

MARCH 27, 2007  
MINUTES OF THE BELTON BOARD OF ALDERMEN  
CITY HALL ANNEX, 520 MAIN STREET  
BELTON, MISSOURI

Mayor Odom called the regular meeting to order at 8:05 P.M. A budget worksession preceded the meeting.

Alderman Savage led the pledge of allegiance to the flag. Aldermen present: Brown, Neff, Lathrop, Savage, Gough, Davidson, Loughridge and Hoag. Ron Trivitt, City Administrator; Christine Bushyhead, City Attorney; and Patti Ledford, City Clerk, were also present.

CONSENT AGENDA:

Alderman Savage moved to approve the consent agenda consisting of a motion approving the March 13, 2007 minutes of the Board of Aldermen meeting; motion approving an application for a liquor-by-the-drink license for Buffalo Wild Wings, 1121 E. North Avenue, in the name of Stephen G. Mitchell, managing officer; motion approving a change in managing officer for a package liquor license for Prestige Liquor, 8316 E. 171<sup>st</sup> Street, in the name of Stephanie Hazelton, managing officer; motion approving the Police Judge's report for February 2007; motion approving Resolution No. 2007-29, **a resolution authorizing the mayor to sign an indemnification agreement with Rock Brook Church on behalf of the City of Belton**; and a motion canceling the April 3, 2007 worksession due to the election, seconded by Alderman Lathrop. Vote on the consent agenda was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. Motion carried.

PERSONAL APPEARANCES:

During the worksession Mayor Jimmy Odom presented the Belton High School Dance Team with a proclamation and certificates of achievement for receiving the Missouri State 4-A Championship for the third year in a row, for their performance February 24, 2007 at the Missouri State Dance Championships.

**Ken Vansickle**, representing the Belton Raymore Rotary Club, requested approval to sell newspapers for Greater Kansas City Day on Monday, April 2, 2007. Monday is opening day for baseball season and the metro area Rotary Clubs sell The Kansas City Star for charitable means. **Alderman Brown moved to approve a request of the Belton Raymore Rotary Club to sell newspapers for Greater Kansas City Day on April 2, 2007**, seconded by Alderman Loughridge. Vote on the motion was recorded; Ayes: 8, Aldermen Hoag, Loughridge, Davidson, Gough, Savage, Lathrop, Neff, and Brown; Noes: None; Absent: None. Motion carried.

**Wes Denton**, J.E. Dunn, reviewed with the Board the status of the fire station construction projects and reviewed the bid evaluation and award process. He introduced Aaron Cady, Project Manager, for the project. Mr. Denton reported the bids were advertised on March 9<sup>th</sup>, yesterday. Addendum one was completed pertaining to scopes of work. The architects are working on a few minor details that will be issued in addendum two, due out tomorrow, and bids will be opened on April 5<sup>th</sup>. The notice was advertised in many venues in order to receive good

competitive prices, and to date, they have more than 20 positive confirmations that will bid. From a scheduling standpoint they are still estimating an 8-month construction schedule. He would like to propose and present the bids at the April 10<sup>th</sup> meeting and at the April 17<sup>th</sup> meeting present another status update and release the rest of the project. Mr. Trivitt said it is important for the Board to be aware there will be many contracts involved.

**Derek Moorhead**, 107 Cambridge Meadows Lanes, attorney representing Aaron's Family Fun Center, requested the Board consider a variance to Section 12-74(a) of the Code of Ordinances. He appeared before the Board a few weeks ago and the discussion with the Board was very productive and helpful. He has spent the last few weeks compiling documentation regarding issues of sight, sound, and security. Most recently they have been able to broach some communication issues. He extended appreciation to Alderman Davidson who has helped bridge that communication with his client and some concerned neighbors. He asked for consideration from the Board for Aaron's to remain open on Friday and Saturday nights until 1:30 a.m. and open on Sunday's at 9:00 a.m. Alderman Davidson said there was communication with Dave Clark, Bob Schmidt, and Mr. and Mrs. Lickteg. Mr. Schmidt said there would be no outdoor activity after midnight, with the exception of about 6 times of year with after-graduation parties, after-prom, etc. He provided the Lickteg's with his phone number, and they will hire off-duty police officers. Alderman Davidson's preference would be off-duty Belton police officers. Mr. Schmidt said they have hired off-duty Cass County deputy sheriffs. Chief Person said he had conversations with Bob Rouse about security, and did not want this viewed as the police departments attempt to secure additional employment. So he said his department did not want to specifically be considered for that because of the perception of enforcing an ordinance with the anticipation of additional employment for the officers. Chief Person said their suggestion through the years is that they hire a professional security company. Alderman Davidson said they have agreed to notify all the neighbors in the immediate area when these various functions will be held. He also said that the pool tables are going to be removed. Mayor Odom said the City Attorney will review the ordinance Section 12-74(a) to see if it is permissible. Mayor Odom said they wanted them to work with the surrounding neighbors and was glad they chose to do that, and he thanked Mr. Schmidt for agreeing to do that. Alderman Hoag said in the past there have been promises made that there will be sound barriers, but apparently that did not come to pass, so he asked if there was a time limit when this will be addressed. Mr. Moorehead said trees were planted to assist with that, and according to the acoustics study, there has been a reduction of sound, but if additional steps need to be taken, they are willing to address that. Ms. Bushyhead asked for clarification on the variance. Mr. Moorehead said they are requesting the hours of operation be allowed to be extended only on Friday and Saturday nights until 1:30 a.m. and open on Sunday mornings at 9:00 a.m., for the bowling alley only, and inside only. Mayor Odom said this will be discussed at the next worksession.

**Dave Clark**, 16112 Louisville Court, suggested the Board look into some ordinances on the books, specifically the amusement ordinance. That particular ordinance was adopted in 1979. He said he worked for Countryside Lanes in 1984 and never left work until 1:30 a.m., and the ordinance was not enforced then. He does not know how many ordinances are on the books that are outdated and not relevant to today. He suggested the Mayor form a committee or appoint a group of business owners to review some of the ordinances on the books and how they can be applied to today's standards.

ORDINANCES:

Mr. Trivitt gave the final reading of Bill No. 2007-26, **AN ORDINANCE APPROVING THE PROPOSED FISCAL YEAR 2008 CITY BUDGET, AS REVISED AND APPROPRIATING FUNDS FROM THE REVENUES OF THE CITY.** Presented by Alderman Lathrop, seconded by Alderman Davidson. The Council was polled and the following vote recorded; Ayes: 8, Aldermen Hoag, Loughridge, Davidson, Gough, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. Bill No. 2007-26 was declared passed and in full force and effect as Ordinance No. 2007-3325, subject to Mayoral veto.

Mr. Trivitt gave the final reading of Bill No. 2007-31, **AN ORDINANCE AMENDING SECTION 13-40 OF THE CODE OF ORDINANCES, CITY OF BELTON, MISSOURI REGARDING THE SPEED LIMIT ON MISSOURI HIGHWAY.** Presented by Alderman Lathrop, seconded by Alderman Gough. The Council was polled and the following vote recorded; Ayes: 8, Aldermen Hoag, Loughridge, Davidson, Gough, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. Bill No. 2007-31 was declared passed and in full force and effect as Ordinance No. 2007-3326, subject to Mayoral veto.

At the direction of Christine Bushyhead, City Attorney, Bill No. 2007-32 was not read, **AN ORDINANCE APPROVING AN IMPACT FEE PAYMENT AGREEMENT WITH PENNY BRADY d/b/a/ BLADES HAIR SALON AND TANNING, LLC.** Ms. Bushyhead informed the Board she has been communicating with Ms. Brady with regard to the agreement. Ms. Brady is asking to make a payment of \$2,500 and defer any other payments until December 2007, at which time she would start making the quarterly payments. However, once she makes the initial down payment of \$2,500, she is asking for the letter of credit to cease. After some discussion the Board consensus was to continue to require the letter of credit until the impact fee is paid in full. Ms. Bushyhead said she would relay the information to Ms. Brady.

Mr. Trivitt read Bill No. 2007-33, **AN ORDINANCE AMENDING THE CITY OF BELTON, MISSOURI'S CODE BY ENACTING AMENDMENTS TO CHAPTER 15, ARTICLE III, DIVISION 2, SECTION 15-168 ("CODE).** Presented by Alderman Hoag, seconded by Alderman Lathrop. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. First reading passed.

Mr. Trivitt read Bill No. 2007-34, **AN ORDINANCE AMENDING CHAPTER 12, LICENSES AND BUSINESS REGULATIONS, OF THE CITY OF BELTON CODE OF ORDINANCES, ESTABLISHING SPECIFIC REGULATIONS FOR THE LICENSURE AND OPERATION OF ICE CREAM PEDDLERS BY AMENDING ARTICLE VIII, PEDDLERS AND TRANSIENT MERCHANTS, BY ADDING SECTION 12-287, ICE CREAM PEDDLERS, AND BY ADDING A NEW ARTICLE XIX, ICE CREAM PEDDLERS.** Presented by Alderman Hoag, seconded by Alderman Lathrop. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. **Alderman Brown moved to hear the final reading,** seconded by Alderman Savage. The final reading was read, presented by Alderman Lathrop, seconded by Alderman Hoag. The Council was polled and the following vote recorded; Ayes: 8, Aldermen Brown, Neff, Savage, Lathrop, Hoag, Loughridge, Davidson, and Gough; Noes: None; Absent: None. Bill No. 2007-34 was declared passed and in full force and effect as Ordinance No. 2007-3327, subject to Mayoral veto.

Mr. Trivitt read Bill No. 2007-35, **AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A HOME DAYCARE BUSINESS TO OPERATE AT 216 SEE**

**AVENUE.** Presented by Alderman Savage, seconded by Alderman Gough. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. First reading passed.

Mr. Trivitt read Bill No. 2007-36, **AN ORDINANCE AUTHORIZING THE EXECUTION OF A FARM LEASE AGREEMENT WITH GERALD JOHNSON.** Presented by Alderman Lathrop, seconded by Alderman Savage. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. **Alderman Lathrop moved to hear the final reading,** seconded by Alderman Savage. All voted in favor. The final reading was read. Presented by Alderman Lathrop, seconded by Alderman Savage. The Council was polled and the following vote recorded; Ayes: 8, Aldermen Brown, Neff, Savage, Lathrop, Hoag, Loughridge, Davidson, and Gough; Noes: None; Absent: None. Bill No. 2007-36 was declared passed and in full force and effect as Ordinance No. 2007-3328, subject to Mayoral veto.

Mr. Trivitt read Bill No. 2007-37, **AN ORDINANCE AMENDING ARTICLE II, SECTION 2 D; ARTICLE II, SECTION 3 D; ARTICLE II, SECTION 4 D; AND ARTICLE II, SECTION 5 D, OF THE CITY ZONING ORDINANCE REGARDING ADMINISTRATIVE VARIANCE - SETBACKS.** Presented by Alderman Savage, seconded by Alderman Lathrop. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. First reading passed.

Mr. Trivitt read Bill No. 2007-38, **AN ORDINANCE AMENDING LANGUAGE TO BETTER REFLECT THE DUTIES OF THE PLANNING COMMISSION IN CHAPTER 18 OF THE CODE OF ORDINANCES, CITY OF BELTON, MISSOURI.** Presented by Alderman Loughridge, seconded by Alderman Gough. Vote on the first reading was recorded; Ayes: 8, Aldermen Gough, Davidson, Loughridge, Hoag, Brown, Neff, Lathrop, and Savage; Noes: None; Absent: None. First reading passed.

#### RESOLUTIONS:

Mr. Trivitt read R2007-30, **A RESOLUTION REIMBURSING KANSAS CITY HOMES, LLC, \$53,071.81 FOR UPSIZING THE AUTUMN RIDGE-FIRST PLAT WATER MAIN.** Presented by Alderman Lathrop, seconded by Alderman Loughridge. Vote on the resolution was then recorded; Ayes: 8, Aldermen Brown, Neff, Lathrop, Savage, Gough, Davidson, Loughridge, and Hoag; Noes: None; Absent: None. Resolution passed.

Mr. Trivitt read R2007-31, **A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ACCESS TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATION, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.** Presented by Alderman Hoag, seconded by Alderman Davidson. Mr. Trivitt said passage of this resolution is needed to apply for the CDBG grant. Vote on the resolution was then recorded; Ayes: 8, Aldermen Brown, Neff, Lathrop, Savage, Gough, Davidson, Loughridge, and Hoag; Noes: None; Absent: None. Resolution passed.

Mr. Trivitt read R2007-32, **A RESOLUTION OF THE CITY OF BELTON, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.** Presented by Alderman Lathrop, seconded by Alderman Neff. Vote on the resolution was then recorded; Ayes: 8, Aldermen Brown, Neff, Lathrop, Savage, Gough, Davidson, Loughridge, and Hoag; Noes: None; Absent: None. Resolution passed.

#### MAYOR'S COMMUNICATIONS:

Mayor Odom received a letter from the Government Finance Officers Association awarding Mike Wade, Finance Director, with the Certificate of Excellence in Achievement for the Comprehensive Annual Report. This certificate is the highest form of recognition. Mr. Wade said he has a good staff and the award would not be possible without them.

Mayor Odom said the signs for the capital improvement sales tax issue have been delivered and those wanting signs should let him know.

Mayor Odom said he is ending his first term as Mayor and has enjoyed working with the Board and they are a good collective group. The elections are Tuesday, April 3<sup>rd</sup> and there will not be a meeting. He thanked the citizens for allowing him to serve and for their support on the bond issues. There has been a lot of activity since he became Mayor. He is proud to be a citizen of Belton and proud to call Belton his home.

#### APPROPRIATIONS ORDINANCE:

Mr. Trivitt read Bill No. 2007-06 in the amount of \$1,054,798.71. Presented by Alderman Savage, seconded by Alderman Lathrop. Vote on the first reading was recorded; Ayes: 8, Aldermen Brown, Neff, Lathrop, Savage, Hoag, Loughridge, Davidson, and Gough; Noes: None; Absent: None. The final reading was read. Presented by Alderman Savage, seconded by Alderman Lathrop. The Council was polled and the following vote recorded; Ayes: 8, Aldermen Brown, Neff, Lathrop, Savage, Hoag, Loughridge, Davidson, and Gough; Noes: None; Absent: None. Appropriations Ordinance No. 2007-148 passed.

#### OTHER BUSINESS:

In other business, Alderman Hoag asked if the Cass County Health Department has been involved in the house unfit for human habitation in West Belton. Robyn Bair, Community Development Director, said three calls have been made to the department and there has not been any response. A letter is going out to the elected officials of the county. Alderman Hoag said he was in the area last night and the resident is going in and out of the residence. He said it is a health hazard. Alderman Loughridge asked if there is something the City can do with a legal letter. Ms. Bushyhead said that is something that can be looked into. Alderman Brown asked if this is rental property or someone's home. Ms. Bair said it is someone's home. He asked if it has been condemned. Ms. Bair said no, there is a legal process the City must go through.

Theresa Ryan, Assistant Finance Director, asked the Board to leave their budget books so that the changes made to the budget can be inserted into their books.

Alderman Savage said some cable is being installed going into Kohl's and the sidewalks are broken. He asked that staff look into it and make sure they are repaired.

Alderman Loughridge asked if staff has come up with a plan to inform residents on Colbern and Walnut, how they are going to get in and out of their property when they start tearing up the streets for the sewer project. Ed Ieans, City Engineer, said residents will be contacted once the contracts are signed.

Chief Person suggested that if the Board is going to allow Aaron's Family Fun Center to operate, amend the ordinance to allow for that, and also suggested the Board look at the code pertaining to amusement facilities. There is also a section in the code that allows for pool tournaments and he suggested that section of the code be reviewed as well. Ms. Bushyhead said she is reviewing the information.

Alderman Brown requested discussion at the next worksession of health benefits for city employees.

Being no further business, Alderman Hoag moved to adjourn the meeting, seconded by Alderman Lathrop. All voted in favor. The meeting adjourned at 8:57 P.M.

---

Patti Ledford, City Clerk

---

Jimmy Odom, Mayor