

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
FEBRUARY 5, 2019
REGULAR SESSION NO. 45
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Invocation/Pledge of Allegiance
Roll Call

Presentations/Proclamations

- ★ Presentation to Jim Lynch, Chief of Police

Public Comments
Communication from the Mayor
Communication from the City Administrator
Committee Reports

1. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular January 15, 2019 Board of Aldermen meeting minutes.
Approval of the Special January 21, 2019 Board of Aldermen meeting minutes

REGULAR AGENDA

NEW BUSINESS

2. Public Hearing: A public hearing to consider a change in zoning for property located at 10009 E. 59th Street.
 - ★ Staff is requesting that this item be continued to a date certain of February 19, 2019
3. **FIRST READING: Bill No. 6498-19, Section XVI. AN ORDINANCE AMENDING CHAPTER 42 (TRAFFIC AND MOTOR VEHICLES), ARTICLE I (IN GENERAL), SECTION 42-1 (DEFINITIONS) AND ADDING SECTIONS TO ARTICLE XVI (STREET OBSTRUCTIONS) TO THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, PERTAINING TO TOW VEHICLES AND TOW BUSINESS.** Point of Contact: Jim Lynch, Police Chief.
4. **R-3172-19: A RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 BUDGET RELATED TO THE FINANCE DEPARTMENT.** Point of Contact: Missy Wilson, Assistant City Administrator, Interim Finance Director.
5. **R-3173-19: A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH KAPKE & WILLERTH L.L.C. FOR SPECIAL COUNSEL SERVICES AND APPROVING THE EXPENDITURE OF FUNDS WITH KAPKE & WILLERTH, L.L.C. IN EXCESS OF \$15,000.00 BUT WITHIN BUDGETED AMOUNTS FOR FISCAL YEAR 2018-2019.** Point of Contact: Damon Hodges, City Administrator.

6. **R-3174-19: A RESOLUTION** APPOINTING MAJOR RANDY HUDSPETH AS INTERIM CHIEF OF POLICE, EFFECTIVE FEBRUARY 15, 2019 AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES. Point of Contact: Damon Hodges, City Administrator.

DISCUSSION ITEM(S)

7. National League of Cities Sewer and Water Line Insurance Program, Damon Hodges, City Administrator
8. Raytown Parks Department Ballot Question, Dave Turner, Parks and Recreation Director
9. Sidewalks, Alderman Ryan Myers
10. April 2, 2019 Election Education Materials, Alderman Ryan Myers

ADJOURNMENT

DRAFT
MINUTES
RAYTOWN BOARD OF ALDERMEN
JANUARY 15, 2019
REGULAR SESSION No. 44
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
6:00 P.M.

OPENING SESSION

Mayor Michael McDonough called the January 15, 2019 Board of Aldermen meeting to order at 6:10 p.m. and Alderman Bill Van Buskirk provided the invocation and led the pledge of allegiance.

Roll Call

Roll was called by Teresa Henry, City Clerk, and the attendance was as follows:

Present: Alderman Derek Ward, Alderman Frank Hunt, Alderman Bill Van Buskirk, Alderman Jason Greene, Alderman Jim Aziere, Alderman Bonnaye Mims, Alderman Karen Black

Absent: Alderman Steve Meyers, Aldermen Mark Moore, Alderman Ryan Myers

Public Comments

Tony Jacob, Raytown, MO, spoke regarding the Public Works crews' efforts in addressing winter storm issues, honesty and an item on the meeting agenda.

Communication from the Mayor, part 1

None

Communication from the City Administrator

Damon Hodges, City Administrator, provided an update on the City's current projects and plans. The snow ordinance will remain in place through the upcoming weekend due to another forecasted winter storm. Chief Lynch was asked to speak regarding COMBAT when he returns to the meeting.

Communication from the Mayor, part 2

Mayor McDonough reiterated Damon Hodges' thanks to Public Works staff for working to address winter weather issues along with other emergency service providers.

Committee Reports

Alderman Ward thanks Public Works crews for their work to address recent winter weather issues and asked about preparations for the next forecasted winter storm.

Alderman Van Buskirk thanked Public Works crews for their work to address recent winter weather issues.

Teresa Henry, City Clerk, announced the closing of the filing period for the April 2, 2019 election.

STUDY SESSION

Parks/Storm Water Sales Tax Proposal
Dave Turner, Parks and Recreation Director

Dave Turner, Parks and Recreation Director presented on the Park Board's Sales Tax proposal and, along with Chris Rathbone, Park Board Chair, remained available for any discussion.

The Sales Tax proposal was discussed.

Alderman Ward read a prepared statement regarding the Tax Proposal (see attachment at end of Minutes).

Discussion continued.

Mayor McDonough called for a five-minute recess.

Mayor McDonough reconvened the meeting at 7:35 p.m.

Discussion continued.

Proclamations/Presentations

Chief Lynch presented the new Raytown Police Officers Robert Fox, Reed Nelson, Jeffrey Peterman and Samantha Stoner and Teresa Henry, City Clerk swore them in.

Study Session continued

Discussion continued.

Alderman Aziere made a motion to direct staff to draft language to raise the current Parks Storm Water Sales Tax of $\frac{1}{8}$ cent to be $\frac{1}{4}$ cent for the purpose of funding the Raytown Parks Department with a sunset of ten (10) years.

Discussion continued to clarify the motion.

Alderman Aziere clarified his motion for the sales tax increase to be for the purpose of funding both the Storm Water Fund and the Raytown Parks Department.

The motion failed without a second.

Alderman Van Buskirk made a motion to direct staff to draft ballot language stating: Shall the municipality of Raytown impose a sales tax of $\frac{1}{8}$ cent for the purpose of funding Parks and $\frac{1}{8}$ cent for the purpose of funding the Storm Water Fund.

Alderman Van Buskirk's motion failed without a second.

Alderman Greene, seconded by Alderman Black, made a motion for staff to draft two (2) questions to be considered for the election ballot:

- 1) Renewal of the $\frac{1}{8}$ cent Sales tax with 75% for Parks and 25% for Storm Water
- 2) Increase of the Sales Tax from $\frac{1}{8}$ to $\frac{1}{4}$ cent for the purpose of funding only the Raytown Parks Department with a sunset of ten (10) years.

Discussion continued.

Alderman Greene's motion, seconded by Alderman Black, failed by a vote of 3-5-2.

Ayes: Aldermen Greene, Black, Meyers

Nays: Aldermen Mims, Hunt, Ward, Van Buskirk, Aziere

Absent: Aldermen Moore, Myers

The item was continued to a future meeting.

LEGISLATIVE SESSION

1. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular January 8, 2019 Board of Aldermen meeting minutes.

Alderman Mims, seconded by Alderman Black, made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mims, Black, Hunt, Greene, Van Buskirk, Ward, Aziere, Meyers

Nays: None

Absent: Aldermen Moore, Myers

REGULAR AGENDA

NEW BUSINESS

2. **R-3170-19: A RESOLUTION** AUTHORIZING AND APPROVING THE CONTINUATION OF AN AGREEMENT WITH INFINITY BUILDING SERVICE, LLC FOR PARKS AND RECREATION MOWING IN AN AMOUNT NOT TO EXCEED \$26,000.00 FOR FISCAL YEAR 2018-2019. Point of Contact: Dave Turner, Parks and Recreation Director.

The resolution was read by title only by Teresa Henry, City Clerk.

Dave Turner, Parks and Recreation Director, remained available for any discussion.

Alderman Van Buskirk, seconded by Alderman Greene, made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Van Buskirk, Greene, Aziere, Mims, Meyers, Black, Ward, Hunt

Nays: None

Absent: Aldermen Myers, Moore

Chief Lynch was called to the lectern to provide information about COMBAT.

3. **R-3171-19: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH RED MUNICIPAL AND INDUSTRIAL EQUIPMENT CO. FOR THE PURCHASE OF PARTS AND REPAIRS RELATED TO THE MAINTENANCE AND OPERATION OF CITY-OWNED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$16,040.00 FOR FISCAL YEAR 2018-2019. Point of Contact: Damon Hodges, City Administrator.

The resolution was read by title only by Teresa Henry, City Clerk.

Damon Hodges, City Administrator, remained available for any discussion.

The resolution was discussed.

Alderman Mims, seconded by Alderman Aziere, made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mims, Aziere, Black, Meyers, Greene, Hunt, Van Buskirk, Ward

Nays: None

Absent: Aldermen Myers, Moore

Alderman Mims, seconded by Alderman Black, made a motion to adjourn. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mims, Black, Meyers, Greene, Van Buskirk, Aziere, Hunt, Ward

Nays: None

Absent: Aldermen Myers, Moore

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

WORK SESSION

Immediately Following the Regular Board of Aldermen Meeting

Sunshine Law
Jennifer Baird, City Attorney

Jennifer Baird, City Attorney, presented on Missouri Sunshine Law.

The presentation was discussed.

ADJOURNMENT

The Work Session adjourned at 9:20 p.m.

Teresa M. Henry, MRCC
City Clerk

Alderman Derek Ward's prepared comments regarding the Park Board's Sales Tax proposal:

Let me begin by expressing my gratitude for Mr. Turner's service. I strongly believe that Raytown is very fortunate to have Mr. Turner leading our Park's department. Mr. Turner, together with our capable Parks Board is doing exactly what they should be doing – advocating for a stronger, better and more vibrant Parks system. So, although I am going to take a contrary position on this issue, it doesn't mean that I think they are wrong to make the request.

That said, the Board of Aldermen is charged with guiding the entire city towards a better future. While a vibrant Parks system IS part of that future, as a board, I believe must first ensure that our City's foundation is strong and that our primary, core functions are operating at the expected level.

Before we get to Parks, we must first address other critical infrastructure needs. First, we need at least \$40 million dollars to fix our roads. Every person who buys a home in Raytown uses our streets. Every police, fire and EMS call depends upon having navigable streets. Many businesses depend upon safe roads for customers and operations. We must fix our roads before we worry about shelter houses.

Storm sewers help ensure that our residents have dry basements. But they also help protect our parks systems. If storm water can't be controlled, we can restore every tennis court only to see it wash away in the next spring rain. We must maintain and improve our storm sewers before we can worry about off-leash parks.

Of all city provided services, none is arguably more important than our Police Department. Although our outstanding officers and police leadership are keeping us safe, they are doing so only with great difficulty due to budget constraints.

In closing, while I appreciate Mr. Turner and the park Board's vision, and I share their desires, I cannot support any effort to allocate limited tax dollars to improving Park facilities until our Police, Streets and Storm Sewers are adequately funded.

DRAFT
MINUTES
RAYTOWN BOARD OF ALDERMEN
JANUARY 21, 2019
SPECIAL SESSION NO. 11
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
4:00 P.M.

OPENING SESSION

Mayor Michael McDonough called the January 21, 2019 Board of Aldermen meeting to order at 4:05 p.m. and Alderman Bill Van Buskirk provided the invocation and led the pledge of allegiance.

Roll Call

Roll was called by Teresa Henry, City Clerk, and the attendance was as follows:

Present: Alderman Mark Moore, Alderman Jim Aziere, Alderman Frank Hunt, Alderman Bill Van Buskirk, Alderman Karen Black, Alderman Steve Meyers, Alderman Jason Greene, Alderman Ryan Myers

Absent: Alderman Derek Ward, Alderman Bonnaye Mims

REGULAR AGENDA

NEW BUSINESS

DISCUSSION ITEM

1. Discussion and possible action regarding interim Chief of Police position.

Damon Hodges, City Administrator, and Jennifer Baird, City Attorney, introduced the discussion item and remained available for any discussion.

Alderman Mims arrived at 4:10 p.m.

The item was discussed.

Alderman Greene, seconded by Alderman Myers, made a motion to move forward with Option #4 as presented by Jennifer Baird, City Attorney, and to direct staff to draft an ordinance to appoint an interim Police Chief/City Marshal and direct staff to draft an ordinance with language for a ballot item to make Police Chief/City Marshal an appointed position.

Discussion continued.

The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Greene, Myers, Meyers, Van Buskirk, Mims, Moore, Aziere, Hunt, Black

Nays: None

Absent: Alderman Ward

Mayor McDonough called for a 5-minute recess to allow staff to draft an ordinance.

Mayor McDonough reconvened the meeting at 5:25 p.m.

Discussion continued.

Alderman Greene, seconded by Alderman Aziere, made a motion to amend the agenda by adding Bill 6497-19 to the agenda.

Discussion continued.

The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Greene, Aziere, Van Buskirk, Hunt, Meyers, Mims, Black, Moore, Myers

Nays: None

Absent: Alderman Ward

2. **FIRST READING: Bill No. 6497-19, Section III-A-4, AN ORDINANCE AUTHORIZING AND DIRECTING THE HOLDING OF AN ELECTION IN THE CITY OF RAYTOWN, MISSOURI ON TUESDAY, APRIL 2, 2019 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY A PROPOSITION TO APPOINT A CHIEF OF POLICE WHO SHALL PERFORM ALL THE DUTIES OF THE CITY MARSHAL PRESCRIBING THE FORM OF BALLOT TO BE USED AND AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF SAID ELECTION.** Point of Contact: Damon Hodges, City Administrator.

The Bill was read in full by Teresa Henry, City Clerk, and Jennifer Baird, City Attorney.

Damon Hodges, City Administrator, remained available for any discussion.

There was no discussion.

Alderman Aziere, seconded by Alderman Mims, made a motion to suspend the rules and hold an immediate second reading. The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Aziere, Mims, Hunt, Van Buskirk, Meters, Moore, Myers, Greene, Black

Nays: None

Absent: Alderman Ward

The Bill was read in full for a second time by Jennifer Baird, City Attorney.

There was no discussion.

Alderman Myers, seconded by Alderman Black, made a motion to adopt. The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Myers, Black, Hunt, Greene, Moore, Van Buskirk, Aziere, Meyers, Mims

Nays: None

Absent: Alderman Ward

Became Ordinance 5598-19

CLOSED SESSION

Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:

- 610.021(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information relating to the performance or merit of an individual employee is discussed or recorded; and/or
- 610.021(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

Alderman Mims, seconded by Alderman Myers, made a motion to adjourn and reconvene in Closed Session. The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Mims, Myers, Moore, Black, Meyers, Greene, Hunt, Van Buskirk, Aziere

Nays: None

Absent: Alderman Ward

The Open Session adjourned at 5:50 p.m.

Alderman Mims, seconded by Alderman Greene, made a motion to adjourn the Closed Session. The motion was approved by a vote of 9-0-1.

Ayes: Aldermen Mims, Greene, Meyers, Van Buskirk, Myers, Moore, Aziere, Hunt, Black

Nays: None

Absent: Alderman Ward

The Closed Session adjourned at 6:05 p.m.

ADJOURNMENT

Alderman Aziere, seconded by Alderman Van Buskirk, made a motion to adjourn the meeting. The motion was approved by a majority of those present.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: January 31, 2019
To: Mayor and Board of Aldermen
From: Chief of Police James Lynch

Bill No.: 6498-19
Section No.: XVI

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: Review and adoption of City ordinance.

Recommendation: Approve the Ordinance.

Analysis: The Police Department has identified a safety hazard created by tow truck services responding to the scene of motor vehicle accidents to solicit for business. In these instances, they have not been summoned by public safety personnel, nor the motorists involved in the accident. This creates a safety risk for emergency services personnel, the involved citizens, the tow truck drivers themselves as well as uninvolved passing motorists. Missouri statute already prohibits the practice of accident scene business solicitation (RSMO 304.153).

This amendment will replicate state statute as most of our neighboring jurisdictions have done.

Alternatives: Not adopt the new ordinance.

Budgetary Impact:

Not Applicable

Additional Reports Attached: Proposed Raytown ordinance, RSMO 304.153, KCMO ordinance sec. 70-273

AN ORDINANCE AMENDING CHAPTER 42 (TRAFFIC AND MOTOR VEHICLES), ARTICLE I (IN GENERAL), SECTION 42-1 (DEFINITIONS) AND ADDING SECTIONS TO ARTICLE XVI (STREET OBSTRUCTIONS) OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, PERTAINING TO TOW VEHICLES AND TOW BUSINESS

WHEREAS, the Police Department has identified a safety hazard created by tow truck services responding to the scene of motor vehicle accidents to solicit for business; and

WHEREAS, in some instances, the tow truck services have not been summoned by public safety personnel, nor the motorists involved in the accident; and

WHEREAS, this creates a safety risk for emergency services personnel, the involved citizens, the tow truck driver's themselves as well as uninvolved passing motorists; and

WHEREAS, RSMo. 304.153 prohibits the practice of accident scene business solicitation;

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

SECTION 1 – AMENDMENTS. That Section 42-1 of the Code of Ordinances of the City of Raytown, Missouri is hereby amended to read as follows:

Sec. 42-1. – Definitions.

Tow Vehicle means any motor vehicle designed or equipped to, or which does in fact provide for hire, and towing service, including but not limited to towing, lifting, or extraction of any vehicle, pushing of vehicles, engine starting, roll ball pick up or recovery, and the carrying or transporting of any vehicle.

Tow vehicle operator means any person who drives a tow vehicle, operated the equipment mounted on or contained within a tow vehicle, or assists in the operation of a tow vehicle or its equipment, including any and all acts and functions incident to the movement of a tow vehicle from place to place, as well as all acts involved in the towing of any vehicle by the tow vehicle.

SECTION 2 – ADDITION OF SECTIONS. That the Code of Ordinances of the City of Raytown, Missouri, is hereby amended by adding to Article XVI Section 42-492 – Tow vehicles and accident scene and Section 42-493 Solicitation of tow business to Chapter 42 (Traffic and Motor Vehicles, which shall read as follows:

Sec. 42-492. -Tow vehicles and accident scene.

(a) No owner of a tow vehicle or tow vehicle operator shall:

(1) Stop, stand or park a tow vehicle at a location where an accident has occurred to solicit business unless:

A. The owner of a tow vehicle or tow vehicle operator has been requested by the police officer in charge at the location where an accident has occurred; or

- B. The owner of a tow vehicle or tow operator has been requested by one of the operators, owner, or agent of the vehicles involved in the accident; or
 - C. The owner of a tow vehicle or tow operator has been requested by the dispatcher of the police officer in charge at the location where an accident has occurred.
- (2) Remain at a location where an accident has occurred after being directed to leave by a police officer.
 - (3) Fail to provide any police officer, upon request, at the location where an accident has occurred with the name and telephone number of the person requesting the tow truck operator, or the police officer's name and serial number requesting the tow truck operator or the dispatcher's name and serial number requesting the tow truck operator.
- (b) Failure by the owner of a tow vehicle or tow vehicle operator to provide the police officer's name and serial number or the police officer's dispatcher's name and serial number or the name and telephone number of the operator of the vehicle involved in the traffic accident requesting the tow truck operator to be present at the scene of the accident to any police officer shall be prima facie evidence that the owner of a tow vehicle or tow vehicle operator had not been requested to stop, stand or park a tow vehicle at a location where an accident occurred.
 - (c) Any person operating a tow vehicle in violation of any part of this section shall be punished by a fine of not less than \$250.00 and not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

Sec. 42-493. - Solicitation of tow business.

No person shall, while at the scene of a fire or traffic accident, solicit any person for the purpose of procuring towing business or authorization or for an agreement for hire or for a fee to tow, lift, extract, or push any vehicle, nor any engine starting, nor any roll back pick up on recovery, nor transportation of any vehicle.

SECTION 4 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 6 – EFFECTIVE DATE. This ordinance shall be in full force and effect on February 5, 2019.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 5th day of February, 2019.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M Baird, City Attorney

Sec. 70-273. - Tow vehicles and accident scene.

- (a) No owner of a tow vehicle or tow vehicle operator shall:
- (1) Stop, stand or park a tow vehicle at a location where an accident has occurred to solicit business unless:
 - a. The owner of a tow vehicle or tow vehicle operator has been requested by the police officer in charge at the location where an accident has occurred; or
 - b. The owner of a tow vehicle or tow operator has been requested by one of the operators, owner, or agent of the vehicles involved in the accident; or
 - c. The owner of a tow vehicle or tow operator has been requested by the dispatcher of the police officer in charge at the location where an accident has occurred.
 - (2) Remain at a location where an accident has occurred after being directed to leave by a police officer.
 - (3) Fail to provide any police officer, upon request, at the location where an accident has occurred with the name and telephone number of the person requesting the tow truck operator, or the police officers name and serial number requesting the tow truck operator or the dispatchers name and serial number requesting the tow truck operator.
- (b) Failure by the owner of a tow vehicle or tow vehicle operator to provide the police officer's name and serial number or the police officer's dispatcher's name and serial number or the name and telephone number of the operator of the vehicle involved in the traffic accident requesting the tow truck operator to be present at the scene of the accident to any police officer shall be prima facie evidence that the owner of a tow vehicle or tow vehicle operator had not been requested to stop, stand or park a tow vehicle at a location where an accident occurred.
- (c) Any person operating a tow vehicle in violation of any part of this section shall be punished by a fine of not less than \$250.00 and not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

(Ord. No. 070870, § 1, 9-6-07; Ord. No. 081186, § 1, 12-4-08)

Sec. 70-274. - Solicitation of tow business.

No person shall, while at the scene of a fire or traffic accident, solicit any person for the purpose of procuring towing business or authorization or for an agreement for hire or for a fee to tow, lift, extract, or push any vehicle, nor any engine starting, nor any roll back pick up or recovery, nor transportation of any vehicle.

12/7/2018

Kansas City, MO Code of Ordinances

(Ord. No. 081186, § 1, 12-4-08)



Publications Constitution _

About Help / FAQ

Words ▾ 1st search term And ▾ 2nd search term

◀ ▶ **Effective 14 Oct 2016, see footnote**

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION

Chapter 304

***304.153. Tow companies or tow lists, utilization of by law enforcement and state transportation employees – definitions – requirements – unauthorized towing, penalty – inapplicability.** – 1. As used in this section, the following terms shall mean:

- (1) **“Law enforcement officer”**, any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;
- (2) **“Motor club”**, an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle;
- (3) **“Patrol officer”**, a Missouri state highway patrol officer;
- (4) **“Tow list”**, a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;
- (5) **“Tow management company”**, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;
- (6) **“Tow truck”**, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;
- (7) **“Towing”**, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;
- (8) **“Towing company”**, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer’s jurisdiction, or Missouri department of

transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator's request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D

felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of this section shall not apply to counties of the third or fourth classification.

(L. 2016 H.B. 1976)

*Effective 10-14-16, see § 21.250. H.B. 1976 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.

< end of effective 14 Oct 2016 > 

[use this link to bookmark section 304.153](#)



In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

[Contact](#)

► **Other Information**



© Missouri Legislature, all rights reserved.

Site errors / suggestions - webmaster@LR.mo.gov

MOGA



Over 15,431,500 page views.

00:57:01



**CITY OF RAYTOWN
Request for Board Action**

Date: January 31, 2019
To: Mayor and Board of Aldermen
From: Missy Wilson, Assistant City Administrator

Resolution No.: R-3172-19

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Approve a resolution to amend the General Fund – Finance Department budget for a budget transfer from personnel costs to professional services.

Analysis: The City approved Resolution R-3162-18 on December 18, 2018 with Cochran Head Vick & Co., P.C. to continue providing accounting services in an amount not to exceed \$60,000.00 for the fiscal year 2018-2019 as the City continues its search to fill the vacant Finance Director position.

FROM:		TO:	
	101.42.00.100.51102		101.42.00.100.52250
	\$60,000.00		\$60,000.00
	Civilian Employees		Professional Services

Alternatives: N/A

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

A RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 BUDGET RELATED TO THE FINANCE DEPARTMENT

WHEREAS, pursuant to Resolution R-3134-18, the Fiscal Year 2018-2019 Budget was approved; and

WHEREAS, it is necessary to amend the Fiscal Year 2018-2019 Budget; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to amend the Fiscal Year 2018-2019 Budget;

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

THAT the Fiscal Year 2018-2019 budget approved by Resolution R-3134-18 is hereby amended as follows:

FROM:	101.42.00.100.51102 \$60,000.00 Civilian Employees	TO:	101.42.00.100.52250 \$60,000.00 Professional Services
--------------	--	------------	---

FURTHER THAT the City Administrator is hereby authorized to execute all documents necessary to this transaction and the City Clerk is authorized to attest thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 5th day of February, 2019.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Jennifer M. Baird, City Attorney

**CITY OF RAYTOWN
Request for Board Action**

Date: January 31, 2019
To: Mayor and Board of Aldermen
From: Damon Hodges, City Administrator

Resolution No.: R-3173-19

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Staff is requesting permission to spend more than \$15,000.00 with a single vendor per the purchasing policy.

Analysis: Special Counsel is needed to represent the City of Raytown for the recognition and negotiations with the West Central Missouri Regional Lodge 50 of the Fraternal Order of Police.

Alternative: Seek other legal services for special counsel.

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Additional Reports Attached: Engagement Letter

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH KAPKE & WILLERTH L.L.C. FOR SPECIAL COUNSEL SERVICES AND APPROVING THE EXPENDITURE OF FUNDS WITH KAPKE & WILLERTH L.L.C. IN EXCESS OF \$15,000.00 BUT WITHIN BUDGETED AMOUNTS FOR FISCAL YEAR 2018-2019

WHEREAS, pursuant to Section 79.230 RSMo. the Board of Aldermen may employ counsel to represent the City as Special Counsel to the City; and

WHEREAS, the Board of Aldermen find it is in the best interest of the citizens of the City of Raytown to authorize and approve an agreement for Special Counsel services as set forth in Exhibit "A" with Kapke & Willerth L.L.C. and approve the expenditure of funds to Kapke & Willerth L.L.C., in excess of \$15,000.00 but within budgeted amounts for fiscal year 2018-2019;

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

THAT it is in the best interest of the citizens of the City of Raytown to authorize and approve an agreement for Special Counsel services as set forth in Exhibit "A" with Kapke & Willerth L.L.C. the expenditure of funds to Kapke & Willerth L.L.C., in excess of \$15,000.00 but within budgeted amounts for fiscal year 2018-2019 is hereby authorized and approved; and

FURTHER THAT, the City Administrator is hereby authorized to execute all agreements or documents necessary to approve the purchase of goods and services contemplated herein and the City Clerk is authorized to attest thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 5th day of February, 2019.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Jennifer M. Baird, City Attorney

KAPKE & WILLERTH L.L.C.
ATTORNEYS AT LAW

GEORGE E. KAPKE
JOE F. WILLERTH
JONATHAN S. ZERR*
G. EDWARD (TED) KAPKE, JR.*
ZACHARY L. ENTERLINE
MICHAEL J. FLEMING*

3304 NE Ralph Powell Road
Lee's Summit, Missouri 64064
(816) 461-3800
Fax (816) 254-8014
www.kapke-willertth.com

*ALSO ADMITTED IN KANSAS

February 1, 2019

E-mail direct to
gek@kapkewillertth.com

Mr. Damon Hodges
City Administrator
Raytown City Hall
10000 E. 59th Street
Raytown, MO 64133

Re: Special Counsel

Dear Damon:

This will confirm our telephone conference of January 30, 2019 in connection with my firm serving as special counsel to the City of Raytown for the recognition and negotiations with West Central Missouri Regional Lodge 50 of the Fraternal Order of Police and the City of Raytown. We will also be serving as Special Counsel on the NAACP – DOJ MOU issue. Our representation will be on the same terms and conditions that we have used in previous representation of the City of Raytown. When this special limited engagement is approved by the Board of Aldermen, please sign this letter and return it to me.

I believe the first issue that we should address is the recognition of the FOP lodge as the collective bargaining unit for the City of Raytown. I believe we need more time to address this issue before responding to Mr. Roach's letter of January 24, 2019. With your permission, I will contact Mr. Roach and raise the issue of additional time.

We also need some verification of the signatures that were submitted with Mr. Roach's letter.

During this special representation, we will build a file. The materials in that file belong to the City of Raytown and will be turned over to the City of Raytown when this representation ends.

Mr. Damon Hodges
February 1, 2019
Page 2

I look forward to working with you, your administration and the City and the elected officials in this special engagement. If you have questions, or need additional information, please contact me.

Very truly yours,

KAPKE & WILLERTH L.L.C.



George E. Kapke

GEK/sh

I understand and agree to the terms of representation outlined above.

Date

Damon Hodges

**CITY OF RAYTOWN
Request for Board Action**

Date: January 31, 2019
To: Board of Aldermen
From: Damon Hodges, City Administrator

Resolution No.: R-3174-19

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____



Action Requested: Installing Major Randy Hudspeth as Interim Police Chief of the police department.

In this role, Major Hudspeth will have the responsibilities outlined in Chapter 26, Article II, Section 26.21, including:

- General management and supervision of the department
- Preserving peace within the City
- Any necessary coaching, counseling and/or disciplinary actions
- Approval of appointments, promotions and/or terminations
- Oversight of department equipment and budget

This temporary assignment will begin on February 15, 2019 and will end on April 17, 2019 or such time as (1) the ballot measure passes and a Police Chief position is created and appointed or (2) the ballot measure fails, and the Mayor appoints, with the advice and consent of a majority of the remaining members of the Board of Aldermen, a successor Police Chief/City Marshal to serve the remainder of the current term.

Alternatives: Do not pass the resolution.

A RESOLUTION APPOINTING MAJOR RANDY HUDSPETH AS INTERIM CHIEF OF POLICE, EFFECTIVE FEBRUARY 15, 2019 AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES

WHEREAS, the current elected Chief of Police, Jim Lynch, announced his retirement effective February 14, 2019; and

WHEREAS, to facilitate consistency, efficient service and a seamless transition for the public and Police Department employees and to follow the established chain of command, it is recommended that Major Randy Hudspeth be appointed as the Interim Chief of Police; and

WHEREAS, this temporary assignment will begin on February 15, 2019 and will end on April 17, 2019 or such time as (1) the ballot measure passes and a Police Chief position is created and appointed or (2) the ballot measure fails, and the Mayor appoints, with the advice and consent of a majority of the remaining members of the Board of Aldermen, a successor Police Chief/City Marshal to serve the remainder of the current term; and

WHEREAS, the Board of Aldermen believes that it is in the best interest of the City that Major Randy Hudspeth be appointed to serve as Interim Chief of Police during this period of time for management continuity;

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

THAT, Major Randy Hudspeth is hereby appointed as the Interim Chief of Police for the City of Raytown effective February 15, 2019; and

FURTHER THAT, this temporary assignment will begin on February 15, 2019 and will end on April 17, 2019 or such time as (1) the ballot measure passes and a Police Chief position is created and appointed or (2) the ballot measure fails, and the Mayor appoints, with the advice and consent of a majority of the remaining members of the Board of Aldermen, a successor Police Chief/City Marshal to serve the remainder of the current term; and

FURTHER THAT, Major Randy Hudspeth will have the responsibilities outlined in Chapter 26, Article II, Section 26.21, including:

- General management and supervision of the department
- Preserving peace within the City
- Any necessary coaching, counseling and/or disciplinary actions
- Approval of appointments, promotions and/or terminations
- Oversight of department equipment and budget

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 5th day of February, 2019.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Jennifer M. Baird, City Attorney



ADMINISTRATION
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133-3993
PHONE: 816-737-6000 - FAX: 816-737-6097

Date: January 30, 2019

To: Mayor and Board of Aldermen

From: Damon Hodges, City Administrator

Re: Chief of Police Continuity

Staff has been working on the logistics of Chief Lynch's retirement on February 14, 2019 and the related ballot issue for the April 2, 2019 election. To facilitate consistency, efficient service and a seamless transition for the public and Police Department employees, we recommend following the established chain of command and installing Major Randy Hudspeth as Interim Police Chief of the police department.

In this role, Major Hudspeth will have the responsibilities outlined in Chapter 26, Article II, Section 26.21, including:

- General management and supervision of the department
- Preserving peace within the City
- Any necessary coaching, counseling and/or disciplinary actions
- Approval of appointments, promotions and/or terminations
- Oversight of department equipment and budget

This temporary assignment will begin on February 15, 2019 and will end on April 17, 2019 or such time as (1) the ballot measure passes and a Police Chief position is created and appointed or (2) the ballot measure fails, and the Mayor appoints, with the advice and consent of a majority of the remaining members of the Board of Aldermen, a successor Police Chief/City Marshal to serve the remainder of the current term.

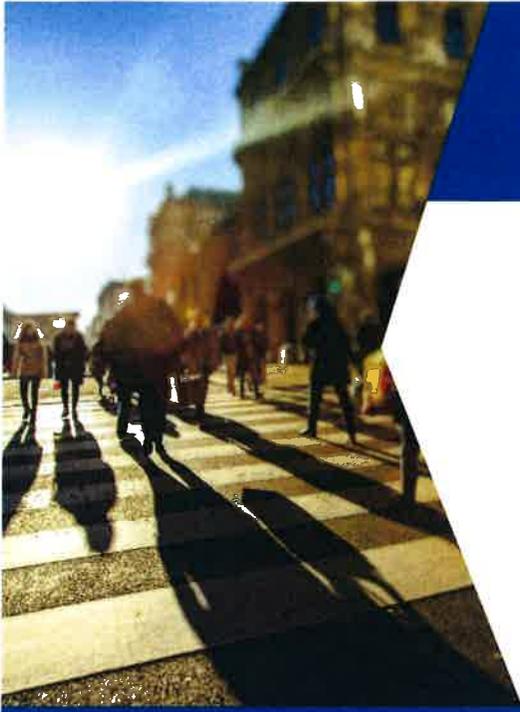


NLC Service Line Warranty Program Highlights

- The only utility line warranty program endorsed by the National League of Cities (NLC)
- Endorsed by multiple state leagues
- Over 400 municipalities participating nationwide
- No cost to or liability for the city to participate
- Ongoing revenue stream for city
- Educates homeowners about their lateral line responsibilities
- Utility Service Partners (USP) handles all marketing and management of the program
- 24/7/365 bilingual customer service
- All repairs performed to city code by local, licensed contractors
- Reduces calls from residents to City Hall for lateral water and sewer line issues
- Homeowner billed by NLC Service Line Warranty Program
- Provides residents an affordable solution that covers cost of repairs to water and sewer lines for which the homeowner is responsible
- Saved more than 140,000 homeowners across the country over \$90 million in water and sewer service line repair costs
- No public funds are used in the marketing, distribution or administration of the NLC Service Line Warranty Program
- The NLC Service Line Warranty Program must be supported by the city into which it is being introduced before any warranty offer letters are mailed to homeowners in the community

PARTICIPATING CITIES (SAMPLE OF OVER 400)

Phoenix, AZ	East Point, GA	Edgewood, KY	Fairfield, OH
Tucson, AZ	Franklin Park, IL	District Heights, MD	Tulsa, OK
San Diego, CA	El Dorado, KS	Clawson, MI	Scranton, PA
Ft. Lauderdale, FL	Hillsboro, KS	Dayton, OH	Madison, WI



NLC Service Line Warranty Program Overview

What We Do

The NLC Service Line Warranty Program offers affordably priced emergency repair/replacement plans to address aging private sewer and water infrastructure. Customers call to receive prompt emergency repairs provided by local, licensed and insured contractors.



Water Line



Sewer Line



Interior Plumbing

Benefits to Homeowners

Many homeowners are not aware of their responsibility for their service lines until they have a repair emergency. When they call the city, they often find that they are faced with a costly repair and that the city can't help them. Over the past three years, we have performed over 1.1 million repairs, saving our customers over \$341 million!



Convenience

- 24/7/365 claims hotline, including holidays
- No need to search for a qualified contractor in an emergency



Peace of Mind/Trust

- Fully vetted, licensed and insured local contractors
- Covered repairs guaranteed for one year



Financial Protection

- No deductibles or trip fees
- Affordably priced coverage
- 30-day money-back guarantee with ability to cancel at any time

Over 400

partners across North America participate in the program!



For more information contact:
1-866-974-4801 or
partnerships@utilitysp.net



Administered by



a HomeServe Company



NLC Service Line Warranty Program Resident Testimonials

"I am very impressed with this program. I am on a limited income and this has been a tremendous help to me."

– Gayle M., Daly City, CA

"City chose an excellent service provider. Very thorough!"

– Stuart G., Tucson, AZ

"I am one of the city council people who voted in favor of the program; have used it myself to good result."

– Chris V., St. Clair Shores, MI

"From my first phone call until the work was done, I have never had a company respond and get work done so fast. The crew was knowledgeable and polite."

– Arlene H., Englewood, CO

"I don't know why every city in the U.S. wouldn't offer this protection to its citizens."

– Vickie S., Marshalltown, IA

"I already told a neighbor how easy and wonderful your service is and he signed up. North Las Vegas did an outstanding job partnering with you. You did an outstanding job fixing our leak. You have a longtime customer."

– Nancy S., Las Vegas, NV

"Everyone should have it. It is a smart investment."

– Janette M., Green River, WY

"We are very glad that we signed up for your coverage. It has saved us a lot of money."

– Charles R., Hurst, TX

"This service is wonderful. If we had called a plumber on our own we would have had to wait a day or two. This service was COMPLETE in less than four hours."

– Milton N., Columbia Heights, MN

"No services anywhere else we have could hold a candle to this service. We are never put on hold. If we need you, there is always someone right here."

– Kenny H., Maysville, KY

For more information contact:

1-866-974-4801 or **partnerships@utilitysp.net**



**BBB Torch Award for
Marketplace Ethics**

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau



Administered by



a HomeServe Company



NLC Service Line Warranty Program City Testimonials

"One of the significant selling points for the City Council and staff was the National League of Cities endorsement. NLC did the homework and vetted the program before endorsing it for its member cities. I believe the letter from the City provided a trust factor that is not present through direct solicitation to residents from other warranty companies who send letters that give the appearance of coming from the city. So far the USP/NLC Program has delivered what they said they would to the City of Hutchinson. I would be happy to visit with anyone about the program and our experience here in Hutchinson."

John Deardoff, City Manager, Hutchinson, KS

"The BBB Torch Award underscores one of the primary reasons the National League of Cities selected USP as a partner and extended our agreement for another five years. The organization's exemplary record of customer service and transparency is what has driven the success of this partnership over the years."

Clarence Anthony, Executive Director, National League of Cities

"The Service Line Warranty Program helps both Phoenix residents and the city government. Revenue from the program goes to core city services like police, fire, parks, libraries and senior centers."

Jon Brodsky, Program Manager, Fit Phoenix
& former Public Information Officer, Phoenix, AZ

"The city has fully vetted this organization and this program and we've conducted due diligence. SLWA's program is endorsed by the National League of Cities, North Central Texas Council of Governments, multiple state municipal leagues and over 175 municipalities. SLWA's been a member of the BBB since 2003 and they are very proud of their exemplary record."

Todd Gloria, City Council, San Diego, CA

"The response to the program by the Rock Falls residents has been tremendous. Many of our homeowners contacted their insurance agent when they received the program offer in the mail and were shocked to find out that they were not covered by their homeowner's policy for repair [or] replacement of their water and sewer lines. Our program is in its [sixth] year and the participation is still growing. We are very pleased that we can offer the Service Line Warranty Program to our residents of the City of Rock Falls."

Robbin Blackert, City Administrator, Rock Falls, IL



**BBB Torch Award for
Marketplace Ethics**

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau®



Administered by



a HomeServe Company

MARKETING AGREEMENT

This MARKETING AGREEMENT ("Agreement") is entered into as of _____, 20__ ("**Effective Date**"), by and between the City of Raytown, Missouri ("**City**"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("**Company**"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City ("**Residential Property Owner**"); and

WHEREAS, City desires to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a "**Product**" and collectively, the "**Products**"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Residential Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Residential Property Owners subject to the terms and conditions herein.
2. **Grant of License.** City hereby grants to Company a non-exclusive license ("**License**") to use City's name and logo on letterhead, bills and marketing materials to be sent to Residential Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. City agrees that it will not extend a similar license to any competitor of Company during the Term and any Renewal Term of this Agreement.
3. **Term.** The term of this Agreement ("**Term**") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms ("**Renewal Term**") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this

Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. Company will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.**

A. As consideration for such license, Company will pay to City a License Fee as set forth in Exhibit A ("**License Fee**") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. **Indemnification.** Company hereby agrees to protect, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "**Indemnitee**") harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, "**Claim**"), which an Indemnitee may suffer or which may be sought against or are recovered or obtainable from an Indemnitee, as a result of or arising out of any breach of this Agreement by the Company, or any negligent or fraudulent act or omission of the Company or its officers, employees, contractors, subcontractors, or agents in the performance of services under the Products; provided that the applicable Indemnitee notifies Company of any such Claim within a time that does not prejudice the ability of Company to defend against such Claim. Any Indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

6. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Mayor Mike McDonough
City of Raytown
10000 E. 59th Street
Raytown, MO 64133
Phone: (660) 379-2515

To: Company:
ATTN: Chief Sales Officer
Utility Service Partners Private Label, Inc.
11 Grandview Circle, Suite 100
Canonsburg, PA 15317
Phone: (866) 974-4801

7. **Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party.

8. **Assignment.** This Agreement and the License granted herein may not be assigned by Company other than to an affiliate or an acquirer of all or substantially all of its assets, without the prior written consent of the City, such consent not to be unreasonably withheld.

9. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third- party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

10. **Choice of Law/Attorney Fees.** The governing law shall be the laws of the State of Missouri. In the event that at any time during the Term or any Renewal Term either Party institutes any action or proceeding against the other relating to the provisions of this Agreement or any default hereunder, then the unsuccessful Party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful Party.

11. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

CITY OF RAYTOWN

Name:

Title:

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

Name: Michael Backus

Title: Chief Sales Officer

Exhibit A
NLC Service Line Warranty Program
City of Raytown
Term Sheet
January 15, 2019

I. Initial Term. Three years

II. License Fee. \$0.50 per Product for each month that a Product is in force for a Residential Property Owner (and for which payment is received by Company), aggregated and paid annually, for:

- a. City logo on letterhead, advertising, billing, and marketing materials
- b. Signature by City official

III. Products.

- a. External water service line warranty (initially, \$5.75 per month)
- b. External sewer/septic line warranty (initially, \$7.75 per month)
- c. Interior plumbing and drainage warranty (initially, \$9.99 per month)

Company may adjust the foregoing Product fees; provided, that any such adjustment shall not exceed \$.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

IV. Scope of Coverage.

- a. External water service line warranty:
 - Homeowner responsibility: From the meter and/or curb box to the external wall of the home.
 - Covers thawing of frozen external water lines.
 - Covers well service lines if applicable.
- b. External sewer/septic line warranty:
 - Homeowner responsibility: From the exit point of the home to the main.
 - Covers septic lines if applicable.
- c. Interior plumbing and drainage warranty:
 - Water supply pipes and drainage pipes within the interior of the home.

V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the Interior plumbing and drainage warranty Product via in-bound channels only.

**CITY OF RAYTOWN
Request for Board Action**

Date: January 30, 2019 **Resolution No.:** _____

To: Mayor and Board of Aldermen

From: David Turner, Director of Raytown Parks Department

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Authorize and approve the Raytown Parks Department to ask a 3/8 cent sales tax on the August 6, 2019 ballot.

Recommendation: Raytown Park Board recommends for approval.

Analysis: The City of Raytown Parks Department's 10 year sales tax will sunset after August 2020, which would result in a 26% funding gap if not approved by the citizens of Raytown. The Raytown Parks Department would like the ballot going to the public vote on August 6, 2019 to read:

"Shall the Raytown Parks Department receive a 3/8 cent sales tax to maintain the City of Raytown Park properties, designated right of ways, and improve infrastructure for the Citizen of Raytown, with \$100,000 of the tax funds per year going to Storm Water needs, with a sunset on the tax after 10 years?"

The Raytown Parks Department has not had an increase in funding since the initial 1/8 cent sales tax was passed in 2003. There is currently a lack of funding for serious maintenance problems at Kenagy Park, Colman Park, and the Super Splash property.

Alternatives: Do not approve the request to secure Parks Sales Tax which will result in a 26% funding gap towards the Raytown Parks Department.

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Account Number(s): 201.92.00.100.53563
Department: Raytown Parks Department
Amount to Spend: County determines election cost

Additional Reports Attached: n/a

**Raytown Park Board
Minutes
January 28, 2019**

Attendance:

Park Board: Chris Rathbone, Terry Copeland, Dave Thurman, George Mitchell, Robbie Tubbs, Brian Morris, Loretha Hayden and Mike Hanna

Staff: Dave Turner, Ron Fowler, Mike Conrad and Mary Ann McCormick

Guests: Asst. City Administrator Missy Wilson, Alderman Steve Meyers, Jason Greene, and Derek Ward, and Tony Jacobs

A quorum was declared present and the meeting was called to order. The minutes from December 17, 2018 were approved as written.

Reports of Officers:

President – no report will discuss in New Business

Vice President – no report

Reports of Standing & Special Committees:

Personnel – no report

Finance – no report

Program – no report

Buildings & Grounds – no report

Rice-Tremonti- Board filled the 2 open positions with Bob Graham and Cassie Crow. They had 8 rentals in December. Spring Soup/Crafts is March 23-24 and Fall Soup/Craft November 2-3.

BMX - BMX Board is working on fundraisers and raffles more information in February.

Staff Reports:

Director – a written report was distributed. Terry Copeland will contact storage facility near LBTRA to see if he can find out how much Raytown Baseball owes to the facility so that possibly we could pay so the unit will not be put up for auction.

Superintendent of Parks – a written report was distributed. Tree limb pick-up will be a slow process due to weather. We will need to get an aerial truck in to clean up some of the trees.

Recreation – a written report was distributed

New Business:

1. Terry Copeland made a motion to write a letter to Kansas City Metro Senior Softball League (KCMSSL) stating the fact they have been offered to use Little Blue Trace Park (LBTRA) which has 4 softball fields with lights, large parking lot, restrooms, etc. for the upcoming softball season. We are ready to meet with Randy Rowe to set up dates of a possible league, number of teams, pricing for the league, access to the park etc. Mike Hanna seconded and the motion passed. Once letter is written give to Missy Wilson for City and attorney approval.
2. Trail Signage – we will wait until the Rock Island Trail decides on their signage before we order ours.
3. Mike Hanna made a motion to submit a sales tax issue to BOA as follows: Approve 3/8 cent sales tax for Parks/Storm water with \$100,000 going towards storm water and remaining sales tax to Parks Fund with a sunset of 10 years. George Mitchell seconded and the motion passed.
4. Terry Copeland made a motion to adjourn. Mike Hanna seconded and the motion passed.

Memo



To: Mayor Michael McDonough; Alderman Frank Hunt; Alderman Karen Black; Alderman Jim Aziere; Alderman Jason Greene; Alderman Ryan Myers; Alderman Mark Moore; Alderman Bill Van Buskirk; Alderman Steve Meyers; Alderman Bonnaye Mims; and Alderman Derek Ward

From: Missy Wilson, Assistant City Administrator

cc: Damon Hodges, City Administrator
Teresa Henry, City Clerk

Date: January 11, 2019

Re: Park/Storm Water Sales Tax Renewal

The Finance Committee requested a Study Session be scheduled at the January 15th meeting for the purposes of considering the Parks and Recreation Board's recommendation of ballot language for the renewal and increase of the Parks/Storm Water Sales Tax. In your Board Packet, you will find a copy of the presentation Parks and Recreation Board representatives will make at the Study Session as well as the following:

1. The City of Raymore 1997 Ordinance approving ballot language for a Parks/Storm Water Sales Tax with specific percentages for each use;
2. The City of Raytown 2010 Ordinance approving ballot language for the renewal of the Parks/Storm Water Sales Tax;
3. RBA authorizing a split of the City of Raytown's 2010 Parks/Storm Water Sales Tax;
4. The City of Raytown 2016 Resolution approving a 75%/25% split of the Parks/Storm Water Sales Tax approved by the voters in 2010. The split would commence in FY'17. As you will see in the RBA and the resolution, the BofA stated the Parks & Rec. Department would receive each year a minimum of \$200,000 from the sales tax; and
5. The City of Raytown 2003 Ordinance approving the ballot language for the creation of a Parks Sales Tax.

Should you have any questions about the enclosed documents, please do not hesitate to contact me.

“AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF RAYMORE, MISSOURI, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE FOLLOWING PROPOSITION, TO-WIT: SHALL THE CITY OF RAYMORE, MISSOURI, IMPOSE A SALES TAX OF ONE-HALF OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDING FOR STORM WATER CONTROL AND LOCAL PARKS WITH AN ESTABLISHED FORMULA SET FOR THE DISTRIBUTION OF THE MONEYS RECEIVED, TO BE USED ONLY FOR STORM WATER CONTROL AND LOCAL PARKS FOR THE CITY OF RAYMORE, MISSOURI.”

WHEREAS, the Board of Aldermen of said City hereby finds that it is necessary to impose a sales tax of one-half of one percent for the purpose of funding storm water control and local parks; and

WHEREAS, the state statutes authorizing this tax restrict the funds derived to be used only for storm water control and local parks, and

WHEREAS, the Board of Aldermen of said City desires to submit to the qualified voters of said City the proposition hereinafter set forth.

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

Section 1. That it is hereby found and determined that it is advisable and in the interests of the City to impose a sales tax of one-half of one percent for the purpose of funding storm water control and local parks.

Section 2. That an election be, and the same is, hereby ordered to be held in the City of Raymore, Missouri, on Tuesday, April 1, 1997, for the purpose of submitting to the qualified voters of said City the following proposition, to-wit:

Shall the City of Raymore, Missouri, impose a sales tax of one-half of one percent for the purpose of providing funding for storm water control and local parks with an established formula set for the distribution of the moneys received to be used only for storm water control and local parks in the City of Raymore, Missouri?

Section 3. That the moneys received from the Storm Water Control and Local Parks Sales Tax shall be distributed with Storm Water and Parks each shall receive forty-percent (40%) for their respective functions. The remaining twenty per cent (20%) shall be reserved for storm water control and park purposes. However, the annual distribution of this remaining twenty per cent shall be subject to the annual budgeting process. This remaining twenty per cent may only be used for storm water control and park purposes in conformance with state law.

Section 4. That the City Clerk is hereby authorized and directed to notify the Cass County Clerk of the adoption of this ordinance no later than 5:00 P.M. on January 21, 1997, and include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

First Reading: January 13, 1997

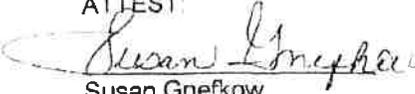
BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED UPON ITS SECOND READING THIS 13TH DAY OF JANUARY 1997 BY THE FOLLOWING VOTE:

Alderman Cox	Aye
Alderman Judy	Absent
Alderman Lauvstad	Aye
Alderman Molendorp	Aye
Alderman Orr	Aye
Alderman Stone	Aye

APPROVED:


Michele Donahoe
Mayor

ATTEST:


Susan Gnefkow
City Clerk

AN ORDINANCE AUTHORIZING AND APPROVING SUBMISSION AT THE PRIMARY ELECTION TO BE HELD AUGUST 3, 2010 TO THE QUALIFIED VOTERS OF THE CITY OF RAYTOWN, MISSOURI, THE QUESTION OF WHETHER THE CITY SHALL IMPOSE A SALES TAX IN THE AMOUNT OF ONE-EIGHTH (1/8) OF ONE PERCENT FOR THE PURPOSE OF FUNDING LOCAL PARKS/STORM WATER CONTROL WITHIN THE CITY FOR A TERM OF TEN (10) YEARS AND IMPOSING SUCH TAX IF APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS VOTING THEREON

WHEREAS, in accordance with the provision of Chapter 644 and Section 644-032 of the Revised Statutes of the State of Missouri ("RSMo"), the City of Raytown ("City") is authorized to submit to the qualified voters of the City the question of whether to impose by ordinance a sales tax for the purpose of funding local parks/storm water control; and

WHEREAS, the City desires to submit to the qualified voters of the City at the primary election to be held August 3, 2010, the question of whether to continue to impose an existing sales tax for the purpose of funding local parks/storm water control in the amount of one-eighth (1/8) of one percent; and

WHEREAS, the Raytown Park Board of the City unanimously support the continuation of an existing one-eighth (1/8) of one percent parks sales tax on the August 3, 2010 primary election ballot and is cognizant of its responsibility to the voters and the importance of accountability to the public in the expenditure of tax funds; and

WHEREAS, if a majority of the votes cast by qualified voters voting thereon are in favor of the proposal, the City desires to continue to impose an existing sales tax for the purpose of funding local parks/storm water control in the amount of one-eighth (1/8) of one percent; and

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

SECTION 1 - SUBMISSION TO THE VOTERS AUTHORIZED. That there shall be submitted to the voters of the City at the primary election to be held in the City on the 3rd day of August 2010, a proposal to authorize the City to continue to impose an existing sales tax for the purpose of funding local parks/storm water control within the City, pursuant to the provisions of Section 644-032 RSMo.

SECTION 2 – BALLOT FORM. That the ballot of submission for the local parks/storm water control sales tax shall be in substantially the following form:

Shall the city of Raytown, Missouri continue to impose an existing sales tax at a rate of one-eighth (1/8) of one percent for the purpose of funding local parks/storm water control within the city for a term of ten (10) years?

[] 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 3 – IMPOSITION OF TAX, IF APPROVED BY VOTERS. That if a majority of the votes cast by qualified voters voting thereon are in favor of the proposal, then a city sales tax for the purpose of funding local parks/storm water control in the amount of one-eighth (1/8) of one percent shall be imposed, upon the receipts for the sale at retail of all tangible personal property or taxable services at retail within the City, if such property and services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525 RSMo, as amended from time to time, including all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use only.

SECTION 4 – SPECIAL FUND ESTABLISHED. That all moneys received by the City from a sales tax for the purpose of funding local parks/storm water control shall be deposited in a special fund to be known as the “City Local Parks Trust Fund” and all moneys in such local parks trust fund shall be appropriated and disbursed only for improving local parks/storm water control as enumerated in Sections 644.032 and 644.033 RSMo, as amended from time to time.

SECTION 5 – ADMINISTRATION. That any sales tax imposed pursuant to this ordinance shall be computed, imposed, reported, administered, collected, enforced and shall operate in all respects in accordance with the provisions of the Revised Statutes of the State of Missouri and upon such forms and under such administrative rules and regulations as may be prescribed by the Director of Revenue, any provision of this ordinance notwithstanding.

Further that through the annual process of budgeting, planning for improvement and maintenance, the Raytown Park Board recognizes that revenues from the local park/storm water control sales tax must be approved by resolution by the Board of Aldermen as part of the City’s annual budget process and said resolution is anticipated to be adopted at the same time the new fiscal year budget is adopted and shall then authorize and approve the Park Board to expend all sales tax in accordance with the approved budget document and will maintain its accountability to the voters of Raytown. The Raytown Park Board will use any sales tax funds for:

- Community beautification, including the landscaping and maintenance of landscaping on certain public rights of way and city properties, to be included in the annual parks sales tax budget. The total for such expenditures shall not be expected to exceed 20% of the anticipated sales tax revenue.
- Capital improvements, as identified in a capital improvement plan, annually authorized and approved by the Park Board.
- Park maintenance of existing facilities, including the funding of maintenance accounts, annually authorized and approved by the Park Board.
- Matching grant funds to leverage local dollars with funds from other sources.
- General operations, including the funding of personnel to perform maintenance, to be included in the annual parks sales tax budget.

Further that the term “Community beautification, including landscaping and maintenance” as herein described pertains to the care of trees, flowers, shrubs, and other plant materials used specifically for beautification but, intentionally excludes the care of grass in medians and right-of-ways, all traffic control curbs and signs, sidewalks, and all waterlines and utilities, located within the areas where community beautification is achieved is hereby authorized and approved.

SECTION 6 – NOTIFICATION OF DIRECTOR OF REVENUE. That within ten (10) days after approval by the voters of the City of any of the sales tax pursuant to this ordinance, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries of the City.

SECTION 7 – EFFECTIVE DATE OF TAX. That any sales tax imposed pursuant to this ordinance shall be effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax.

SECTION 8 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

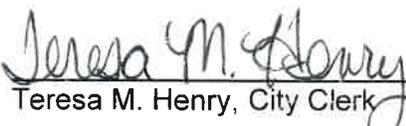
SECTION 10 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, and upon final vote taken the 4th day of May, 2010, was approved by the Board of Aldermen of the City of Raytown, Jackson County, Missouri.



David W. Bower, Mayor

ATTEST:



Teresa M. Henry, City Clerk

APPROVED AS TO FORM:



George Kapke, Interim City Attorney

CITY OF RAYTOWN
Request for Board Action

Date: February 26, 2016
To: Mayor and Board of Aldermen
From: Joe Willerth, City Attorney

Resolution No.: R-2852-16

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: A resolution approving the recommendation of the Parks/Storm Water Sales Tax Committee.

Recommendation: Approve the recommendation.

Analysis: The Committee recommended that effective with the 2016-2017 budget year, 75% of the sales tax revenue generated by the storm water/parks sales tax be allocated to the Parks Board and that 25% of the sales tax revenue generated by the storm water/parks sales tax be allocated to storm water, with the minimum sum of \$200,000.00 being guaranteed to the Parks Board each year.

The Committee strongly recommended that the Board of Aldermen investigate additional sources of revenue dedicated exclusively to storm water control, and that the Parks Board investigate additional sources of revenue dedicated exclusively to the Parks Board.

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE PARKS/STORM WATER SALES TAX COMMITTEE AND DIRECTING STAFF TO MAKE THE NECESSARY CHANGES EFFECTIVE WITH THE 2016-2017 BUDGET YEAR

WHEREAS, on August 3, 2010, a question was submitted and approved by the citizens of Raytown by which the City shall continue to impose an existing sales tax at a rate of one-eighth (1/8) of one percent for the purpose of funding local parks/storm water control within the city for a term of ten (10) years; and

WHEREAS, on October 21, 2015 a Parks/Storm Water Tax Committee was established by the Mayor and on February 16, 2016 the Parks/Storm Water Tax Committee presented their recommendation which was approved by a majority of the Board of Aldermen;

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

THAT effective with the 2016-2017 budget year, 75% of the sales tax revenue generated by the storm water/parks sales tax be allocated to the Parks Board and that 25% of the sales tax revenue generated by the storm water/parks sales tax be allocated to storm water, with the minimum sum of \$200,000.00 being guaranteed to the Parks Board each year;

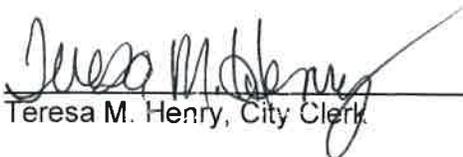
FURTHER THAT, the Committee strongly recommended that the Board of Aldermen investigate additional sources of revenue dedicated exclusively to storm water control, and that the Parks Board investigate additional sources of revenue dedicated exclusively to the Parks Board.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of March, 2016.



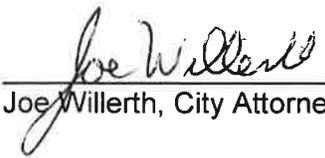
Michael McDonough, Mayor

ATTEST:



Teresa M. Henry, City Clerk

Approved as to Form:



Joe Willerth, City Attorney

BILL NO. 5737-03 ORDINANCE NO. 4899-03 SECTION NO. 111-A-9

1 AN ORDINANCE AUTHORIZING AND DIRECTING SUBMISSION AT THE
2 GENERAL ELECTION TO BE HELD NOVEMBER 4, 2003 TO THE QUALIFIED
3 VOTERS OF THE CITY OF RAYTOWN, MISSOURI, THE QUESTION OF WHETHER
4 THE CITY SHALL IMPOSE A SALES TAX IN THE AMOUNT OF ONE CENT (1¢)
5 FOR GENERAL REVENUE PURPOSES, THE QUESTION OF WHETHER THE CITY
6 SHALL IMPOSE A SALES TAX IN THE AMOUNT OF ONE-EIGHTH CENT (1/8¢)
7 FOR THE PURPOSE OF FUNDING PARKS, AND IMPOSING SUCH TAXES IF
8 APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS VOTING THEREON.
9

10 WHEREAS, in accordance with the provisions of Chapter 94 and Section 94.500 of the
11 Revised Statutes of the State of Missouri ("RSMo"), the City of Raytown ("City") is authorized
12 to submit to the qualified voters of the City, the question of whether to impose a sales tax for
13 general revenue purposes; and
14

15 WHEREAS, the City desires to submit to the qualified voters of the City at the general
16 election to be held November 4, 2003, the question of whether to impose a sales tax for general
17 revenue purposes in the amount of one cent (1¢); and
18

19 WHEREAS, if a majority of the votes cast by qualified voters voting thereon are in favor
20 of the proposal, the City desires to impose a sales tax for general revenue purposes in the amount
21 of one cent (1¢); and
22

23 WHEREAS, in accordance with the provisions of Chapter 644 and Section 644.032
24 RSMo, the City is authorized to submit to the qualified voters of the City the question of whether
25 to impose by ordinance a sales tax for the purpose of funding local parks; and
26

27 WHEREAS, the City desires to submit to the qualified voters of the City at the general
28 election to be held November 4, 2003, the question of whether to impose a sales tax for the
29 purpose of funding local parks in the amount of one-eighth cent (1/8¢); and
30

31 WHEREAS, if a majority of the votes cast by qualified voters voting thereon are in favor
32 of the proposal, the City desires to impose a sales tax for the purpose of funding local parks in the
33 amount of one-eighth cent (1/8¢); and
34

35 Now therefore, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
36 RAYTOWN, MISSOURI, as follows:
37

38 Section 1. That there shall be submitted to the voters of the City at the general election to
39 be held in the City on the 5th day of November 2002, a proposal to authorize the City to impose a
40 sales tax for general revenue purposes pursuant to the provisions of Chapter 95 and Section
41 94.500 RSMo.
42

43 Section 2. That the ballot of submission for the general revenue sales tax shall be in
44 substantially the following form:

1
2 Shall the city of Raytown renew the city sales tax of one (1) percent?
3

4 Yes No
5

6 Section 3. That if a majority of the votes cast by qualified voters voting thereon are in
7 favor of the proposal, then a city sales tax for general revenue purposes in the amount of one cent
8 (1¢) shall be imposed upon the receipts for the sale at retail of all tangible personal property or
9 taxable services at retail within the City, if such property and services are subject to taxation by
10 the State of Missouri under the provisions of Sections 144.010 to 144.525 RSMo, as amended
11 from time to time, including all sales of metered water services, electricity, electrical current and
12 natural, artificial or propane gas, wood, coal or home heating oil for domestic use only.
13

14 Section 4. That if the one-cent sales tax is re-imposed pursuant to this ordinance, it shall
15 continue in effect, uninterrupted, from December 31, 2004.
16

17 Section 5. That there shall be submitted to the voters of the City at the general election to
18 be held in the City on the 4th day of November 2003, a proposal to authorize the City to impose a
19 sales tax for the purpose of funding local parks, pursuant to the provisions of Chapter 644 and
20 Section 644.032 RSMo.
21

22 Section 6. That the ballot of submission for the local parks sales tax shall be in
23 substantially the following form:
24

25 Shall the municipality of Raytown impose a sales tax of one-eighth cent (1/8¢) for the purpose of
26 providing funding for local parks for the municipality for a seven (7) year term?
27

28 YES NO
29

30 Section 7. That if a majority of the votes cast by qualified voters voting thereon are in
31 favor of the proposal, then a city sales tax for the purpose of funding local in the amount of one-
32 eighth cent (1/8¢) shall be imposed, upon the receipts for the sale at retail of all tangible personal
33 property or taxable services at retail within the City, if such property and services are subject to
34 taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525 RSMo, as
35 amended from time to time, including all sales of metered water services, electricity, electrical
36 current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use
37 only.
38

39 Section 8. That all moneys received by the City from a sales tax for the purpose of
40 funding local parks shall be deposited in a special fund to be known as the "City Local Parks
41 Trust Fund" and all moneys in such trust fund shall be appropriated and disbursed in accordance
42 with Sections 644.032 and 644.033, as amended from time to time.
43

BILL NO. 5737-03 ORDINANCE NO. 4899-03 SECTION NO. 111-A-9

1 Section 9. That if the one-eighth cent sales tax is imposed pursuant to this ordinance, it
 2 shall be effective on the first day of the second calendar quarter after the Director of Revenue
 3 received notice of the adoption of this tax.

4
 5 Section 10. That any sales tax imposed pursuant to this ordinance shall be computed,
 6 imposed, reported, administered, collected, enforced and shall operate in all respects in
 7 accordance with the provisions of the Revised Statutes of the State of Missouri and upon such
 8 forms and under such administrative rules and regulations as may be prescribed by the Director of
 9 Revenue, any provision of this ordinance notwithstanding.

10
 11 Section 11. That within ten (10) days after approval by the voters of the City of any of
 12 the sales tax pursuant to this ordinance, the City Clerk shall forward to the Director of Revenue of
 13 the State of Missouri by United States registered mail, a certified copy of this ordinance together
 14 with certifications of the election returns and accompanied by a map of the City clearly showing
 15 the boundaries of the City.

16
 17 Section 15. That all ordinances or parts of ordinances in conflict with this ordinance are
 18 hereby repealed.

19
 20 Section 16. That this ordinance shall be in full force and effect from and after the date of
 21 its passage and approval.

22
 23 BE IT REMEMBERED that the above was read two times, and upon final vote taken the
 24 12 day of August, 2003, was approved by the Board of Aldermen of the City of
 25 Raytown, Jackson County, Missouri upon the following vote:

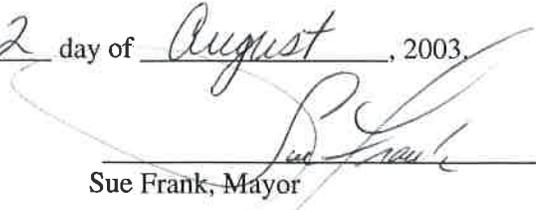
Alderman	Aye	Nay	Absent/Abstain
Walters	✓		
Brown	✓		
Wiley	✓		
Aziere	✓		
Kinman	✓		
Melson	✓		
Schlapia	✓		
Hartwell	✓		
Knabe	✓		
Fleming	✓		
Tie Vote: Mayor Frank			

27
 28
 29
 30
 31

 Karlan Curtis, City Clerk

BILL NO. 5737-03 ORDINANCE NO. 4899-03 SECTION NO. 111-A-9

1
2 APPROVED BY THE MAYOR the 12 day of August, 2003.

3
4
5
6 
Sue Frank, Mayor

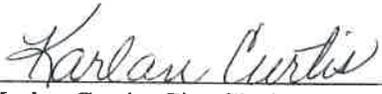
7
8 or:

9
10 APPROVED without the Mayor's signature the _____ day of _____, 2003.

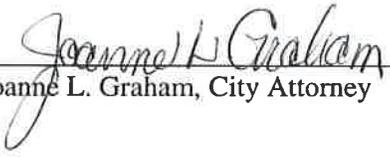
11 or:

12
13 APPROVED over the Mayor's veto the _____ day of _____, 2003.

14
15 ATTEST:

16
17 
18
19 _____
20 Karlan Curtis, City Clerk

APPROVED AS TO FORM:

21
22 
23 _____
24 Joanne L. Graham, City Attorney

25 Sponsor(s): Aldermen Brown, Aziere,
26 Wiley, Kinman, Melson, Schlapia,
Hartwell, Knabe, and Fleming

Teresa Henry

From: Ryan Myers
Sent: Tuesday, December 4, 2018 12:22 PM
To: Teresa Henry
Subject: 12/18 Discussion Item
Attachments: Littering Fines.JPG; 62-82.JPG; 64-246.JPG; Article.pdf

Teresa,

My apologies for this coming from my work email. I am not able to send attachments on my Outlook for my city email. Can you add a discussion item to the 12/18 meeting regarding sidewalk snow removal? I attended a school board meeting last night, and several of the board members shared their frustration with the lack of homeowner sidewalk shoveling of the new 59th Street sidewalks on the way to Central Middle during our last round of snow. Student safety needs to be a top priority for both the School District and City. I have attached the Kansas City ordinance as reference. Feel free to add this email to the packet information.

Thanks!
Ryan

Sec. 62-82. - Removal of dirt or litter from sidewalk, curb and gutter; sweeping litter into gutter or street.



It shall be the duty of all persons owning or occupying any real property, fronting upon any street, boulevard or highway, to keep the sidewalk, curbing and guttering in front and alongside of such property and on the same side of the street in good order, and to clean the sidewalk, curbing and guttering, and to remove from any such sidewalk, curbing and guttering all earth or litter that in any way obstructs or renders the sidewalk, curbing or guttering dangerous, inconvenient or annoying to any person. Such owners or occupants are prohibited from sweeping or otherwise moving litter from sidewalks into the gutters and streets.

(Code of Gen. Ords. 1967, § 16.37; Ord. No. 960407, § 1, 4-25-96)

Sec. 64-246. - Removal of ice or snow.



It shall be the duty of all persons owning or occupying any real property, fronting upon any street, boulevard or highway, to remove from the sidewalks in front or alongside of such property all ice and snow within a reasonable time after cessation of a storm depositing such ice or snow. The provisions of [chapter 62](#), article III, pertaining to littering, and penalties for violations thereof, shall be applicable to violations of this section.

(Code of Gen. Ords. 1967, § 30.104)

Cross reference— Littering, [§ 62-81](#) et seq.



LOCAL

March 4, 2013 9:42 AM

Kansas City: Shovel your sidewalk or face a fine, starting today

HIGHLIGHTS

People can report sidewalks that haven't been cleared of snow and ice to Kansas City's 311 Call Center by calling 311 or 816-513-1313 or online at www.kcmo.org/311.

Property owners in Kansas City who haven't cleared their sidewalks of snow and ice face possible fines, with most ranging between \$25 to \$100 starting today.

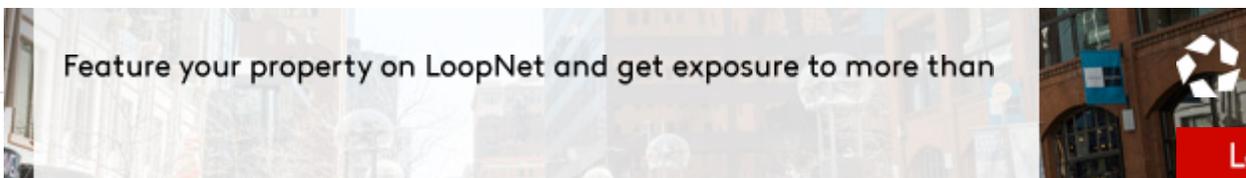
Kansas City started enforcing its sidewalk clearing ordinance, which requires property owners to remove "all ice and snow within a reasonable time."

The city announced last week people can make complaints by calling the city's 311 Call Center at 311 or 816-513-1313. Complaints can also be filed online at www.kcmo.org/311.

The complaints are handled by the Neighborhood Preservation Division of the City's Neighborhoods and Housing Services Department.

To read the city's ordinance, go online to

Sec. 64-246: Removal of ice or snow.

**MORE LOCAL****COMMENTS**

Sec. 62-89. - Illegal dumping.



- (a) *Prohibited.* No person shall dump or otherwise deposit or cause, permit, suffer or allow the dumping or depositing of any garbage, rubbish, yard waste, litter or any other offensive or disagreeable thing in any public place, public building or market, or on or along any sidewalk, street, alley, boulevard, highway, right-of-way, viaduct, tunnel, park or parkway, or upon any private property or in any refuse container located thereon without the consent of the owner of the property, nor shall any person dump or deposit or cause, permit, suffer or allow the dumping or depositing of garbage or household refuse in any city litter can or basket upon any street.
- (b) *Evidence of violation.* Evidence showing any three or more items found in such garbage, rubbish, yard waste, litter or refuse to be identifiable or traceable to a specific individual shall constitute prima facie evidence that such garbage, rubbish, yard waste, litter or refuse was under the control of that individual and was so dumped or deposited where subsequently found with that individual's knowledge and consent.
- (c) *Penalty for violation.* Any person violating any of the provisions of this section, upon conviction, shall be punished by a fine of not less than \$1.00 and not more than \$1,000.00, or by imprisonment in the municipal correctional institution for a period not to exceed six months, or be punished by both fine and imprisonment.

(Code of Gen. Ords. 1967, § 16.45; Ord. No. 920264, 4-30-92; Ord. No. 001269, § A, 10-12-00)

Cross reference— Permit for dumping dirt, rock or similar material on public property, [§ 64-9](#).