

CORRECTED

**CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
MINUTES
JANUARY 19, 2009
7:00 P.M.**

PRESENT

The Board of Aldermen of the City of Harrisonville, Missouri, met in Regular Session on January 19, 2009, at 7:00 p.m. in the Council Chambers at Harrisonville City Hall. The meeting was called to order by Mayor Kevin Wood.

Aldermen present: Allison Licht, Morris Coburn, Dorothy Young, David Dickerson, Mike Fools, and Bill Mollenhour

Alderman absent: Lane Hammonds

There was a quorum present.

Other officials present: Mayor Kevin Wood, City Administrator Keith Moody, City Attorney Steve Mauer, Finance Director Mike Tholen, Information Specialist Sheryl Stanley, Community Development Director Rick DeLuca, Codes Administrator Steve Rauscher, and City Clerk Debbie Grant.

APPROVAL OF MINUTES

ITEM NO. 4 - APPROVAL OF MINUTES. Alderman Young moved to approve the minutes of January 5, 2009 regular session. The motion was seconded by Alderman Dickerson and approved unanimously by a voice vote of those present.

PUBLIC PARTICIPATION

ITEM NO. 5 – PUBLIC PARTICIPATON – Mr. Scott Emmons, resident of Harrisonville, addressed the Board asking about pedestrian crossings and light signals at the revised intersection into the Harrisonville Market Place at Mechanic and Commercial. Also, he asked if there would be wheelchair access at the intersection.

Mayor Wood related that as of that morning, he had seen the proper pedestrian signals on the lights at the intersection and that when the new Walgreen's store is complete the intersection would be properly striped and it would be wheelchair accessible.

**A RESOLUTION TO
ACCEPT THE RESULTS
OF THE DISCIPLINARY
HEARING OF ALDERMAN
GARY KIDD ON
NOVEMBER 10, 2008**

ITEM NO. 6 - COUNCIL BILL NO. 008: A RESOLUTION TO ACCEPT THE RESULTS OF THE DISCIPLINARY HEARING OF ALDERMAN GARY KIDD ON NOVEMBER 10, 2008 – City Attorney Mauer read Council Bill No. 008 by title only.

Alderman Young asked why this was being introduced now to which Mr. Mauer related it was the final step of the administrative procedure and he had waited until the transcript was completed.

With no further comments, Alderman Mollenhour moved to approve Council Bill No. 008. The motion was seconded by Alderman Fools and was approved by a voice vote with Alderman Dickerson abstaining from the vote.

RESOLUTION NO. 005

Council Bill No. 008 became **RESOLUTION NO. 005**.

CEREMONIAL MATTERS

ITEM NO. 7 – CEREMONIAL MATTERS –

- a. **Confirmation of Aldermanic Appointment for Alderman Ward 3** – Mayor Wood commented that both candidates were qualified, after which he announced his selection of Bret Reece as the appointment for Ward 3 Alderman.

Alderman Young commented she believed the selection process had been flawed and not equitable, therefore, would be voting against the Mayor’s appointment.

Alderman Licht commented she disagreed and thought it was done fairly.

Alderman Licht moved to approve Mayor Wood’s appointment of Bret Reece for Alderman Ward 3. The motion was seconded by Alderman Fools. The appointment was approved with the following roll call vote with Mayor Wood breaking the tie vote:

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

- b. **Administer Oath of Office to Newly Appointed Alderman for Ward 3** – City Clerk Debbie Grant administered the Oath of Office to Bret Reece after which he took he seat at the dais.

**COUNCIL BILL NO. 077:
AN ORDINANCE TO
AMEND CHAPTER 220,
NUISANCES, OF THE
CODE OF ORDINANCES
OF THE CITY OF
HARRISONVILLE,
MISSOURI; AND ENACT A
NEW SECTION 220.020:
ENUMERATION,
CONCERNING THE
GROWTH OF WEEDS
AND EXCEPTIONS
THERETO WITHIN THE
CITY OF**

**ITEM NO. 8 – COUNCIL BILL NO. 077: AN ORDINANCE TO
AMEND CHAPTER 220, NUISANCES, OF THE CODE OF
ORDINANCES OF THE CITY OF HARRISONVILLE, MISSOURI;
AND ENACT A NEW SECTION 220.020: ENUMERATION,
CONCERNING THE GROWTH OF WEEDS AND EXCEPTIONS
THERETO WITHIN THE CITY OF HARRISONVILLE, MISSOURI**

– City Attorney Steve Mauer read Council Bill No. 077 for a ~~first~~ second reading by title only.

Codes Administrator Steve Rauscher displayed a map in which properties were shown that would be affected by this bill. He explained these were properties within the City that were used for agricultural purposes but had never been rezoned for that purpose. He said this bill would relax the ordinance so that these properties would not need to be in compliance with the length of grass requirement.

**HARRISONVILLE,
MISSOURI**

Alderman Mollenhour asked if there was any place in the bill that defined these types of properties as opposed to residential properties and if not, then how would the Codes Department know how to enforce the code. Mr. Rauscher commented this would fall under the 'reasonable persons' rule.

There was further discussion regarding the tall grass being a fire hazard and regarding the zoning of properties.

Alderman Licht moved to suspend the rules and take Council Bill No. 077 to a second reading and vote. The motion failed by a voice vote with Alderman Young voting 'No'.

**CARRIED OVER TO THE
FEBRUARY 2, 2009
BOARD OF ALDERMEN
MEETING FOR A SECOND
READING**

Council Bill No. 077 was carried over for a second reading to the February 2 Board of Alderman meeting.

**COUNCIL BILL NO. 007:
AN ORDINANCE
APPROVING THE
HARRISONVILLE
MARKET PLACE
AMENDED TAX
INCREMENT FINANCING
PLAN DATED
DECEMBER 4, 2008, AND
APPROVING AND
AUTHORIZING THE
MAYOR TO ENTER INTO
THE FIRST AMENDED
AND RESTATED TAX
INCREMENT FINANCING
REDEVELOPMENT
AGREEMENT BETWEEN
THE CITY AND
HARRISONVILLE MP,
LLC REGARDING THE
HARRISONVILLE
MARKET PLACE TAX
INCREMENT FINANCING
PLAN**

ITEM NO. 9 – COUNCIL BILL NO. 007: AN ORDINANCE APPROVING THE HARRISONVILLE MARKET PLACE AMENDED TAX INCREMENT FINANCING PLAN DATED DECEMBER 4, 2008, AND APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO THE FIRST AMENDED AND RESTATED TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HARRISONVILLE MP, LLC REGARDING THE HARRISONVILLE MARKET PLACE TAX INCREMENT FINANCING PLAN – City Attorney Steve Mauer read Council Bill No. 007 for a first reading by title only.

Dan Murphy, counselor representing the Harrisonville Market Place Developer Mr. Jerry Simmons, introduced himself, Mr. Jerry Simmons and Mr. Taylor Grace. Mr. Murphy then addressed the Board regarding the need for this bill. He explained there were two issues involved; those being the Tax Increment Financing (TIF) issue and the Transportation Development District (TDD).

He explained the development was originally estimated to cost \$10M but because of several overruns, which Mr. Simmons will explain, the costs had increased to \$16M. Of the \$4M \$6M increase, this bill would amend the agreement so that \$4M of the increase would be able to be collected via the TDD and \$2M would be collected via TIF.

The increased revenues would be generated from Walgreens', who had not been in the original plan, and from Price Chopper, who was in the original plan at ½% but per this agreement, would enter into it at a full 1%.

RESOLUTION NO. 002

He further explained that they had waited until now to request this because the process is very lengthy and to have requested this amendment previously may have caused the project to shut down and the developer chose to continue the project at his own expense.

Mr. Jerry Simmons, developer for the Harrisonville Market Place, then explained that this project began as a concept only and when he brought that concept to the Board for their approval, they only had estimates of the costs involved. After the project was designed and engineered, more stable costs were determined but then because of the down-turn in the economy, excessive rain days and required changes to the design by the City, and/or the State, costs increased. Additionally, the site for the Price Chopper had to be moved which required more fill dirt and the size of the culvert on Wall Street had to be increased as directed by the State for flood control purposes. Mr. Simmons detailed many of the cost increases but offered to go line by line if the Board so desired.

After continued discussion, Community Development Director Rick DeLuca was available to answer questions from the City's perspective.

Upon questioning, Mr. DeLuca reported it appeared that the plans for redoing a portion of Commercial Street were not included in Kaw Valley's original cost projections nor were the landscaping design guidelines. Also, the additional curb cut requests came when Meiner's was presenting their plans.

Mr. Tom Donnelly of Springsted discussed the rate of return if the amendment was approved.

There was continued discussion after which it was suggested this issue be discussed at more length during a work session. Therefore, Mayor Wood said a work session would be scheduled at a date prior to the next Board meeting.

**APPROVE
RESCHEDULING
FEBRUARY 16, 2009
BOARD OF ALDERMEN
MEETING TO
FEBRUARY 17, 2009**

**FEBRUARY 16, 2009
REGULAR BOARD OF
ALDERMEN MEETING IS
MOVED TO FEBRUARY
23, 2009**

**ALDERMEN &
COMMITTEE REPORTS**

**REPORT FROM THE CITY
ADMINISTRATOR**

**ITEM NO. 10 – APPROVE RESCHEDULING FEBRUARY 16, 2009
BOARD OF ALDERMEN MEETING TO FEBRUARY 17, 2009 –**
Mayor Wood announced the February 16, 2009 Board of Aldermen meeting fell on a city holiday. A poll of the aldermen revealed that February 17th would not work for some therefore, it was determined that February 23, 2009 would be acceptable to the majority of the aldermen.

**FEBRUARY 16, 2009 REGULAR BOARD OF ALDERMEN
MEETING IS MOVED TO FEBRUARY 23, 2009**

ITEM NO. 14 – ALDERMEN & COMMITTEE REPORTS – Alderman Licht welcomed newly appointed Alderman Bret Reece.

Alderman Reece thanked the Board for the appointment and said he was excited to be able to participate.

ITEM NO. 11 - REPORT FROM THE CITY ADMINISTRATOR –
City Administrator Keith Moody said the City events calendar would be revised to show the new February meeting date.

- Review Staff Directives from Board of Aldermen – There were no specific directives.

**REPORT FROM THE
MAYOR
QUESTIONS FROM THE
MEDIA**

ITEM NO. 12 - REPORT FROM THE MAYOR – None

ITEM NO. 13 - QUESTIONS FROM THE MEDIA – None

**ADJOURN TO
EXECUTIVE SESSION**

ITEM NO. 14 – ADJOURN TO EXECUTIVE SESSION – Alderman Young made a motion to move into Executive Session for the purpose of discussing legal actions according to RSMo, Section 610.021 (1); real estate transactions according to RSMo Section 610.021 (2); or personnel matters according to RSMo Section 610.021 (3). The motion was seconded by Alderman Licht and approved by the following roll call vote:

Ayes: Aldermen Licht, Coburn, Young, Dickerson, Reece, Fools, Mollenhour,

Nays: None

Absent: Alderman Hammonds

Abstain: None

Adjourned to Executive Session at 8:50 p.m.

Reconvened to Regular Session at 9:15 p.m.

**ADJOURN FROM
REGULAR SESSION**

ITEM NO. 15. ADJOURN FROM REGULAR SESSION - Alderman Young moved to adjourn from Regular Session. The motion was seconded by Alderman Licht which then passed with the following vote:

Ayes: Aldermen Licht, Coburn, Young, Dickerson, Reece, Fools and Mollenhour

Nays: None

Absent: Alderman Hammonds

Abstain: None

The regular session adjourned at 9:17 p.m.

Kevin Wood, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Debbie Grant, City Clerk

APPROVED by the Mayor this 2nd day of February 2009.