



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
SEPTEMBER 16, 2019
7:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. Mental Health Awareness Month Proclamation**
 - B. Constitution Week Proclamation**
 - C. Diaper Needs Proclamation**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Work Session - Aug 19, 2019 5:30 PM**
 - B. Board of Aldermen - Regular Meeting - Aug 19, 2019 7:00 PM**
 - C. Executive Session Minutes August 5, 2019**
- 5. Agenda Items**
 - A. Trunk or Treat 2019 Special Event Permit**
 - B. Pearl Street Halloween Night 2019 Special Event Permit**
 - C. Council Bill 57: A RESOLUTION FOR THE EMPLOYMENT OF MICHAEL THOLEN AS INTERIM CITY ADMINISTRATOR FOR THE CITY OF HARRISONVILLE, MISSOURI FOR THE PERIOD BEGINNING AUGUST 7, 2019 UNTIL DECEMBER 31, 2019**
 - D. Council Bill 58: A RESOLUTION CHANGING THE POLICY FOR MUNICIPAL CANDIDATE ELECTION FILING, PURSUANT TO SECTION 115.124.2 RSMO, AND ESTABLISHING AN EFFECTIVE DATE.**

- E. Council Bill 59: AN ORDINANCE OF THE BOARD OF ALDERMEN AUTHORIZING THE CITY ADMINISTRATOR TO SPONSOR TRANSFER OF \$304,938 IN UNOBLIGATED NON-PRIMARY ENTITLEMENT GRANT FUNDS TO THE MISSOURI DEPARTMENT OF TRANSPORTATION AND ESTABLISHING AN EFFECTIVE DATE.**
- F. Council Bill 60: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR THE 2019 STREET STRIPING PROGRAM FROM K&G STRIPING IN THE AMOUNT OF \$28,131.50 AND ESTABLISHING AN EFFECTIVE DATE.**
- G. CITY OF HARRISONVILLE, RRFB FLASHERS AGREEMENT**
- H. Council Bill 61: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE 2019 SLUDGE HAULING WITH DENALI WATER SOLUTIONS, LLC, IN THE AMOUNT OF \$150,000.00 AND ESTABLISHING AN EFFECTIVE DATE.**
- I. Council Bill 62: A RESOLUTION OF THE HARRISONVILLE, MISSOURI BOARD OF ALDERMEN AUTHORIZING THE FILING OF AN APPLICATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, STATE REVOLVING FUND PROGRAM FOR LOANS UNDER THE MISSOURI SAFE DRINKING WATER LAW (SECTION 640, RSMO).**
- J. PUBLIC HEARING - ACCESSORY BUILDINGS**
- K. Council Bill No. 63 AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, REPEALING SECTION 405.550 ACCESSORY USES, (D) DETACHED ACCESSORY BUILDING(S), OF THE HARRISONVILLE CITY CODE OF ORDINANCES AND ENACTING IN LIEU THEREOF A NEW SECTION 405.550 ACCESSORY USES, (D) DETACHED ACCESSORY BUILDING(S)**
- L. Council Bill No. 64: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR TWO PATROL VEHICLES FROM LOU FUSZ AUTOMOTIVE NETWORK IN THE AMOUNT OF \$70,089.00 AND ESTABLISHING AN EFFECTIVE DATE.**
- M. Council Bill 56 Second Reading: AN ORDINANCE OF THE BOARD OF ALDERMEN OF HARRISONVILLE, MISSOURI REPEALING CHAPTER 430 OF THE CITY CODE AND ENACTING IN LIEU THEREOF AN AMENDED CHAPTER 430 URBAN REDEVELOPMENT REGULATIONS OF THE CITY OF HARRISONVILLE, MISSOURI AND ESTABLISHING AN EFFECTIVE DATE.**

6. Aldermen and Committee Reports
7. Report from the City Administrator
 - A. August 2019 Municipal Court Report
8. Questions from the Media
9. Adjourn to Executive Session pursuant to RSMo 610.021 (2) Leasing, purchase or sale of Real Estate
10. Adjourn From Regular Session

Posted on City Hall Bulletin Board this 12th day of September, 2019

Randall K. Jones, City Clerk

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

CITY OF HARRISONVILLE
PROCLAMATION

September Is National Suicide Prevention Awareness Month

WHEREAS; September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the CDC, each year more than 41,000 people die by suicide; and

WHEREAS; Suicide is the 10th leading cause of death among adults in the US, and the 2nd leading cause of death among people aged 10-24; and

WHEREAS; Harrisonville, Missouri is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like Suicide Prevention Services (SPS) and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, I encourage all residents to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW, THEREFORE, be it resolved that I, Mayor Judy Bowman, do hereby proclaim the month of September 2019, as National Suicide Prevention Awareness Month in the City of Harrisonville, Missouri.

Dated this 16th day of September, 2019, A.D.

Judy Bowman, Mayor



PROCLAMATION

CONSTITUTION WEEK 2019

WHEREAS: September 17, 2019, marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Judy Bowman, by virtue of the authority vested in me as Mayor of the City of Harrisonville, Missouri do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK 2019

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 16th day of September, 2019.

Judy Bowman, Mayor



PROCLAMATION
Diaper Need Awareness Week
September 23 – September 29, 2019

Whereas, Diaper Need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and

Whereas, national surveys report that one in three mothers experiencing diaper need at some time while their children are less than three years of age and forty-eight percent of families delay changing a diaper to extend their supply; and

Whereas, the average infant or toddler requires an average of 50 diaper changes per week over three years; and

Whereas, diapers cannot be bought with food stamps or WIC vouchers, and a monthly supply of diapers can cost as much as six percent of a full-time minimum wage worker's salary, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and

Whereas, a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs; and

Whereas, the people of the City of Harrisonville recognize that addressing Diaper Need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities; and

Whereas, City of Harrisonville is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels; now

Therefore, I, Judy Bowman, Mayor of Harrisonville, do hereby proclaim the week of September 23 through September 29, 2018 as

DIAPER NEED AWARENESS WEEK

in the City of Harrisonville and encourage all citizens to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need to help alleviate diaper need in the City of Harrisonville and environs.

Judy Bowman, Mayor



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
AUGUST 19, 2019
5:30 PM

1. Call to Order

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

2. Present

Attendee Name	Organization	Title	Status	Arrived
Brad Bockelman	Harrisonville	Board Member	Absent	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Excused	5:56 PM
Judy Reece	Harrisonville	Board Member	Present	
Clint Miller	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present were: City Attorney Steve Mauer, Finance Director Marcella McCoy, City Engineer Ted Martin, Public Works Director Eric Patterson, Police Chief John Hofer and City Clerk Randall Jones, Recording.

3. Discussion Items

A. 2904 Twin Pines-Wilson

KC Wilson, owner of 2904 Twin Pines and Ted Martin, City Engineer, were present to discuss the drainage issue at Mr. Wilson's property as well as neighboring properties along Twin Pines. Mr. Wilson gave handouts to the Mayor and Board. Mr. Martin gave a study/proposal to install underdrains. He felt that this would be sufficient. Eric Patterson, Public Works Director, was asked if there were monies for this project if they were to proceed. The answer was that \$100,000 has been budgeted for stormwater improvements. Mr. Martin was asked to give an approximate cost for the drain and he said \$25,000 or less. (Mr. Wilson was unable to attend the last work session to discuss this issue.)

B. HPD Take Home Cars

Staff report presented by Police Chief John Hofer. Alderman Miller had asked about the take home program. Chief Hofer did not recommend making any changes to the program stating he did not feel it could be accomplished without adding additional patrol cars and additional expense of \$48,000 per car. Alderman Doerhoff stated it was good to see the patrol cars at homes around the community. Alderman Davidson asked about the total cost involved.

C. Old Hotel Parking Lot

Mayor Bowman explained that the old hotel parking lot proposal had raised some concerns amongst the department heads and that some further conversation had taken place. Chief Hofer met with Jackie Tyson and Lindsay Keller for two hours last Friday and walked the Square. Chief Hofer offered suggestions of other locations for the group to consider. Lindsay talked about the possibility of raising up the lot on the Pearl Street side either 4 or 6 spaces deep. They will need to go back to the Love the Square group and re-think plan/proposal. Public Works Director Eric Patterson, addressed the city services that might be needed including significant cost to repair damage to the wall. Mayor Bowman stated that she would prefer there be some cost sharing for this project. Jackie stated that they might have some possible grant opportunities for funding. Amanda Stites with Love the Square said they had some good thoughts and now need to go back to the Love the Square Board to review. Mayor Bowman suggested that they re-sketch and bring update to Board at a later date. Alderman Miller asked about possibly creating a steel frame to bring up to sidewalk level.

D. Candidate Filing Changes

City Attorney Steve Mauer presented changes that could made to the existing policy for first day of filing for municipal elections. He gave some examples how other area cities are using the lottery system for placement on the ballot. Mayor Bowman asked if it was the pleasure of the Board for Mr. Mauer to prepare a resolution stating that the lottery system would be used on the first day of election sign ups during the business hours of 8 a.m. until 5 p.m. All agreed.

A motion was made by Alderman Turner to adjourn with a second by Alderman Miller. Motion carried. Meeting adjourned at 6:36 p.m.

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

ATTEST:

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
AUGUST 19, 2019
7:00 PM

1. Call to Order

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

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

Others present were: City Attorney Steve Mauer, Police Chief John Hofer, Public Works Director Eric Patterson, Finance Director Marcella McCoy, HES Chief Eric Myler, Parks & Recreation Director Chris Deal, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones, Recording.

2. Pledge of Allegiance

3. Ceremonial Matters

A. 2019 Harrisonville Homecoming Week

Mayor Bowman presented the following proclamation to Harrisonville High School Student Council members: Colleen O'Reilly, Breezy Semler, Kathrine Dooley, Michael Schuhler.

WHEREAS, The City of Harrisonville, the Mayor, Board of Aldermen, and the residents of this community wish to formally recognize the students and school faculty of our great City for displaying pride in themselves and their school, and demonstrating the MIGHTY WILDCAT SPIRIT by participating in HARRISONVILLE SPIRIT WEEK; and

WHEREAS, Wildcat spirit is built on the pride and involvement not only by the students

and teachers, but by the entire community, including parents, business leaders, elected officials, public service personnel and senior citizens; and

WHEREAS, The City of Harrisonville would like to join with the school faculty and student body in thanking everyone for attending this City-Wide Pep Rally to celebrate Homecoming 2019 and for displaying WILDCAT PRIDE.

NOW, THEREFORE, on behalf of the Board of Aldermen of the City of Harrisonville I, Mayor Judy Bowman, do hereby proclaim Friday, September 13, 2019, as BLUE & WHITE DAY in the City of Harrisonville, and urge all citizens to show their support by wearing blue and white during this day to honor our schools and community.

B. Traction Proclamation

Mayor Bowman presented the following proclamation to Harrisonville High School students Jessi Buerge, Brayden Talley, Ireland Slover, Kara Lemmer, Leah Bartlett, Braeden Elifrits, George Frees, Carl DeVenney, Grace Kirk and Sherry Roe, advisor and Jeremiah Jacobs Student Resource Officer.

Whereas, TRACTION - Teens taking action to prevent traffic crashes, is a statewide program, sponsored by the Missouri Department of Transportation Traffic and Highway Safety Division and Cape Girardeau Safe Communities; and

Whereas, the goal of TRACTION is to empower youth to take an active role in traffic safety prevention by providing motivation, leadership training and skill development to challenge students to explore knowledge, attitudes, and behaviors related to traffic safety issues; and

Whereas, through their involvement in TRACTION, Harrisonville High School team members have strengthened their individual determination and have created and implemented specific action plans to address traffic safety issues within their school and community,

THEREFORE, I Judy Bowman, Mayor of the City of Harrisonville, Missouri, do hereby proclaim August 19, 2019, as **TRACTION DAY** in Missouri to recognize **Harrisonville High School TRACTION** team for their outstanding contribution through active involvement in traffic safety prevention efforts to save lives and prevent injuries in their school and community.

4. Public Participation

None.

5. Approval of Minutes

A. Board of Aldermen - Work Session - Aug 5, 2019 5:30 PM

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

B. Board of Aldermen - Regular Meeting - Aug 5, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Clint Miller, Board Member

Minutes Acceptance: Minutes of Aug 19, 2019 7:00 PM (Approval of Minutes)

AYES:	Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner
ABSENT:	Brad Bockelman

6. Agenda Items

A. Harrisonville High School Homecoming Parade 2019

Staff report presented by Police Chief John Hofer.

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

B. Log Cabin Festival Event Permit

Staff report presented by Police Chief John Hofer.

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

C. 2019 Non-Preference Tow Agreement

Staff report presented by Police Chief John Hofer.

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

D. A Resolution of the Board of Aldermen of the City of Harrisonville, Missouri, to authorize the city administrator to execute a Purchase Agreement for fourteen (14) sets of personal protective equipment (turn out bunker gear, and equipment) from Ed Feld Fire, Inc in the amount of \$25,821.60, and establishing an effective date.

Staff report presented by HES Chief Eric Myler. Alderman Davidson asked how many more it would take to get all the full-time employees a second set. Alderman Milner asked about allowing up to the budgeted amount of \$35,000 to purchase more equipment. Alderman Dickerson made a motion to amend the resolution to allow up to \$35,000 for purchase of equipment. A second was made by Alderman Doerhoff. Motion carried with all ayes. After the amended resolution was adopted, Mayor Bowman designated it to be Resolution #035.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Gary Davidson, Board Member
SECONDER:	Matt Turner, Board Member
AYES:	Doerhoff, Milner, Reece, Miller, Dickerson, Davidson, Turner

ABSENT: Brad Bockelman

E. Tax Rate Hearing

Staff report presented by Finance Director Marcella McCoy. No citizen input.

F. Tax Levy Ordinance An Ordinance Levying A Tax For The Current Expense Of The City Of Harrisonville, Missouri, Upon Real Property And All Tangible Personal Property Of Whatsoever Nature And Character Subject To Taxation By The City Of Harrisonville For Such Purposes; Also, Levying A Special Tax Upon The Afore Described Properties For Public Parks; For A Total Tax Levy Of \$.6425.

First reading for Council Bill #054. Motion by Alderman Dickerson to suspend ruling and move Council Bill #054 to second reading with a second by Alderman Miller. Roll call vote: Alderman Bockelman absent, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Having been read by title only twice, Roll call vote taken: Alderman Bockelman absent, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3474.

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

G. AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, AMENDING TITLE VI: BUSINESS AND OCCUPATIONS OF THE HARRISONVILLE CITY CODE OF ORDINANCES TO INCLUDE CHAPTER 670 REGULATING MEDICAL MARIJUANA FACILITIES.

City Attorney Mauer explained to the Board the need for this ordinance is a result of the recent constitutional amendment allowing medical marijuana in Missouri. First reading for Council Bill #055. Motion by Alderman Dickerson to suspend ruling and move Council Bill #055 to second reading with a second by Alderman Miller. Roll call vote: Alderman Bockelman absent, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Having been read by title only twice, Roll call vote taken: Alderman Bockelman absent, Alderman Milner aye, Alderman Reece aye, Alderman Miller aye, Alderman Dickerson aye, Alderman Davidson aye, Alderman Turner aye. Mayor Bowman designated it to be Ordinance #3475.

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

H. Chapter 430 Public Hearing

No citizen input.

I. AN ORDINANCE OF THE BOARD OF ALDERMEN OF HARRISONVILLE, MISSOURI REPEALING CHAPTER 430 OF THE CITY CODE AND ENACTING IN LIEU THEREOF AN AMENDED CHAPTER 430 URBAN REDEVELOPMENT REGULATIONS OF THE CITY OF HARRISONVILLE, MISSOURI AND ESTABLISHING AN EFFECTIVE DATE.

RESULT: FIRST READING

Next: 9/16/2019 7:00 PM

7. Aldermen and Committee Reports

Alderman Miller reported on the Park Board. Bret Reece is a new member. The golf tournament was a great success. The dog park location has been selected within the City Park.

Alderman Davidson asked that everyone continue to remember the Culpepper family during their time of loss. He also commended the Police Department and the Traction group of students.

8. Report from the Mayor

The Municipal Court Report for the month of July was provided in the agenda packet.

Mayor Bowman reminded everyone of the Employee Appreciation Luncheon on September 24th as well as the Town Hall meeting that is scheduled for Saturday, September 7th.

9. Questions from the Media

Dennis Minich asked what effect the property tax rate would have on individual homes. Finance Director Marcella McCoy stated she did not have that information but it could be obtained from the County.

10. Adjourn From Regular Session

A motion was made by Alderman Dickerson with a second by Alderman Milner to adjourn. Motion carried. Meeting adjourned at 7:42 p.m.

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

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Aug 19, 2019 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: September 5, 2019
SUBJECT: Trunk or Treat 2019 Special Event PERmit

Type of Item: *Approval*

Issue: The Harrisonville Rotary has requested permission to host a “Trunk or Treat” event on the historic Harrisonville square on Sunday October 27, 2019 from 2:00 pm through 5:00 pm.

Background: This event has been held the last seven years on the square without any noted problems, complaints, or concerns. This event has become very popular and continues to grow each year. This is a joint project of the Harrisonville Rotary Club and the City of Harrisonville Parks and Recreation.

Due to the larger number of children crossing the street the square will be blocked off in its entirety to vehicular traffic. In speaking with the applicant there are no requested City services other than the use of the square area and required street blockage equipment. The Street Dept. will have staff on hand to set up and tear down the necessary barricades. The estimated cost for staff to complete this task is \$295 for this event. The necessary insurance has been provided by the City in the past.

Recommendation: Since there have been no noted concerns or complaints regarding previous events staff recommends approval for this event. If you have any questions or concerns regarding this event please feel free to contact me at the office.

A. Action Item (ID # 3340)

Trunk or Treat 2019 Special Event Permit

Attachments:

SpecialEventsApp-Trunk-or-Treat19 (PDF)

SPECIAL EVENTS APPLICATION

A. **FILING PERIOD** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.

B. **CONTENTS:** The application for an event permit shall set forth the following information.

- 1. Organization: Harrisonville Rotary Club
- 2. Name of Applicant: Jill Filer
Address: 601 E Pearl
Phone: (816) 738-1055 Cell: same
- 3. Purpose of Event: Communitywide Trunk-or-Treat
- 4. Proposed date(s) and time(s) of Event: Sunday Oct 27
3-5 p.m.
- 5. Location(s) where event will be held: Harrisonville Square
- 6. Anticipated crowd size: 1,000
- 7. City services requested: (Please check all that apply) Provide detailed letter for these requests.
 Electricity Police Protection Traffic Control Ambulance Standby
 Cones Barricades Street or parking lot clean up
- 8. Any additional information: This is a joint project of the Rotary Club + Harrisonville Parks + Rec. This is the 8th year for the event.

APPROVED this _____ day of _____, 20 _____

Chief of Police

City Clerk

Attachment: SpecialEventsApp-Trunk-or-Treat19 (Trunk or Treat 2019 Special Event Permit)



TO: Board of Aldermen
FROM: John Hofer, Director
DATE: September 5, 2019
SUBJECT: Pearl Street Closure on Halloween Night 2019

Type of Item: *Approval*

Issue: The applicant, Vanessa Zaroor, has submitted an event permit application to close a portion of Pearl Street on Halloween night for trick or treating purpose. The request is to close Pearl Street from Price Street to the square to allow for a pedestrian safe, free of vehicular traffic halloween night environment. The requested closure would be on Thursday October 31, 2019 from 5:00 pm through 9:00 pm.

Background: This would be the first year for this event and is being requested to try and provide a safe Halloween night environment for kids to enjoy. According to the applicant this is a joint project between at least 14 of the Pearl Street neighbors.

In speaking with the applicant there are no requested City services other than the required street blockage equipment. The Street Dept. will have staff on hand to set up and tear down the necessary barricades. The estimated cost for staff to complete this task is \$295 for this event. The necessary insurance will be provided to the City Clerk once the permit has been approved.

Recommendation: Staff recommends approval for this closure of Pearl Street from Halsey Street to Wirt Street and will provide barricades for these 11 different road blockages. Staff does not support the requested hay ride associated with this event. Please feel free to contact me at the office with any concerns regarding this event permit application.

B. Action Item (ID # 3341)

Pearl Street Halloween Night 2019 Special Event Permit

Attachments:

Pearl St. Halloween 2019 (PDF)

SPECIAL EVENTS APPLICATION

A. FILING PERIOD: An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.

B. CONTENTS: The application for an event permit shall set forth the following information.

1. Organization: _____

2. Name of Applicant: Vanessa Hargrave

Address: 904 E. Pearl, Harrisonville

Phone: work 816-887-3505 Cell: 816-591-2950

3. Purpose of Event: to keep children safe while trick-or-treating

4. Proposed date(s) and time(s) of Event: Oct. 31st (Halloween)
5(ish) - 9(ish) pm

5. Location(s) where event will be held: Pearl Street.

6. Anticipated crowd size: typical Pearl St. trick-or-treat crowd

7. City services requested: (Please check all that apply) Provide detailed letter for these requests.

Electricity Police Protection Traffic Control Ambulance Standby

Cones Barricades Street or parking lot clean up

8. Any additional information: We are simply looking to close down Pearl to through traffic to help keep the popular trick or treating street safe for children. (see email for more information)

APPROVED this _____ day of _____, 20 _____.

*Thank you
for your
consideration
Vanessa*

Chief of Police

City Clerk

Attachment: Pearl St. Halloween 2019 (Pearl Street Closure on Halloween Night 2019)



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: August 23, 2019
SUBJECT: Interim City Administrator

Type of Item: *Approval*

Council Bill No. 57

Resolution No.

**A RESOLUTION FOR THE EMPLOYMENT OF MICHAEL THOLEN AS
INTERIM CITY ADMINISTRATOR FOR THE CITY OF HARRISONVILLE,
MISSOURI FOR THE PERIOD BEGINNING AUGUST 7, 2019 UNTIL
DECEMBER 31, 2019**

WHEREAS, the City of Harrisonville (the "City") desires to employ Michael Tholen ("Tholen") as the Interim City Administrator.

WHEREAS, an Employment Agreement has been prepared for and agreed by Tholen, setting forth all terms and conditions of his employment as Interim City Administrator. A copy of that Agreement is attached hereto.

WHEREAS, the Employment Contract requires signature by the Mayor.

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

SECTION ONE: The City authorizes Mayor Judy Bowman to execute the Employment Agreement of Michael Tholen as Interim City Administrator and agrees to the terms and conditions set forth therein.

Adopted by the Board of Aldermen and approved by the Mayor this ____ day of _____, 2019.

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

Attested by:

Randall K. Jones, City Clerk



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: August 23, 2019
SUBJECT: Municipal Candidate Election Filing

Type of Item: *Approval*

Council Bill No. 58

Resolution No.

**A RESOLUTION CHANGING THE POLICY FOR MUNICIPAL CANDIDATE
ELECTION FILING, PURSUANT TO SECTION 115.124.2 RSMO, AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Harrisonville has the authority to determine where candidates may file and the order of such filings pursuant to RSMo 115.124.2;

WHEREAS, the City of Harrisonville (the "City") has reviewed its current policy rules for the order of such filings and desires to change such policy;

WHEREAS, the names of candidates who file a declaration of candidacy with the City Clerk between the hours of 8:00 a.m. and 5:00 p.m. on the first day open for filing for a municipal office shall be listed on the ballot in the order determined by random drawing;

WHEREAS, at the time of filing, each candidate may draw a number at random. If the candidate declines or fails to draw a number at the time of filing, the City Clerk shall draw a number at random for the candidate;

WHEREAS, the number drawn will be recorded by the City Clerk and noted on the Declaration of Candidacy form completed by the candidate;

WHEREAS, the names of candidates filed on the first day of filing for each office shall be listed on the ballot in ascending order of the numbers so drawn (i.e. the candidate who draws the lowest number will be listed first on the ballot);

WHEREAS, the names of candidates who file a Declaration of Candidacy after 5:00 p.m. on the first day of filing shall be listed on the ballot in the sequential order in which such candidates' Declarations of Candidacy are filed;

WHEREAS, the Board of Alderman has reviewed RSMo 115.124.2, Municipal Code, and the Proposed Policy for Filing for Municipal Elections, and feels it is in the best interest of the City of Harrisonville to adopt such policy rules set forth in this Resolution effective for the 2019-2020 Municipal Candidate Election Filing and election filings thereafter.

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

SECTION ONE. The City Clerk of the City of Harrisonville, Missouri is hereby authorized on behalf of the Board of Alderman to implement this Resolution as the candidate election policy rules effective for candidate filings.

SECTION TWO. That such policy rules set forth in this Resolution shall remain in effect until amended by the Board of Aldermen.

SECTION THREE. That this resolution shall become effective immediately upon its passage and approval.

Adopted by the Board of Aldermen and approved by the Mayor this 16th day of September, 2019.

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

ATTEST:

Randall K. Jones, City Clerk



STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: August 22, 2019
SUBJECT: Non-primary Entitlement Grant Funds

Type of Item: *Approval*

This is in regard to the two forms that have been sent to the City regarding expiring non-primary entitlement funds. There are two forms currently pending, and I've attached both for your information.

The first is to transfer \$4,938 in 2013 non-primary entitlement funds. There was a previous transfer of 2013 NPE, but these funds were released subsequent to the execution of that form. The \$4,938 at issue is money we thought would be needed for the Master Plan and Airport Layout Plan project, but ultimately was not needed due to underruns. These funds are technically already expired, so if we do not receive a signed transfer form from the City, the FAA will sweep them back and use them elsewhere.

The second form is to transfer the \$300,000 in 2016 non-primary entitlement funds the Airport has available. These funds are set to expire on September 30, 2019. If they are not transferred back to MoDOT to apply to other active airport projects before that date, the FAA will sweep them and there is no guarantee that they will remain in Missouri.

If the City is still comfortable transferring these funds back to MoDOT for use elsewhere, please print off the number of copies the City needs for its files, plus one copy for MoDOT, and have them all signed by the appropriate City official and City attorney (on the second page). You can mail these to me at P.O. Box 270, Jefferson City, MO 65102. We will get them signed on our end and get them back to you as soon as possible.

I hope this answers any questions but please do not hesitate to give me a call or send me an email if there are other questions I can assist with. Thanks,

Amy Ludwig
Administrator of Aviation
Missouri Department of Transportation
Phone: (573) 526-7912

Council Bill No. 59

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN AUTHORIZING THE CITY ADMINISTRATOR TO SPONSOR TRANSFER OF \$304,938 IN UNOBLIGATED NON-PRIMARY ENTITLEMENT GRANT FUNDS TO THE MISSOURI DEPARTMENT OF TRANSPORTATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville (“City”) has not used grant funds from the 2016 **\$300,000** Non-Primary Entitlement Grant or a portion of the 2013 **\$4,938** Non-Primary Entitlement Grant for the Lawrence Smith Memorial Airport;

WHEREAS, unused funds can be returned to the Missouri Department of Transportation (“MoDOT”);

WHEREAS, the Federal Aviation Administration (“FAA”) allows airports to transfer this money back to the MoDOT Aviation Section so they can be used at other airports in Missouri;

WHEREAS, the City is unable to obligate the funds by September 30, 2019;

WHEREAS, the total amount of unused funds is \$304,938;

WHEREAS, the Board of Aldermen have reviewed the request and believe it to be in the best interest of the citizens to transfer said funds to MoDOT for use in the State of Missouri rather than return to the FAA;

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

Section 1: The City Administrator is hereby authorized and directed by the Board of Aldermen to apply for a Request for Approval of Agreement for Transfer of Entitlements on behalf of the City of Harrisonville, Missouri, to transfer \$304,938 of 2013 & 2016 unobligated Non-Primary Entitlement Grant funds to the Missouri Department of Transportation Aviation Division.

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

READ ONE TIME BY TITLE ONLY ON SEPTEMBER 16, 2019. READ FOR A SECOND TIME BY TITLE ONLY ON SEPTEMBER 16, 2019, AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF SEPTEMBER 2019.

Aye:

Nay:

Abstain:

Absent:

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September 2019



TO: Board of Aldermen
FROM: April Clark, Assistant
DATE: August 27, 2019
SUBJECT: 2019 Street Striping

Type of Item: *Approval*

Council Bill No. 60

Resolution No.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR THE 2019 STREET STRIPING PROGRAM FROM K&G STRIPING IN THE AMOUNT OF \$28,131.50 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Street Department budgeted for the 2019 Street Striping Program to be for updating streets;

WHEREAS, bid specifications were sent out via email, to reputable vendors in street striping which is needed for the striping program;

WHEREAS, the City has determined that K&G Striping has the lowest bid;

WHEREAS, K&G Striping agrees to complete the 2019 Striping Program listed by the City for a total purchase price of \$28,131.50, which staff believes said price is fair and reasonable;

WHEREAS, staff recommends that the Board of Aldermen ("Board") approve the bid from K&G Striping for the 2019 Striping Program;

WHEREAS, the Board accepts the recommendation of staff with respect to the agreement and finds it to be in the best interest of the City and its residents;

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

Section 1: That the City Administrator of the City of Harrisonville, Missouri, is hereby authorized and directed on behalf of the Board of Aldermen to enter into an agreement with K&G Striping for the 2019 Street Striping Program for a total purchase price of \$28,131.50

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 16th day of September, 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September, 2019

NOTICE TO BIDDERS

Sealed proposals will be received by the City Clerk at City Hall, Harrisonville, Missouri, until **2:00 PM** on **THURSDAY, AUGUST 15, 2019** at which time proposals for: **2019 STREET STRIPING PROGRAM**. Will be publicly opened and read aloud. The work under this Contract consists of the following:

Contractor providing the mechanized painting of yellow and white, solid and dashed, street striping on various streets as detailed herein including mobilization and traffic controls.

All equipment, material and workmanship must be in accordance with the Plans, Specifications and other Contract Documents in the Project Manual on file with the City of Harrisonville, Missouri.

Copies of plans and specifications can be seen or purchased for a Non-Refundable fee on-line at www.drexeltech.com <<http://www.drexeltech.com/>> in their eDistribution plan room, additional assistance is available at distribution@drexeltech.com. Information regarding this project can be found in the "BID POSTINGS" link on the website. Contractors desiring the Contract Documents for use in preparing bids may also obtain a set of such documents from Drexel Technologies; 10840 West 86th Street, Lenexa, KS 66214, telephone number is 913-371-4430.

2019 ANNUAL STRIPING PROGRAM

Bid Tabulation Summary
City of Harrisonville, Missouri
August 15, 2019

Base Striping				K&G Striping		Twin Traffic Marking	
Item No.	Item Description	Quantity	Unit	Unit Cost	Bid Total	Unit Cost	Bid Total
1	24" Width White Stop Bar	614	L.F.	\$4.00	\$2,456.00	\$9.00	\$5,526.00
2	Turn Arrows	72	EA.	\$35.00	\$2,520.00	\$175.00	\$12,600.00
3	Pedestrian Crosswalk	1,437	L.F.	\$2.50	\$3,592.50	\$9.00	\$12,933.00
4	4" Solid White Lane Stripe	2,291	L.F.	\$0.40	\$916.40	\$1.10	\$2,520.10
5	4" Dashed White Stripe	179	L.F.	\$1.00	\$179.00	\$0.50	\$89.50
6	4" Solid Yellow Stripe	213	L.F.	\$1.00	\$213.00	\$0.60	\$127.80
7	4" Double Yellow Solid	6,840	L.F.	\$0.80	\$5,472.00	\$1.20	\$8,208.00
8	4" Double Yellow - 1 Solid & 1 Dashed	12,379	L.F.	\$0.60	\$7,427.40	\$1.05	\$12,997.95
9	4" Dashed Yellow Stripe	3,065	L.F.	\$0.40	\$1,226.00	\$0.25	\$766.25
10	4" Diagonal Yellow Bar	868	L.F.	\$0.40	\$347.20	\$5.00	\$4,340.00
BASE BID TOTAL				\$24,349.50		\$60,108.60	

Additional Striping as Funding Allows:				K&G Striping	
11	24"Width White Stop Bar	86	L.F.	\$4.00	\$344.00
12	Turn Arrows	16	EA.	\$35.00	\$560.00
13	Pedestrian Crosswalk	148	L.F.	\$2.50	\$370.00
14	4" Solid White Lane Stripe	4426	L.F.	\$0.40	\$1,770.40
15	4" Double Yellow Solid	922	L.F.	\$0.80	\$737.60
ADDITIONAL STRIPING TOTAL				\$3,782.00	

Attachment: Copy of 2019 Street Striping Program Bid TabulationSummary (3) (2019 Street Striping)

TOTAL BASE + ADDITIONAL =	\$28,131.50
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TO: Board of Aldermen
FROM: April Clark, Assistant
DATE: September 10, 2019
SUBJECT: City of Harrisonville RRFB Flashers Agreement

Type of Item: *Agreement*

This is an agreement with the Missouri Highways and Transportation Commission for the installation of Roadside Flashers for City/County Operation at the intersection of Route MO 7 & Highland, Route MO 7 & Price, Route MO 7 & Eastwood, Route MO 2 & Eastwood, and Route MO 2 & Bird in Harrisonville. Three locations (Route MO 7 & Highland, Route MO 7 & Price, and Route MO 7 & Eastwood) are already installed, but they want the City to get permits for all locations.

G. Action Item (ID # 3348)

CITY OF HARRISONVILLE, RRFB FLASHERS AGREEMENT

Attachments:

City of Harrisonville RRFB Flashers Agreement (PDF)

MoDOT District:	<u>Kansas City</u>
MoDOT Agreement Administrator:	<u>Newell Reeser</u>
eAgreement No.:	<u>2018-08-45211</u>

CCO Form: TR53
 Approved: 05/16 (BDG)
 Revised: 11/17 (GH)
 Modified: 7/29 (NR)

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 INSTALLATION OF ROADSIDE FLASHERS FOR
 CITY/COUNTY OPERATION AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission"), whose address is P.O. Box 270, 105 W. Capitol, Jefferson City, Missouri 65102, and City of Harrisonville (hereinafter, "Applicant"), whose address is 300 E. Pearl St, Harrisonville MO 64701.

WITNESSETH:

WHEREAS, the Commission and the Applicant agree on the roadside flasher installation.

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

(1) LOCATION: The general location of the roadside flasher to be installed pursuant to this Agreement is at the intersection of Route MO 7 & Highland, MO 7 & Price, MO 7 & Eastwood, MO 2 & Eastwood, and MO 2 & Bird in Harrisonville, Missouri.

(2) INSTALLATION: The roadside flasher shall include a breakaway post assembly, a flashing beacon, power supply equipment, and all necessary wiring and other equipment required to complete the installation in accordance with Commission requirements. The Applicant shall provide plans with the specific details of this installation for approval by the Commission. All costs associated with this installation shall be borne by the Applicant. These signs shall meet Missouri Department of Transportation standards.

(3) PERMIT: The Applicant shall obtain a permit from the Missouri Department of Transportation's District Office for the roadside flasher installation.

(4) BOND: The Applicant shall secure sufficient bond, as determined by the Commission's District Engineer or his authorized representative, for the construction of the proposed improvement on Commission right-of-way.

(5) OWNERSHIP AND MAINTENANCE: Upon completion of this installation, ownership shall be transferred from the Applicant to the Commission. Upon transfer of ownership, the Commission, at its expense, will provide all future maintenance of the roadside flasher installation equipment that is installed on the Commission's right-of-way. All other equipment will be the responsibility of the Applicant. If solar equipment is used to provide power to the flashers, the Applicant will be responsible for the maintenance of the solar panels, solar controller, and storage batteries. Any

modifications to the flasher equipment maintained by the Commission shall be made by the Commission. Any modifications to the flasher equipment maintained by the Applicant shall be made by the Applicant after approval by the Commission.

(6) OPERATING COST: All initial and future electrical operating costs shall be borne by the Applicant.

(7) REMOVAL: If the Applicant fails to comply with the provisions stated herein regarding the operation and financial responsibilities, the Commission may remove the roadside flasher installation. If the Commission determines the roadside flasher is no longer justified, the Commission may remove same. In addition, the Commission may remove the roadside flasher from its right of way if the Commission, in its sole discretion, determines that the Applicant has abused the use of the roadside flasher. Abuse includes, but is not limited to, repeated activation of the roadside flasher when circumstances do not warrant its use. In addition, if the Commission, in its sole discretion, determines that the removal of the roadside flasher from the Commission's right of way is in the best interests of the state highway system, the Commission may remove the roadside flasher.

(8) OPERATION: The roadside flasher will be operational year-round when actuated by the pedestrian button.

(9) UTILITY LOCATING RESPONSIBILITY: The Applicant shall be responsible for any utility locate request information at the intersection(s) concerning any equipment not owned by the Commission.

(10) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, with the exception of hours of operation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Applicant and the Commission. Changes in hours of operation shall be submitted in writing to the Missouri Department of Transportation's District Office for approval.

(11) COMMISSION REPRESENTATIVE: The Commission's chief engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement.

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

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

(14) INDEMNIFICATION:

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

(B) The Applicant is required and/or will require any of agents/contractors working under this Agreement:

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

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

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

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

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

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

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

(19) CONTINUING DURATION: The term of this Agreement will be of a continuing duration until terminated pursuant to the terms of this Agreement or by mutual consent of the parties.

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

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

(22) NO INTEREST: By contributing to the cost of the maintenance of this roadway, the Applicant gains no property interest in the roadway features or roadway whatsoever. The Commission shall not be obligated to keep the constructed roadway features or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway is in the best interests of the state highway system or the Commission.

(23) NON-LIABILITY OF COMMISSION PERSONNEL: Neither the commissioners, nor any other officer, official, employee, or agent of the Commission or Missouri Department of Transportation shall be *personally* responsible for any liability arising under or growing out of this Agreement.

(24) NOT A JOINT VENTURE: Nothing contained in this Agreement shall be deemed to constitute the Commission and Applicant as partners in a partnership or joint venture for any purpose whatsoever.

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

(26) SUCCESSORS AND ASSIGNS: The provisions of this Agreement shall apply to and be binding upon the parties executing this Agreement, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including officers, employees, agents, servants, corporations, and any persons acting under, through, or for the parties agreeing hereto.

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

Executed by the Applicant this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City of Harrisonville

Title _____

By _____
Title _____

Attest:

Secretary to the Commission

Attest:
By _____
Title _____

Approved as to Form:

Commission Counsel

Approved as to Form:

Title _____

Attachment: City of Harrisonville RRFB Flashers Agreement (City of Harrisonville RRFB Flashers Agreement)

ACKNOWLEDGMENT BY COMMISSION

STATE OF _____)
)
COUNTY OF _____) ss

On this ____ day of _____, 20__, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of the Missouri Highways and Transportation Commission and the seal affixed to the foregoing instrument is the official seal of said Commission and that said instrument was signed in behalf of said Commission by authority of the Missouri Highways and Transportation Commission and said _____ acknowledged said instrument to be the free act and deed of said Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

Attachment: City of Harrisonville RRFB Flashers Agreement (City of Harrisonville RRFB Flashers Agreement)



TO: Board of Aldermen
FROM: Eric Patterson, Director
DATE: September 10, 2019
SUBJECT: 2019 Sludge Hauling Contract

Type of Item: *Approval*

Council Bill No. 61

Resolution No.

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI, TO AUTHORIZE THE CITY
ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE 2019 SLUDGE
HAULING WITH DENALI WATER SOLUTIONS, LLC, IN THE AMOUNT OF
\$150,000.00 AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Public Works Department budgeted for the 2019 Sludge Hauling Program to be for removing Sludge from our basins;

WHEREAS, bid specifications were sent out via email, to reputable vendors in Sludge Removal which is needed for the Sludge Hauling program;

WHEREAS, the City has determined that Denali Water Solutions, LLC has the lowest bid;

WHEREAS, Denali Water Solutions, LLC agrees to complete the 2019 Sludge Hauling Program listed by the City for a total purchase price of \$150,000.00, which staff believes said price is fair and reasonable;

WHEREAS, staff recommends that the Board of Aldermen ("Board") approve the contract from Denali Water Solutions, LLC for the 2019 Sludge Hauling Program;

WHEREAS, the Board accepts the recommendation of staff with respect to the agreement and finds it to be in the best interest of the City and its residents;

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

Section 1: That the City Administrator of the City of Harrisonville, Missouri, is hereby authorized and directed on behalf of the Board of Aldermen to enter into an agreement with Denali Water Solutions, LLC for the 2019 Sludge Hauling Program for a total purchase price of \$150,000.00

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 16th day of September, 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September, 2019



TO: Board of Aldermen
FROM: April Clark, Assistant
DATE: August 27, 2019
SUBJECT: Resolution Designating Authorized Representative for SRF Project

Type of Item: *Approval*

This is to allow the new mayor and city administrator to execute and file documents on behalf of the City of Harrisonville, Missouri, to complete final paperwork for the improvements to the water treatment plant.

ACTION REQUESTED: Staff recommends approval of the resolution authorizing Judy Bowman, Mayor, and Michael Tholen, City Administrator as the designated authorized representatives for the State Revolving Loan process.

Council Bill No. 62**Resolution No.****A RESOLUTION OF THE HARRISONVILLE, MISSOURI BOARD OF ALDERMEN AUTHORIZING THE FILING OF AN APPLICATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, STATE REVOLVING FUND PROGRAM FOR LOANS UNDER THE MISSOURI SAFE DRINKING WATER LAW (SECTION 640, RSMO).**

WHEREAS under the terms of the Missouri Safe Drinking Water Law, Section 640, Revised Statutes of Missouri, the State of Missouri has authorized the making of loans and/or grants to authorized applicants to aid in the construction of specific public projects.

NOW, THEREFORE, be it resolved by the Board of Alderman of the City of Harrisonville, Missouri as follows:

1. That Judy Bowman, Mayor, be and is hereby authorized to execute and file documents on behalf of the City of Harrisonville, Missouri with the State of Missouri for loan and/or grant closeout documents for:

Improvements to the water treatment plant

2. That Michael Tholen, City Administrator, be and is hereby authorized and directed to furnish such information as the Missouri Department of Natural Resources may reasonably request in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Missouri Department of Natural Resources as may be required by law or regulation, and to receive payment on behalf of the applicant.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri this 16th day of September, 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September, 2019.

CERTIFICATE OF RECORDING OFFICER

The undersigned, duly qualified and acting of the City Clerk, does hereby certify: That the attached resolution is a City of Harrisonville, Missouri true and correct copy of the resolution adopted at a legally convened meeting of the held on the 16th day of September, 2019; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of September, 2019.

Randall K.Jones, City Clerk



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
FINANCIAL ASSISTANCE CENTER

RESOLUTION OF GOVERNING BODY OF APPLICANT RESOLUTION NO.

(Suggested Form for Loan Applicant use)

Resolution authorizing the filing of an application with the Missouri Department of Natural Resources, State Revolving Fund Program for loans under the Missouri Safe Drinking Water Law (Section 640, RSMo).

WHEREAS under the terms of the Missouri Safe Drinking Water Law, Section 640, Revised Statutes of Missouri, the State of Missouri has authorized the making of loans and/or grants to authorized applicants to aid in the construction of specific public projects.

NOW, THEREFORE, be it resolved by the Board of Aldermen of the City of Harrisonville, Missouri
(governing body of applicant)

- 1. That Judy Bowman, Mayor,
(designated official) be and he/she is hereby authorized to execute and file an application on behalf of the City of Harrisonville, Missouri
(legal name of applicant) with the State of Missouri for a loan and/or grant to aid in the construction of:

Improvements to the water treatment plant
(brief project description)

- 2. That Michael Tholen, City Administrator
(name of authorized official) (title)

be and he/she is hereby authorized and directed to furnish such information as the Missouri Department of Natural Resources may reasonably request in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Missouri Department of Natural Resources as may be required by law or regulation, and to receive payment on behalf of the applicant.

CERTIFICATE OF RECORDING OFFICER

The undersigned, duly qualified and acting City Clerk of the
(title of officer)

City of Harrisonville, Missouri, does hereby certify: That the attached resolution is a
(legal name of applicant)

true and correct copy of the resolution adopted at a legally convened meeting of the City of Harrisonville, Missouri held on the 16th day of September, 2019 ;
(name of the governing body of applicant)

and further that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of September, 2019 .

(signature of recording officer)
City Clerk
(title of recording officer)

SEAL (If applicant has an official seal, impress here.)

Attachment: DW Govern Body Resolved Authorized Rep (Resolution Designating Authorized Representative for SRF Project)



City of
Harrisonville^{est. 1836}
STAFF REPORT

TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: July 17, 2019
SUBJECT: Public Hearing - Accessory Buildings

Type of Item: *Discussion*

City of Harrisonville, MO

Notice of Public Hearings

Notice is hereby given of two public hearings at the following days and times to receive public testimony on an application submitted by the Board of Aldermen to consider amendments to Section 100.030 Definitions and Rules of Construction and Section 405.550 Accessory Uses in the City of Harrisonville Code of Ordinances.

Planning and Zoning Commission Meeting

6:00 p.m. Thursday, August 15, 2019

Board of Aldermen Meeting

7:00 p.m., Monday, September 16, 2019

Both public hearings will be held at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. All interested parties are encouraged to attend. A copy of the application is available for public review at City Hall.

Jamie Martin

Secretary to the Planning and Zoning Commission

J. Discussion Item (ID # 3288)
PUBLIC HEARING - ACCESSORY BUILDINGS



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: September 9, 2019
SUBJECT: Ordinance Amending Sec. 405.550 (D) Detached Accessory Buildings

Type of Item: *Public Hearing*

PUBLIC HEARING ITEM

General Information:

Applicant: Community Development

Requested Action: Consideration of amendments to Sec. 405.550. (D) Detached Accessory Buildings.

Issue:

Staff has identified four (4) problems with zoning regulations regarding detached accessory buildings seeks direction from the Planning and Zoning Commission and Board of Aldermen on these issues.

- 1) Throughout the residential areas there are many detached accessory buildings in side yards although the zoning ordinance only allows detached accessory buildings in rear yards behind rear building lines. *Many of these are because the City has given property owners a handout on accessory buildings since 2011 that says that accessory buildings are permitted in side yards.*
- 2) The normal setback for accessory buildings from side lot lines is 8 feet. However, accessory buildings on corner lots are required to be set back at least 20 ft from the street right-of-way. In Harrisonville, there are a number of detached accessory buildings on corner lots that are much closer to the right-of-way than 20 feet.
- 3) The requirements for building detached accessory buildings in the code are not clearly stated for the following zoning districts:

R-1B Near Downtown Single-Family Residential District

R-2B Near Downtown Two-Family Residential District

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- E Estate District
- A Agriculture District

- 4) The staff receives numerous inquiries from residents asking where they can build detached accessory buildings and how large can they be. Currently, one has to look in several places in the code for answers. It would be much more user-friendly to have all the information in one location.

Below are the existing and proposed requirements.

Existing Requirements:

Section 405.550 Accessory Uses

D. Detached Accessory Building(s).

1. For any "R-1," "R-1M," "R-2," "R-3" or "R-4" zoned lot, one (1) or more detached Accessory Building(s) may be permitted as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. All Accessory Buildings shall be located in the Rear Yard only. A detached Accessory Building shall be located not less than eight (8) feet from any Side or Rear Lot Line. Accessory Buildings required to be supported by a concrete foundation shall not be located within a dedicated Easement of any kind. In the case of Corner Lots, Accessory Buildings shall set back not less than the distance required for residences from side streets.
2. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the rear yard providing it adheres to existing set back requirements for accessory buildings and is effectively screened so as not to be visible from any public street or residential district. Any existing or future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters;

Proposed Amendment:

Section 405.550 Accessory Uses

D. *Detached Accessory Building(s)*: Detached Accessory buildings shall be permitted in association with and on the same lot as a principal building and are subject to the following additional limitations.

1. General Requirements Applicable to All Detached Accessory Buildings

- a. Detached accessory buildings over 120 sq. ft. require a building permit.
- b. Detached accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind.
- c. Any existing or future accessory building of any size, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

2. For any "R-1," "R-1B", "R-1M," "R-2," "R-2B", "R-3" or "R-4" zoned lot, detached accessory building(s) may be permitted as long as said structure(s) complies with the standards outlined herein.

- a. All detached accessory buildings shall be located in the rear and side yards only.
- b. There shall be no limit on the number of detached accessory buildings, however the combined building coverage of all principal and accessory buildings shall not exceed thirty-five percent (35%).
- c. All detached accessory buildings shall meet the rear and side yard setbacks set forth in the following table.

Setbacks for Detached Accessory Buildings

Zoning District	Rear Yard Setback (Ft.)	Side Yard Setback (Ft.)	Side Yard Setback on a
R-1	8	8	20
R-1B	8	5	10
R-1M	8	5	10
R-2	8	7.5	20
R-2B	8	5	10

R-3	15	15	20
R-4	15	15	20

3. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the rear yard providing it adheres to existing set back requirements for accessory buildings and is effectively screened so as not to be visible from any public street or residential district.
4. For any "A", "E", "M-1", and "M-2" zoned lot(s), one or more detached accessory buildings may be permitted in the side and rear yards providing they adhere to existing set back requirements for the district.

P&Z Commission Discussion:

During the Planning Commission discussion there was agreement on the amendment with two exceptions. One commissioner disagreed with allowing detached accessory buildings in side yards. Several commissioners also wanted to look at whether the maximum size for accessory buildings should be reduced. At present, the total footprints of principal and detached accessory buildings cannot exceed 35% of the lot size.

The majority of Planning Commissioners chose to recommend approval of the amendments as presented and not consider lowering the maximum size for accessory buildings.

Alternatives:

1. Approve ordinance
2. Return ordinance to P&Z to consider certain issues
3. Approve ordinance *and direct P&Z to look at whether the maximum size for accessory structures should be reduced.*
4. Deny ordinance

P&Z Recommendation: Approve ordinance

K. Action Item (ID # 3344)

Council Bill No. 63 AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, REPEALING SECTION 405.550 ACCESSORY USES, (D) DETACHED ACCESSORY

BUILDING(S), OF THE HARRISONVILLE CITY CODE OF ORDINANCES AND ENACTING IN LIEU THEREOF A NEW SECTION 405.550 ACCESSORY USES, (D) DETACHED ACCESSORY BUILDING(S)

WHEREAS, the City staff has recommended amendments to Section 405.550 Accessory Uses, (D) Detached Accessory Buildings(s), that permit detached accessory buildings in side yards in residential zoning districts, reaffirm side yard setbacks on corner lots for detached accessory buildings, establish requirements for detached accessory buildings in certain zoning districts, and consolidate requirements for detached accessory buildings in the City Code; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on August 15, 2019 and thereafter voted 4 in favor and 3 opposed to recommend that the Board of Aldermen amend Section 405.550 Accessory Uses, (D) Detached Accessory Building(s) by incorporating the amendments recommended by city staff; and

WHEREAS, the Board of Aldermen conducted a public hearing on September 16, 2019 and after receiving input from the public find it is in the best interest of the City of Harrisonville to amend Section 405.550 Accessory Uses, (D) Detached Accessory Building(s) as recommended by the Planning and Zoning Commission.

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

Section 1. The Board of Aldermen (“Board”) hereby repeals Section 405.550 Accessory Uses, (D) Detached Accessory Building(s), and enacts in lieu thereof the following new Section 405.550 Accessory Uses, (D) Detached Accessory Building(s), to read as follows:

SECTION 405.550 ACCESSORY USES

D. *Detached Accessory Building(s)*: Detached accessory buildings shall be permitted in association with and on the same lot as a principal building and are subject to the following additional limitations.

1. General Requirements Applicable to All Detached Accessory Buildings

- a. Detached accessory buildings over 120 sq. ft. require a building permit.
- b. Detached accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind.
- c. Any existing or future accessory building of any size, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or

public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

- 2. For any "R-1," "R-1B", "R-1M," "R-2," "R-2B", "R-3" or "R-4" zoned lot, detached accessory building(s) may be permitted as long as said structure(s) complies with the standards outlined herein.
 - a. All detached accessory buildings shall be located in the rear and side yards only.
 - b. There shall be no limit on the number of detached accessory buildings, however the combined building coverage of all principal and accessory buildings shall not exceed thirty-five percent (35%).
 - c. All detached accessory buildings shall meet the rear and side yard setbacks set forth in the following table.

Setbacks for Detached Accessory Buildings

Zoning District	Rear Yard Setback (Ft.)	Side Yard Setback (Ft.)	Side Yard Setback on a
R-1	8	8	20
R-1B	8	5	10
R-1M	8	5	10
R-2	8	7.5	20
R-2B	8	5	10
R-3	15	15	20
R-4	15	15	20

- 3. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the rear yard providing it adheres to existing set back requirements for accessory buildings and is effectively screened so as not to be visible from any public street or residential district.
- 4. For any "A", "E", "M-1", and "M-2" zoned lot(s), one or more detached accessory buildings may be permitted in the side and rear yards providing they adhere to existing set back requirements for the district.

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

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

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16TH DAY OF SEPTEMBER 2019 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 16TH DAY OF SEPTEMBER 2019 AND PASSED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF SEPTEMBER 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September 2019

ATTEST:

Steven E. Mauer, City Attorney

Attachments:

2019-08-15 P&Z - Full Minutes-1474 (PDF)



DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
AUGUST 15, 2019
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Chair Chris Chiodini

Attendee Name	Organization	Title	Status	Arrived
Chuck Jones	Harrisonville		Present	
Chris Chiodini	Harrisonville	Chair	Present	
Scott Milner	Harrisonville		Present	
Matt Turner	Harrisonville	Alderman Liaison	Absent	
Judy Bowman	Harrisonville	Mayor	Present	
Jim Proctor	Harrisonville		Absent	
Virgil Butler	Harrisonville		Present	
Dorothy Young	Harrisonville	Vice Chair	Present	
Cheryl Bush	Harrisonville		Absent	
Barrett Welton	Harrisonville		Present	

Also in attendance were Roger Kroh, Community Development Planner; and Jamie Martin, recording secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Jul 18, 2019 6:00 PM

With no additions or corrections, the July 18, 2019, minutes were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Chuck Jones
SECONDER:	Scott Milner
AYES:	Jones, Chiodini, Milner, Bowman, Butler, Young, Welton
ABSENT:	Matt Turner, Jim Proctor, Cheryl Bush

3. Agenda Items

A. Motion to Continue Brian Renner Public Hearing and Rezoning and Platting Applications for 1600 W. Mechanic St.

Dorothy Young made a motion to continue Renner Rezoning and Platting until the September 19, 2019, meeting. Judy Bowman seconded. The Commission voted unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dorothy Young, Vice Chair
SECONDER:	Judy Bowman, Mayor
AYES:	Jones, Chiodini, Milner, Bowman, Butler, Young, Welton
ABSENT:	Matt Turner, Jim Proctor, Cheryl Bush

B. Public Hearing for Amendments to Sec. 405.550 (D)

Roger Kroh presented the staff report recommending amendments to Section 405.550 (D) regarding Detached Accessory Buildings. He stated there have been four problems that staff has encountered with the regulations regarding accessory buildings. First, since 2009, the regulations have restricted accessory buildings to rear yards yet many have been built in side yards. Second, there are a number of accessory buildings on corner lots closer to the street than allowed. Third, the requirements for detached buildings are not clearly stated in the R-1B, R-1M, R-2B, M-1, M-2, E, and A zoning districts. Forth, staff will find it easier to advise property owners of the requirements if they are in one location in the code. These proposed changes would make it easier for staff and residents to understand the code. There were no comments from the public.

C. Amendments to Sec. 405.550 (D) Detached Accessory Buildings

Virgil Butler asked about side setbacks? Roger Kroh stated they are in the proposed chart so they are easier to find. Accessory structures in several zoning districts were not defined in code, so the chart will help with that. Dorothy Young asked under the proposed changes how big the accessory structures can be? Roger Kroh stated that there is no limit to how many structures there can be, but the total size shall not exceed 35% of the total lot area. Mrs. Young asked how Home Owners Associations would be handled. Mr. Kroh recommended that checking with HOA's should be placed on the informational sheets handed out by staff and not in the city code. Mayor Bowman asked what residents were storing in the accessory structures? Mr. Kroh stated that it is the normal things, lawn equipment, boats and cars. Chuck Jones stated that he would like to see everything for each zone together. Chris Chiodini asked if the City differentiates between sheds and garages or if they are both categorized as an accessory structure? Mr. Kroh stated that the code does not differentiate between sheds and garages. However, an accessory structure 120 sq. ft. does not require a building permit unless it is in a flood zone. Mr. Chiodini stated that the City of Grandview defines the difference between sheds and garages. Sheds are no more than 220 sq ft., while garages can be no larger than 700 sq ft.. He would like to see a size limitation for the accessory structures such as, they have to be smaller than the principal use. Mr. Kroh stated that staff can look at size limits and bring them back to the Commission. Mr. Chiodini stated that the Commission's job is to maintain uniformity and standards for the City. Virgil Butler and Dorothy Young both stated that the City needs to be helpful and not make things complex for residents. Mr. Kroh stated that these are the standards in the codes, but we have a variance process for residents to make changes as necessary. Chris Chiodini stated he would like to see size limits worked on. Judy Bowman asked Mr. Kroh if he had talked with other cities about this. He stated that the city codes are a little bit different everywhere, but he had looked at cities like Pleasant Hill, Peculiar and Raymore. Dorothy Young made a motion to recommend approval of the amendment to the Board of Alderman as presented. Virgil Butler seconded the motion. A roll call vote was taken. The motion was passed with a vote of 4 to 3.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [4 TO 3]
MOVER:	Dorothy Young, Vice Chair
SECONDER:	Virgil Butler
AYES:	Scott Milner, Virgil Butler, Dorothy Young, Barrett Welton
NAYS:	Chuck Jones, Chris Chiodini, Judy Bowman
ABSENT:	Matt Turner, Jim Proctor, Cheryl Bush

4. **Discussion Items**

5. **Adjourn**

With nothing further to come before the Commission, Barrett Welton made a motion to adjourn. Scott Milner seconded. The meeting was adjourned at 6:36 PM.

Respectfully Submitted,

 Jamie Martin, Recording Secretary



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: September 9, 2019
SUBJECT: Patrol Car Purchase 2019

Type of Item: *Purchase*

Type of Item: *Action item*

Issue: Authorization to purchase replacement (patrol) vehicles for the Police Department.

Background: The 2019 City of Harrisonville annual budget contains \$77,950.00 for the replacement of two (2) patrol vehicles for the police department. This budget also contains funds to purchase needed emergency equipment to equip this vehicle. In 2019 the State of Missouri awarded the state contract to Lou Fusz Ford of Chesterfield, Missouri for Ford Patrol vehicles. The state contract price, equipped as needed, for a delivered 2020 Ford Police Interceptor (SUV) is \$35,457.00 and \$34,632.00 for a 2020 Ford Police Interceptor F-150. To have the vehicle delivered to Harrisonville will be approximately \$320 or a rate of \$1.50 per mile. We will probably travel to Lou Fouz in Chesterfield, MO pick them up from the dealership.

The proposed vehicles are equipped with the same equipment we have purchased for our patrol units for the past several years.

Recommendation: Staff recommends using the 2019 State Bid Contract with Lou Fusz Ford for the purchase of the department's Police Patrol vehicles (1 SUV and 1 F-150), for a total amount of \$70,089.00.

The remaining budget balance will be used to purchase the vehicles needed emergency equipment. This equipment includes but is not limited to the following: light bar, siren and speaker, radio console, security screen, headlight flashers, antennas, vehicle markings, and installation expenses. We anticipate 10 to 12 weeks for delivery. If you have any questions or concerns, please feel free to contact me at the office.

L. Action Item (ID # 3343)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR TWO PATROL VEHICLES FROM LOU FUSZ AUTOMOTIVE NETWORK IN THE AMOUNT OF \$70,089.00 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Police Department budgeted for the purchase of two patrol vehicles;

WHEREAS, the State of Missouri has recognized Lou Fusz Auto Network as the low bid;

WHEREAS, Lou Fusz Auto Network agrees to the purchase of one 2020 Ford Utility Police Interceptor and 2020 F150 Police Responder for a total purchase price of \$70,089.00, which staff believes said price is fair and reasonable;

WHEREAS, staff recommends that the Board of Aldermen ("Board") approve the bid from Lou Fusz Auto Network;

WHEREAS, the Board accepts the recommendation of staff with respect to the agreement and finds it to be in the best interest of the City and its residents;

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

Section 1: That the City Administrator of the City of Harrisonville, Missouri, is hereby authorized and directed on behalf of the Board of Aldermen to enter into an agreement with Lou Fusz Automotive Network for a total purchase price of \$70,089.00

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 16th day of September, 2019.

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

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 16th day of September, 2019

Attachments:

Harrisonville PD Quote2 (002) (PDF)



City of
Harrisonville^{est. 1836}
STAFF REPORT

TO: Board of Aldermen
FROM: Happy Welch, City Administrator
DATE: July 11, 2019
SUBJECT: Chapter 430 Revisions Revote

Type of Item: *Approval*

Issue:

Chapter 430 was originally brought before the Board in October 2017 with proposed changes to the chapter recommended by Attorney John Fairfield.

Background:

Chapter 430 is the Urban Redevelopment Regulation section of the Code of Ordinances. When referring to the Chapter during the Harrisonville Senior Villas redevelopment at the old hospital, some issues were found that needed to be corrected and in doing so it was better to change a number of items associated with the Chapter (see revisions).

Former City Attorney Fairfield completed the revisions. This ordinance originally had a 4-3 vote for adoption, however, that vote current City Attorney Mauer says is not valid and recommends the Board rehear the ordinance and to approve it there must be 5 votes in favor.

Recommendation:

Staff is recommending adoption.

Council Bill No. 56 Second Reading

Ordinance No.

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF HARRISONVILLE,
MISSOURI REPEALING CHAPTER 430 OF THE CITY CODE AND
ENACTING IN LIEU THEREOF AN AMENDED CHAPTER 430 URBAN
REDEVELOPMENT REGULATIONS OF THE CITY OF HARRISONVILLE,
MISSOURI AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Harrisonville, Missouri (“City”) desires to allow redevelopment through certain funding mechanisms authorized by state law;

WHEREAS, the City desires to define the process for a developer seeking approval from the Board under the requirements of Chapter 353 RSMo. for blighted areas;

WHEREAS, the City has reviewed the current Chapter 430 and found that amendments were needed to clarify and amend certain requirements of the Chapter and to allow the city more flexibility and time to conduct its analysis of a proposed project;

WHEREAS, the Community Development Committee reviewed the recommendations of City staff at the August 15, 2017 meeting and recommend to the Board approval of the amended Chapter 430 as set forth in Exhibit A attached hereto;

WHEREAS the City of Harrisonville Board of Aldermen, after careful and due deliberation, concludes that amending Chapter 430 as set forth in Exhibit A below would be in the best interest of the City.

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

Section 1: The Board of Alderman (“Board”) hereby repeals Chapter 430 of the Code of Ordinances and enacts in lieu thereof an amended Chapter 430 as provided in EXHIBIT A, which is attached to this ordinance, and incorporated herein by reference.

Section 2: That this ordinance shall become effective immediately upon passage and approval for the City of Harrisonville.

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.

Section 4: Effective Date. That this order shall become effective immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 19TH DAY OF AUGUST 2019 AND READ FOR A SECOND TIME BY TITLE ONLY ON THE DAY OF 2019. VOTE TAKEN AS FOLLOWS:

AYE:

NAY:

ABSENT:

ABSTAIN:

PASSED BY THE BOARD OF ALDERMEN THIS DAY OF 2019.

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

ATTEST:

Randall K. Jones, City Clerk

APPROVED by the Mayor this day of 2019.



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JOSHUA D. HAWLEY
ATTORNEY GENERAL

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

July 19, 2018

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

Dear Representative Anders:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Linda Lemke
Assistant Attorney General

Chapter 430. Urban Redevelopment Regulations

Section 430.040. Procedural Requirements.

[Ord. No. 2764 §1(140.040), 4-1-2002]

- A. *Submission Of Application.* Three (3) applications for approval of a development plan pursuant to the provisions of this Chapter and Chapter 353, RSMo., shall be filed by the Redevelopment Corporation (a.k.a. the “urban redevelopment corporation”) at the office of the City Clerk. Additional copies may be requested as necessary to allow adequate review. Concurrent with such filing, the applicant shall file an application for rezoning to the appropriate land use district in accordance with the requirements of the zoning regulations of the City of Harrisonville (a.k.a the “City”) if the current zoning of the proposed development project is incompatible with the proposed development plan.
- B. *Contents Of Application.* An application for approval of a development plan shall contain the following supporting information:
1. A development plan of the property which shall include the following information:
 - a. A legal description of each parcel of land included in the proposed redevelopment area and a legal description of all property proposed to be acquired by eminent domain and a statement outlining the reasons why eminent domain is requested.
 - b. A proposed phasing or staging plan for the development project, if more than one (1) phase or stage is intended, and the time schedule for acquisition, commencement and completion of each phase or stage.
 - c. Existing structures to be demolished, retained and renovated and the time schedule for each.
 - d. Proposed new construction including, but not limited to, type of building (i.e., residential, commercial, industrial, office building heights, square footage, parking space).
 - e. Public improvements proposed with the development plan, including any proposed changes in existing public facilities, including, but not limited to, streets, sidewalks and utilities.
 - f. Amenities proposed to be included with the development.
 - g. Necessary zoning changes.
 2. A blight study prepared in accordance with the requirements of Section 430.060 of this Chapter.

3. A relocation plan in accordance with the requirements of Section 430.070 of this Chapter.
4. Appraisals of all parcels of property proposed for acquisition in accordance with the requirements of Section 430.080 of this Chapter.
5. An affidavit from the Redevelopment Corporation certifying financial capability of the redevelopment corporation to complete the development project as proposed in accordance with the requirements of Section 430.100. In addition, a market study demonstrating the financial and market feasibility of the proposed new development project.
6. A study analyzing post development project tax impact versus current tax levels to fully justify the tax abatement as economically essential to the proposed development project and assessing the impact of abatement on all taxing jurisdictions. This document shall also be provided as the basis for determining any in-lieu-of tax payments to be made by the Redevelopment Corporation during the period of abatement. A statement from the applicant indicating a willingness to make payments in lieu of taxes as necessary. Submittal of copies of return receipts indicating notice has been given to all taxing jurisdictions in accordance with the requirements of Section 430.090 herein.
7. A provision for the disposition of surplus earnings of the Redevelopment Corporation as provided in Chapter 353, RSMo.
8. Identification, including background and experience of the individuals who will be responsible for the management of the development plan and the development therein.
9. Certificate of Incorporation of the Redevelopment Corporation, including a certified copy of the articles of incorporation, names and addresses of the officers, directors and registered agent, and any owner, partner, member or shareholder in the Redevelopment Corporation.
10. A statement that each person or entity having a property interest of record (including any interest which is a security interest or any leasehold interest of record) and each occupant or resident in the project area has been given written notice of the filing of the development plan by depositing such notice in the regular United States mail, postage prepaid, addressed to such person or entity having a property interest of record at the address indicated in the records of the Recorder's office of Cass County in which the property is located and addressed to each occupant at the address of such occupant in the project area.
11. A deposit of five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) per individual tract of ground included in the proposed redevelopment. The applicant

shall also pay in advance to the City of Harrisonville a deposit and such additional sums necessary to cover costs for the City to engage independent professional services to assist in the review of the application, to conduct an analysis of the impact on City Services, financial and market feasibility, the financial capability of the Redevelopment Corporation to complete the development project, and the review of the ownership and management of the Redevelopment Corporation (“Professional Review”).

12. Any additional information from time to time which is deemed necessary.

C. *Review Process.*

1. *Filing application and review.* Upon receipt of the application, the City Clerk shall refer the application to the City Administrator and City Attorney for a determination that all required information has been submitted. A public hearing on said application shall be scheduled at the direction of the Mayor before the Board of Aldermen no later than ninety (90) days after determining the application and the Professional Review are complete (the “Public Hearing”).
2. *Initial Development Plan Review.* After the application and the Professional Review are complete, and prior to submittal to the Board, the development plan, at the discretion of the Mayor, may be reviewed by the Mayor, City Administrator, Community Development Director, and City Attorney, who may require the developer or Redevelopment Corporation to provide additional information. Such information must be provided to the City by the developer and Redevelopment Corporation prior to the scheduling of the Public Hearing, and the date of such Public Hearing may be postponed until such additional information requested is provided to the City. The Mayor may also create a committee of the Board to have an initial hearing on the development plan, which may determine that additional information should be provided by the developer or Redevelopment Corporation prior to the scheduling of the Public Hearing, and the date of such Public Hearing may be postponed until such additional information requested is provided to the City.
2. *Public notice.* A notice of said Public Hearing shall be published in a newspaper having a general circulation in the City of Harrisonville providing no less than fifteen (15) days' notice of the time and place of hearing before the Board of Aldermen. Applicant shall be required to give notice by mail to all property owners and occupants in the redevelopment area, to the taxpayers listed on the County tax rolls for any hearings before the Board of Aldermen no less than thirty (30) days before the date of the hearing. Applicant shall be notified in sufficient time of the date of the public hearing to give the mailed notices required herein to the property owners and occupants in the redevelopment area. Evidence of mailing of notices for each and every public hearing shall be given to the City, and should the applicant fail to provide the evidence of mailing of notices, the Public Hearing shall be postponed until such time as the applicant provides satisfactory evidence of mailing of notices.

3. *Board of Aldermen.* The Board of Aldermen shall have the following duties and responsibilities:
- a. A development plan shall not be recommended for approval by the Board of Aldermen until and unless the Board makes the following determinations:
 - (1) *Necessity.* That the area within which the redevelopment is to be made is blighted and that redevelopment in accordance with this development plan is necessary or advisable to effectuate the purposes declared in Section 430.010 of this Chapter.
 - (2) *Compliance with the Comprehensive Plan.* That the development complies with the Comprehensive Plan of the City.
 - (3) *Sufficient size.* That the area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner.
 - (4) *Stages of plan.* That the various stages, if any, by which the redevelopment is proposed to be constructed or undertaken as stated in the development plan are practical and in the public interest.
 - (5) *Public facilities.* That public facilities, including, but not limited to, school, fire, water, sewer, Police, transportation, park, playground or recreation, are presently adequate, or will be adequate at the time that the redevelopment is ready for use, to service the area and if additional public facilities are deemed necessary, the Redevelopment Corporation is required to build all public improvements to support the proposed development.
 - (6) *Zoning, street changes.* That the proposed changes, if any, in the case of the zoning ordinance or map have been approved by the Planning and Zoning Commission and in streets or street levels or any proposed street closings, are necessary or desirable for the redevelopment and its protection against blighting influences and for the City as a whole.
 - (7) *Financial capability.* Evidence of existing financial capability to complete the project and provision for the continuing availability of funding in accordance with the requirements of Section 430.100 of this Chapter.
 - (8) *Relocation plan.* That the relocation plan submitted with the application complies with the requirements of Section 430.070 of this Chapter.
 - (9) *Notice to taxing authorities.* That proper notice has been given to all taxing jurisdictions as required in Section 430.090(A) of this Chapter.

- (10) Payments in lieu of taxes. Approve and authorize execution of any agreement between the City and the applicant regarding payments in lieu of taxes.
 - (11) That the area included within a development plan is a blighted area and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for the public convenience and necessity
 - (12) That if a Redevelopment Corporation or developer seeks to acquire all or any part of the real property within a blighted area by exercise of the power of eminent domain, such acquisition is for the public convenience and necessity.
 - (13) That approval of the development plan and construction of the redevelopment project are necessary for the preservation of the public health, safety and general welfare.
- b. Upon making the findings and the declaration required, the Board of Aldermen shall consider an ordinance approving the development plan. If the Board of Aldermen approves the ordinance, the Board of Aldermen shall authorize the Mayor to enter into a contract with the Redevelopment Corporation on behalf of the City (the "Contract"), such Contract to contain, among other provisions, the provisions as embodied in the plan, the approving ordinance, a provision that the applicable provisions of this Chapter shall be incorporated by reference into such Contract, a provision outlining any required payments in lieu of taxes, a provision pertaining to non-compliance remedy of breach of contract as more particularly stated in Section 430.130 and a provision that the terms, conditions or provisions of the Contract can be neither modified nor eliminated except by mutual agreement between the City and the Redevelopment Corporation; provided however, that no such Contract shall be construed as an enlargement of the authority conferred upon the City by Chapter 353, RSMo. The City at its discretion may require the Redevelopment Corporation or developer to advance such sums necessary to for the City to engage an independent attorney to draft and negotiate the terms of the Contract.

Section 430.050. Plan Implementation.

[Ord. No. 2764 §1(140.050), 4-1-2002]

- A. *Certification Of Public Convenience And Necessity For Corporation To Acquire Property By Eminent Domain.* If the Redevelopment Corporation proposing a development plan seeks to acquire all or any part of the real property described in the development plan by eminent domain, the Board of Aldermen shall, by the ordinance approving such plan, determine that the public convenience and necessity will be served by the development

plan and the redevelopment project and shall grant to such Redevelopment Corporation a certificate of public convenience and necessity authorizing and empowering such Redevelopment Corporation to acquire by the exercise of eminent domain such real property in fee simple or other estate; provided that such real property shall be devoted to the purposes and uses described in the development plan. The Redevelopment Corporation may thereafter exercise the power of eminent domain in the manner provided for corporations in Revised Statutes of Missouri or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provision. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the City or to the State or any other political subdivision thereof may be acquired without its consent.

B. *Commission To Check Compliance, Make Reports, Adopt Rules And Regulations.*

1. Investigation and reports. It shall be the duty of the City Administrator, after a development plan has been approved by the Board of Aldermen, to investigate and report to the Board of Aldermen semi-annually during construction of the redevelopment project whether the Redevelopment Corporation is fully complying with the approved development plan, the Contract and this Chapter.
2. Compliance with time schedule. The Redevelopment Corporation shall comply with the time schedule or staging plan approved with the development plan, including the time schedule for acquisition, commencement and completion of each phase or stage. Upon application for an extension of time by the Redevelopment Corporation, the Board of Aldermen, if deemed in the public interest, may with a three-fourths ($\frac{3}{4}$) majority vote grant to the Redevelopment Corporation operating under an approved development plan an extension of time in which to complete the development plan or any approved phase or stage. In the event an extension is denied and the Redevelopment Corporation cannot comply with the required time schedule, an ordinance to repeal the ordinance approving the development plan shall be considered.
3. Recommendation of certification. When a Redevelopment Corporation operating under an approved development plan has completed the redevelopment project in accordance with the provisions of the development plan, the City Administrator, upon the written request of such Redevelopment Corporation, shall conduct an investigation and if the City Administrator determines that the project has been completed, the City Administrator shall recommend to the Board of Aldermen that a certificate of full compliance be issued to the Redevelopment Corporation for each stage and the Board of Aldermen may authorize the City Administrator to issue a certificate of compliance which shall be conclusive evidence of compliance.

C. *Reports Required By Corporations.*

1. Every Redevelopment Corporation shall render annually to the City Clerk during the period of tax relief provided in Section 430.090 a financial report for the preceding

year, verified under oath by the Redevelopment Corporation's certified public accountant, which report shall disclose the earnings of the Redevelopment Corporation and the disposition of any net earnings in excess of those provided for under Section 430.100 and the interest rate on income debenture bonds, notes or other evidence of debt of the Redevelopment Corporation, thereupon, the City Clerk shall forward the report to the City Administrator for review. Such financial reports shall be submitted not more than ninety (90) days after the Redevelopment Corporation's fiscal year end as specified in the application for approval of a development plan.

2. The Redevelopment Corporation shall annually file with the City Clerk a certified financial statement indicating compliance with Section 430.100 of this Chapter.
3. The Redevelopment Corporation shall report annually progress on property acquisition and the occupants displaced by the Redevelopment Corporation by name and address and specify the relocation benefits provided to each occupant.

Section 430.060. Supporting Evidence of Blight.

[Ord. No. 2764 §1(140.060), 4-1-2002]

Any application for approval of a development plan shall be supported by factual evidence that the area is a blighted area as defined by Chapter 353, RSMo. Evidence must be complete prior to any Public Hearing to allow the Board to make a finding of blight as required by Statute and this Chapter.

Section 430.070. Relocation Plan.

[Ord. No. 2764 §1(140.070), 4-1-2002]

- A. General. Every Redevelopment Corporation which requests the power of eminent domain for any part of the project area shall submit a relocation plan as part of the development plan.
- B. Contents Of Plan. The relocation plan shall outline specific requirements and procedures for handling displacement in each of the following instances: owner-occupied residential units, renter-occupied residential units, owner-occupied businesses, renter-occupied businesses or any combination of the above.
- C. Relocation Payments. Payments shall be made to all displaced occupants, except those occupants who have agreed to waive their relocation benefits for payments made for the purpose of real property or other mutually agreeable settlement. A displaced occupant who lives on a business property shall be eligible for both a payment as a dwelling occupant and a payment with respect to the business operation.
- D. Review Of The Relocation Plan. In reviewing any plan proposed, the City retains the right to determine the adequacy of the proposal and, if appropriate, require additional elements to be provided therein.

- E. Reporting Requirements. The Redevelopment Corporation shall submit to the City Clerk a relocation progress report on an annual basis during the entire relocation process and until such time as the Board of Aldermen certifies that all relocation needs have been met. Such progress report shall demonstrate and document compliance with the approved relocation plan. The report shall be certified by affidavit of a corporate officer.

Section 430.080. Acquisition of Real Property.

[Ord. No. 2764 §1(140.080), 4-1-2002]

- A. General. At the time of filing a development plan which provides for the acquisition of property by eminent domain, the Redevelopment Corporation shall certify that, as a condition of approval of the plan, it shall make every reasonable effort and good faith attempt to acquire the real property expeditiously by negotiation and ensure that owners of real property to be acquired are treated fairly and consistently. Further, the Redevelopment Corporation shall submit a property acquisition schedule on a parcel-by-parcel basis for the development area.
- B. Appraisal. The Redevelopment Corporation's appraisal of "fair market value" shall be based upon nationally recognized appraisal standards and techniques consistent with the concepts of value and the rules on the admissibility of evidence of value under the eminent domain law of the State of Missouri. The owner shall be notified, in writing, of all appraisals and be extended the opportunity to accompany the appraiser on their inspection.
- C. Offer Of Just Compensation. Promptly after establishment of just compensation the Redevelopment Corporation shall transmit a written purchase offer with a copy of the approved appraisal to the owner and furnish the City with proof such offer was received. The Redevelopment Corporation shall make every reasonable effort to meet with the owner or their representative to discuss the basis for the determination of just compensation and attempt to arrive at a negotiated purchase price. Should such negotiations continue for a period greater than ninety (90) days, either the owner or the Redevelopment Corporation may elect to proceed with eminent domain proceedings.
- D. Mandatory Purchase By Corporation. Upon arrival of the development plan or at any time thereafter during the life of the project, any property owner wishing to sell their property and relocate immediately may notify the Redevelopment Corporation of such in writing. Upon receipt of the request, the Redevelopment Corporation shall in good faith attempt to purchase by negotiation said property subject to eminent domain. If a sale of the property cannot be consummated within ninety (90) days, the corporation shall proceed forthwith to file a proceeding in condemnation.

Section 430.090. Tax Relief For Redevelopment Corporations.

[Ord. No. 2764 §1(140.090), 4-1-2002]

- A. Notice To Taxing Authority. In addition to the notification requirements of Section 430.040, written notice shall be given by the Redevelopment Corporation to all taxing authorities within the area that is the subject of the development plan. A separate notice shall be given prior to the filing of the development plan and the Public Hearing before the Board of Aldermen. Certification of notice shall be provided to the City Clerk at the time of filing the development plan and to the Board of Aldermen prior to the hearings before each body.
- B. Full Exemption. Once the requirements of this Section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this Chapter may be subject to full exemption of taxes for a period of up to ten (10) years as provided by Chapter 353, RSMo, and pursuant to the Contract with the City.
- C. Property Already Exempt. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, the County Assessor shall assess the property as provided by Chapter 353, RSMo.
- D. Partial Exemption. For the next ensuing period not in excess of fifteen (15) years, ad valorem taxes upon such real property shall be measured as provided by Chapter 353, RSMo., and pursuant to the Contract with the City.
- E. Full Assessment. After a period totaling not more than twenty-five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes as provided by Chapter 353, RSMo.
- F. Tax Agreements By Corporations. In the course of considering any development plan for approval, the Board of Aldermen shall consider any agreement, in writing, on behalf of the Redevelopment Corporation presenting such plan that, notwithstanding the provisions of the Missouri Redevelopment Corporations Law, it will make payments in lieu of real property taxes to the appropriate taxing bodies in such amount which, together with the real property taxes to be paid on the land for the first ten (10) years, shall, as a minimum, equal the total real property taxes on the land and improvements during the tax year immediately preceding purchase of the property by the corporation; however, such sum may actually in fact exceed the current level of taxes.

Section 430.100. Financial Restrictions On Corporation.

[Ord. No. 2764 §1(140.100), 4-1-2002]

Financial Capability. Proof of financial capability to complete the project shall include a description of the method by which the developer proposes to obtain the financing necessary to complete the project and the developer's proposed equity interest in the project. Further, this information shall be related to the market feasibility and proposed tax abatement to allow analysis of the project's financial feasibility.

Section 430.110. Prerequisites To Amendment of An Approved Development Plan.

[Ord. No. 2764 §1(140.110), 4-1-2002]

The Board of Aldermen shall review any amendment to a development plan previously approved by ordinance. No such amendment shall be reviewed and no action shall be taken by the Board of Aldermen, unless and until an application for amendment has been filed with the City Clerk by the Redevelopment Corporation or its assignee containing those portions of the statements and information required by Section 430.040 of this Chapter relevant to the proposed amendment and unless and until the Board of Aldermen shall make the determinations required by Section 430.040 relevant to the proposed amendment. The notice requirements of Section 430.040 shall also apply.

Section 430.120 Disposal of Property.

[Ord. No. 2764 §1(140.120), 4-1-2002]

Any urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purposes of a redevelopment project as provided by Chapter 353, RSMo.

Section 430.130 Remedies For Failure To Follow Plan or Breach of Contract.

[Ord. No. 2764 §1(140.130), 4-1-2002]

Whenever any person or Redevelopment Corporation or its grantee or assignees operating under an approved development plan does not substantially comply with the development plan or with any contract entered into pursuant to the regulations contained herein, then such non-compliance shall immediately be certified by the Board of Aldermen which shall direct the City Administrator to notify said Redevelopment Corporation, its successors, grantees and assignees who is the then current responsible party to the Contract with the City by certified mail to the last known address that it has been found in non-compliance and giving thirty (30) days' notice to correct said non-compliance. The thirty (30) day period shall begin on the date notice is posted. If the non-compliance has not been remedied within the thirty (30) day period, the Board of Aldermen may authorize an attorney to commence a proceeding in the Circuit Court in the name of the City to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise or bring an action for damages, including punitive damages against the urban redevelopment corporation for breach of any of the provisions of the redevelopment plan; provided that in the event that the Board of Aldermen determines that the Redevelopment Corporation has abandoned construction before completion of the project in accordance with the terms of an approved development plan, a declaration of abandonment shall be filed with the Recorder's office in the appropriate County and the real property thereafter

included in the plan shall be subject that date to assessment and payment of all ad valorem taxes based on the true value of such real property.

Section 430.140 Amendments To Chapter.

[Ord. No. 2764 §1(140.140), 4-1-2002]

- A. Amendments to this Chapter shall be approved by the Board of Aldermen. At such time as an amendment is recommended, it shall be scheduled for public hearings before the Board of Aldermen with fifteen (15) days' notice of the date, time and place of each hearing published in a newspaper having a general circulation of the City of Harrisonville.
- B. The Board of Aldermen shall hold a public hearing regarding the proposed amendment. Upon considering the evidence presented in the public hearing, the Board of Aldermen may either continue, for good cause, its action upon such an amendment to a date specific or approve or deny such amendment. Approval of the amendment shall be by ordinance.

Chapter 430. Urban Redevelopment Regulations

Section 430.040. Procedural Requirements.

[Ord. No. 2764 §1(140.040), 4-1-2002]

- A. *Submission Of Application.* Three (3) applications for approval of a development plan pursuant to the provisions of this Chapter and Chapter 353, RSMo., shall be filed by the Redevelopment eCorporation (a.k.a. the “urban redevelopment corporation”) at the office of the City Clerk. Additional copies may be requested as necessary to allow adequate review. Concurrent with such filing, the applicant shall file an application for rezoning to the appropriate land use district in accordance with the requirements of the zoning regulations of the City of Harrisonville (a.k.a the “City”) if the current zoning of the proposed development project is incompatible with the proposed development plan.
- B. *Contents Of Application.* An application for approval of a development plan shall contain the following supporting information:
1. A development plan of the property which shall include the following information:
 - a. A legal description of each parcel of land included in the proposed redevelopment area and a legal description of all property proposed to be acquired by eminent domain and a statement outlining the reasons why eminent domain is requested.
 - b. A proposed phasing or staging plan for the development project, if more than one (1) phase or stage is intended, and the time schedule for acquisition, commencement and completion of each phase or stage.
 - c. Existing structures to be demolished, retained and renovated and the time schedule for each.
 - d. Proposed new construction including, but not limited to, type of building (i.e., residential, commercial, industrial, office building heights, square footage, parking space).
 - e. Public improvements proposed with the development plan, including any proposed changes in existing public facilities, including, but not limited to, streets, sidewalks and utilities.
 - f. Amenities proposed to be included with the development.
 - g. Necessary zoning changes.
 2. A blight study prepared in accordance with the requirements of Section 430.060 of this Chapter.

3. A relocation plan in accordance with the requirements of Section [430.070](#) of this Chapter.
4. Appraisals of all parcels of property proposed for acquisition in accordance with the requirements of Section [430.080](#) of this Chapter.
5. An affidavit from the [Redevelopment eCorporation](#) certifying financial capability of the redevelopment corporation to complete the [development](#) project as proposed in accordance with the requirements of Section [430.100](#). In addition, a [qualified market study shall be performed by a qualified company and customized for the Harrisonville marketstudy](#) demonstrating the financial and market feasibility of the proposed new development project.
6. A study analyzing post [development](#) project tax impact versus current tax levels to fully justify the tax abatement as economically essential to the proposed [development](#) project and assessing the impact of abatement on all taxing jurisdictions. This document shall also be provided as the basis for determining any in-lieu-of tax payments to be made by the [Redevelopment eCorporation](#) during the period of abatement. A statement from the applicant indicating a willingness to make payments in lieu of taxes as necessary. Submittal of copies of return receipts indicating notice has been given to all taxing jurisdictions in accordance with the requirements of Section [430.090](#) herein.
7. A provision for the disposition of surplus earnings of the [Redevelopment eCorporation](#) as provided in Chapter 353, RSMo.
8. Identification, including background and experience of the individuals who will be responsible for the management of the development plan and the development therein.
9. Certificate of Incorporation of the Redevelopment Corporation, including a certified copy of the articles of incorporation, names and addresses of the officers, directors and registered agent, [and any owner, partner, member or shareholder having more than five percent \(5%\) ownership in the Redevelopment Corporation.](#)
10. A statement that each person or entity having a property interest of record (including any interest which is a security interest or any leasehold interest of record) and each occupant or resident in the project area has been given written notice of the filing of the development plan by depositing such notice in the regular United States mail, postage prepaid, addressed to such person or entity having a property interest of record at the address indicated in the records of the Recorder's office of Cass County in which the property is located and addressed to each occupant at the address of such occupant in the project area.

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11. A deposit of five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) per individual tract of ground included in the proposed redevelopment. ~~The applicant shall also pay in advance to the City of Harrisonville a deposit and such additional sums necessary to cover costs for the City to engage independent professional services to assist in the review of the application, to conduct an analysis of the impact on City Services, financial and market feasibility, the financial capability of the Redevelopment Corporation to complete the development project, and the review of the ownership and management of the Redevelopment Corporation (“Professional Review”). to a maximum of one thousand five hundred dollars (\$1,500.00) which shall be used to cover costs associated with the review of the application.~~
12. Any additional information from time to time which is deemed necessary.

C. *Review Process.*

1. *Filing application and review.* Upon receipt of the application, the City Clerk shall refer the application to the City Administrator and City Attorney for a determination that all required information has been submitted. A public hearing on said application shall be scheduled at the direction of the Mayor before the Board of Aldermen no later than ~~sixty-ninety (690)~~ sixty-ninety (690) days after determining the application and the Professional Review is/are complete (the “Public Hearing”).
2. *Initial Development Plan Review.* After the application and the Professional Review are complete, and prior to submittal to the Board, the development plan, at the discretion of the Mayor, may be reviewed by the Mayor, City Administrator, Community Development Director, and City Attorney, who may require the developer or Redevelopment Corporation to provide additional information. Such information must be provided to the City by the developer and Redevelopment Corporation prior to the scheduling of the Public Hearing, and the date of such Public Hearing may be postponed until such additional information requested is provided to the City. The Mayor may also create a committee of the Board to have an initial hearing on the development plan, which may determine that additional information should be provided by the developer or Redevelopment Corporation prior to the scheduling of the Public Hearing, and the date of such Public Hearing may be postponed until such additional information requested is provided to the City.
2. *Public notice.* A notice of said ~~p~~Public hearing shall be published in a newspaper having a general circulation in the City of Harrisonville providing no less than fifteen (15) days' notice of the time and place of hearing before the Board of Aldermen. Applicant shall be required to give notice by mail to all property owners and occupants in the redevelopment area, to the taxpayers listed on the County tax rolls for any hearings before the Board of Aldermen no less than thirty (30) days before the date of the hearing. Applicant shall be notified in sufficient time of the date of the public hearing to give the mailed noticed required herein to the property owners and occupants in the redevelopment area. Evidence of mailing of notices for each and every public hearing shall be given to the City, and should the applicant fail to provide

the evidence of mailing of notices, the Public Hearing shall be postponed until such time as the applicant provides satisfactory evidence of mailing of notices.

3. **Board of Aldermen.** The Board of Aldermen shall have the following duties and responsibilities:
- a. A development plan shall not be recommended for approval by the Board of Aldermen until and unless the Board makes the following determinations:
 - (1) *Necessity.* That the area within which the redevelopment is to be made is blighted and that redevelopment in accordance with this development plan is necessary or advisable to effectuate the purposes declared in Section 430.010 of this Chapter.
 - (2) *Compliance with the Comprehensive Plan.* That the development complies with the Comprehensive Plan of the City.
 - (3) *Sufficient size.* That the area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner.
 - (4) *Stages of plan.* That the various stages, if any, by which the redevelopment is proposed to be constructed or undertaken as stated in the development plan are practical and in the public interest.
 - (5) *Public facilities.* That public facilities, including, but not limited to, school, fire, water, sewer, Police, transportation, park, playground or recreation, are presently adequate, or will be adequate at the time that the redevelopment is ready for use, to service the area and if additional public facilities are deemed necessary, the Redevelopment eCorporation is required to build all public improvements to support the proposed development.
 - (6) *Zoning, street changes.* That the proposed changes, if any, in the case of the zoning ordinance or map have been approved by the Planning and Zoning Commission and in streets or street levels or any proposed street closings, are necessary or desirable for the redevelopment and its protection against blighting influences and for the City as a whole.
 - (7) *Financial capability.* Evidence of existing financial capability to complete the project and provision for the continuing availability of funding in accordance with the requirements of Section 430.100 of this Chapter.
 - (8) *Relocation plan.* That the relocation plan submitted with the application complies with the requirements of Section 430.070 of this Chapter.

- (9) Notice to taxing authorities. That proper notice has been given to all taxing jurisdictions as required in Section 430.090(A) of this Chapter.
 - (10) Payments in lieu of taxes. Approve and authorize execution of any agreement between the City and the applicant regarding payments in lieu of taxes.
 - (11) That the area included within a development plan is a blighted area and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for the public convenience and necessity
 - (12) That if a [Redevelopment eCorporation](#) or [developer](#) seeks to acquire all or any part of the real property within a blighted area by exercise of the power of eminent domain, such acquisition is for the public convenience and necessity.
 - (13) That approval of the development plan and construction of the redevelopment project are necessary for the preservation of the public health, safety and general welfare.
- b. Upon making the findings and the declaration required, the Board of Aldermen shall consider an ordinance approving the development plan. If the Board of Aldermen approves the ordinance, the Board of Aldermen shall authorize the Mayor to enter into a contract with the [Redevelopment eCorporation](#) on behalf of the City ([the "Contract"](#)), such [eContract](#) to contain, among other provisions, the provisions as embodied in the plan, the approving ordinance, a provision that the applicable provisions of this Chapter shall be incorporated by reference into such [eContract](#), a provision outlining any required payments in lieu of taxes, a provision pertaining to non-compliance remedy of breach of contract as more particularly stated in Section 430.130 and a provision that the terms, conditions or provisions of the [eContract](#) can be neither modified nor eliminated except by mutual agreement between the City and the [Redevelopment eCorporation](#); provided however, that no such [eContract](#) shall be construed as an enlargement of the authority conferred upon the City by Chapter 353, RSMo. [The City at its discretion may require the Redevelopment Corporation or developer to advance such sums necessary to for the City to engage an independent attorney to draft and negotiate the terms of the Contract.](#)

Section 430.050. Plan Implementation.

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[Ord. No. 2764 §1(140.050), 4-1-2002]

- A. *Certification Of Public Convenience And Necessity For Corporation To Acquire Property By Eminent Domain.* If the [Redevelopment eCorporation](#) proposing a development plan

seeks to acquire all or any part of the real property described in the development plan by eminent domain, the Board of Aldermen shall, by the ordinance approving such plan, determine that the public convenience and necessity will be served by the development plan and the redevelopment project and shall grant to such a [Redevelopment eCorporation](#) a certificate of public convenience and necessity authorizing and empowering such [Redevelopment eCorporation](#) to acquire by the exercise of eminent domain such real property in fee simple or other estate; provided that such real property shall be devoted to the purposes and uses described in the development plan. The [Redevelopment eCorporation](#) may thereafter exercise the power of eminent domain in the manner provided for corporations in Revised Statutes of Missouri or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provision. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the City or to the State or any other political subdivision thereof may be acquired without its consent.

B. *Commission To Check Compliance, Make Reports, Adopt Rules And Regulations.*

1. Investigation and reports. It shall be the duty of the City Administrator, after a development plan has been approved by the Board of Aldermen, to investigate and report to the Board of Aldermen semi-annually during construction of the redevelopment project whether the [Redevelopment eCorporation](#) is fully complying with the approved development plan, [the Contract](#) and this Chapter.
2. Compliance with time schedule. The [Redevelopment eCorporation](#) shall comply with the time schedule or staging plan approved with the development plan, including the time schedule for acquisition, commencement and completion of each phase or stage. Upon application for an extension of time by the [Redevelopment Corporation](#), the Board of Aldermen, if deemed in the public interest, may with a three-fourths (¾) majority vote grant to the [Redevelopment Corporation](#) ~~eorporation~~ operating under an approved development plan an extension of time in which to complete the development plan or any approved phase or stage. In the event an extension is denied and the [Redevelopment Corporation](#) ~~eorporation~~ cannot comply with the required time schedule, an ordinance to repeal the ordinance approving the development plan shall be considered.
3. Recommendation of certification. When a [Redevelopment Corporation](#) ~~eorporation~~ operating under an approved development plan has completed the redevelopment project in accordance with the provisions of the development plan, the City Administrator, upon the written request of such [Redevelopment Corporation](#) ~~eorporation~~, shall conduct an investigation and if the City Administrator determines that the project has been completed, the City Administrator shall recommend to the Board of Aldermen that a certificate of full compliance be issued to the [Redevelopment Corporation](#) ~~eorporation~~ for each stage and the Board of Aldermen may authorize the City Administrator to issue a certificate of compliance which shall be conclusive evidence of compliance.

C. *Reports Required By Corporations.*

1. Every ~~Redevelopment Corporation~~ ~~corporation~~ shall render annually to the City Clerk during the period of tax relief provided in Section 430.090 a financial report for the preceding year, verified under oath by the ~~Redevelopment Corporation's~~ ~~corporation's~~ certified public accountant, which report shall disclose the earnings of the ~~Redevelopment Corporation~~ ~~corporation~~ and the disposition of any net earnings in excess of those provided for under Section 430.100 and the interest rate on income debenture bonds, notes or other evidence of debt of the ~~Redevelopment Corporation~~ ~~corporation~~, thereupon, the City Clerk shall forward the report to the City Administrator for review. Such financial reports shall be submitted not more than ninety (90) days after the ~~Redevelopment Corporation's~~ ~~corporation's~~ fiscal year end as specified in the application for approval of a development plan.
2. The ~~Redevelopment Corporation~~ ~~corporation~~ shall annually file with the City Clerk a certified financial statement indicating compliance with Section 430.100 of this Chapter.
3. The ~~Redevelopment Corporation~~ ~~corporation~~ shall report annually progress on property acquisition and the occupants displaced by the ~~Redevelopment Corporation~~ ~~corporation~~ by name and address and specify the relocation benefits provided to each occupant.

Section 430.060. Supporting Evidence of Blight.

[Ord. No. 2764 §1(140.060), 4-1-2002]

Any application for approval of a development plan shall be supported by factual evidence that the area is a blighted area as defined by Chapter 353, RSMo. Evidence must be complete prior to any Public Hearing to allow the Board to make a finding of blight as required by Statute and this Chapter.

Section 430.070. Relocation Plan.

[Ord. No. 2764 §1(140.070), 4-1-2002]

- A. General. Every ~~Redevelopment Corporation~~ ~~corporation~~ which requests the power of eminent domain for any part of the project area shall submit a relocation plan as part of the development plan.
- B. Contents Of Plan. The relocation plan shall outline specific requirements and procedures for handling displacement in each of the following instances: owner-occupied residential units, renter-occupied residential units, owner-occupied businesses, renter-occupied businesses or any combination of the above.
- C. Relocation Payments. Payments shall be made to all displaced occupants, except those occupants who have agreed to waive their relocation benefits for payments made for the

purpose of real property or other mutually agreeable settlement. A displaced occupant who lives on a business property shall be eligible for both a payment as a dwelling occupant and a payment with respect to the business operation.

- D. Review Of The Relocation Plan. In reviewing any plan proposed, the City retains the right to determine the adequacy of the proposal and, if appropriate, require additional elements to be provided therein.
- E. Reporting Requirements. The [Redevelopment Corporation](#) shall submit to the City Clerk a relocation progress report on an annual basis during the entire relocation process and until such time as the Board of Aldermen certifies that all relocation needs have been met. Such progress report shall demonstrate and document compliance with the approved relocation plan. The report shall be certified by affidavit of a corporate officer.

Section 430.080. Acquisition of Real Property.

[Ord. No. 2764 §1(140.080), 4-1-2002]

- A. General. At the time of filing a development plan which provides for the acquisition of property by eminent domain, the [Redevelopment Corporation](#) shall certify that, as a condition of approval of the plan, it shall make every reasonable effort and good faith attempt to acquire the real property expeditiously by negotiation and ensure that owners of real property to be acquired are treated fairly and consistently. Further, the [Redevelopment Corporation](#) shall submit a property acquisition schedule on a parcel-by-parcel basis for the development area.
- B. Appraisal. The [Redevelopment Corporation's](#) appraisal of "fair market value" shall be based upon nationally recognized appraisal standards and techniques consistent with the concepts of value and the rules on the admissibility of evidence of value under the eminent domain law of the State of Missouri. The owner shall be notified, in writing, of all appraisals and be extended the opportunity to accompany the appraiser on their inspection.
- C. Offer Of Just Compensation. Promptly after establishment of just compensation the [Redevelopment Corporation](#) shall transmit a written purchase offer with a copy of the approved appraisal to the owner and furnish the City with proof such offer was received. The [Redevelopment Corporation](#) shall make every reasonable effort to meet with the owner or their representative to discuss the basis for the determination of just compensation and attempt to arrive at a negotiated purchase price. Should such negotiations continue for a period greater than ninety (90) days, either the owner or the [Redevelopment Corporation](#) may elect to proceed with eminent domain proceedings.
- D. Mandatory Purchase By Corporation. Upon **arrival-submittal** of the development plan or at any time thereafter during the life of the project, any property owner wishing to sell their property and relocate immediately may notify the [Redevelopment Corporation](#) of such in writing. Upon receipt of the request, the [Redevelopment Corporation](#)

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shall in good faith attempt to purchase by negotiation said property subject to eminent domain. If a sale of the property cannot be consummated within ninety (90) days, the corporation shall proceed forthwith to file a proceeding in condemnation.

Section 430.090. Tax Relief For Redevelopment Corporations.

[Ord. No. 2764 §1(140.090), 4-1-2002]

- A. Notice To Taxing Authority. In addition to the notification requirements of Section 430.040, written notice shall be given by the ~~Redevelopment Corporation corporation~~ to all taxing authorities within the area that is the subject of the development plan. A separate notice shall be given prior to the filing of the development plan and the ~~Public h~~earing before the Board of Aldermen. Certification of notice shall be provided to the City Clerk at the time of filing the development plan and to the Board of Aldermen prior to the hearings before each body.
- B. Full Exemption. Once the requirements of this Section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this Chapter ~~shall may~~ be subject to full exemption of taxes for a period of ~~up to~~ ten (10) years as provided by Chapter 353, RSMo. ~~and pursuant to the Contract with the City.~~
- C. Property Already Exempt. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, the County Assessor shall assess the property as provided by Chapter 353, RSMo.
- D. Partial Exemption. For the next ensuing period not in excess of fifteen (15) years, ad valorem taxes upon such real property shall be measured as provided by Chapter 353, RSMo. ~~and pursuant to the Contract with the City.~~
- E. Full Assessment. After a period totaling not more than twenty-five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes as provided by Chapter 353, RSMo.
- F. Tax Agreements By Corporations. In the course of considering any development plan for approval, the Board of Aldermen shall consider any agreement, in writing, on behalf of the ~~Redevelopment Corporation corporation~~ presenting such plan that, notwithstanding the provisions of the Missouri Redevelopment Corporations Law, it will make payments in lieu of real property taxes to the appropriate taxing bodies in such amount which, together with the real property taxes to be paid on the land for the first ten (10) years, shall, as a minimum, equal the total real property taxes on the land and improvements during the tax year immediately preceding purchase of the property by the corporation; however, such sum may actually in fact exceed the current level of taxes.

Section 430.100. Financial Restrictions On Corporation.

[Ord. No. 2764 §1(140.100), 4-1-2002]

Financial Capability. Proof of financial capability to complete the project shall include a description of the method by which the developer proposes to obtain the financing necessary to complete the project and the developer's proposed equity interest in the project. Further, this information shall be related to the market feasibility and proposed tax abatement to allow analysis of the project's financial feasibility.

Section 430.110. Prerequisites To Amendment of An Approved Development Plan.

[Ord. No. 2764 §1(140.110), 4-1-2002]

The Board of Aldermen shall review any amendment to a development plan previously approved by ordinance. No such amendment shall be reviewed and no action shall be taken by the Board of Aldermen, unless and until an application for amendment has been filed with the City Clerk by the [Redevelopment Corporation](#) or its assignee containing those portions of the statements and information required by Section [430.040](#) of this Chapter relevant to the proposed amendment and unless and until the Board of Aldermen shall make the determinations required by Section [430.040](#) relevant to the proposed amendment. The notice requirements of Section [430.040](#) shall also apply.

Section 430.120 Disposal of Property.

[Ord. No. 2764 §1(140.120), 4-1-2002]

Any urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purposes of a redevelopment project as provided by Chapter 353, RSMo.

Section 430.130 Remedies For Failure To Follow Plan or Breach of Contract.

[Ord. No. 2764 §1(140.130), 4-1-2002]

Whenever any person or [Redevelopment Corporation](#) or its grantee or assignees operating under an approved development plan does not substantially comply with the development plan or with any contract entered into pursuant to the regulations contained herein, then such non-compliance shall immediately be certified by the Board of Aldermen which shall direct the City Administrator to notify said [Redevelopment Corporation](#), its successors, grantees and assignees who is the then current responsible party to the [Contract](#) with the City by certified mail to the last known address that it has been found in non-compliance and giving thirty (30) days' notice to correct said non-compliance. The thirty (30) day period shall begin on the date notice is posted. If the non-

compliance has not been remedied within the thirty (30) day period, the Board of Aldermen may authorize an attorney to commence a proceeding in the Circuit Court in the name of the City to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise or bring an action for damages, including punitive damages against the ~~Urban Redevelopment Corporation~~ for breach of any of the provisions of the redevelopment plan; provided that in the event that the Board of Aldermen determines that ~~a the Redevelopment Corporation corporation~~ has abandoned construction before completion of the project in accordance with the terms of an approved development plan, a declaration of abandonment shall be filed with the Recorder's office in the appropriate County and the real property thereafter included in the plan shall be subject that date to assessment and payment of all ad valorem taxes based on the true value of such real property.

Section 430.140 Amendments To Chapter.

[Ord. No. 2764 §1(140.140), 4-1-2002]

- A. Amendments to this Chapter shall be approved by the Board of Aldermen. At such time as an amendment is recommended, it shall be scheduled for public hearings before the Board of Aldermen with fifteen (15) days' notice of the date, time and place of each hearing published in a newspaper having a general circulation of the City of Harrisonville.
- B. The Board of Aldermen shall hold a public hearing regarding the proposed amendment. Upon considering the evidence presented in the public hearing, the Board of Aldermen may either continue, for good cause, its action upon such an amendment to a date specific or approve or deny such amendment. Approval of the amendment shall be by ordinance.



TO: Board of Aldermen
FROM: Randy Jones, City Clerk
DATE: September 10, 2019
SUBJECT: August 2019 Municipal Court Report

Type of Item: *Report*

A. Action Item (ID # 3347)

August 2019 Municipal Court Report

Attachments:

Municipal Court August 2019 (PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI
CASS COUNTY

I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of August 2019 and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.

Kevin K. Anderson
Kevin K. Anderson
Municipal Court Judge

8/9/19
Date

Presented and reviewed as required by Court Operating Rule 4.29.

Randy H. Jones
City Clerk

9-10-19
Date

Subscribed and sworn to before me this 10th day of September, 2019.

Caroline E. Vaughn
Notary

CAROLINE E. VAUGHN
Notary Public - Notary Seal
State of Missouri
Commissioned for Cass County
My Commission Expires: March 14, 2023
Commission Number: 19500796

Attachment: Municipal Court August 2019 (August 2019 Municipal Court Report)

Municipal Division Summary Reporting

17th Judicial Circuit - Cass County - Harrisonville Municipal Division

I. COURT INFORMATION

Reporting Period:		
August	2019	Court activity occurred in reporting period: Yes
Clerk's Physical Address:		Mailing Address:
300 E. Pearl St. Harrisonville, MO 64701		PO Box 367 Harrisonville, MO 64701
Telephone Number:		Vendor
(816) 380-8903		Incode (Tyler Technologies)
Prepared by:		Prepared by E-mail Address:
Michelle Shaffer		michelle.shaffer@courts.mo.gov
		Municipal Judge(s) Active During Reporting Period:
		Kevin Anderson

II. MONTHLY CASELOAD INFORMATION		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month		50	593	841
B. Cases (citations / informations) filed		8	76	51
C. Cases (citations / informations) disposed				
	1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
	2. court / bench trial - GUILTY	0	3	2
	3. court / bench trial - NOT GUILTY	0	0	0
	4. plea of GUILTY in court	2	60	39
	5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	0	24	1
	6. dismissed by court	1	3	1
	7. nolle prosequi	1	6	10
	8. certified for jury trial (not heard in the Municipal Division)	0	0	0
	9. TOTAL CASE DISPOSITIONS	4	96	53
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) - C9]		54	573	839
E. Trial de Novo and / or appeal applications filed		0	0	0

III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	112	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	145	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	868		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines – Excess Revenue	\$8,601.00
Clerk Fee – Excess Revenue	\$733.36
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue	\$22.63
Bond forfeitures (paid to city) – Excess Revenue	\$3,777.00
Total Excess Revenue	\$13,133.99
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines – Other	\$5,564.50
Clerk Fee – Other	\$440.15
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	
Peace Officer Standards and Training (POST) Commission surcharge	\$97.80
Crime Victims Compensation (CVC) Fund surcharge – Paid to State	\$697.26
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other	\$13.58
Law Enforcement Training (LET) Fund surcharge	\$195.57
Domestic Violence Shelter surcharge	\$195.57
Inmate Prisoner Detainee Security Fund surcharge	\$195.58
Sheriffs' Retirement Fund (SRF) surcharge	\$291.00
Restitution	\$0.00
Parking ticket revenue (including penalties)	\$0.00
Bond forfeitures (paid to city) – Other	\$1,890.00
Total Other Revenue	\$9,581.01
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.	
DWI Recoupment Fee - Not subject to Excess Revenue	\$150.00
Over Payment - subject Excess Revenue	\$0.10
Total Other Disbursements	\$150.10
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$22,865.10
Bond Refunds	\$1,134.50
Total Disbursements	\$23,999.60