provisions of this article.

Section 610.040. Application For Identification Card

Applications for peddler's identification cards may be filled out at the Police Department, on forms provided by the Police Department.

Section 610.050. Card in Addition to Business License.

The identification cards for peddlers required by this article are in addition to and not in lieu of any business license such persons may be required to obtain under the provisions of this Code.

Section 610.060. Issuance; Grounds for Denial

Five (5) working days after the application, or sooner if reasonably possible, the requested peddler's identification card shall be issued; unless:

A. The application fee is incomplete

- B. The required fee has not been paid
- C. The applicant for whom a card is requested has been convicted of any felonies or any conviction, including non-felony convictions, resulting from a change related to peddling or soliciting
- D. Any statement upon the application is false
- E. The applicant for who an identification card is requested has had a previous identification card revoked

Section 610.070, Fee

Any person desiring a peddler's identification card shall pay a twenty-five dollar (\$25) nonrefundable application fee.

Section 610.080. Notification of Denial

If the Chief of Police denies a peddler's identification card to any person, he shall promptly notify the applicant.

Section 610.090. Hearing After Denial.

If an identification card is denied to an applicant, the applicant may, within ten (10) days of the denial, make application to the City Clerk for a hearing thereon before the Board of Aldermen. In such cases, the hearing shall be held at the next regular meeting of the Board of Aldermen.

Section 610.100. Display

Each identification card shall be worn on the outer clothing of the peddler when the individual for whom it was issued is acting as a peddler, so as to be reasonably visible to any person who might be approached by said peddler or solicitor.

Section 610.110. Validity

An identification card shall be valid within the meaning of the article for a period of thirty (30) days from the date of its issuance, and thereafter it shall expire.

Section 610.120. Revocation

A Any identification card granted pursuant to this article may be revoked by the Chief of Police after the finding of:

1. Any violation of this article by the applicant or the person for whom the particular card was issued; or
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity; or
3. Conviction of a crime of moral turpitude; or
4. Conducting the activity in such a manner as to constitute a reach of the peace or a menace to the health, safety or general welfare of the public.

B. The holder of such identification card may appeal such revocation as provided in section 610.150.

Section 610.130. Transfer

No person having a peddler's identification card shall loan, transfer, or allow in any manner another person to use his card.

Section 610.140. Time Restrictions

No person shall engage in acts as a peddler within the City limits except from 9:00 a.m. until 8:00 p.m. Monday through Friday, and from 10:00 a.m. until 8:00 p.m. on Saturday and Sunday.

Section 610.150. Prohibited Actions

No person having a peddler's identification card shall:

A. Enter or remain on private property where they have reason to believe that the residents thereof have indicated "Soliciting" is not welcomed.

B. Make an uninvited entry into a resident's home.

C. Refuse to discontinue their message when requested by a hearer to do so, when on private property occupied by the hearer; or