

**BOA Meeting Agenda  
Peculiar City Board of Aldermen  
Meeting and Public Hearing  
City Hall – 250 S. Main St  
Tuesday January 20, 2015 6:30 p.m.**

*Notice is hereby given that the Board of Aldermen of the City of Peculiar will hold a regularly scheduled meeting on Tuesday, January 20, 2015 at 6:30 pm, in the Council Chambers at 250 S. Main St. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at City Hall, 250 S. Main St Peculiar, MO 64078 or by calling 816-779-2221. All proposed Ordinances and Resolutions will be available for viewing prior to the meeting in the Council Chambers.*

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. City Clerk – Read the Board of Alderman Statement
5. Consent Agenda
  - A. Approval of the Draft Minutes of December 15, 2014 BOA Meeting.
  - B. Approval of the Draft Minutes of January 5, 2015 Worksession Meeting
6. New Business
  - A. Bill No. 2015-01 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI APPOINTING AND FIXING THE TERM OF THE CITY CLERK.  
\*1<sup>st</sup> & 2<sup>nd</sup> Readings
  - B. Bill No. 2015-02 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING SEVERAL SECTIONS OF CHAPTER 700, REPEALING SECTION 710.040 OF PECULIAR MUNICIPAL CODE AND ESTABLISHING SECTIONS 700.015 AND 700.035 OF PECULIAR MUNICIPAL CODE.  
\*1<sup>st</sup> Reading
  - C. Bill No. 2015-03 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF PECULIAR, MISSOURI BY EMBRACING AND INCLUDING UNINCORPORATED REAL PROPERTY LOCATED IN SECTIONS 9, AND 17 OF TOWNSHIP 45 NORTH, RANGE 32 WEST IN CASS COUNTY, MISSOURI AND HEREINAFTER PARTICULARLY DESCRIBED.  
\*1<sup>st</sup> Reading
  - D. Bill No. 2015-04 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI INCREASING THE TERM OF ALDERMEN AND CALLING FOR A QUESTION TO BE PLACED ON THE APRIL 7, 2015 GENERAL ELECTION BALLOT REGARDING LENGTH OF TERM FOR ALDERMEN.  
\*1<sup>st</sup> & 2<sup>nd</sup> Reading
  - E. Resolution 2015-04 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A QUESTION TO BE PLACED ON THE APRIL 7, 2015 GENERAL ELECTION BALLOT REGARDING LENGTH OF TERM FOR MAYOR.
  - F. Bill No. 2015-05 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AND ACCEPTING THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRAFFIC ENGINEERING ASSISTANCE PROGRAM AGREEMENT (CASS COUNTY), MISSOURI  
\*1<sup>st</sup> & 2<sup>nd</sup> Reading
7. City Administrator Report
8. Aldermen Concerns
9. Aldermen Directives
10. Adjournment

**Board of Aldermen Regular Meeting Minutes  
Monday December 15, 2014**

A regular meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday December 15, 2014. Mayor Holly Stark called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Bob Fines, Donald Turner, Veronika Ray, Jerry Ford and Kelsie McCrea. Patrick Roberts was listed as excused absent.

City Staff present for the meeting were City Administrator Brad Ratliff, City Clerk Nick Jacobs, City Attorney Reid Holbrook, Chief of Police Harry Gurin, Parks & Recreation Director Nathan Musteen, Business Office Manager Trudy Prickett and City Engineer Carl Brooks.

**Consent Agenda**

- A. Approval of the Draft Minutes of November 17, 2014 BOA Meeting.**
- B. Approval of the Draft Minutes of December 1, 2014 Worksession Meeting**

On a motion by Alderman Ford and seconded by Alderman Turner consent agenda was approved by a 5-0roll call vote.

Mayor Stark announced that the winners of the first ever Holiday Home Decorating Contest were in attendance and asked that Parks and Recreation Director Nathan Musteen come forward and explain a little of what it was and introduce the winners.

He stated there were 2 categories: Most Festive and Most Peculiar. There was a \$5 entry fee and had 5 entries. The winners of the Most Peculiar category were Mr. and Mrs. Burgess of Meadow Lane. He presented the Burgesses with a yard sign and a gift certificate to Katie's Café.

For Most Festive, it was Mr. and Mrs. Creek of Poplar Street. He too presented them with a yard sign as well as a gift certificate.

Mayor Stark thanked the residents for their time and for participating.

**Employee of the Quarter – Trudy Prickett**

City Administrator Brad Ratliff addressed the Board. He stated that Trudy is a valuable asset to the City. She was very instrumental in the budget process as well as being very professional and knowledgeable. This is why she was chosen for the employee of the quarter.

Mayor Stark added some kind words and thanked Trudy for her hard work.

**Presentation**

**Resolution 2014-62 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR,  
MISSOURI TO APPROVE ESTABLISHING THE HONORARY AND PERMANENT FACILITY NAME OF THE  
WASTEWATER TREATMENT PLANT AS THE ENGLAND FACILITY**

Brad Ratliff addressed the Board. He stated that Bill was retiring with a last day of January 2<sup>nd</sup>. He gave a brief overview of Bill's history since Brad had been with the City. Brad also gave an overview of Bill's father Ray England, who worked and retired from the City as well. He stated that Ray was very well respected throughout the state in the wastewater field. To show gratitude and respect for the England family, Brad put forth a Resolution to officially name the wastewater treatment facility to the England Facility for their 65 combined years of time with the City of Peculiar.

Alderman Ford made a motion to adopt Resolution No. 2014-62. The motion was seconded by Alderman Fines and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

Mayor Stark thanked the England family for their hard work and dedication to the City.

**Unfinished Business**

- A. Bill No. 2014-32 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A GENERAL MUNICIPAL ELECTION ON APRIL 7, 2015 AND ESTABLISHING FILING DATES FOR SAID ELECTION**  
*\*2<sup>nd</sup> Reading*

City Clerk Nick Jacobs addressed the Board. He stated that this ordinance will allow the City to have a General Election on April 7, 2015 and will establish the filing dates for those who wish to file for office. The 3 offices open are one Alderman for

each of the 3 wards. The filing will begin at 8am on December 16<sup>th</sup>, 2014 and end at 5pm on January 20<sup>th</sup>, 2015. Mr. Jacobs pointed out that he included a copy of the public notice announcing the election in the Aldermen's packet for their information.

No Board comments.  
No public comments.

Alderman Ford made a motion to have the second reading of Bill No. 2014-32 by title only. The motion was seconded by Alderman Turner and was approved by a 5-0 voice vote. Alderman Ford made a motion to accept the second reading of Bill No. 2014-32 and place on final passage as Ordinance 12152014. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

**B. Bill No. 2014-33 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE REZONING OF MR. ALFRED E. DIBBENS PROPERTY COMMONLY KNOWN AS 21107 S. PECULIAR DRIVE.**  
*\*2<sup>nd</sup> Reading*

City Planner Cliff McDonald addressed the Board. He stated the Board of Aldermen held their public hearing on December 1<sup>st</sup> and unanimously approved the 1<sup>st</sup> reading of the rezoning. The Planning Commission also approved the rezoning request. He stated that this rezoning is consistent with the City's Future Land Use Plan. He stated no objections have been filed and that staff recommends approval.

No Board comments.  
No public comment.

Alderman Ford made a motion to have the second reading of Bill No. 2014-33 by title only. The motion was seconded by Alderman McCrea and was approved by a 5-0 voice vote. Alderman Ford made a motion to accept the second reading of Bill No. 2014-33 and place on final passage as Ordinance 12152014. The motion was seconded by Alderman McCrea and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

**New Business**

**A. Resolution 2014-63 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE CITY OF PECULIAR 2015 LEGISLATIVE POLICIES**

City Clerk Nick Jacobs addressed the Board. He gave an overview based on the direction from the last meeting. He stated he updated the policy with what the Board had either concurred with or had no stance on.

No Board comment.  
No public comment.

Alderman Ford made a motion to adopt Resolution No. 2014-63. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

**B. Resolution 2014-64 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AUTHORIZATION FOR STREET LIGHT CHANGES CITY OF PECULIAR.**

City Engineer Carl Brooks addressed the Board. He stated that the new street light request has been approved by KCP&L. The new light would be at the intersection of Harper Road and YY Highway. The cost for operating the light will be approximately \$500 per year.

Mayor Stark asked about the maybe working with MoDOT in the future since the light is on their road. Staff commented that they would be happy to reach out to MoDOT on future lights along state maintained roads.

Alderman Ford made a motion to adopt Resolution No. 2014-64. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

**C. Bill No. 2014-34 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AND ACCEPTING THE MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT) COST SHARE SUPPLEMENTAL AGREEMENT NO 2 FOR THE I-49 AND 211<sup>TH</sup> STREET INTERCHANGE (CASS COUNTY), MISSOURI**

*\*1<sup>st</sup> Reading*

City Engineer Carl Brooks addressed the Board. He stated that this is the second supplemental agreement for the 211<sup>th</sup> street interchange project. He stated the good news is the awarding of \$1.1 million dollars towards the project which was a grant the City applied for in the spring. He said with the final designs and plans the cost estimate has increased 20%.

Mayor Stark asked if the project seemed to be on target for the project being bid out.

Staff commented that there is a meeting with MoDOT in the near future and would have more information for the next meeting.

Brad commented that a good thing about the project being delayed is the opportunity to submit for TIGER Grant again.

Alderman Ford made a motion to have the first reading of Bill No. 2014-34 by title only. The motion was seconded by Alderman McCrea and was approved by a 5-0 voice vote. Alderman Ford made a motion to accept the first reading of Bill No. 2014-34. The motion was seconded by Alderman Turner and was accepted by a 5-0 voice vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	absent
Alderman Fines	Aye	Alderman Turner	Aye

**Topic for Discussion**

**A. Proposed Annexation for General Election**

City Planner Cliff McDonald addressed the Board. He stated that there are 2 tracts being proposed. The first tract is a 12 ½ acre tract of land on School Road and the 2<sup>nd</sup> is the KCP&L substation on YY highway. For this to be on the April 7, 2015 ballot, the Board will need to approve 2 resolutions at the next meeting to begin the process. Cliff commented that the City would probably have to pay for its own election if the Board wanted to put it on the August ballot.

The consensus of the Board was to move forward with the annexation.

**City Administrators Report**

The Police Garage is complete and would like there e a walkthrough on January 5<sup>th</sup> before the next meeting. There has been a slight increase in housing permits being pulled. Brad stated that the biggest issue facing the City is road repair and staff will continue to bring forth ideas on funding mechanisms to help curb this. One of the biggest discussions will need to be had is the future of Channel 7. The cost to move the fiber line from old city hall to the Police Department is \$32,000. Staff is moving forward with implanting the new Incode system throughout the City. Parks and Rec. will be looking at sending their own publication separate of the City Newsletter. The water loss for November was 5% which is less than the industry standard of 15%. Staff has received good feedback regarding the new Christmas decorations. The new Trucks for Public Works should be delivered soon hopefully before the first snowfall. Staff recently met with the engineers on the monument sign project. They seem to be online to assist the City in redesigning the monument sign. The auditors have been in City Hall for the past 2 weeks doing the annual audit as well as doing a separate audit for the FBI Forfeiture funds.

Mayor Stark thanked the staff for the great job of the set up of the Mayor's Tree Lighting. She stated that the event was very well organized and was well received by the residents.

The pictures with Santa have also been uploaded to the website from the event.

**Alderman Concerns**

Alderman McCrea asked about the other 2 tracts from the last annexation and why were not going after them again? Staff commented that 1 of the tracts was Sioux Chief and since it requires a 66.67% vote that it does not take much to stop that from happening. Staff also feels that taking small steps may be a better plan this time around.

Alderman McCrea asked about the online bill pay system that has recently changed. Staff commented that the way it currently is, is how it will have to stay until the new system is implemented.

Alderman McCrea asked about channel 7 and feels that it is too much money to keep since its not utilized. Staff commented that they may look at rolling the cost of the moving channel 7 be figured into the sale price of the property at Schug Ave.

Alderman Ford stated that most of the bidders who would be bidding on the 211<sup>th</sup> Street interchange are currently locking in diesel prices which would work towards the City's favor.

Alderman Ray stated there is a pothole on North Street by Casey's.

Alderman Turner stated a route to look at for channel 7 is having a video encoder/decoder system where the City would encode the video and send it to Comcast who would decode it and put it on channel 7.

**Aldermen Directives**

- Establish the England Facility
- Execute the Ordinance for the General Election.
- Update the zoning map to reflect the rezoning.
- Send updated legislative policies to legislators.
- Send street light request to KCP&L
- Bring back MoDOT cost share agreement for second reading
- Pothole by Casey's
- Look at encoder/decoder for channel 7

**Executive Session**

Alderman Turner made a motion to enter into executive session pursuant to RSMo 610.021(1) beginning at 7:45pm for 10 minutes. Seconded by Alderman Ford and was approved by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

The Board reconvened regular session at 7:52 pm.

**Resolution 2014-65 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR TO ENTER INTO A CLOSING AGREEMENT WITH THE INTERNAL REVENUE SERVICE ON BEHALF OF THE CITY TO ACHIEVE A FINAL DETERMINATION AND SETTLEMENT OF ISSUES RAISED IN A VOLUNTARY CLOSING AGREEMENT PROGRAM (VCAP); AND**

Alderman Ford made a motion to adopt Resolution No. 2014-65. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Abstain
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

Alderman Turner made a motion to enter into executive session at 7:53pm pursuant to RSMo 610.021(2) for 15 minutes. Seconded by Alderman Ford and was approved by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

The Board reconvened regular session at 8:01pm.

Alderman Turner made a motion to enter into executive session pursuant to RSMo 610.021(3) beginning at 8:05pm for 45 minutes. Seconded by Alderman Ford and was approved by a 5-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

Alderman Ford made a motion to extend to extend Brad Ratliff's contract for employment 3 years to 2020. Alderman McCrea seconded the motion.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Aye	Alderman Turner	Aye

Alderman Ford made a motion to approve a 4% increase in salary for City Administrator Brad Ratliff effective for the next pay period. Alderman McCrea seconded the motion.

Alderman Ford	Aye	Alderman Ray	Aye
Alderman McCrea	Aye	Alderman Roberts	Absent
Alderman Fines	Nay	Alderman Turner	Nay

**Adjournment**

On a motion from Alderman Ford, second from Alderman McCrea, the meeting was adjourned at 9:10pm with a 5-0 voice vote with Alderman Roberts being absent.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

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Nick Jacobs, City Clerk

Approved by the Board of Aldermen:

DRAFT

**Board of Aldermen Regular Meeting Minutes  
Monday January 5, 2015**

A regular work session meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday January 5, 2015. Mayor Holly Stark called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Donald Turner, Bob Fines, Jerry Ford, and Patrick Roberts. Veronika Ray and Kelsie McCrea were marked excused absent.

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, Chief of Police Harry Gurin, City Clerk Nick Jacobs, and City Planner Clifford McDonald.

**Business**

**A. Bill No. 2014-34 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AND ACCEPTING THE MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT) COST SHARE SUPPLEMENTAL AGREEMENT NO 2 FOR THE I-49 AND 211<sup>TH</sup> STREET INTERCHANGE (CASS COUNTY), MISSOURI**  
*\*2<sup>nd</sup> Reading*

City Engineer Carl Brooks addressed the Board. He stated that this is the second reading of the bill for cost share agreement with MoDOT. He stated that this new supplemental will show the decrease in the City's portion of the project thanks to the \$1.1 million dollar grant.

Alderman Ford asked if the City deferred this any longer will the cost keep going up. Staff commented that there is always a possibility that it could go up and you really won't know final cost until the contractors submit their bids.

City Administrator Brad Ratliff stated he feels estimates may be high because of a project which was bid earlier last year that bids came back far exceeding estimates.

Alderman Roberts stated cost overruns will fall completely on the City.

There was further discussion amongst the Board.

No public comment.

Alderman Roberts moved to have the second reading of Bill No. 2014-34 by title only, seconded by Alderman Ford and was approved by a 4-0 voice vote. Alderman Roberts moved to accept the second reading of the bill and place on final passage as Ordinance number 01052015, seconded by Alderman Ford and approved by the following 4-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

**B. Resolution 2015-01 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI WITH RESPECT TO THE PROPOSED ANNEXATION OF CERTAIN UNINCORPORATED AREAS TO THE CITY OF PECULIAR, MISSOURI.**

City Planner Cliff McDonald addressed the Board. He stated that this resolution will declare the City's intent to annex 2 tracts of land. He states this is the first step toward beginning the annexation process.

No Board comment.  
No public comment.

Alderman Ford made a motion to adopt Resolution 2015-01. The motion was seconded by Alderman Roberts and was accepted by a 4-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

**C. Resolution 2015-02 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI CALLING FOR AN ELECTION ON THE ANNEXATION OF CERTAIN UNINCORPORATED AREAS.**

Mr. McDonald addressed the Board again. He states that this resolution calls for the election and for it to be placed on the ballot for the April 7, 2015 election.

No Board comments.  
No public comment.

Alderman Roberts made a motion to adopt Resolution 2015-02. The motion was seconded by Alderman Ford and was accepted by a 4-

0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

**D. Resolution 2015-03 - A RESOLUTION TO ACCEPT THE CERTIFICATION OF ELECTION RESULTS BY THE COUNTY CLERK FOR THE RECOUNT OF THE FUEL TAX QUESTION THAT WAS ON THE GENERAL MUNICIPAL ELECTION HELD APRIL 8, 2014**

City Clerk Nick Jacobs addressed the Board. He explained the recount process to the Board stating that he was entitled to be at the recount on behalf of the City. The total results for the recount were as follows.

Yes	492
No	253

He stated that in the recount there was one ballot which changed from a yes to no vote based upon the election judges' determination.

Alderman Turner asked about the individuals who stated they were in the City but who were not allowed to vote on the fuel tax because they were listed as living outside city limits.

Staff commented that the issue was that they did not come forward until days after the election instead of trying to correct it during election day.

No public comment.

Alderman Ford made a motion to adopt Resolution 2015-03. The motion was seconded by Alderman Roberts and was accepted by a 4-0 roll call vote.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

**Topics for Discussion**

**A. Park Board President discussion on festivals**

Park Board President Homer Dunsworth addressed the Board. He gave a broad overview of what he would like to see happen in the City. He hit on many topics including reviving the Bushwhacker Days Festival as well as doing a carnival. He expressed to the Board that he wants to get a senior citizen program started as well. The issue he states he's running into, is that these events will occur outside of the parks and the Parks Sales Tax funds cannot be used outside the parks.

After much discussion the Board was willing to look at trying to fund some of the events after Mr. Dunsworth puts together a budget and brings it back to the Board.

**B. Ordinance for Annexation**

Cliff McDonald addressed the Board. He stated that this is the Ordinance that will approve the annexation contingent upon approval by the voters and a declaratory judgment from Cass County Circuit Court. This Ordinance will require 3 readings and will be brought for its first reading at the January 20<sup>th</sup> meeting.

**C. Changes to Chapter 700 of Municipal Code regarding Utility Procedures**

Brad Ratliff addressed the Board. He gave a brief overview of why this is being brought to the Board. Utility Clerk Amiee Boyd and Waterworks Manager David Shrout were both in attendance to help explain these requested changes to the Board.

David began outlining the various changes which included changes some verbiage in some sections, establishing a base availability fee for inactive accounts to cover bond obligations, decreasing the late fee from 15% to 10%, changing the policy on payment extensions, and changing the administrative fee into a non-refundable deposit.

There was much discussion back and forth between the Board and staff regarding each topic.

The consensus of the Board agreed with the changes and to bring them back for first reading at the next meeting.

**Aldermen Concerns or Additional Topics for Discussion by Aldermen**

No Aldermen Concerns.

**Aldermen Directives Reported by City Administrator**

MoDOT supplemental agreement will be signed and sent to MoDOT.  
Both Resolutions 2015-01 and 02 will be executed to move forward with the annexation.  
Accepted certification of election results.  
Board is ok with festival ideas but requests a budget to be brought to them for review.

Changes to Chapter 700 seem acceptable.

Mayor Stark commented that the City is deeply saddened for the loss of former Mayor G.C. Shores. She also mentioned that Alderman Ray's father passed away the previous weekend which is why she was absent. And finally Alderman McCrea was absent because her husband was involved in motor vehicle accident shortly before the meeting was due to begin.

**Executive Session 610.021(2)**

At 8:08pm, Alderman Turner made a motion to take a short break until 8:15pm and then enter into executive session pursuant to RSMo 610.021(2) for a period not to exceed 20 minutes.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

Regular session reconvened at 8:32pm.

Alderman Turner made a motion to enter into executive session pursuant to RSMo 610.021(3) for a period not to exceed 20 minutes.

Alderman Ford	Aye	Alderman Ray	Absent
Alderman McCrea	Absent	Alderman Roberts	Aye
Alderman Fines	Aye	Alderman Turner	Aye

Regular session reconvened at 8:50pm.

**Adjournment**

On a motion from Alderman Ford, second from Alderman Roberts, the meeting was adjourned at 8:51pm with a 4-0 voice vote.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

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Nick Jacobs, City Clerk  
Approved by the Board of Aldermen:

**City Administrator**  
*Brad Ratliff*

**City Clerk**  
*Nick Jacobs*

**City Engineer**  
*Carl Brooks*

**Business Office**  
*Trudy Prickett*



**Chief of Police**  
*Harry Gurin*

**City Planner**  
*Cliff McDonald*

**City Attorney**  
*Reid Holbrook*

**Parks Director**  
*Nathan Musteen*

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078  
Phone: (816)779-5212 Facsimile: (816)779-1004

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To: Board of Aldermen

**From:** Brad Ratliff

Date: January 15, 2015

Re: Appointment of new City Clerk

#### GENERAL INFORMATION

Applicant: Staff

Status of Applicant: N/A

Requested Actions: Perform both readings of proposed bill to appoint new City Clerk.

Date of Application: January 16, 2015

Property Location (if applicable):

#### PROPOSAL

Terms stated by BOA were accepted by Janet and due to ordinance the BOA must approve an ordinance to appoint her. Double reading will not affect any additional information needed as this is a purely Administrative Approval. If approved at BOA meeting Janet will start the next day and Nick can move to his position which projects are already beginning to pile up.

#### KEY ISSUES

This ordinance will appoint a new City Clerk

#### STAFF COMMENTS AND SUGGESTIONS

#### STAFF RECOMMENDATION

Approval of the Ordinance

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#### STAFF CONTACT:

Brad Ratliff

**BILL NO. 2015-01**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI APPOINTING AND FIXING THE TERM OF THE CITY CLERK.**

WHEREAS, the City is required, under Rev. Stat. Mo. § 79.320 and Peculiar Municipal Code § 115.015 to fix the term of office of the City Clerk; and,

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

**SECTION I.** That Janet Burlingame is appointed the City Clerk for a three-year (36 month) term, beginning on the date of final passage of this ordinance and up for renewal three years thereafter.

**SECTION II.** The City Clerk shall be entitled to receive all benefits of the City of Peculiar in accordance with the procedures delineated in the City's personnel manuals and to the same extent as any other full-time employee.

**SECTION III.** At the conclusion of the initial three-year term, the City Clerk may be re-appointed in accordance with Missouri Statutes and/or Peculiar Municipal Code § 115.015. If re-appointed, the City Clerk's subsequent term of office shall be determined by ordinance at the time of re-appointment issued to the Board of Aldermen for approval by the City Administrator.

**SECTION IV:** The effective date of this ordinance shall be \_\_\_\_\_, 2015.

**First Reading:** \_\_\_\_\_                      **Second Reading:** \_\_\_\_\_

**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS \_\_\_ DAY OF \_\_\_\_\_, 2015, BY THE FOLLOWING VOTE:**

<b>Alderman Fines</b>	_____	<b>Alderman Ray</b>	_____
<b>Alderman Ford</b>	_____	<b>Alderman Roberts</b>	_____
<b>Alderman McCrea</b>	_____	<b>Alderman Turner</b>	_____

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Holly Stark, Mayor**

\_\_\_\_\_  
**Nick Jacobs, City Clerk**

**City Administrator**  
*Brad Ratliff*

**City Clerk**  
*Nick Jacobs*

**City Engineer**  
*Carl Brooks*

**Business Office**  
*Trudy Prickett*



**Chief of Police**  
*Harry Gurin*

**City Planner**  
*Cliff McDonald*

**City Attorney**  
*Reid Holbrook*

**Parks Director**  
*Nathan Musteen*

**Municipal Offices – 250 S. Main Street, Peculiar, MO 64078**  
**Phone: (816)779-5212 Facsimile: (816)779-1004**

**To:** Mayor & Board of Aldermen  
**From:** Carl Brooks, City Engineer (cbrooks@cityofpeculiar.com)  
**Date:** January 16, 2015  
**Re:** **Ordinance, proposed** changes and procedures to Section 700 Utility Service

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### **GENERAL INFORMATION**

**Applicant:** City Staff  
**Requested Actions:** **Topic of Discussion** (Passage of an ordinance amending Peculiar Municipal Code Section 700)  
**Property Location:** City Wide  
**Purpose:** 1) Establish a number of miscellaneous guidelines regarding utility service as part of an ordinance.

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### **PROPOSAL**

City staff proposes passage of an ordinance amending the Peculiar Municipal Code Section 700 establishing a number of miscellaneous guidelines including, but not limited to, the following in no particular order:

- 1) Utility Bill Extensions
- 2) Property Owner's for Rental, Business, Commercial Units:
- 3) Property Owner's Rental Units with Balance Due
- 4) Nonrefundable Administrative Fee
- 5) Real Estate Home Inspection Fee
- 6) Service Availability
- 7) Fire Hydrant Meters
- 8) Late Fees (reduce from 15% to 10% )

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### **PREVIOUS ACTIONS**

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### **KEY ISSUES**

Currently, the City does not have in Section 700 Utility Service a number of items that can be easy handled by City staff rather than taking to the Mayor for approval.

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### **STAFF COMMENTS AND SUGGESTIONS**

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City staff has begun reviewing the City's Section 700 Utility Service

We attempt to be a leader in the area of utility service and stay ahead of change.

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**STAFF RECOMMENDATION**

City staff's recommendation would be the inclusion of miscellaneous guidelines as discussed above regarding utility service and as directed by the Mayor and the Board of Aldermen of an ordinance amending the Peculiar Municipal Code Section 700.

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**ATTACHMENTS**

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Bill No. 2015-02

**AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING SEVERAL SECTIONS OF CHAPTER 700, REPEALING SECTION 710.040 OF PECULIAR MUNICIPAL CODE AND ESTABLISHING SECTIONS 700.015 AND 700.035 OF PECULIAR MUNICIPAL CODE.**

**WHEREAS**, the City is authorized, under Rev. Stat. Mo. §§ 91.010 and 91.090 to erect, maintain, and operate water works;

**WHEREAS**, the City is further authorized, pursuant to Rev. Stat. Mo. §§ 79.130 and 79.450, to enact ordinances, rules, and regulations "expedient for maintaining the peace, good government and welfare of the city and its trade and commerce;" and

**WHEREAS**, this proposed ordinance will maintain the good government and commercial welfare of the City of Peculiar; and shall ensure that the City's water works system continues to serve the needs of the Peculiar citizenry.

**NOW THEREFORE**, be it ordained by the Board of Aldermen of the City of Peculiar, Missouri as follows:

**SECTION I.** That Peculiar Municipal Code § 700.010 be repealed in its entirety and replaced as follows:

Utility Service — Cash Deposit and Connection Fees.

- A. A cash deposit shall be required for all permanent or temporary utility service connections as security for payment of bills per the following schedule:
  - 1. A deposit of one hundred fifty dollars (\$150.00) for owner dwellings seeking water and sewer service shall be paid prior to service inception.
  - 2. A deposit of two hundred dollars (\$200.00) for rental dwellings seeking water and sewer service shall be paid prior to service inception.
  - 3. A deposit of three hundred dollars (\$300.00) for commercial businesses seeking water and sewer service shall be paid prior to service inception.
  - 4. A deposit of one hundred dollars (\$100.00) for dwellings or commercial businesses seeking only sewer shall be paid prior to service inception.
- B. Security deposits shall be applied to cover any unpaid utility bill immediately following the termination of service.
- C. If a cash deposit is utilized by the City to cover any portion of an unpaid amount, service will not be reconnected for the applicant until the requisite security deposit is again provided to the City.
- D. A deposit of five hundred dollars (\$500.00) is required for all fire hydrant meters and such meters shall be billed monthly. A fire hydrant meter shall be subject to the

established business water rates as well as all applicable fees for service. The renter of a fire hydrant meter shall be held liable for any and all damages to the meter as well as for any and all registered and unregistered water loss.

E. The fees for water and sewer connections shall be as follows:

1. Residential water connection. A residential water connection shall be any connection to the City of Peculiar water system that is no larger than three-quarter ( $\frac{3}{4}$ ) inches. The fee for this connection shall be one thousand six hundred dollars (\$1,600.00).
2. Commercial water connection. A commercial water connection shall be any connection to the City of Peculiar water system that is one (1) inch or larger. The fee for this connection shall be determined based on necessary product cost but, in any case, shall not be less than one thousand nine hundred dollars (\$1,900.00).
3. Irrigation water meter connection. An irrigation water meter connection shall be any connection to the City of Peculiar water system that is solely used for irrigation purposes, and in accordance with a written agreement with the City of Peculiar. The connection shall be no larger than three-quarter ( $\frac{3}{4}$ ) inches, unless approved by the City Engineer. The fee for this connection shall be at least one thousand dollars (\$1,000.00), or as established by the approved Schedule of Fees. The fee for larger connections shall be established by the approved Schedule of Fees. Such connections shall solely be available to property owners and/or homeowners' associations.
4. Residential sewer connection. A residential sewer connection shall be any connection to the City of Peculiar sanitary sewer system for single-family residential use, including single lots zoned "R1", "R2", "RE", and single-family residences in "A" and "C". The fee for this connection shall be two thousand one hundred dollars (\$2,100.00).
5. Commercial sewer connection. A commercial sewer connection shall be any connection to the City of Peculiar sanitary sewer system for commercial uses, including multi-family residences and areas zoned "R3", "R4", "O-C", "C1", "C2", and "C-P". The fee for this connection shall be two thousand six hundred twenty-five dollars (\$2,625.00) plus a trap fee of fifty dollars (\$50.00) per trap. The trap fee is to be paid at the time of building permit issuance.
6. Industrial sewer connection. An industrial sewer connection shall be any connection to the City of Peculiar sanitary sewer system for industrial uses and shall include connections in areas zoned "I-1" and "I-2". The fee for this connection shall be three thousand dollars (\$3,000.00).
7. Residential and commercial sewer connections outside City limits. Connections under this Subsection shall include any connection, whether utilized for residential or commercial use, to the City of Peculiar sanitary sewer system when the subject property lies outside the current City limits at the time of application. The fee for this connection shall be three thousand dollars (\$3,000.00).

**SECTION II.** That Peculiar Municipal Code § 700.015 be established to read as follows:

General Permits, Fees and Other Services

**A.** Meter Availability Fee

1. There is hereby established a “meter availability fee”. This fee is to cover the principal and interest amounts for the City’s current bonded indebtedness for Water and Wastewater Revenue Bonds.
2. Meter Availability fee charges are for a residential/commercial/industrial service user and/or property owner that will not be using water or wastewater service for 6 months or longer.
3. The meter availability fee charged and collected by the City of Peculiar, Missouri, for water and/or wastewater service(s) furnished by the waterworks and/or wastewater system(s) of the City of Peculiar, Missouri or by contracted entities for water and/or wastewater service(s), shall be approved by the Board of Aldermen by Resolution, and adjusted as necessary through budget amendments.

**B.** Real Estate Home Inspection Fee

1. A temporary activation of service per individual living unit for the purpose of a third party inspection of the exterior and interior water and sanitary sewer service lines for a period not to exceed 24 hours. The permit shall be issued and carried out by the designated Building Official of the City of Peculiar. The initial fee for said permit shall be fifty (50) dollars and shall be included in the adopted “fee schedule”.
2. The permit fee shall be amended as needed at the discretion of the City Administrator.

**C.** Outside Meter Testing

1. The removal of the water meters for outside meter testing and inspection may be requested by the service user and/or property owner served by the meter.

All requests by a service user and/or property owner for outside meter testing must be made to the Waterworks Manager.

Outside meter testing shall be performed by a third party testing facility.

All outside residential meter testing shall be subject to a fifteen (\$15) dollar non-refundable Administrative Fee.

Fees for testing:

Residential Meter 5/8 inch by 3/4 inch	\$35.00
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If a meter so removed by the service user and/or property owner’s order is found by tests to be in error by less than two percent the cost of such removal, tests and replacement shall be borne by the service user and/or property owner.

If a meter so removed by the service user and/or property owner’s order is found by tests to be in error by more than two percent the cost of such removal, tests and replacement shall be borne by the City. An account adjustment will be made to compensate for the inaccurate meter. At no point will an adjustment exceed the previous two (2) billing periods.

2. Definitions

“Outside meter testing” as used in this section shall mean any testing performed at a location outside of the City of Peculiar and performed by a third party.

**SECTION III.** That Peculiar Municipal Code § 700.030 be repealed in its entirety and replaced as follows:

**Delinquent Payment — Notice — Disconnection For Non-Payment — Reconnection Fees and Deposit.**

- A. Payments for utility services are due on/or before the fifteenth (15th) day of each month. Bills not paid in full by the fifteenth (15th) of every month shall be considered delinquent. If the fifteenth (15th) falls on a Saturday, Sunday or recognized City holiday, payment must be received in our office before 9:00 A.M. the following business day to avoid any penalties.
- B. Utility services will be terminated if payments are not made in full prior to the twenty-third (23rd) day of the month. If the regular disconnection day should fall on Friday, Saturday, Sunday or a City recognized holiday, said utility service shall be disconnected on the following business day.
- C. The City will not authorize an extension for paying a utility bill. Staff will give a list of known organizations to the service user and/or property owner that has helped service user and/or property owner’s pay utility bills in the past.
- D. When an account becomes delinquent, the City shall notify, by regular mail at the last known address, the owner of the property and the occupant of the property receiving services, of the delinquency and the amount thereof, including penalties. Said notices shall also inform the property owner, and the occupant, if applicable, of the potential for the termination of utility services in accordance with these ordinances.
- E. A service user and/or property owner who has never been disconnected, may receive a notification of termination of service in the form of a door hanger. The door hanger will state the date and time the service will be disconnected as well as a timeframe outstanding balances must be paid to avoid termination of service.

- F. For accounts that are disconnected for non-payment, services will not be fully restored until payment in full has been received, along with an administrative fee of fifty dollars (\$50.00). The administrative fee shall be assessed and paid regardless of the status of any actual disconnection of service. Following payment in full, utility service will be restored as soon as possible and no later than 5:00 P.M. the day it is paid. No service will be restored during non-business hours. The administrative fee shall be added as a secondary “non-refundable” deposit up to a maximum as determined by the City Administrator.
  - 1. The non-refundable deposit accumulated by administrative fees will be immediately applied to cover any outstanding balances in excess of the service user and/or property’s owner original deposit. Any balance of the non-refundable deposit remaining shall be returned to the Water Enterprise Revenue Account.
- G. The administrative fee is fifty dollars (\$50.00) unless the account has been delinquent more than three (3) times within a twelve (12) month period. At that time the administrative fee shall be one hundred fifty dollars (\$150.00). In an emergency situation after hours, with consent of the Mayor or City Administrator for reconnection, the administrative fee will be one hundred dollars (\$100.00) along with the account balance paid in full. Payment must be made in full plus the administrative fee no later than 9:00 a.m. the following business day in person. City staff will not accept any payments in the field.
- H. The City Administrator has the authority to waive the administrative fee one (1) time per account per calendar year.
- I. If a builder owes on a delinquent account, no new account at a different address or any additional building permits will be issued until the delinquent accounts are paid in full.
- J. If an account is delinquent in payment, a ten percent (10%) penalty shall be added to the delinquent bill on the sixteenth (16th) day of each month.

**SECTION IV.** That Peculiar Municipal Code § 710.040 be repealed in its entirety and Peculiar Municipal Code § 700.035 be established to read as follows:

**Liability of Service User and/or Property Owner.**

- A. A service user and/or property owner shall be jointly and severally liable to pay for the services rendered on their premises. As used in this Chapter, "services rendered" is defined as the utility service provided by the City of Peculiar in the form of metering and billing for water services and/or sewer services; as well as the utility service provided by the current contracted refuse disposal company in the form of weekly solid waste pickup. The City shall have the power to sue the service user and/or property owner in a civil action to receive any delinquent sums due for such services rendered, as well as administrative fees, late fees, and reasonable attorney fees; and/or to place a lien on the property. The service user and/or property owner shall not be liable for more than ninety (90) days of service.
- B. If a service user subject to a lease agreement vacates the premises, utility service for the new occupant (new service user) will not be started until all amounts due and owing on the property have been paid in full. In no case will the new service user be liable for more than ninety (90) days of service.

C. In the event a service user becomes chronically delinquent leaving unpaid utility bills, the City may decide to pursue other options along with RSMO 250.140 or pursuant following.

If the City is required to submit unpaid bills to the property owner more than two (2) times in one (1) calendar year, then the property owner may be required to put the service in his/her name. This will include a deposit. After one (1) calendar year, the property owner may request a review by the City to consider allowing the utility service to be put back in a service user's name.

If the City is required to submit unpaid bills to the property owner for more than 1/3 of a single complex unit more than two (2) times in one calendar year, then the City may require the property owner to put the total complex utility services in his/her name. This will include deposits for each unit in the complex. After one (1) calendar year, the property owner may request a review by the City to consider allowing the utility service to be put back in a service user's name.

If the property owner has multiple complex rental units and there are consistent unpaid problems, then the City may require all of his/her rental property to be put in the property owner's name. The property owner will be required to pay individual deposits for individual units and be billed for the individual units. After one (1) calendar year the property owner may request a review by the City to consider allowing the utility service to be put back in a service user's name.

**SECTION V:** The effective date of this ordinance shall be \_\_\_\_\_.

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_

**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS \_\_ DAY OF \_\_\_\_\_, 2015, BY THE FOLLOWING VOTE:**

**Alderman Ford** \_\_\_\_\_  
**Alderman Fines** \_\_\_\_\_  
**Alderman Ray** \_\_\_\_\_

**Alderman McCrea** \_\_\_\_\_  
**Alderman Turner** \_\_\_\_\_  
**Alderman Roberts** \_\_\_\_\_

**Approved:**

**Attest:**

\_\_\_\_\_  
**Holly Stark, Mayor**

\_\_\_\_\_  
**Nick Jacobs, City Clerk**

City Administrator  
Brad Ratliff

City Clerk  
Nick Jacobs

City Engineer  
Carl Brooks

Business Office  
Trudy Prickett



Chief of Police  
Harry Gurin

City Planner  
Cliff McDonald

City Attorney  
Reid Holbrook

Parks Director  
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078  
Phone: (816)779-5212 Facsimile: (816)779-1004

**To:** Board of Aldermen  
**From:** Clifford L. McDonald  
**Date:** January 20, 2015  
**Re:** Presentation of the Ordinance of Annexation for Involuntary Annexation of Two (2) Tracts of Property Adjacent to Existing City of Peculiar City Limits; First of Three Readings.

**GENERAL INFORMATION**

**Applicant:** BOA  
**Status of Applicant:** N/A  
**Requested Actions:** Board of Aldermen to Consider Ordinance of Annexation for Approval.  
**Date of Application:** January 5, 2015  
**Purpose:** To Annex Adjacent and “Island” Properties which have City Services and Utilities Readily Available Into the City Limits of the City of Peculiar In Accordance With the City’s 3, 8 and 13 Year Annexation Plan.  
**Property Location (if applicable):** Two (2) Tracts of Land Proposed for Annexation

**PROPOSAL**

Presentation to the BOA of the Ordinance which shall approve the Annexation of Two (2) Tracts of Land adjacent to the City of Peculiar’s City Limits subject to approval by Peculiar’s Citizens on the April 7<sup>th</sup>, 2015 Election and the subsequent rendering of a Declaratory Judgement by the Circuit Court of Cass County approving the Annexation.

**PREVIOUS ACTIONS**

At the January 5<sup>th</sup>, 2015 BOA Meeting the Board approved Resolution 2015-01 declaring the City’s Intent to Annex these properties and the Board also approved Resolution 2015-02 calling for an Annexation Election to be held April 7<sup>th</sup>, 2015.

**KEY ISSUES**

It is the belief of City Staff that one of the keys to Peculiar’s growth will be land use decisions that are designed to not only make the City an attractive place to live, but also to engage in business. It is important that the City be able to control growth in an orderly and desirable manner both for the impact upon the City’s infrastructure and our residents. Effectively the only method the City can employ to control growth is to bring lands, not currently in the City, within Peculiar’s City Limits and therefore subject such lands to the City’s zoning and land use regulations as established by ordinance. To accomplish this, City staff is requesting the Board of Aldermen to review the Ordinance of Annexation

designed to annex two (2) tracts of property In-accordance-with the City's 3, 8 & 13 Year Annexation Plan. The Board of Aldermen are being presented the Ordinance to Approve the Annexation, first of three (3) readings, for your review and consideration.

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**STAFF COMMENTS AND SUGGESTIONS**

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City Staff is working closely with our City Attorney to ensure all required steps will be addressed and completed on-time. The Annexation Process Timeline details all the required steps and deadlines for this annexation action and is attached for your information (see Attach 1).

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**STAFF RECOMMENDATION**

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Board of Aldermen to consider approving the Proposed Ordinance of Annexation as presented for its First (of Three Readings) on January 20th, 2015.

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**ATTACHMENTS**

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- (1) Annexation Process Timeline
- (2) Ordinance of Annexation

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**STAFF CONTACT:** Clifford McDonald  
Phone: 779-2226  
E-mail: cmcdonald@cityofpeculiar.com

**ANNEXATION PROCESS  
TIMELINE  
January 20<sup>th</sup> 2015**

- *Jan 5<sup>th</sup> – City Staff send Certified Mail Notice to Property Owners on proposed Annexation and scheduled Public Hearing.* **COMPLETE**
- *Jan 5<sup>th</sup> – Resolutions stating the City’s Intent to Annex and calling for an Election for Annexation presented to BOA.* **COMPLETE**
- *Jan 5<sup>th</sup> – Introduction of Involuntary Annexation Ordinance at BOA Work Session.* **COMPLETE**
- *Jan 20<sup>th</sup> – First Reading, Involuntary Annexation Ordinance by BOA (Deadline)* **SCHEDULED**
- *Jan 22<sup>nd</sup> – Notice of Public Hearing sent to The Journal to publish for three (3) weeks.* **SCHEDULED**
- *Jan 27<sup>th</sup> – Ballot Submission/Certification to Cass County for April Ballot (Deadline)* **SCHEDULED**
- *Jan 29<sup>th</sup> – Public Hearing Notice, BOA Meeting of February 17<sup>th</sup>, published (Deadline)* **SCHEDULED**
- *Jan 29<sup>th</sup> – Public Hearing Notice, BOA Meeting of February 17<sup>th</sup>, posted @ City Hall (Deadline)* **SCHEDULED**
- *Jan 29<sup>th</sup> – Public Hearing Notice, BOA Meeting of February 17<sup>th</sup>, placards posted @ property to be annexed (Deadline)* **SCHEDULED**
- *Jan 29<sup>th</sup> – Draft “Plan of Intent” (Annexation) ready for review*
- *Feb 2<sup>nd</sup> – Second Reading, Involuntary Annexation Ordinance by BOA (Deadline)* **SCHEDULED**
- *Feb 2<sup>nd</sup> – Draft “Plan of Intent” (Annexation) presented to BOA for informational review*
- *Feb 17<sup>th</sup> – Public Hearing, BOA, on Annexation & presentation of the “Plan of Intent”.* **SCHEDULED**  
*After the hearing, potential 3<sup>rd</sup> Reading and passage of the Annexation Ordinance.*
- *April 7th - Elections*

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**STAFF CONTACT:**  
*Clifford L. McDonald*

**BILL NO. 2015-03**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF PECULIAR, MISSOURI BY EMBRACING AND INCLUDING UNINCORPORATED REAL PROPERTY LOCATED IN SECTIONS 9, AND 17 OF TOWNSHIP 45 NORTH, RANGE 32 WEST IN CASS COUNTY, MISSOURI AND HEREINAFTER PARTICULARLY DESCRIBED.**

**WHEREAS**, on the 5<sup>th</sup> day of January, 2015, the City of Peculiar, Missouri declared by resolution of the Board of Aldermen its intent to annex the following unincorporated areas into the City of Peculiar, Missouri:

Tract 1 - 21604 S. School Road, legally described on Exhibit A to this Ordinance.

Tract 2 - 9707 E. State Route YY, Legally described on Exhibit B to this Ordinance.

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

**SECTION I.** That the corporate limits of the City of Peculiar, in the County of Cass, State of Missouri, be extended so as to embrace and include all that part of said County of Cass lying within the following boundary lines, to-wit:

Tract 1

LOTS 7 AND 8, FLYNN'S SUBDIVISION, A SUBDIVISION IN CASS COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 2, PAGE 72, EXCEPT THAT PART IN U.S. HIGHWAY 71 AND THAT PART WEST OF SAID HIGHWAY.

Tract 2

ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 45, RANGE 32 IN CASS COUNTY, MISSOURI DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION; THENCE DUE EAST ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION, A DISTANCE OF 249.45 FEET; THENCE SOUTH 2 DEGREES 09 MINUTES 05 SECONDS EAST, A DISTANCE OF 470.18 FEET; THENCE DUE WEST, A DISTANCE OF 255.00 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 1 DEGREES 38 MINUTES 30 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 470.00 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART ON THE NORTH TAKEN FOR MISSOURI STATE ROUTE YY RIGHT OF WAY.

**SECTION II.** The perimeter of the Two (2) areas proposed to be annexed is 4,597 feet, and the length of the contiguous boundary common to the existing corporate limits of the City of Peculiar, Missouri and the Two (2) proposed areas to be annexed is 4,126 feet, which is equal to at least Eighty Nine (89) percent of the length of the total perimeter of the area proposed for annexation; and

The perimeter of Tract 1 proposed to be annexed is 3,165 feet, and the length of the contiguous boundary common to the existing corporate limits of the City of Peculiar, Missouri and that of Tract 1 proposed to be annexed is 3,165 feet, which is equal to at least One Hundred (100) percent of the length of the total perimeter of the area proposed for annexation; and

The perimeter of Tract 2 proposed to be annexed is 1432 feet, and the length of the contiguous boundary common to the existing corporate limits of the City of Peculiar, Missouri and that of Tract 2 proposed to be annexed is 961 feet, which is equal to at least Sixty Seven (67) percent of the length of the total perimeter of the area proposed for annexation; and

**SECTION III.** The Board of Aldermen has determined, and hereby determines, that the proposed annexation is reasonable and necessary to the proper development of the City of Peculiar.

**SECTION IV.** The City of Peculiar, Missouri has developed a *Plan of Intent* to provide services to the proposed area on the same basis upon which services presently are provided to the residents of the City of Peculiar.

**SECTION V:** A public hearing shall be held concerning this matter and this public hearing shall be on the 17<sup>th</sup> day of February, 2015 at 6:30 p.m. in the City Hall (250 S. Main Street) of Peculiar, Missouri.

**SECTION VI:** Provided, however, that the annexation of the above-described real estate is subject to the City of Peculiar, Missouri obtaining a favorable judgment from the Cass County Circuit Court authorizing the annexation of the area.

**SECTION VII:** Further provided, however, that the annexation of the above-described real estate is subject to the approval of the voters of the area subject to annexation and/or the approval of the voters of the City of Peculiar.

**SECTION VIII:** The annexation of the above described real estate shall be effective immediately following the election approving such annexation as authorized by Rev. Stat. Mo. § 71.015.

**SECTION IX:** This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor, except as provided in Section VIII.

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_

**Third Reading:** \_\_\_\_\_

**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS THIRD READING THIS 17TH DAY OF FEBRUARY, 2015, BY THE FOLLOWING VOTE:**

Alderman Ford \_\_\_\_\_  
Alderman Fines \_\_\_\_\_  
Alderman Ray \_\_\_\_\_

Alderman McCrea \_\_\_\_\_  
Alderman Turner \_\_\_\_\_  
Alderman Roberts \_\_\_\_\_

Approved:

Attest:

\_\_\_\_\_  
Holly Stark, Mayor

\_\_\_\_\_  
Nick Jacobs, City Clerk

**City Administrator**  
*Brad Ratliff*

**City Clerk**  
*Nick Jacobs*

**City Engineer**  
*Carl Brooks*

**Business Office**  
*Trudy Prickett*



**Chief of Police**  
*Harry Gurin*

**City Planner**  
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*Reid Holbrook*

**Parks Director**  
*Nathan Musteen*

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078  
Phone: (816)779-5212 Facsimile: (816)779-1004

---

To: Board of Aldermen

**From:** Brad Ratliff

Date: January 15, 2015

Re: Changing Aldermen Term to 4 years and placing question on the ballot.

#### GENERAL INFORMATION

Applicant: Staff

Status of Applicant: N/A

Requested Actions: Perform both readings of proposed bill to put the question on the ballot for the April 7, 2015 Election.

Date of Application: January 15, 2015

Property Location (if applicable):

#### PROPOSAL

Per RSMo 79.050 the Board of Aldermen may pass an ordinance to increase the term for Aldermen from 2 years to 4 years. Said ordinance must be brought before the voters and receive a simple majority vote to take effect.

Staff feels 4 year terms would be beneficial for the City as it will allow better long range planning as well as continuity.

Another benefit will be the decrease in annual election costs.

For general elections the City has paid approx. \$18,546.79 from 2010 to current. An average of \$3,709.36 per election.

If the terms are brought to 4 years there will be a 2 year gap with no general election.

To get it on the ballot for April, both readings of the Ordinance will need to be performed.

#### KEY ISSUES

This ordinance will approve the 4 year term for Aldermen and allow it to be placed on the ballot for voter approval on April 7, 2015.

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

Approval of the Ordinance

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STAFF CONTACT:

Brad Ratliff

**BILL NO. 2015-04**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI INCREASING THE TERM OF ALDERMEN AND CALLING FOR A QUESTION TO BE PLACED ON THE APRIL 7, 2015 GENERAL ELECTION BALLOT REGARDING LENGTH OF TERM FOR ALDERMEN.**

**WHEREAS**, Section 79.050, Missouri Revised Statutes, provides that the Board of Aldermen may provide by ordinance, after approval of a majority of the voters voting at an election at which the issue is submitted, for a four year term for members of the board of aldermen; and

**WHEREAS**, the Board deems it advisable and in the best interests of the citizens of the City of Peculiar to provide a four year term for members of the board of aldermen.

**NOW THEREFORE**, be it ordained by the Board of Aldermen of the City of Peculiar, Missouri as follows:

**SECTION I.** The term for Aldermen is hereby increased from two (2) years to four (4) years.

**SECTION II.** The question shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Section 79.050 RSMo, at the election hereby called and to be held in the City of Peculiar on the 7<sup>th</sup> day of April, 2015. The ballot of submission shall contain substantially the following language:

**Shall the Board of Aldermen of the City of Peculiar, Missouri, provide by ordinance for a four year term for members of the board of aldermen as provided for by the Statutes of the State of Missouri?**

[ ] **YES**  
[ ] **NO**

**If you are in favor of the question, place an “X” in the box opposite “YES.” If you are opposed to the question, place an “X” in the box opposite “NO.”**

**SECTION III.** This ordinance shall only become effective after receiving a majority vote of the citizens of Peculiar.

**SECTION V:** The effective date of this ordinance shall be \_\_\_\_\_.

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_

**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS \_\_ DAY OF \_\_\_\_\_, 2015, BY THE FOLLOWING VOTE:**

**Alderman Ford**                    \_\_\_\_\_  
**Alderman Fines**                \_\_\_\_\_  
**Alderman Ray**                   \_\_\_\_\_

**Alderman McCrea**               \_\_\_\_\_  
**Alderman Turner**               \_\_\_\_\_  
**Alderman Roberts**              \_\_\_\_\_

**Approved:**

**Attest:**

\_\_\_\_\_  
**Holly Stark, Mayor**

\_\_\_\_\_  
**Nick Jacobs, City Clerk**

**City Administrator**  
*Brad Ratliff*

**City Clerk**  
*Nick Jacobs*

**City Engineer**  
*Carl Brooks*

**Business Office**  
*Trudy Prickett*



**Chief of Police**  
*Harry Gurin*

**City Planner**  
*Cliff McDonald*

**City Attorney**  
*Reid Holbrook*

**Parks Director**  
*Nathan Musteen*

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078  
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Aldermen

**From:** Brad Ratliff

Date: January 15, 2015

Re: Changing Mayor's Term to 4 years and placing question on the ballot.

#### GENERAL INFORMATION

Applicant: Staff

Status of Applicant: N/A

Requested Actions: Adopt Resolution to put the question on the ballot for the April 7, 2015 Election.

Date of Application: January 15, 2015

Property Location (if applicable):

#### PROPOSAL

Per RSMo 79.050 the Board of Aldermen may pass an ordinance to increase the term for Mayor from 2 years to 4 years. Differing from the requirement for Aldermen, it does not require the initial Ordinance to be placed on the ballot. A resolution can place question on the ballot but an Ordinance will need to be adopted before the April Election to actually increase the term. The ballot question will require simple majority.

Staff feels 4 year terms would be beneficial for the City as it will allow better long range planning as well as continuity.

Another benefit will be the decrease in annual election costs.

For general elections the City has paid approx. \$18,546.79 from 2010 to current. An average of \$3,709.36 per election.

If the terms are brought to 4 years there will be a 2 year gap with no general election.

To get it on the ballot for April, both readings of the Ordinance will need to be performed.

#### KEY ISSUES

This resolution will allow for the question for the Mayor's term to be placed on the ballot for voter approval on April 7, 2015.

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

Approval of the Resolution.

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STAFF CONTACT:

Brad Ratliff

**RESOLUTION 2015-04**

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A QUESTION TO BE PLACED ON THE APRIL 7, 2015 GENERAL ELECTION BALLOT REGARDING LENGTH OF TERM FOR MAYOR.**

**WHEREAS**, pursuant to Section 79.050 RSMo as amended a fourth class city may change the length of term for Mayor from 2 to either 3 or 4 years after a majority vote of the residents of such city; and

**WHEREAS**, the Board of Aldermen are desirous extending the term of Mayor to ensure better long range planning for the City of Peculiar.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Peculiar, Missouri, as follows:

**SECTION I.** The question shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Section 79.050 RSMo, at the election hereby called and to be held in the City of Peculiar on the 7<sup>th</sup> day of April, 2015. The ballot of submission shall contain substantially the following language:

**Shall the Board of Aldermen of the City of Peculiar, Missouri, provide by ordinance for a four year term for the mayor as provided for by the Statutes of the State of Missouri?**

- YES**
- NO**

**If you are in favor of the question, place an “X” in the box opposite “YES.” If you are opposed to the question, place an “X” in the box opposite “NO.”**

**SECTION II.** Passed and adopted by the Board of Aldermen of the City of Peculiar, Missouri, this \_\_\_ day of January, 2015.

Upon a roll call, said Resolution was adopted by the following vote:

<b>Alderman Ford</b>	_____	<b>Alderman McCrea</b>	_____
<b>Alderman Fines</b>	_____	<b>Alderman Turner</b>	_____
<b>Alderman Ray</b>	_____	<b>Alderman Roberts</b>	_____

**Approved:**

**Attest:**

\_\_\_\_\_  
**Holly Stark, Mayor**

\_\_\_\_\_  
**Nick Jacobs, City Clerk**

**City Administrator**  
*Brad Ratliff*

**City Clerk**  
*Nick Jacobs*

**City Engineer**  
*Carl Brooks*

**Business Office**  
*Trudy Prickett*



**Chief of Police**  
*Harry Gurin*

**City Planner**  
*Cliff McDonald*

**City Attorney**  
*Reid Holbrook*

**Parks Director**  
*Nathan Musteen*

**Municipal Offices – 250 S. Main Street, Peculiar, MO 64078**  
**Phone: (816)779-5212 Facsimile: (816)779-1004**

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**To:** Mayor & Board of Aldermen  
**From:** Carl Brooks, City Engineer (cbrooks@cityofpeculiar.com)  
**Date:** January 15, 2015  
**Re:** Ordinance No. 2015-05, Mayor & Board of Alderman (BOA) Acceptance of the MoDOT Traffic Engineering Assistance Program Assistance (Cass County), Missouri

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### **GENERAL INFORMATION**

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**Applicant:** City Staff  
**Requested Actions:** Approval of ordinance  
**Purpose:** Acceptance of the MoDOT Traffic Engineering Assistance Program Grant funds for traffic study on corridor C.

**Property Location:** Route C and Schug Avenue  
Route C and N. Main Street  
Route C and North Street  
Route C and Center Street/S. Peculiar Drive  
Route C and Broadway  
Route C and South Street/S. Peculiar Drive

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### **PROPOSAL**

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To accept an 80/20 engineering traffic study grant written by TranSystems Engineers that was submitted to MoDOT and granted. The agreement consists of a maximum grant amount of \$10,000. Eighty percent of the amount would be covered by MoDOT. If the engineer's scope of services included in the grant exceeds \$10,000 then the City would solely be responsible for additional funds.

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### **PREVIOUS ACTIONS**

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The City conducted the 2004 Corridor Study. The new funds would be used to further complete the study at the six designated locations.

Grant was submitted late last year (2014) to MoDOT.

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### **KEY ISSUES**

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The grant requires a 20% share matching by the City but only up to \$10,000 where the City will assume to 100% responsibility.

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### **STAFF COMMENTS AND SUGGESTIONS**

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City staff agree the 2004 Route C traffic study should be updated and coordinated with the 211<sup>th</sup> Street Interchange Corridor Study and Access justification report. The 211<sup>th</sup> Street Interchange Corridor Study and Access justification report were completed by GBA in 2011.

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**STAFF RECOMMENDATION**

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City staff recommends passage of this ordinance.

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**ATTACHMENTS**

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MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRAFFIC ENGINEERING ASSISTANCE PROGRAM AGREEMENT

Exhibit A

Ordinance 2015-05

2015 TEAP Application  
ad Ratliff

CCO Form: FS26  
Approved: 01/15 (MWH)  
Revised:  
Modified:

CFDA Number: CFDA #20.600  
CFDA Title: Traffic Engineering Assistance Program  
Award name/number: TEAP-3458(401)  
Award Year: 2015  
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRAFFIC ENGINEERING ASSISTANCE PROGRAM AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Peculiar (hereinafter, "City").

WITNESSETH:

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

(1) PURPOSE: The United States Congress has authorized, in 23 U.S.C. 402, Planning and Research funds to be used for Traffic Engineering Assistance Program (TEAP) activities. The purpose of this Agreement is to grant the use of such Traffic Engineering Assistance Program funds to the City.

(2) LOCATION: The TEAP funds which are the subject of this Agreement are for the project at the following location:

This project will update the 2004 Route C corridor study. The study will include, but is not limited to, the review of crash history for the study corridor and evaluation of the existing safety conditions using the Highway Safety Manual procedures. Manual traffic and pedestrian volume counts at six (6) study intersections. Update existing operational conditions and future traffic projections for the corridor. Preparation of construction cost estimate and summarize data collection, analysis and recommendations in a brief report.

The Location of Project shall be attached as Exhibit A and shall be incorporated by reference into this Agreement.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the

project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City. The City may not be eligible for future TEAP Funds if the City does not meet the reasonable progress policy.

(4) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or 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 City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work 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 MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities 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. The City shall cause insurer to increase the insurance amounts in accordance with those 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.

(5) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(6) COMMISSION REPRESENTATIVE: The Commission's State Design Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the

Commission in furtherance of the performance of this Agreement.

(7) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply

with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (7) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

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

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

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

(11) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the Federal Highway Administration (FHWA) and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(12) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement

with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(13) PLANS: The City shall prepare preliminary and final plans and specifications for the herein improvements. The plans and specifications shall be submitted to the Commission for the Commission's review and approval. The Commission has the discretion to require changes to any plans and specification prior to any approval by the Commission.

(14) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government, the Commission and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be 80% percent not to exceed \$8,000.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(15) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. The City shall repay any progress payments which involve ineligible costs.

(16) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(17) PERMITS: The City shall secure any necessary approvals or permits from any federal or state agency as required for the completion of the herein improvements. If this improvement is on the right of way of the Commission, the City must secure a permit from the Commission prior to the start of any work on the right of way. The permits which may be required include, but are not limited to, environmental, architectural, historical or cultural requirements of federal or state law or regulation.

(18) INSPECTION OF IMPROVEMENTS AND RECORDS: The City shall assure that representatives of the Commission and FHWA shall have the privilege of inspecting and reviewing the work being done by the City's contractor and subcontractor on the herein project. The City shall also assure that its contractor, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with the TEAP Agreement, and make such materials available at such contractor's office at all reasonable times at no charge during this Agreement period, and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri, and copies shall be furnished, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

(19) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES: A person may offer to donate funds, materials or services in connection with this project. Any donated funds, or the fair market value of any donated materials or services that are accepted and incorporated into this project shall be credited according to 23 U.S.C. §323.

(20) DISADVANTAGED BUSINESS ENTERPRISES (DBE): The Commission will advise the City of any required goals for participation by disadvantaged business enterprises (DBEs) to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(21) 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.

(22) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(23) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as

determined by the final audit.

(24) OMB AUDIT: If the City expend(s) five hundred thousand dollars (\$500,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with OMB Circular A-133. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of OMB Circular A-133, if the City expend(s) less than five hundred thousand dollars (\$500,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(25) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

*[Remainder of Page Intentionally Left Blank]*

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

Executed by the City this \_\_\_\_ day of \_\_\_\_\_, 2015.

Executed by the Commission this \_\_\_\_ day of \_\_\_\_\_, 2015.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF PECULIAR

\_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_

Title \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_

Title \_\_\_\_\_

Ordinance No \_\_\_\_\_

## Exhibit A - Location of Project

EXHIBIT B

PLACEHOLDER FOR  
CITY ORDINANCE  
AUTHORIZING EXECUTION OF THIS AGREEMENT  
BY SPECIFIC PUBLIC OFFICERS

[DRAFTER'S NOTE: PLEASE INSERT ACTUAL EXHIBIT  
IN LIEU OF THIS PLACEHOLDER PAGE, AND THEN DELETE THIS PAGE]

**TRAFFIC ENGINEERING ASSISTANCE PROGRAM (TEAP)  
PROGRAM APPLICATION**



Project # \_\_\_\_\_ (to be assigned by MoDOT)

Application Date: 11-13-14

**A. LOCAL PUBLIC AGENCY (LPA) INFORMATION**

Sponsor Name: City of Peculiar

Contact Person: Carl M. Brooks, PE

Title: City Engineer

Address: 250 S. Main Street City: Peculiar State: MO Zip: 64078

Phone: 816-779-2228 Fax: 816-779-1004 Email: cbrooks@cityofpeculiar.com

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Co-Sponsor Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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**B. BASIC PROJECT INFORMATION**

Project Title: Route C Traffic Study Update

MoDOT District: Kansas City County: Cass

Metropolitan Planning Organization (if applicable): MARC

**C. PROJECT LOCATION INFORMATION**

1. Where is the project located? Attach a map no larger than 8 ½ inches by 11 inches.

Route C from South Street to Schug Avenue. Specific study intersections include:

1. Route C and Schug Avenue
2. Route C and N. Main Street
3. Route C and North Street
4. Route C and Center Street/S. Peculiar Drive
5. Route C and Broadway
6. Route C and South Street/S. Peculiar Drive

2. Please check the appropriate box for each question.

- Is the project a component or an extension of a previous or future transportation federal aid project? Yes  No   
If so, give the project number: \_\_\_\_\_  
If so, explain relationship:
- Does the project sponsor own the right of way? Yes  No   
All of the study intersections are within MoDOT's right-of-way, although segments of the intersecting roadways impacted by potential improvements are within city right-of-way.
- Does any part of the project study limits fall on MoDOT right of way? Yes  No
- If yes, does the project sponsor have approval from appropriate MoDOT District Traffic Engineer (no duplication of services)? Yes  No

This project has been discussed with the District Traffic Engineer, Laurel McKean, and she indicated that some of the anticipated services would not normally be provided by the district.

#### **D. PROJECT DESCRIPTION**

Please provide a concise overview of the project by answering questions and providing data in the following sub-sections. Drawings no larger than 8 ½ inches by 11 inches may be attached to the back of this application.

##### **1. Project Activities and Tasks**

Check all that apply. A project may overlap categories.

- Corridor Safety and/or Operational Analysis
- Intersection Safety and/or Operational Analysis
- Speed Limit Review
- Pedestrian Safety and/or Operational Analysis
- Bicycle Safety and/or Operational Analysis
- Inventories (sign, sidewalk, bicycle facilities, etc.)
- Parking Analysis
- Other, explain

##### **2. Project Overview**

Define the need of the project and provide a brief summary of the project.

**Project need:** This project would be an update to the Route C corridor study that was conducted by the city in 2004. The previous study found that conditions along the corridor are expected to deteriorate to unacceptable levels of service within 20 years. Based on the analyses, a technically preferred geometric alternative was prepared for the corridor. The city believes it would be important to update the study with all the new improvements that are planned in the surrounding area in the next couple of years or more. This study would revisit the previous recommendations based on current traffic volumes and crash patterns along the corridor as well as new projections for future traffic (design year 2035). Additional mitigation measures for the corridor will be identified if appropriate.

**Project summary:** TranSystems will:

- a) Review the crash history for the study corridor and evaluate the existing safety conditions using Highway Safety Manual (HSM) procedures.
- b) Conduct manual traffic and pedestrian volume counts at the six (6) study intersections during a typical weekday afternoon peak period (e.g., 4-6 PM).
- c) Update existing operational conditions based on the new turning movement counts.
- d) Update future traffic projections (design year 2035) for the corridor based on the city's known planned improvements and an estimated background traffic volume growth rate.
- e) Review whether the technically preferred alternative from the 2004 study is still appropriate for the existing 2015 and future 2035 conditions. If additional mitigation measures are recommended, modifications to the technically preferred alternative will be identified and illustrated on figures with an aerial background.
- f) Conduct a work session with city staff, the Mayor and the Board of Alderman to review and discuss alternatives for the corridor.
- g) Prepare an approximate construction cost estimate for the final technically preferred alternative.
- h) Summarize the data collected, analyses and recommendations in a brief report.

### **3. Project Details**

Provide a brief description to each category listed below as to how it applies to the project.

**"Engineering Resources"** - Refers to the LPA's own staffed traffic engineering resources. The city has no traffic engineering staff to complete a study of this type.

**"Safety"** - Refers to the degree to which traffic safety is addressed via the project. Recommendations will be targeted to mitigate existing safety deficiencies along Route C and at the study intersections.

**"Congestion"** - Refers to the degree to which traffic congestion is addressed via the project. Localized congestion already occurs at some of the study intersections and is anticipated to become worse with future traffic growth along Route C. Recommendations will be targeted to mitigate the existing and future traffic congestion.

**"Innovation"** - Refers to countermeasures being considered (roundabouts, flashing yellow arrow, j-turns, prismatic sheeting, etc.). The technically preferred alternative from the 2004 study included roundabout control at two of the study intersections. Additional improvements to enhance pedestrian movements in the study area, such as a pedestrian hybrid beacon or median refuges, may be considered as part of the study and will be consistent with the city's planned sidewalk improvements for this area to be constructed in 2015.

**"Implementation"** - Refers to the feasibility of the LPA following through with changes as a result of the project. As funding permits, Peculiar will consider implementation of the countermeasures. A short-term and long-term approach may be used depending on the recommended modifications.

**"Value"** - Refers to the overall gain the project could offer compared to the total cost. While the long-term geometric modifications for the corridor will likely have a high cost, significant benefits are anticipated with improved corridor safety and operations. Interim geometric measures, if proposed, will be targeted to provide high value safety and operational improvements compared to the total cost.

**E. GENERAL COST ESTIMATE**

List the cost of the project components in the table provided below. Federal funds can reimburse 80 percent (up to \$8,000 per project) of the total project cost. Non-federal matching funds (at least 20%) may come from the LPA's resources or from a third-party donation to the LPA for cash, materials or labor.

Example #1:

Total Project Cost: \$15,000

HSP/TT Funds:  $\$15,000 \times .80 = \$12,000$  BUT the max is \$8,000

LPA:  $\$15,000 \times .20 = \$3,000$  (Plus the overage of \$4,000 of the federal share) = \$7,000

Example #2:

Total Project Cost: \$5,000

HSP/TT Funds:  $\$5,000 \times .80 = \$4,000$

LPA:  $\$5,000 \times .20 = \$1,000$

<b>TASKS (surveying, traffic counts, conceptual report, final report, etc.)</b>	<b>TASK TOTAL</b>	<b>FEDERAL SHARE REQUEST (80% of project total, up to \$8,000 per project)</b>	<b>NON-FEDERAL MATCH (Project total – 80% of project total, at least 20%)</b>
1. Data collection	\$ 3,495.80		
2. Analyses	\$ 6,307.20		
3. Report preparation	\$ 5,195.00		
4.	\$		
5.	\$		
<b>PROJECT TOTAL</b>	<b>\$ 14,998.00</b>	<b>\$ 8,000.00</b>	<b>\$ 6,998.00</b>

**F. PUBLIC INVOLVEMENT AND PARTNERSHIPS**

Describe the public involvement outreach activities the LPA has completed, or intends to complete, in order to gain support for this project. Also describe any partnerships that will be developed as a part of this project. Describe any anticipated opposition to the project and how that opposition will be addressed.

No public involvement activities have occurred and none are planned at this time. There is no anticipated opposition to the project.

**G. PAST EXPERIENCE**

Briefly describe the LPA's past experience with the implementation of similar projects. Include the experience level of the consultant, engineer, etc., if applicable.

Peculiar regularly implements safety improvements throughout the city. TranSystems has a nearly 50-year history of completing similar safety studies for several agencies within the Kansas City metro area and throughout the state of Missouri.

\_\_\_\_\_  
Sponsor signature

\_\_\_\_\_  
Date



Google earth



Route C Study Corridor

**BILL NO. 2015-05**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AND ACCEPTING THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRAFFIC ENGINEERING ASSISTANCE PROGRAM AGREEMENT (CASS COUNTY), MISSOURI**

**WHEREAS**, the Board of Aldermen previously approved the execution of the 2004 Corridor Traffic Study, and

**WHEREAS**, the Missouri Traffic Engineering Assistance Program has awarded \$10,000 in 80/20 grant funding,

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

**SECTION I.** The Missouri Highways and Transportation Commission Traffic Engineering Assistance program Agreement is approved.

**SECTION II.** the effective date of this ordinance shall be \_\_\_\_\_, 2015.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS \_\_\_ DAY OF \_\_\_\_\_, 2015, BY THE FOLLOWING VOTE:

Alderman Fines \_\_\_\_\_  
Alderman Ford \_\_\_\_\_  
Alderman McCray \_\_\_\_\_

Alderman Ray \_\_\_\_\_  
Alderman Roberts \_\_\_\_\_  
Alderman Turner \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Holly Stark, Mayor

\_\_\_\_\_  
Nick Jacobs, City Clerk