

AMENDED
(REMOVAL OF R-3108-18)
TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
JUNE 19, 2018
REGULAR SESSION No. 30
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Invocation/Pledge of Allegiance
Roll Call
Proclamations/Presentations

- ★ A Proclamation recognizing Dee Ann Stock as Truman Heartland Citizen of the Year
- ★ A Proclamation recognizing Raytown Amateur Radio Club

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

STUDY SESSION

Pavement Analysis
Damon Hodges, Assistant City Administrator

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 June 5, 2018 Board of Aldermen meeting minutes.

REGULAR AGENDA

NEW BUSINESS

2. **SECOND READING: Amended Bill No.: 6468-18, Section XIX: AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II, RELATING TO FIRE PREVENTION AND PROTECTION TO PROVIDE FOR THE SALE AND USE OF CERTAIN CONSUMER FIREWORKS WITHIN THE CITY.** Point of Contact: Teresa Henry, City Clerk.
3. **SECOND READING: Bill No.: 6469-18, Section IV-A: AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, RELATING TO ADDRESSING THE BOARD.** Point of Contact: Teresa Henry, City Clerk.
4. **R-3106-18: A RESOLUTION AMENDING RESOLUTION R-1422-04 REGARDING ESTABLISHING RULES OF PROCEDURE FOR PUBLIC COMMENT BEFORE THE BOARD OF ALDERMEN.** Point of Contact: Teresa Henry, City Clerk.

5. **R-3107-18: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT WITH CENTRAL SALT LLC FOR THE PURCHASE OF SALT FOR THE PURPOSE OF TREATING ROADS AND BRIDGES IN INCLEMENT WEATHER. Point of Contact: Damon Hodges, Assistant City Administrator.

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(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;
- 610.021 (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore;
- 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.

ADJOURNMENT

City of Raytown, MO 2018 Pavement Evaluation



June 19, 2018



Pavement Management Reality

- Roads make up a large portion of Raytown's infrastructure and, thus, its annual capital and operating expenditures
- The Replacement Value of Raytown's roadways would be over \$460 Million

Pavement Management Reality

- Pavements will continue to deteriorate due to various factors:
 - Degradation of the existing roadway construction materials due to age and continual use
 - Environmental and climatic conditions
 - Traffic loading (number and frequency of large vehicles)
 - Limited funding for Maintenance and Rehabilitation (ex. mill and overlay)

Project Objectives

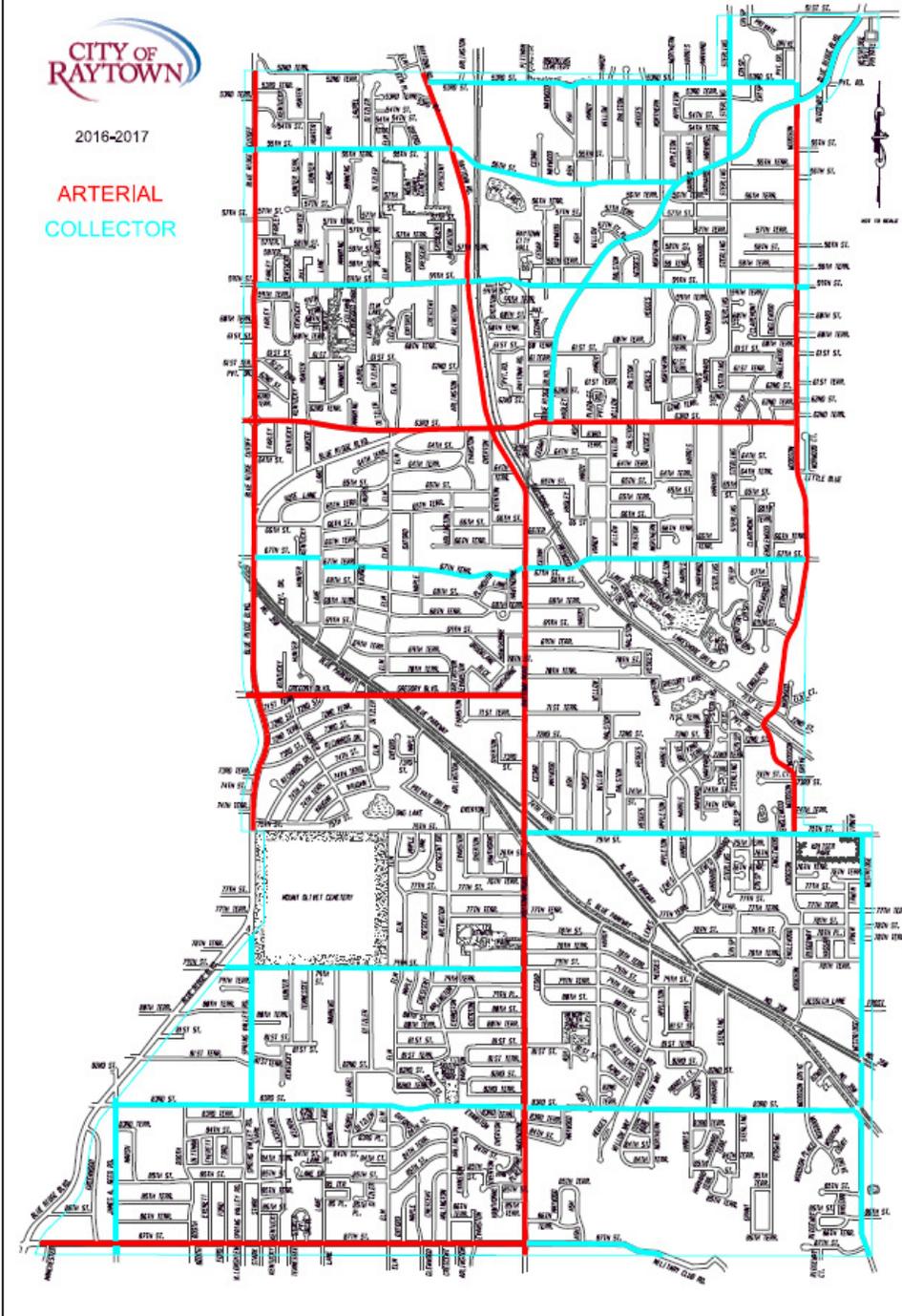
Answer key questions with respect to the City of Raytown's road network:

- What do we have as a roadway system?
- What condition is the roadway system in?
- What work needs to be done?
- Estimated Costs?
- Pavement Management Recommendations?



2016-2017

ARTERIAL
COLLECTOR



What do we have?

City Maintained...

- Approx. 330 lane-miles
 - Arterial = 52 lane-miles
 - Collector = 38 lane-miles
 - Local = 240 lane-miles



What Condition Is Our Network In?

- Automated Pavement Data Collection
 - Objective
 - Accurate
 - Repeatable
 - Cost-effective



Pavement Condition Data Collection



- Certified Class I profilometer (ASTM E950)
- Accelerometer and laser in each wheel path capture longitudinal profile (IRI)
- All lasers across instrument enclosure provide transverse profile and rutting information

Pavement Condition Data Collection



Downward imaging captures pavement images for distress rating



All data tagged with GPS and linear reference



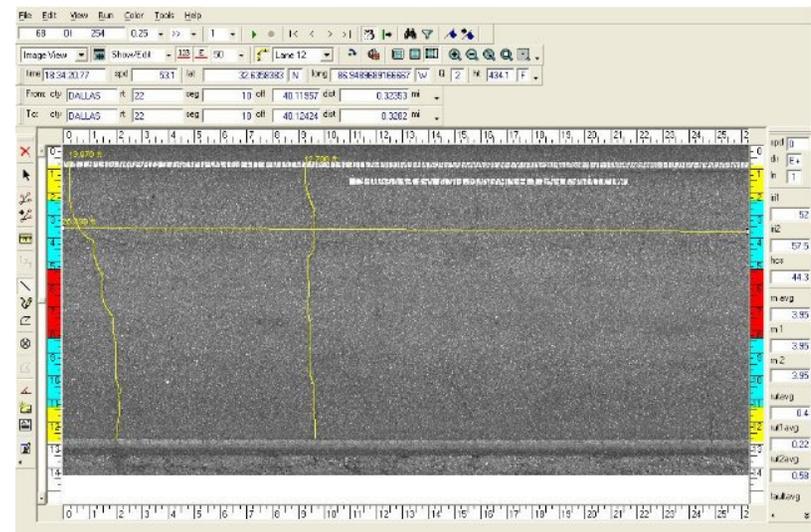
Laser sensors measure longitudinal and transverse profile (IRI and Rutting)



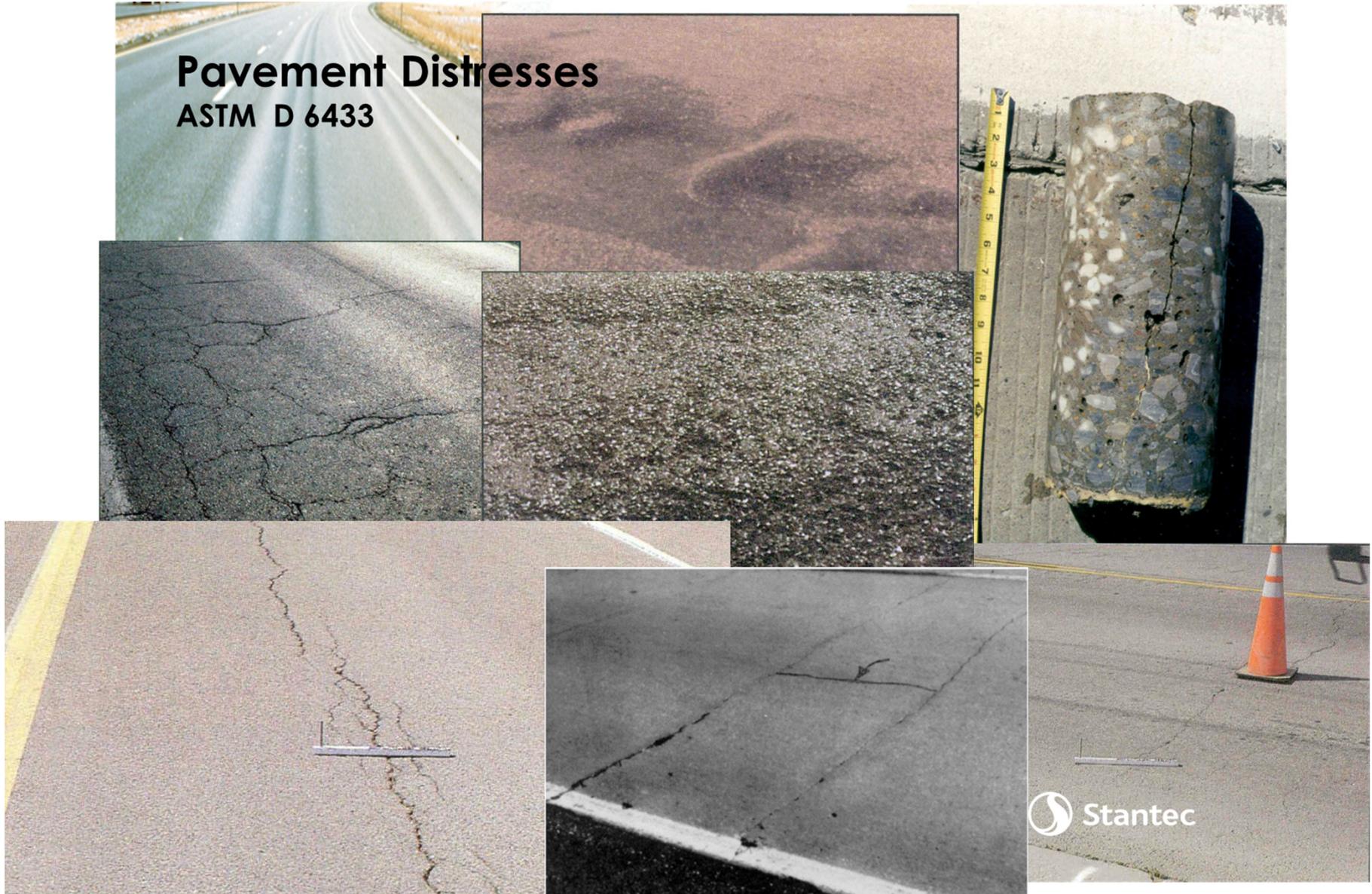
360 camera capture right-of-way images for distress rating and QA/QC

Pavement Condition Data Collection

- Downward pavement imaging collected at traffic speeds
- Uniform illumination using non-visible lasers
- Continuous pavement coverage of the traveled lane
- All data is linked by GPS ensuring 100% coverage of road network
- Synchronized with Right of way images and sensor data



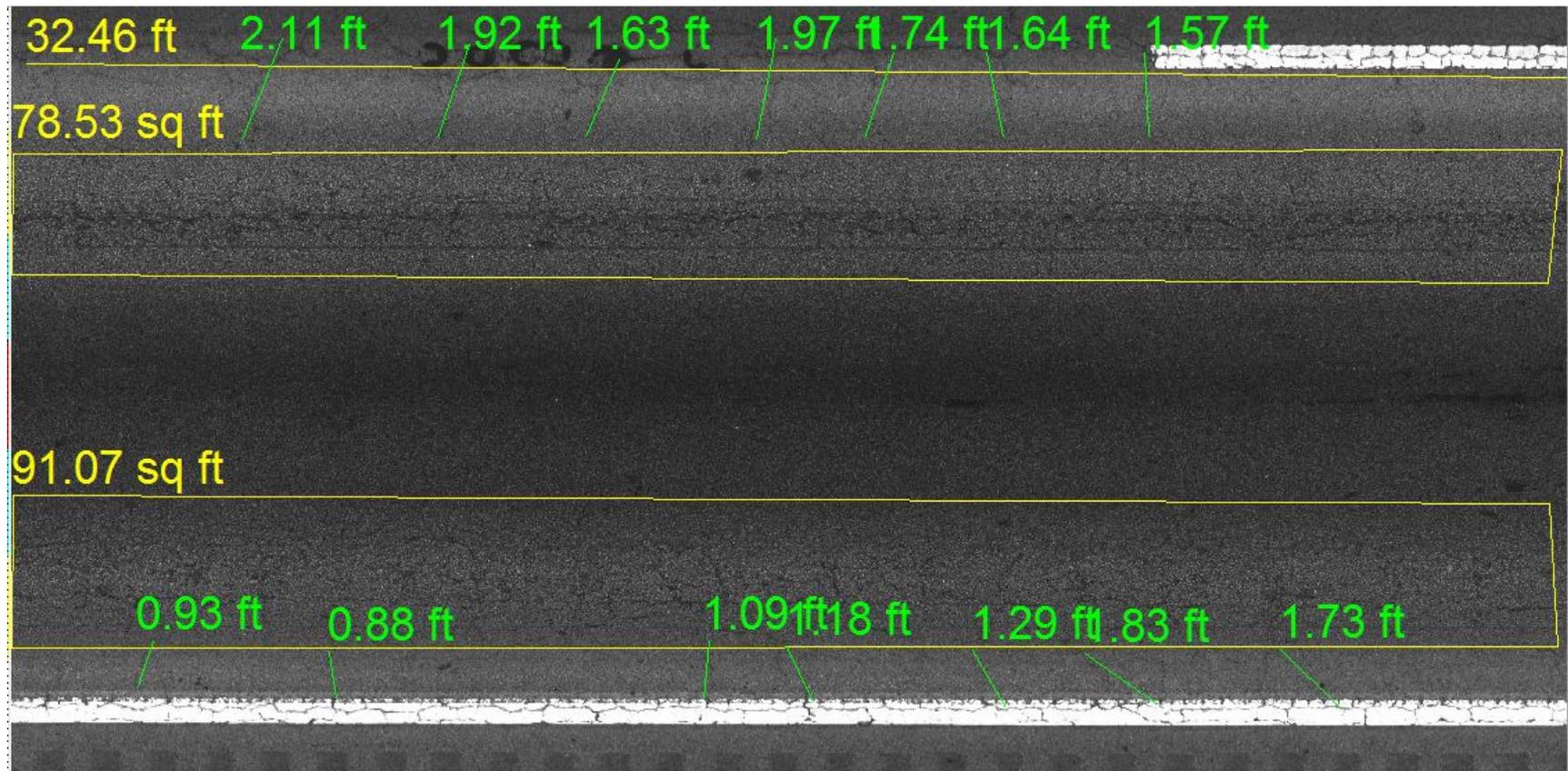
Pavement Distress Rating Standard



ASTM Pavement Distresses

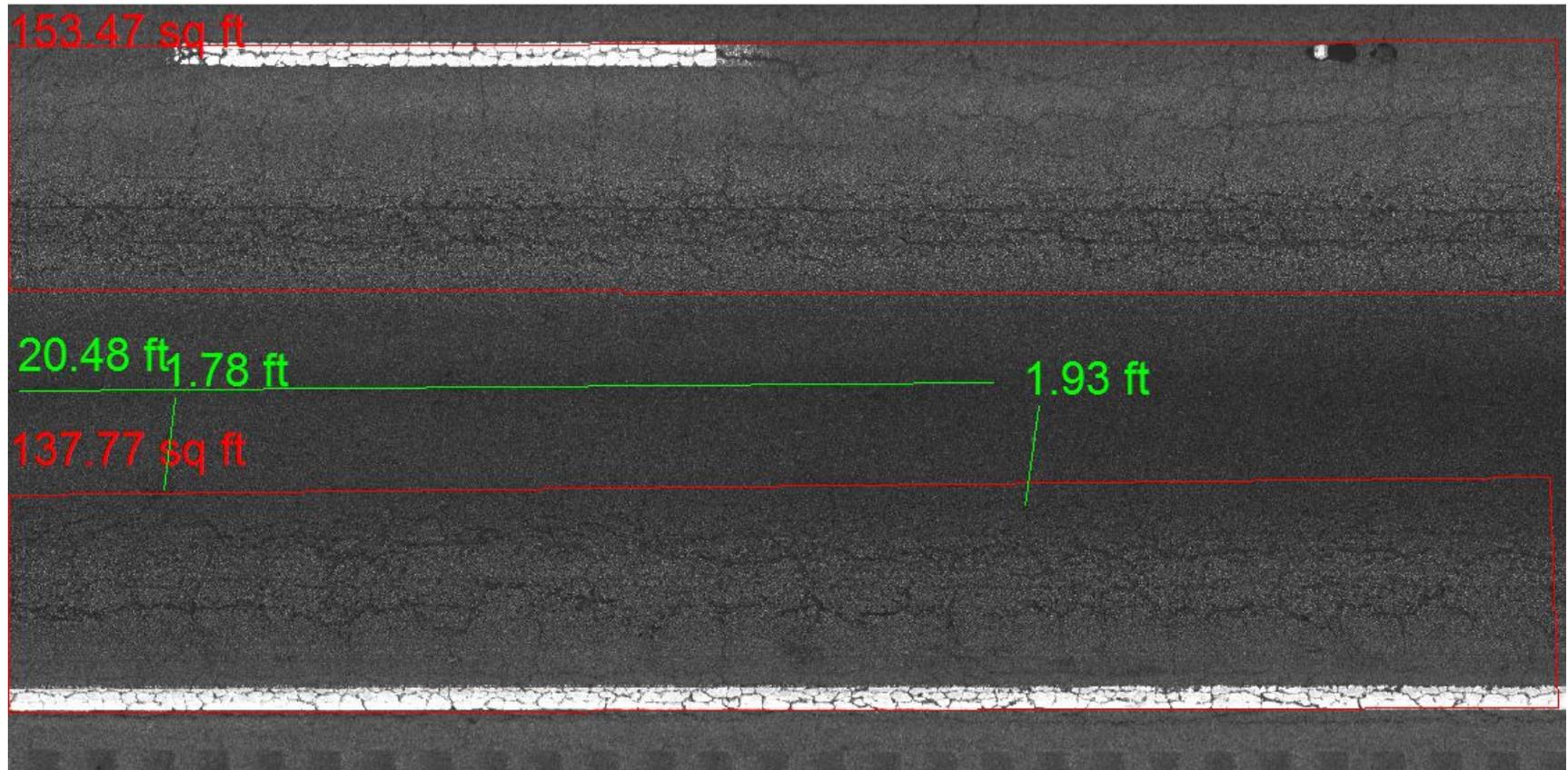
Flexible Pavements	Rigid Pavements
<ul style="list-style-type: none">• Alligator Cracking• Bleeding• Block Cracking• Bumps and Sags• Corrugation• Depression• Edge Cracking• Jt. Reflection Cracking• Lane/Shoulder Drop Off• Long and Trans Cracking• Patching• Polished Aggregate• Potholes• Rutting• Shoving• Slippage Cracking• Swell• Weathering/Raveling	<ul style="list-style-type: none">• Blow Up/ Buckling• Corner Break• Divided Slab• Durability Crack• Faulting• Joint Seal• Lane/Shoulder Drop Off• Linear Cracking• Patching (Large)• Patching (Small)• Polished Aggregate• Popouts• Pumping• Scaling• Shrinkage Crack• Spalling Corner• Spalling Joint

Distress Rating – Pavement Imagery



- Distresses are measured according to ASTM protocols
- Distresses are identified by both shape (lines for linear distress such as longitudinal or transverse cracking, boxes for area distress such as alligator or patching) and green/yellow/red colors to identify the severity

Distress Rating – Pavement Imagery



- Each individual distress is categorized by Severity (How Bad?) and Extent (How Much?)
- The condition data is processed continually at 100 foot intervals

Pavement Distress

Example: Alligator Cracking

Slight < - - - - > **Moderate** < - - - - > **Severe**

Moderate



Severe



Pavement Distress

Example: Rutting

Slight < - - - - > Moderate < - - - - > Severe

Moderate

Severe



Pavement Distress

Example: Faulting/Joint Stepping

Slight < - - - - > **Moderate** < - - - - > **Severe**

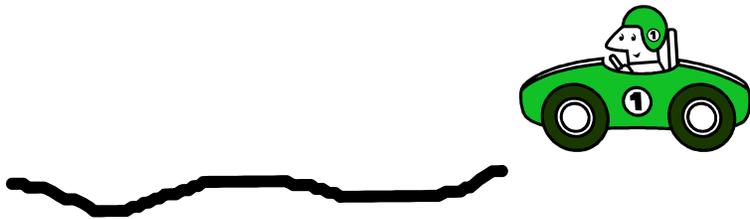
Moderate

Severe



Performance Indicators

RCI (Ride Comfort Index)



- Model that normalizes profile measurements to the “rideability” of a road (0-100 scale)
- IRI is a standardized measure of a vehicle's suspension response to the changes in profile over a distance (in/mile)
- RCI model correlates these measurements to a human perception or “smoothness”



PCI (Pavement Condition Index)

- Industry standard (0 – 100 Scale)
- Measure of pavement surface deterioration from the distress ratings
- Some distresses heavily impact PCI
(Alligator/Edge Cracking/Severe Rut)
- Means of determining rehabilitation needs and strategies

What Condition Is Our Network In?

PCI Range	Condition Category
86 - 100	Excellent
71 - 85	Good
56 - 70	Fair
41 - 55	Poor
26 - 40	Very Poor
11 - 25	Serious
0 - 10	Failed

PCI Range	Level of Service Category
71 - 100	Adequate
56 - 70	Degraded
0 - 55	Unsatisfactory

What Condition Is Our Network In?



EXCELLENT (PCI 86-100)

Jessica Lane (Woodson – Westridge)

- *PCI=96, RCI=70*
- *Last Mill & OL 2013*
- *No Chip Seal*



FAIR - GOOD (PCI 56-85)

Irwin Road (77th Terrace – 78th St.)

- *PCI=71, RCI=44*
- *Last Chip Seal 2011*
- *Last Overlay >20 years*



FAILED - SERIOUS (PCI 0-25)

83rd Terrace (Overton-Hawthorne)

- *PCI=10, RCI=30*
- *Last Mill & OL 1991*
- *No Chip Seal*

What Condition Is Our Network In?



EXCELLENT (PCI 86-100)

Englewood Ave (75th St. – 76th St.)

- *PCI=86, RCI=61*



FAIR - GOOD (PCI 56-85)

76th Terrace (Woodson Rd. – East End)

- *PCI=74, RCI=50*



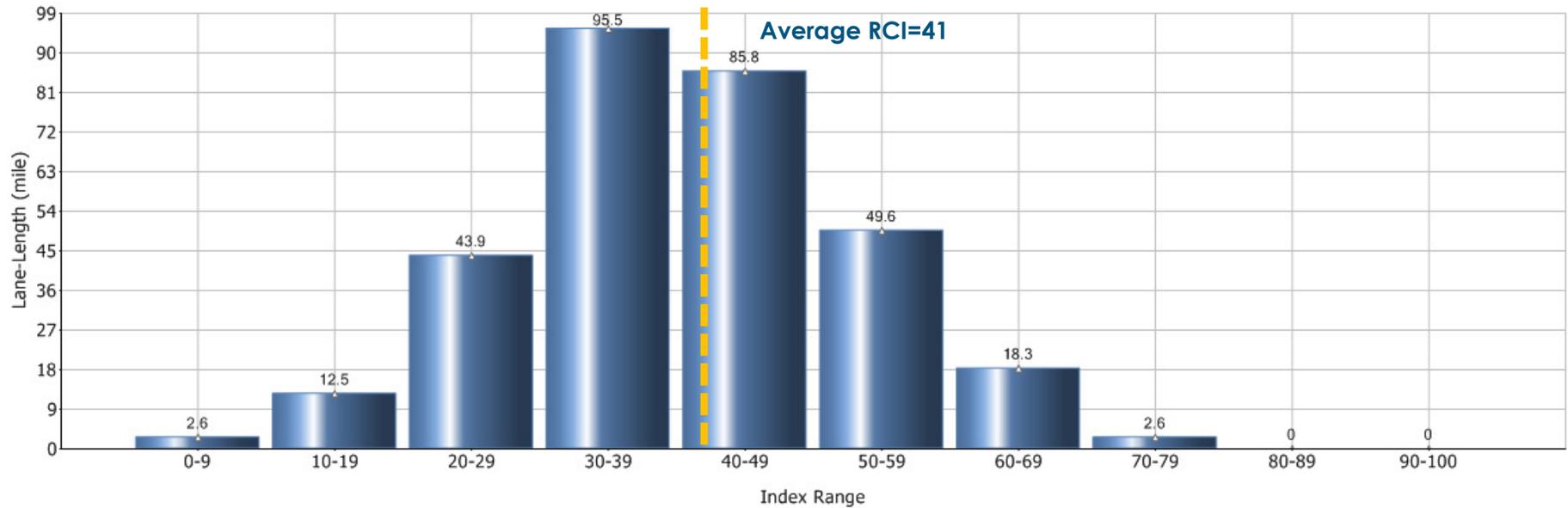
Very Poor (PCI 26-40)

Hunter Terrace (56th Terrace – 57th St.)

- *PCI=31, RCI=19*

2018 Network Condition - RCI

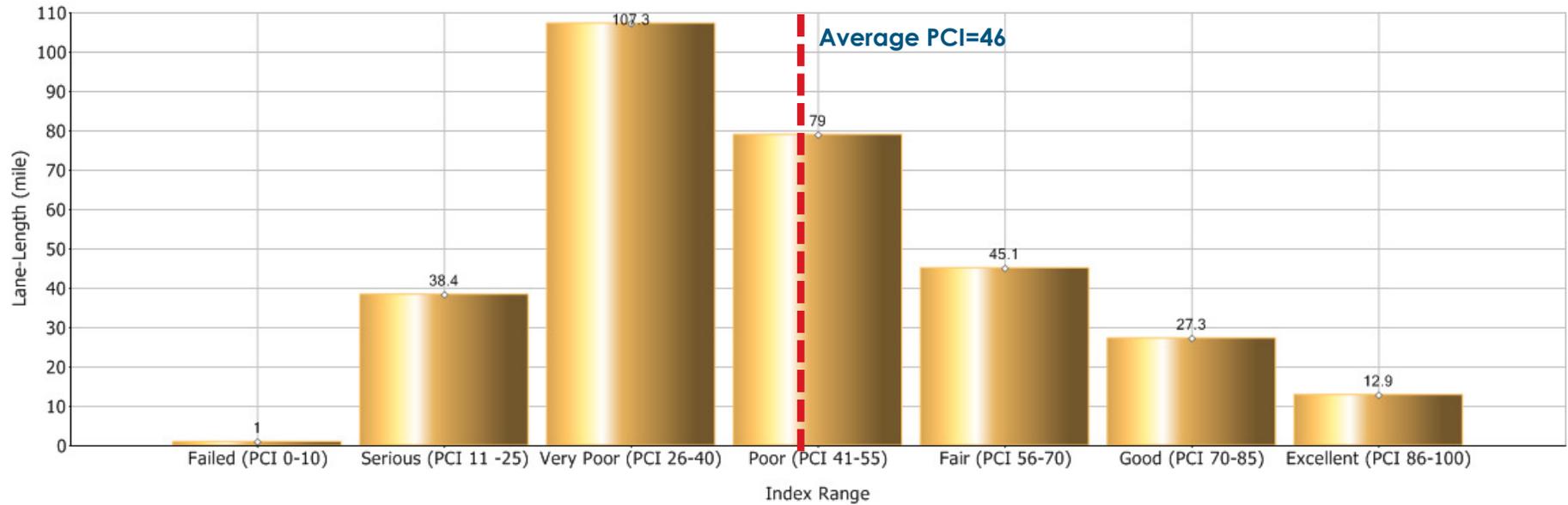
Network Present Status Distribution – 2018
All Sections



Range	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-100	Total
Sections	27	100	258	468	413	236	102	15	0	0	1619
LL (mile)	2.6	12.5	43.9	95.5	85.8	49.6	18.3	2.6	0	0	310.8
LL %	0.8	4	14.1	30.7	27.6	16	5.9	0.8	0	0	100

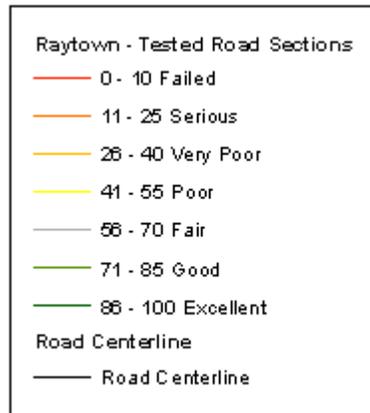
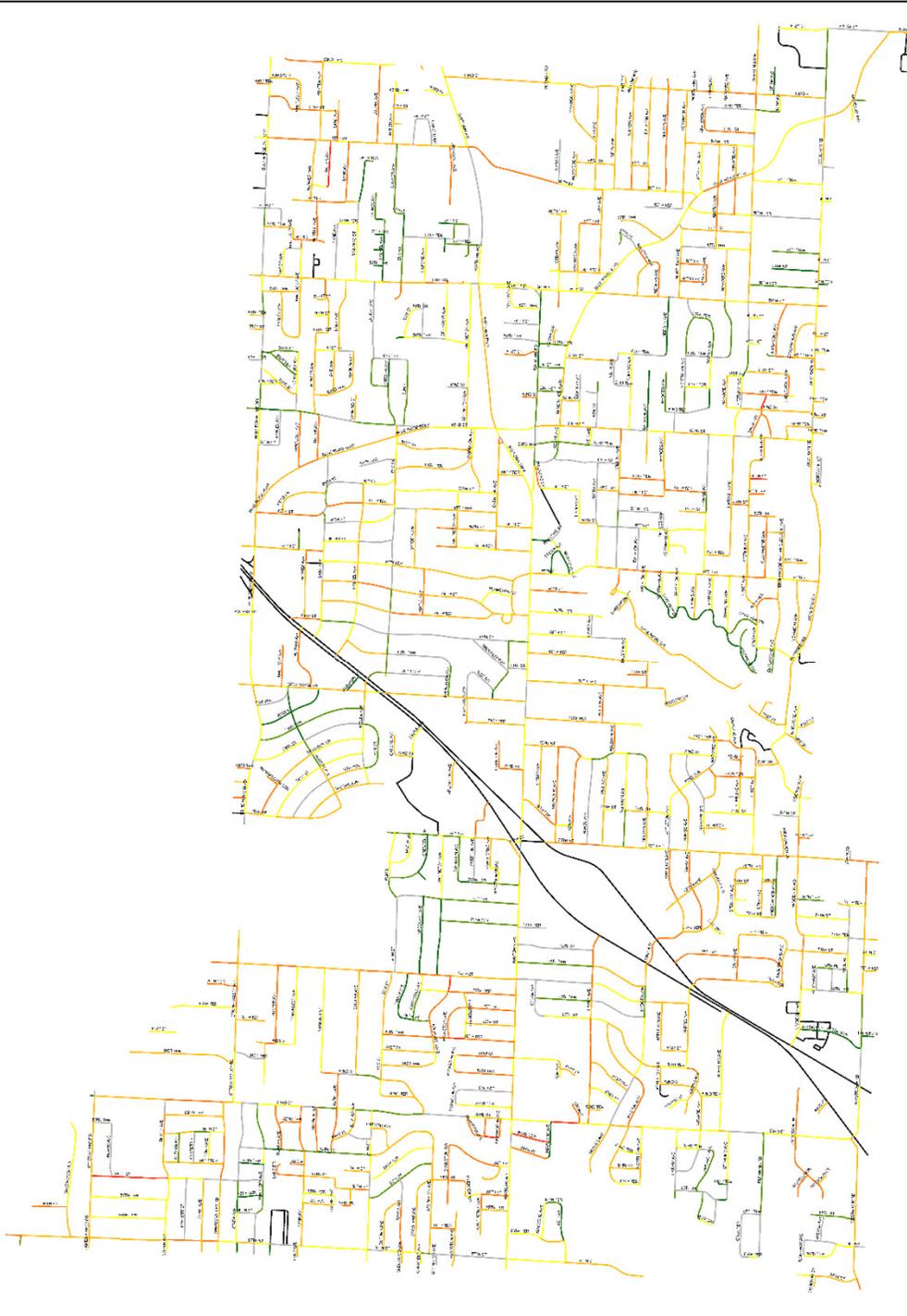
2018 Network Condition - PCI

Network Present Status Distribution – 2018
All Sections



Range	Failed (PCI 0-10)	Serious (PCI 11 -25)	Very Poor (PCI 26-40)	Poor (PCI 41-55)	Fair (PCI 56-70)	Good (PCI 70-85)	Excellent (PCI 86-100)	Total
Sections	5	199	534	404	249	147	81	1619
Lane-Length (mile)	1	38.4	107.3	79	45.1	27.3	12.9	311
Lane-Length %	0.3	12.3	34.5	25.4	14.5	8.8	4.1	100

Network Condition

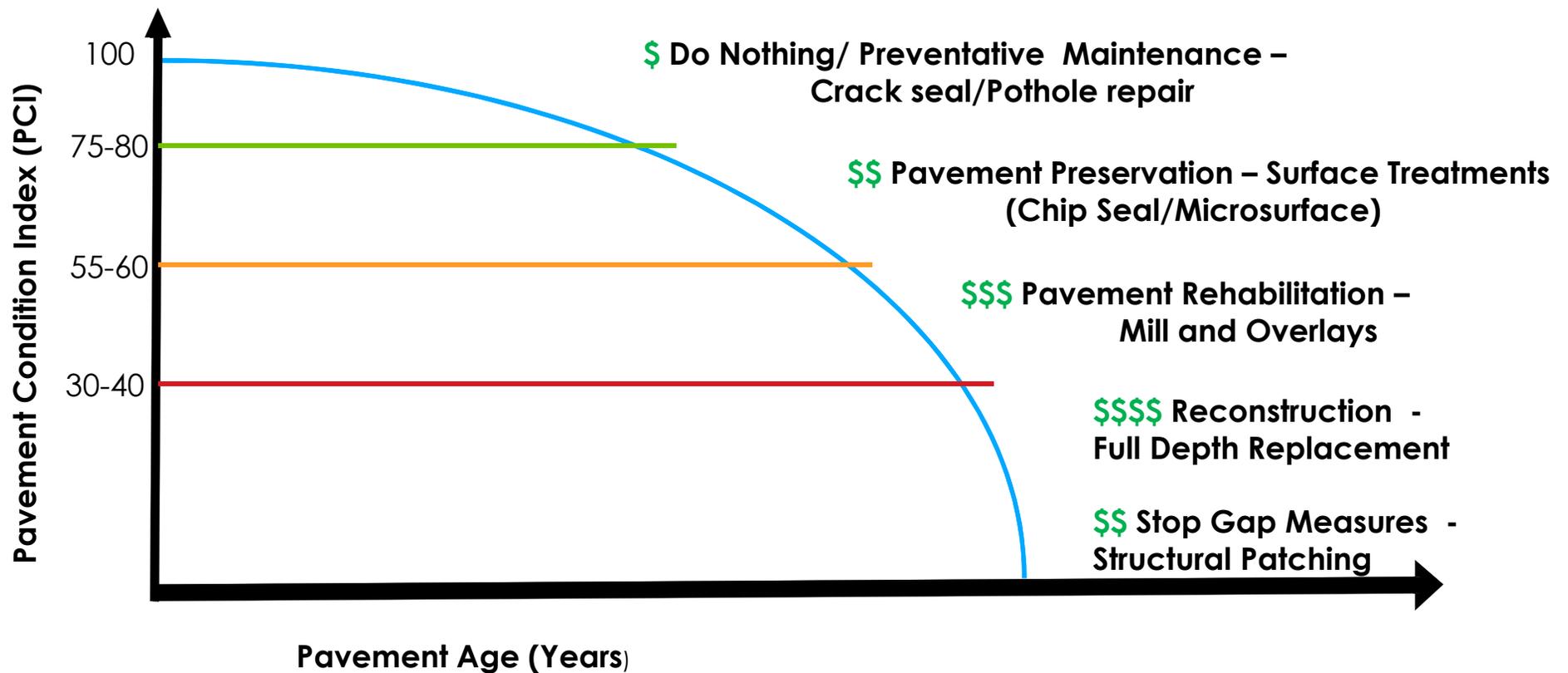


Project Objectives

Set out to answer key questions with respect to the City of Raytown's road network:

- What do we have? ✓
- What condition is it in? ✓
- What work needs to be done?
- Estimated Costs?
- Pavement Management Recommendations?

Maintenance & Rehabilitation (M&R) Treatments



M&R Needs (Estimate \$)

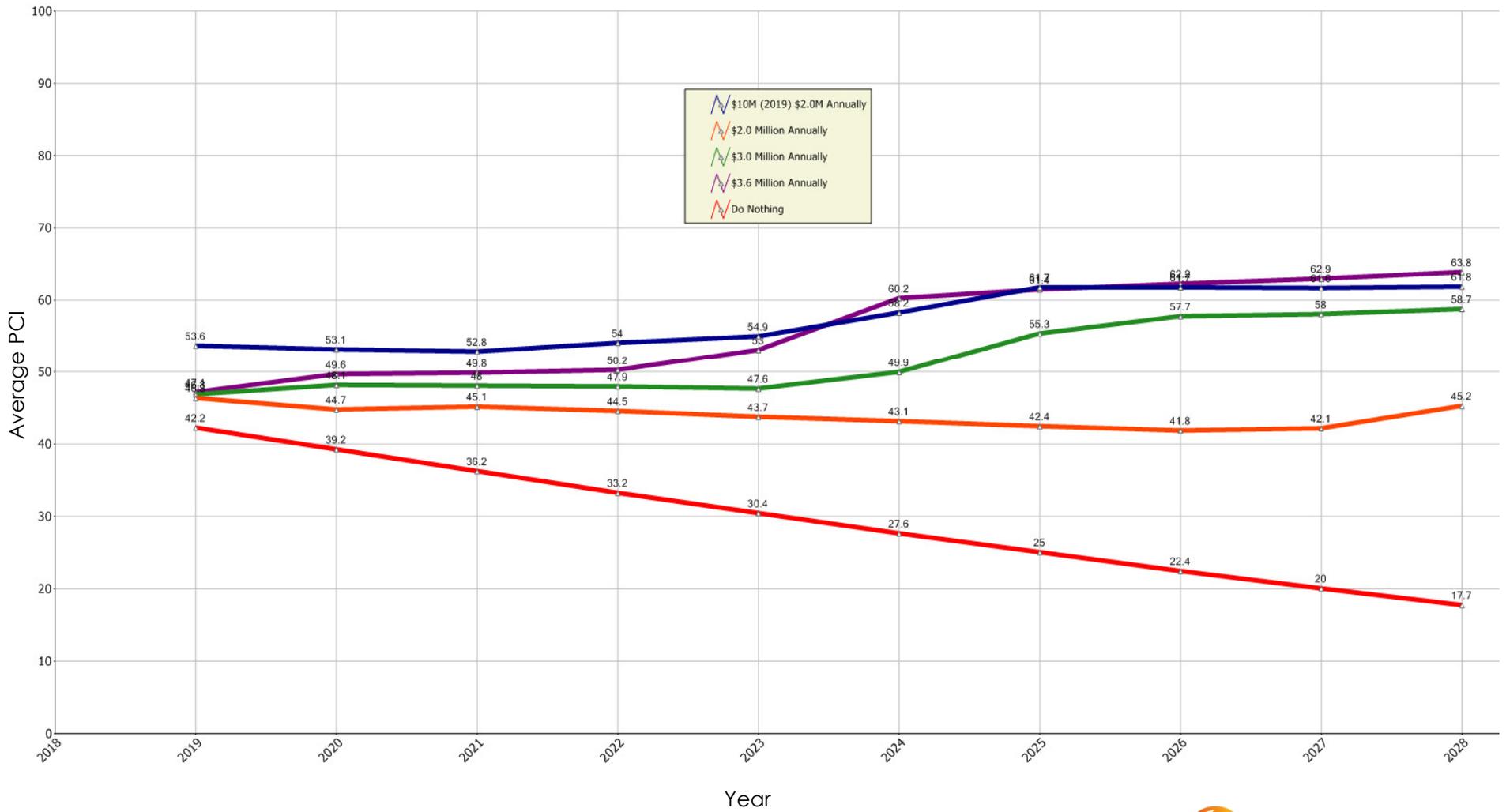
PCI	PCC Treatments	Approx Cost
81 - 100	Do Nothing	\$ -
61 - 80	Crack Seal/Patch	\$ 16,593.00
31 - 60	Select Slab Replacement	\$ 242,682.00
0 - 30	PCC Reconstruct	\$ -
Grand Total		\$ 259,275.00

PCI	AC Treatments	Approx Cost
81 - 100	Do Nothing	\$ -
61 - 80	Surface Treatments	\$ 1,756,859.00
31 - 60	Overlays	\$ 14,032,459.00
0 - 30	Base Repair and Overlay/Reconstruct	\$ 20,039,754.00
Grand Total		\$ 35,829,072.00

Approximately **\$36.0 Million** of work needed today

- does not include mandatory ADA compliance with ramps, curbs & sidewalk repairs

“What if” Funding Scenarios



Summary

- Raytown's road network is currently considered in "Poor" condition with an average PCI=46
- Other Stantec clients in the greater KC area are averaging between PCI = 53 to PCI= 64
- Based on PCI, estimate **\$36.0 Million** worth of M&R needs today
- Network condition will likely continue to deteriorate without taking necessary action
 - Treatment selection & Funding
 - Estimate \$3.0M annually to achieve a PCI>55 over 10 years
- Update pavement condition data every 3 years
 - "Measure" your progress
 - Effectiveness of treatments

Summary

- **Pavement Management Strategies**
 - “Worst - First” approach – Reactive
 - significant increase in unit rates of rehabilitation strategies results in an accelerated deterioration of network.
 - Pavement Preservation – Proactive
 - Crack Seal/Surface Treatments
 - work towards targeting roads at “fair” to “good” condition to optimize available budgets and maximize pavement life
 - Able to address more roads for the same dollars

2018 Pavement Condition Assessment

Questions?

DRAFT
MINUTES
TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
JUNE 5, 2018
REGULAR SESSION No. 29
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Mayor Michael McDonough called the June 5, 2018 Board of Aldermen meeting to order at 7:00 p.m. Dr. Bill Tenny-Brittian of the Raytown Christian Church 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 Karen Black, Alderman Frank Hunt, Alderman Jason Greene, Alderman Ryan Myers, Alderman Mark Moore, Alderman Steve Meyers, Alderman Bonnaye Mims, Alderman Derek Ward

Absent: Alderman Jim Aziere, Alderman Bill Van Buskirk

Proclamations/Presentations

Mayor McDonough and Dave Turner, Director of Parks, presented a proclamation to Homer and Katie Radford.

Public Comments

Tony Jacob, 10201 E 64 Street, spoke regarding the FY17-18 Budget.

Chief Matt Mace, Raytown Fire Protection District, spoke regarding the Raytown Fire Protection District's ISO audit score of Class-1.

Communication from the Mayor

The Mayor announced and attended the following

- May 23, National Public Works banquet
- May 24, ribbon cutting for the 59th Street Sidewalk Project
- The 83rd Street Bridge Project is ahead of schedule
- May 28, Colman Park Memorial Day Celebration
- May 28, Alyse Stoll's birthday
- June 2, Kenagy Park Fishing Derby
- June 9, Kids Only Fishing Derby at Kenagy Park
- June 9, the second Raytown Live concert

Mayor McDonough continued after Communication from the City Administrator and announced the upcoming Raytown Police Department Annual Safety Fair.

Communication from the City Administrator

Damon Hodges, Assistant City Administrator, provided an update on the City's current projects and plans.

Committee Reports

Alderman Mims spoke regarding recent Memorial Day events.

Alderman Meyers spoke regarding Alderman Van Buskirk's absence and last week's Public Works Week activities.

Alderman Hunt spoke regarding the Gregory Heights yard cleanup project and last week's Public Works Week activities.

STUDY SESSION

Financial Report – 6 Month
Michael Keenan, CPA, Cochran Head Vick & Co., P.C.
Missy Wilson, Assistant City Administrator

Michael Keenan, CPA, Cochran Head Vick & Co., P.C. presented the 6 Month Financial Report and, along with Missy Wilson, Assistant City Administrator, remained available for any discussion.

Discussion focused on revenues, expenses and projections.

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 May 15, 2018 Board of Aldermen meeting minutes.

Alderman Moore, seconded by Alderman Mims, made a motion to adopt. The motion was approved by a vote of 7-0-2-1.

Ayes: Aldermen Moore, Mims, Ward, Hunt, Myers, Greene, Black

Nays: None

Absent: Aldermen Van Buskirk, Aziere

Abstain: Alderman Meyers

R-3094-18: A RESOLUTION AUTHORIZING AND APPROVING THE REAPPOINTMENT OF MICHAEL HANNA TO THE RAYTOWN PARK BOARD. Point of Contact: Teresa Henry, City Clerk.

R-3095-18: A RESOLUTION AUTHORIZING AND APPROVING THE REAPPOINTMENT OF CHRIS RATHBONE TO THE RAYTOWN PARK BOARD. Point of Contact: Teresa Henry, City Clerk

REGULAR AGENDA

NEW BUSINESS

2. **FIRST READING: Bill No.: 6468-18, Section XIX: AN ORDINANCE** AMENDING CHAPTER 20, ARTICLE II, RELATING TO FIRE PREVENTION AND PROTECTION TO PROVIDE FOR THE SALE AND USE OF CERTAIN CONSUMER FIREWORKS WITHIN THE CITY. Point of Contact: Teresa Henry, City Clerk

The ordinance was read by Teresa Henry, City Clerk.

Teresa Henry, City Clerk, remained available for any discussion.

There was also information provided for an amendment regarding zoning in the proposed ordinance.

Alderman Ward, seconded by Alderman Mims, made a motion to approve the amendment as provided. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Ward, Mims, Hunt, Greene, Moore, Black, Myers, Meyers

Nays: None

Absent: Aldermen Van Buskirk, Aziere

3. **FIRST READING: Bill No.: 6469-18, Section IV-A: AN ORDINANCE** AMENDING CHAPTER 2, ARTICLE IV, RELATING TO ADDRESSING THE BOARD. Point of Contact: Teresa Henry, City Clerk.

Alderman Moore spoke regarding the lack of public feedback on the previous item, Bill No. 6468-18.

The ordinance was read by Teresa Henry, City Clerk.

Teresa Henry, City Clerk, remained available for any discussion.

Discussion regarded the Municipal Committee's recommendations, ordinance vocabulary and speaker time limits.

4. **R-3097-18: A RESOLUTION** AUTHORIZING AND APPROVING A SERVICES AGREEMENT BY AND BETWEEN THE CITY OF RAYTOWN, MISSOURI AND COCHRAN HEAD VICK & CO., P.C. FOR ACCOUNTING SERVICES IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR FISCAL YEAR 2017-2018 AND AMEND THE FISCAL YEAR 2017-2018 BUDGET. Point of Contact: Missy Wilson, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

Missy Wilson, Assistant City Administrator, remained available for any discussion.

Alderman Mims, seconded by Alderman Myers, made a motion to adopt.

Discussion provided an update on the process of hiring a new Finance Director.

The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mims, Myers, Hunt, Ward, Greene, Moore, Black, Meyers

Nays: None

Absent: Aldermen Van Buskirk, Aziere

5. **R-3098-18: A RESOLUTION** AUTHORIZING AND APPROVING THE PURCHASE OF COMPUTER EQUIPMENT AND SUPPLIES FROM DELL MARKETING, L.P. OFF THE MIDWESTERN HIGHER EDUCATION COMMISSION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$17,608.14 FOR FISCAL YEAR 2017-2018. Point of Contact: Missy Wilson, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

Missy Wilson, Assistant City Administrator, and Dan Berry, Information Systems Supervisor, remained available for any discussion.

Alderman Myers, seconded by Alderman Mims, made a motion to adopt. The motion was approved by a vote of 7-1-2.

Ayes: Aldermen Myers, Mims, Black, Meyers, Greene, Hunt, Ward

Nays: Alderman Moore,

Absent: Aldermen Van Buskirk, Aziere

6. **R-3099-18: A RESOLUTION** AUTHORIZING AND APPROVING A SERVICE AGREEMENT WITH NRA GROUP, LLC FOR COLLECTION OF DELINQUENT ACCOUNTS ASSOCIATED WITH EMERGENCY MEDICAL SERVICES: Point of Contact: Doug Jonesi, Emergency Medical Services.

The resolution was read by Teresa Henry, City Clerk.

Doug Jonesi, Emergency Medical Services Director, remained available for any discussion.

Discussion compared the services provided by NRA Group, LLC with those provided by the current contractor.

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

Ayes: Aldermen Meyers, Ward, Greene, Myers, Mims, Moore, Hunt, Black

Nays: none

Absent: Aldermen Van Buskirk, Aziere

7. **R-3100-18: A RESOLUTION** AMENDING THE FISCAL YEAR 2017-2018 BUDGET RELATED TO PARKS AND BMX. Point of Contact: Dave Turner, Parks & Recreation Director.

The resolution was read by Teresa Henry, City Clerk.

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

Alderman Greene, seconded by Alderman Black, made a motion to adopt.

Discussion continued and focused on recent break-ins at the Raytown BMX location.

The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Greene, Black, Mims, Hunt, Ward, Moore, Myers, Meyers

Nays: None

Absent: Aldermen Van Buskirk, Aziere

8. **R-3101-18: A RESOLUTION** AMENDING THE FISCAL YEAR 2017-2018 BUDGET RELATED TO PARKS AND TEMPORARY STAFFING. Point of Contact: Dave Turner, Parks & Recreation Director.

The resolution was read by Teresa Henry, City Clerk.

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

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

Ayes: Aldermen Meyers, Myers, Moore, Ward, Hunt, Mims, Black, Greene

Nays: None

Absent: Aldermen Aziere, Van Buskirk

9. **R-3102-18: A RESOLUTION** AUTHORIZING AND APPROVING AN AMENDMENT TO RESOLUTION R-3066-18 AND AUTHORIZING AND APPROVING THE ADDITIONAL EXPENDITURE OF FUNDS WITH STANTEC CONSULTING SERVICES, INC. UTILIZING THE MID-AMERICA COUNCIL OF PUBLIC PURCHASING COOPERATIVE CONTRACT FOR A PAVEMENT ANALYSIS AND CONDITION REPORT FOR A TOTAL AMOUNT NOT TO EXCEED \$39,350.00 FOR FISCAL YEAR 2017-2018. Point of Contact: Damon Hodges, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

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

Discussion clarified the services being provided

Alderman Mims, seconded by Alderman Myers, made a motion to adopt.

Discussion continued.

The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mims, Myers, Greene, Hunt, Meyers, Black, Moore, Ward

Nays: None

Absent: Aldermen Van Buskirk, Aziere

Mayor McDonough adjourned the meeting for a 5-minute recess.

Mayor McDonough reconvened the meeting at 8:53 p.m.

10. **R-3103-18: A RESOLUTION** AUTHORIZING AND APPROVING THE PROFESSIONAL SERVICES OF STORM SEWER INFRASTRUCTURE REPAIR IN THE CITY OF RAYTOWN, MISSOURI FROM WIEDENMANN, INC. UTILIZING THE CITY OF LEE'S SUMMIT, MISSOURI COOPERATIVE PURCHASE CONTRACT AND APPROVING PROJECT EXPENSES FOR 6504 HARVARD IN AN AMOUNT NOT TO EXCEED \$78,619.75. Point of Contact: Damon Hodges, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

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

Discussion explained the relationship between this resolution for project expenses and the following two resolutions for property easements.

Alderman Myers, seconded by Alderman Greene, made a motion to adopt.

Discussion continued.

The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Myers, Greene, Black, Hunt, Moore, Meyers, Mims, Ward

Nays: None

Absent: Aldermen Aziere, Van Buskirk

11. **R-3104-18: A RESOLUTION** AUTHORIZING ACCEPTANCE OF A STORM DRAINAGE EASEMENT FROM CHRISTOPHER AND SARA COSSE IN CONNECTION WITH THE STORM SEWER INFRASTRUCTURE REPAIR LOCATED AT 6504 HARVARD. Point of Contact: Damon Hodges, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

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

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

Ayes: Aldermen Myers, Black, Ward, Hunt, Meyers, Moore, Greene, Mims

Nays: None

Absent: Aldermen Van Buskirk, Aziere

12. R-3105-18: A RESOLUTION AUTHORIZING ACCEPTANCE OF A STORM DRAINAGE EASEMENT FROM JAMES R. SMITH, SR. IN CONNECTION WITH THE STORM SEWER INFRASTRUCTURE REPAIR LOCATED AT 6504 HARVARD. Point of Contact: Damon Hodges, Assistant City Administrator.

The resolution was read by Teresa Henry, City Clerk.

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

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

Ayes: Aldermen Greene, Myers, Hunt, Moore, Ward, Black, Meyers, Mims

Nays: None

Absent: Aldermen Van Buskirk, Aziere

DISCUSSION ITEM

13. Education Material for August 7, 2018 Election

Damon Hodges and Missy Wilson, Assistant City Administrators, remained available for any discussion.

There will be a Departmental Open House, June 26, 2018, 6:30 p.m. to 8:00 p.m.

The August 7, 2018 Primary Election tax-related pages in the Summer 2018 Newsletter were presented to the Board.

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

Ayes: Aldermen Mims, Black, Hunt, Ward, Greene, Moore, Meyers, Myers

Nays: None

Absent: Aldermen Van Buskirk, Aziere

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(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

610.021 (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore;

- 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.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

CITY OF RAYTOWN
Request for Board Action

Date: June 13, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Amended Bill No.: 6468-18
Section No.: XIX

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____



Analysis: This issue was first brought to the Board of Aldermen as a discussion item by Alderman Derek Ward. At that time, the item was referred to the Municipal Committee to study the issue and bring back a recommendation to the full Board.

The Municipal Committee reviewed the suggested changes to the current Fireworks Ordinance proposed by Alderman Ward in addition to hearing from Chief Matt Mace of the Raytown Fire Protection District.

The Municipal Committee recommended the following:

Alderman Van Buskirk, seconded by Alderman Black made a motion to recommend Alderman Ward's proposed changes to the current City Ordinance to the Board of Aldermen. The motion was approved by a vote of 5-0.

The additional amendment:

Following the Municipal Committee meeting on May 15, 2018, City Staff raised some concerns about some of the minor details implementing some of the zoning change proposals. By discussion with the various parties, a solution agreeable to the various parties was created and Section 20-51 (d) was additionally amended since the June 6, 2017 Board of Aldermen meeting.

The amendment allows sales of fireworks by charitable groups on their own property so long as the property is otherwise suitable for such sales, as approved by the fire code official, and such property is Commercial, Industrial or R1 zoned land.

The amendment would not allow charitable groups to sell fireworks on land zoned for medium or high density residential use, nor on any commercial, industrial or R1 zoned land where the parcel is too small or has other unique features that make the sales, in the fire code official's opinion, not appropriate.

Attachments: Municipal Committee meeting draft minutes and information supplied in the Municipal Committee meeting packet.

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II, RELATING TO FIRE PREVENTION AND PROTECTION TO PROVIDE FOR THE SALE AND USE OF CERTAIN CONSUMER FIREWORKS WITHIN THE CITY

WHEREAS, the Board of Aldermen find that it is in the best interest of the citizens of the City of Raytown to amend Chapter 20, Article II as provided herein;

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

SECTION 1 – AMENDMENT OF CITY CODE. Chapter 20 of the Raytown City Code shall be amended as follows:

Sec. 20-40. Definitions.

Consumer fireworks.

- (1) The term “consumer fireworks” means small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. This term includes fireworks devices defined as 1.4G which comply with the construction, chemical composition and labeling regulations of the United States Department of Transportation for Fireworks, UN0336, and the U.S. Consumer Product Safety Commission as set forth in 16 CFR parts 1500 and 1507, as amended from time to time.
- (2) Notwithstanding anything contained herein to the contrary, within the corporate limits of the city, the definition of consumer fireworks shall specifically exclude the following:
 - a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
 - c. **Small hot air balloons made of paper, plastic or other lightweight fibrous material, with an opening at the bottom and from which a candle is suspended, such items being commonly known as “sky lanterns”, “fire balloons”, “lava blimps” or any other such device utilizing an open flame to provide loft; and Roman candles with or without spikes, identified by the word “Candle” on the label with the following wording on the caution label: “WARNING: SHOOTS FLAMING BALLS” or “WARNING: SHOOTS FLAMING BALLS AND REPORTS”, and not including California Candles or Illumination Torch with the following wording on the caution label: “CAUTION: EMITS SHOWERS OF SPARKS”;** and
 - d. Altered or combined fireworks.

Special fireworks.

- (1) The term “special fireworks” mean large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. The term includes fireworks devices defined as 1.3G and include, but are not limited to, firecrackers containing more than 130 milligrams (two grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the United States Department of Transportation, as amended from time to time. Notwithstanding anything contained herein to the contrary, within the corporate limits of the city the definition of Special Fireworks shall specifically include the following:
- a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
 - c. ~~Small hot air balloons made of paper, plastic or other lightweight fibrous material, with an opening at the bottom and from which a candle is suspended, such items being commonly known as “sky lanterns”, “fire balloons”, “lava blimps” or, any other such device utilizing an open flame to provide loft; and Roman candles with or without spikes, identified by the word “Candle” on the label with the following wording on the caution label: “WARNING: SHOOTS FLAMING BALLS” or “WARNING: SHOOTS FLAMING BALLS AND REPORTS”, and not including California Candles or Illumination Torch with the following wording on the caution label: “CAUTION: EMITS SHOWERS OF SPARKS”;~~
Small hot air balloons made of paper, plastic or other lightweight fibrous material, with an opening at the bottom and from which a candle is suspended, such items being commonly known as “sky lanterns”, “fire balloons”, “lava blimps” or, any other such device utilizing an open flame to provide loft; and Roman candles with or without spikes, identified by the word “Candle” on the label with the following wording on the caution label: “WARNING: SHOOTS FLAMING BALLS” or “WARNING: SHOOTS FLAMING BALLS AND REPORTS”, and not including California Candles or Illumination Torch with the following wording on the caution label: “CAUTION: EMITS SHOWERS OF SPARKS”;
 - d. Altered or combined fireworks.

Sec. 20-48. Limited use.

The discharge of consumer fireworks within the city limits shall be allowed only ~~and at the following dates and times: on July 4 or each year between the hours of 10:00 a.m. and 11:00 p.m. unless July 4 falls on a Sunday in which case permitted consumer fireworks may not be discharged before noon.~~ **and at the following dates and times:**

- (a) July 2nd, between Noon and 10:00 p.m.;
- (b) July 3rd, between 10:00 a.m. and 10:00 p.m.;
- (c) July 4th, between 10:00 a.m. and 11:00 p.m.;
- (d) July 5th, between Noon and 10:00 p.m.; and
- (e) December 31st, for 1 hour beginning at 11:00 p.m.

Sec. 20-49. Unlawful acts involving possession or discharge.

- (f) ~~Except for those dates upon which the discharge of fireworks is permitted by Section 20-48, it shall be unlawful for any person under the age of 16 years, unless under the direct visual supervision of a parent, guardian or other adult over the age of 25, to possess or discharge consumer fireworks within the city limits~~ **Except for those dates upon which the discharge of fireworks is permitted by Section 20-48, it shall be unlawful for any person under the age of 16 years, unless under the direct visual supervision of a parent, guardian or other adult over the age of 25, to possess or discharge consumer fireworks within the city limits except with the permission of the person owning or leasing the property whereupon the possession and discharge occurs.**

Sec. 20-51. Application for license to sell consumer fireworks.

- (d) *Zoning clearance approval.* The stand must be located on property zoned commercial or industrial, **except that nothing shall prohibit a religious institution or any licensee having a tax-exempt status under the following sections of the Internal Revenue Code:**
- (1) 501(c)(3), commonly known as charitable groups;**
 - (2) 501(c)(4), commonly known as welfare groups;**
 - (3) 501(c)(7), commonly known as social groups;**
 - (4) 501(c)(8), commonly known as fraternal organizations;**
 - (5) 501(c)(10), also commonly known as fraternal organizations;**
 - (6) 501(c)(11), commonly known as military veteran service groups;**
 - (7) 501(c)(17), commonly known as teacher retirement organizations;**
- from operating a fireworks stand pursuant to these ordinances upon any property, zoned R1, Commercial or Industrial, owned or leased by such group, so long as such site shall be deemed appropriate by the fire code official.**
- (e) *Property owner consent.* A statement or letter of consent from the property owner **or current lessee** on which the sales are to occur shall be included with the application.

Sec. 20-53. Operational requirements of stand.

- (c) *Sale from public property prohibited.* Fireworks shall not be sold ~~or advertised for sale~~ from any street, alley, sidewalk, or other public property within the corporate limits of the City of Raytown.
- (d) *Sign limits.* Signage for any fireworks stand granted a license to operate within the City is exempt from the sign regulations contained in the Zoning Code; however, such signage shall comply with the requirements of this Article. ~~It shall be unlawful for any licensee to display more than one (1) sign advertising the sale of fireworks; provided, such sign may contain advertising on both of its two (2) sides.~~ The size of one side of the sign shall not exceed eight (8) feet by four (4) feet.
- (e) *Licensee to display sign on premises regarding prohibitions and restrictions.* Each licensee shall obtain and display in at least four conspicuous places inside the Stand, a sign or placard, printed in bold letters not smaller than one inch in height, the following:

SHOOTING OF FIREWORKS IS PROHIBITED ON RAYTOWN PARKS AND OTHER PUBLIC PROPERTY AND IN BUSINESS DISTRICTS. CONSUMER FIREWORKS MAY ONLY BE SOLD AND DISCHARGED DURING THE FOLLOWING TIMES:

Sold between 6:00 a.m. on June 29th and 10:00 p.m. on July 4th.

The discharge of consumer fireworks within the city limits shall be allowed only as provided for by ordinance. Except as permitted or further prohibited by ordinance, no person shall discharge fireworks before Noon on July 2nd or after 10:00 p.m. on July 5th.

~~Discharged on July 4 between the hours of _____ and 11:00 PM [insert 10:00 am, except if July 4 is on a Sunday the earliest time for discharge is 12:00 noon].~~

BOTTLE OR STICK ROCKETS, AND MISSILES OR SKY LANTERNS AND ROMAN CANDLES ARE PROHIBITED FROM BEING SOLD OR DISCHARGED AT ANY TIME WITHIN THE CITY OF RAYTOWN

SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 – 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 4 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its date of passage.

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 19th day of June, 2018

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

**DRAFT
MINUTES
Municipal Committee
May 15, 2018
6:00 p.m.
City Hall Council Chambers**

Alderman Bill Van Buskirk, committee chair, opened the meeting.

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

Present: Alderman Karen Black, Alderman Mark Moore, Alderman Bill Van Buskirk, Alderman Derek Ward, Alderman Jim Aziere (arrived during Discussion Item 1).

DISCUSSION ITEMS

1) Public Comments Procedures

Teresa Henry, City Clerk

Teresa Henry, City Clerk, and Damon Hodges, Interim Co-City Administrator, remained available for any discussion.

Public comments procedures were discussed.

The function of the Municipal Committee was clarified.

Alderman Ward, seconded by Alderman Black, made a motion to recommend amending Ordinance 2996-86, Section 2-495, by substituting the word "address" with the phrase "city of residence". The motion was approved by a vote of 4-0-1-0.

Ayes: Aldermen Ward, Black, Moore, Van Buskirk

Nays: None

Absent: Alderman Aziere

Abstain: None

Discussion continued, focusing on the time limit for speakers.

Alderman Aziere arrived.

Alderman Black, seconded by Alderman Moore, made a motion to recommend amending Resolution 1422-04, Section 7, to allot a 3-minute time limit for each Public Comments speaker with no extra time allotted for group representatives. The motion was approved by a vote of 4-0-0-1.

Ayes: Aldermen Black, Moore, Van Buskirk, Ward

Nays: None

Absent: None

Abstain: Alderman Aziere

2) Fireworks Ordinance Amendment

Damon Hodges, Interim City Administrator

Chief Matt Mace, of the Raytown Fire Protection District, was present for discussion.

The current fireworks ordinance, and Alderman Ward's proposed changes, were discussed.

Alderman Van Buskirk, seconded by Alderman Black, made a motion to recommend Alderman Ward's proposed ordinance changes to the current City Ordinance to the Board of Aldermen. The motion was approved by a vote of 5-0.

Ayes: Aldermen Aziere, Black, Moore, Van Buskirk, Ward

Nays: None

3) Liquor License

Missy Wilson, Interim City Administrator

This item was not discussed and was continued to the next Municipal Committee meeting.

Adjournment

Alderman Van Buskirk made a motion to adjourn. The motion was approved by a majority of those present.

Next Meeting Date and Time – June 19, 2018, 6:00 p.m.

Secs. 20-12—20-39. Reserved.

ARTICLE II. FIREWORKS*

Sec. 20-40. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Community service organization means a non-profit community-based organization located within the city which provides programs and services designed to improve the quality of life for residents of the city or designed to solve particular problems related to the needs of the citizens of the city, including, but not necessarily limited to: health care, child care, literacy training, education, welfare, social services, transportation, housing and neighborhood improvement, public safety, crime prevention and control, recreation, community improvement, youth corps, support services to persons with disabilities, homeless shelter and support, feeding the hungry, or caring for the elderly.

Consumer fireworks.

- (1) The term "consumer fireworks" means small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. This term includes fireworks devices defined as 1.4G which comply with the construction, chemical composition and labeling regulations of the United States Department of Transportation for Fireworks, UN0336, and the U.S. Consumer Product Safety Commission as set forth in 16 CFR parts 1500 and 1507, as amended from time to time.
- (2) Notwithstanding anything contained herein to the contrary, within the corporate limits of the city, the definition of consumer fireworks shall specifically exclude the following:
 - a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
 - c. Roman candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING: SHOOTS FLAMING BALLS" or "WARNING: SHOOTS FLAMING BALLS AND REPORTS," and not including California Candles or Illumination Torch with the following wording on the caution label: "CAUTION: EMITS SHOWERS OF SPARKS"; and
 - d. Altered or combined fireworks.

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G (formerly known as class C, common fireworks) or 1.3G fireworks (formerly known as class B, special fireworks) as set forth in the fire code adopted and amended by the city from time to time.

***State law reference**—Authority to regulate, restrain and prevent keeping and discharge of fireworks or other dangerous combustible materials, RSMo 79.450(2).

Nonprofit organization means an organization located within the city and formed for the purpose of serving a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors. All money raised by the organization must go back into the operation of the organization and must benefit citizens of the city.

Religious organization means a church, synagogue, or other organization or association located within the city that is organized primarily for the study or advancement of religion.

Sell or sale means the act of selling, attempting to sell or offering for sale. This term shall also include bartering and giving away for no consideration.

Selling season means the period beginning at 6:00 a.m. on June 29 and continuing through 10:00 p.m. on July 4 of each year.

Special fireworks.

- (1) The term "special fireworks" means large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. The term includes fireworks devices defined as 1.3G and include, but are not limited to, firecrackers containing more than 130 milligrams (two grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the United States Department of Transportation, as amended from time to time.
- (2) Notwithstanding anything contained herein to the contrary, within the corporate limits of the city the definition of special fireworks shall specifically include the following:
 - a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
 - c. Roman candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING: SHOOTS FLAMING BALLS" or "WARNING: SHOOTS FLAMING BALLS AND REPORTS", and not including California Candles or Illumination Torch with the following wording on the caution label: "CAUTION: EMITS SHOWERS OF SPARKS";
 - d. Altered or combined fireworks.

Stand or temporary structure means any non-permanent structure or tent, which is used solely for the purpose of selling fireworks.

(Code 1969, § 9-18; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-41. Penalty for violation.

In addition to immediate revocation of any license or permit granted herein, any person violating the provisions of this article is guilty of a misdemeanor and upon conviction thereof, shall be fined not

more than \$500.00 or be punished by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment. Each day that a person fails to comply with the requirements of this article may be deemed a separate offense.

(Code 1969, § 9-33; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-42. Duties and responsibilities generally.

Except such duties as may be designated to the police department or building official, the fire code official of the city shall discharge the duties and responsibilities provided for in this article.

(Code 1969, § 9-19; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-43. Records and reports.

The fire code official shall keep a record of all licenses and special fireworks permits issued, and of the suspension and revocation thereof. The fire code official shall make a full report to the building official on each application received, including, but not limited to, a copy of the complete application and all supporting paperwork.

(Code 1969, § 9-20; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-44. Forms.

The fire code official shall prepare all forms of applications, licenses, permits, and other forms as are necessary to carry out the provisions of this article and shall submit such forms to the building official for approval.

(Code 1969, § 9-21; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-45. Rules and regulations.

The fire code official shall have the power to recommend to the building official reasonable rules, regulations, orders and directions as may be necessary and feasible to carry out the provisions of this chapter. The same shall be approved, in writing, by the building official, maintained on file with both the fire code official and the building official, and available to licensees and the public.

(Code 1969, § 9-22; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-46. Consumer fireworks allowed within city.

The possession, storage, sale, handling and use of consumer fireworks, as defined herein, shall be allowed within the city in compliance with the provisions of this article.

(Code 1969, § 9-23; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-47. Permit required for possession or discharge.

(a) The possession or discharge of consumer fireworks within the city shall be allowed only by permit. The permit shall be in the form prepared by the fire code official and shall contain the following minimum information:

- (1) Name of the purchaser;

- (2) Address of the purchaser; and
- (3) Location of the intended use.

(b) The permit for possession or discharge may be obtained at the point of sale within the city, or from the fire code official. One such permit shall be required per household or address at which the discharge will occur.

(Code 1969, § 9-24; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-48. Limited use.

The discharge of consumer fireworks within the city limits shall be allowed only on July 4 of each year between the hours of 10:00 a.m. and 11:00 p.m. unless July 4 falls on a Sunday in which case permitted consumer fireworks may not be discharged before noon.

(Code 1969, § 9-25; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-49. Unlawful acts involving possession or discharge.

(a) It shall be unlawful for any person to possess or discharge fireworks which are not defined herein as consumer fireworks within the corporate limits of the city.

(b) It shall be unlawful for any person to discharge, throw, use, explode, detonate, aim, point, or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned or occupied by the person shooting the fireworks.

(c) It shall be unlawful for any person to discharge, throw, use, explode, detonate, or shoot fireworks within any structure.

(d) No person shall discharge, use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle including watercraft or any other means of transportation, nor shall any person place or throw any ignited firework into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person, group of people or animal.

(e) No person shall discharge, throw, use, explode, detonate, or shoot fireworks within 300 feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any stand where fireworks are stored, sold or offered for sale.

(f) It shall be unlawful for any person under the age of 16 years, unless under the direct visual supervision of a parent, guardian or other adult over the age of 25 years, to possess or discharge consumer fireworks within the city limits.

(g) It shall be unlawful for any person to discharge or shoot any type of fireworks at any time in any public park or public grounds of the city without a special fireworks permit approved by the city.
(Code 1969, § 9-26; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-50. License required to sell fireworks.

(a) It shall be unlawful for any person to construct a retail display for, sell, or offer for sale consumer fireworks within the city without first obtaining a license for the sale of such fireworks as provided herein. The sale of consumer fireworks within the city shall only be conducted by a nonprofit, religious, educational or community service organization located within the city (hereinafter "qualifying organization") issued a license by the fire code official and such license shall only be valid during a single selling season.

(b) The number of licenses for the sale of consumer fireworks issued by the fire code official shall not exceed ten in any selling season. In the first year after the effective date of this ordinance, the initial ten applications shall be selected by random lottery in the following manner. First, each applicant shall draw a number at random at the time of filing the application. The fire code official shall record the number drawn with the applicant's application. The names of the applicants shall be listed in numerical, sequential order of the numbers so drawn. The first ten qualifying organizations listed shall be considered for the ten licenses. Incomplete applications shall be rejected and further randomly selected applications considered until all licenses have been issued. If any such selected applicant fails to qualify with the additional requirements of this article within the time frame provided herein, such license shall be deemed to be forfeited and the next applicant on the list shall be selected.

(c) In subsequent years, the fire code official shall first consider those applications from organizations that have previously had a license. If there are fewer applications from qualifying organizations that have previously had licenses than available licenses, the fire code official shall use the lottery method set forth in subsection (b) of this section to select from the new applications for license consideration.

(Code 1969, § 9-27; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-51. Application for license to sell consumer fireworks.

(a) *Application period.* The fire code official shall accept applications for a license to sell consumer fireworks between 8:00 a.m. on April 1 and 5:00 p.m. on April 3 of each year. In the event that April 1, 2, or 3 for any given year falls on a Saturday, Sunday or legal holiday, the period for accepting license applications shall be proportionally extended so that a total of three business days shall be available for the submission of applications. If less than ten applications are received prior to the application period set forth herein, the fire code official may accept additional applications on a first come, first served basis.

(b) *Contents of application.* No application may be accepted unless it is a fully completed application in the form approved by the building official, contains all information required herein, is signed by the responsible party and is accompanied by any required application fee. Once an application is filed, the information contained therein may not be revised or altered; provided, however, that the identity of the qualifying organization and the proposed location may be changed by written request received by the fire code official within 48 hours of the filing of the application.

(c) *One application submitted per organization.* Only one application may be filed on behalf of a qualifying organization for a location to sell fireworks within the city.

(d) *Zoning clearance approval.* The stand must be located on property zoned commercial or industrial. The applicant shall obtain zoning clearance approval from the building official prior to submission of the application.

(e) *Property owner consent.* A statement or letter of consent from the property owner on which the sales are to occur shall be included with the application.

(f) *Site plan.* A site plan shall be submitted showing the following: size of lot, location of existing structures on the property, size and location of temporary stand or structure, signage, parking, entrances and exits from street, restroom facilities, location of any storage trailers, location of temporary electrical service, any other item reasonably required by the building official or the fire code official to ensure public health and safety.

(g) *Security plan.* At the time of application, the applicant shall provide a narrative description of its security plan to secure the premises when not open to the public, including the evidence of the qualifications of the security guard or guards. At a minimum, the security plan shall provide the following:

- (1) The premises shall be secured and a guard present any time the business is not open to the public; and
- (2) The security guard shall be properly and validly licensed by the City of Kansas City, Missouri, or, in the alternative, may be an off-duty police officer.

(h) *Off-street parking.* Each applicant shall provide a minimum of 20 parking spaces per location, which shall be contiguous to the stand and shall be hard surface pavement or an existing gravel parking surface. An existing gravel parking surface may not be enlarged in size to meet the parking requirements of this subsection. A site plan showing available parking spaces shall be provided with the application.

(i) *Responsible party.* Each qualifying organization shall list on their application the name, address and phone number of the person who is responsible for management and operation of the stand and the application shall bear the signature of such responsible party.

(Code 1969, § 9-28; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-52. Additional licensing requirements of qualifying organization.

In addition to compliance with the requirements set forth in the initial application, any applicant selected to receive a license shall comply with the following requirements within 30 days of receiving notice that the qualifying organization was approved for issuance of the license. The fire code official may allow additional time for the qualifying organization to comply with any additional requirement contained in this subsection, for good cause shown. Failure to comply with the following additional requirements set forth in this section within the time frame established by the fire code official shall

result in forfeiture of the right to receive a license; provided that if fewer than ten applications are received in any year an applicant who has forfeited the right to receive a license under this section may submit a new application. The additional requirements are:

- (1) *License fee.* A qualifying organization approved for issuance of a license to sell consumer fireworks within the city shall submit payment of a non-refundable license fee to the fire code official.
- (2) *Proof of state permit required.* Proof of a valid state permit issued by the state department of public safety for the retail sale of consumer fireworks shall be provided to the fire code official.
- (3) *Proof of insurance required.* The applicant shall provide to the fire code official proof of general liability insurance in the amount of not less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit and covering liabilities arising from the retail sale of fireworks during the term of the coverage. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the qualifying organization.
- (4) *Proof of city business license required.* In addition to the license to sell consumer fireworks required herein, the qualifying organization shall also obtain a business license from the city. (Code 1969, § 9-29; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-53. Operational requirements of stand.

(a) *Fireworks sold from temporary stands or structures.* Fireworks may be sold only from temporary stands or structures. Any such stand shall comply with the provisions of the currently adopted building and fire code relative to temporary structures and a certificate of occupancy shall be obtained prior to opening. In addition, such stand shall comply with the following requirements:

- (1) A minimum 44-inch-wide, unobstructed aisle running the length of the stand, inside and behind the sales counter shall be provided.
- (2) Each stand up to 24 feet in length or width must have at least two exits. Each stand in excess of 24 feet must have at least three exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

(b) *Setup and removal of stand.* No licensed stand or allowed signage may be set up before June 27 of the licensed year. It shall be the duty of the licensee to completely remove the stand and allowed signage, and to clear the site where such stand and signage were erected of all debris and trash on or before 5:00 pm on July 7 of the same year.

(c) *Sale from public property prohibited.* Fireworks shall not be sold or advertised for sale from any street, alley, sidewalk, or other public property within the corporate limits of the city.

(d) *Sign limits.* Signage for any fireworks stand granted a license to operate within the city is exempt from the sign regulations contained in the zoning code; however, such signage shall comply with the requirements of this article. It shall be unlawful for any licensee to display more than one sign advertising the sale of fireworks; provided, such sign may contain advertising on both of its two sides. The size of one side of the sign shall not exceed eight feet by four feet.

(e) *Licensee to display sign on premises regarding prohibitions and restrictions.* Each licensee shall obtain and display in at least four conspicuous places inside the stand, a sign or placard, printed in bold letters not smaller than one inch in height, the following:

SHOOTING OF FIREWORKS IS PROHIBITED ON RAYTOWN PARKS AND OTHER PUBLIC PROPERTY AND IN BUSINESS DISTRICTS. CONSUMER FIREWORKS MAY ONLY BE SOLD AND DISCHARGED DURING THE FOLLOWING TIMES:

Sold between 6:00 a.m. on June 29 and 10:00 p.m. on July 4.

Discharged on July 4 between the hours of 10:00 a.m. and 11:00 p.m., except if July 4 is on a Sunday the earliest time for discharge is 12:00 noon.

BOTTLE OR STICK ROCKETS, MISSILES AND ROMAN CANDLES ARE PROHIBITED FROM BEING SOLD OR DISCHARGED AT ANY TIME WITHIN THE CITY OF RAYTOWN

(f) *Licensee to display no smoking signs.* One or more signs reading "FIREWORKS—NO SMOKING" shall be displayed at each entrance and/or exit to the stand. The text on such sign shall be not less than four inches in height.

(g) *Distribution of list of restrictions.* Each licensee shall provide with each sale a printed form listing the restrictions and safety practices involving discharge of fireworks. An original of such form will be provided to licensee by the fire code official. Copies shall be made at the expense of the licensed seller and shall be distributed at the time of and with each sale. Failure to distribute a copy of such form will be a cause for revocation of the license.

(h) *Nontransferability of license.* Any license granted hereunder is personal to the qualifying organization as the applicant and nontransferable. The sale of fireworks or operation of a stand for the sale of fireworks by a person other than the license holder shall void the license and render the licensee ineligible to submit an application for a period of five years.

(i) *Compliance with other rules, regulations and laws.* A qualifying organization holding a license to sell consumer fireworks shall at all times comply with RSMo ch. 320, 11 CSR 40-3.010, CPSC 16 CFE, parts 1500—1507, DOT 49 CFR, parts 100—178, the Fire Code and all other applicable ordinances and codes of the city.

(Code 1969, § 9-30; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-54. Unlawful acts involving sale and retail display of consumer fireworks.

(a) It shall be unlawful to sell or attempt to sell any fireworks to children under the age of 16 years except when such child is in the presence of parent, guardian or other adult over the age of 25 years.

(b) It shall be unlawful for any person under the age of 16 years to sell fireworks or work in a stand or other premises where fireworks are stored, sold, or offered for sale, unless supervised by an adult.

(c) It shall be unlawful to sell fireworks from a car, truck or trailer or in any other manner or location except from a stand licensed to sell fireworks pursuant to this article.

(d) It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within 25 feet of where fireworks are stored or offered for sale.
(Code 1969, § 9-31; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-55. Special fireworks permit.

(a) *Issuance.* The fire code official may issue a permit for supervised public display of special fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of special fireworks by artisans in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the fire code official, and shall be of such character and so located, discharged or fired so as, in the opinion of the fire code official after proper investigation, not to be hazardous to property or endanger any person. Such permit shall be issued upon written application to the fire code official with a copy provided to the building official. Such application shall be in such form as the fire code official deems appropriate.

(b) *Contents of application.* The special fireworks permit application shall contain the following:

- (1) The name of the sponsor, if any, of the display and the name of the person or persons operating the display.
- (2) The date and time of day at which the display is to be held.
- (3) The exact location planned for the display.
- (4) A description setting forth the age, experience, residence, and physical characteristics of the person or persons operating the display.
- (5) The number and kinds of fireworks to be displayed.
- (6) The manner and place of the storage of such fireworks within the city.
- (7) A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

(c) *Insurance.* Before a permit shall be issued for a public display of special fireworks, the applicant shall provide to the city clerk proof of general liability insurance in the amount of not less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit and covering liabilities arising from the retail sale of fireworks during the term of the coverage. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the qualifying organization.

(Code 1969, § 9-32; Ord. No. 5308-09, § 1, 3-3-2009)

From: [Matt Mace](#)
To: [Teresa Henry](#)
Subject: Re: Possible Fireworks Ordinance Amendment
Date: Friday, May 11, 2018 4:01:10 PM
Attachments: [JKOVVK417036.png](#)
[but_web_black.png](#)
[but_email_black.png](#)

Teresa we are in agreement with all proposed changes but would like to see either the days adjusted or increased to include the 5th of July. The reason for this is because we have twice had it rain on the 4th of July and people who legally purchased fireworks were faced with the dilemma of either teaching their kids it was ok to break the law or store a hundred dollars worth of fireworks in their garage for a year. Neither of these seems like a reasonable situation and by adding the 5th we cannot guarantee it still won't rain, but the odds are greatly reduced. The sale of fireworks would still cease on the 4th so the vast majority of the time the 5th of July won't even be much of a factor.

The second item we would like to see amended is Sec 20-51 Line (D), which requires zoning clearance. We would like to see property directly owned by the organization included as allowable, or some version of this language which would allow places such as the parking lot of the church that sponsors the Boy Scout Troop who is running the tent. Fire works are the only items that are regulated this way, churches are free to sell Christmas trees, funeral wreaths, and various other items without receiving zoning clearance. All of the same separation and safety restrictions would be maintained so there are not any safety impacts from this change. The real impact from this change is it allows the organization to retain more money from the sale, currently organizations often pay landlords \$3000-\$4000 for a weeks rent of a parking lot with the proper zoning. To further complicate matters now that we have seen an increase in development over the past 4-5 years these tent have encroached into parking spots needed to service retail establishments and often pose more of a problem to both the tenants and the organization running the tent.

I am planning to attend the meeting on the 15th at 6:00 to discuss this further if I am needed.

Professionally,

Matt Mace

Great leaders are almost always great simplifiers, who can cut through argument, debate and doubt, to offer a solution everybody can understand.

Colin Powell



Matt Mace | Fire Chief
Raytown Fire Protection District
Tel: (816)737-6034

[WEBSITE](#) [EMAIL](#)

On May 11, 2018, at 14:05, Teresa Henry <henry@raytown.mo.us> wrote:

Matt,

An Alderman would like to discuss an update to the City's current ordinance regarding Fireworks. Would you please take a look at the attached and let me know any comments or concerns your department might have.

Thank you.

Teresa M. Henry, MRCC

City Clerk

City of Raytown, Missouri

10000 E. 59th Street

Raytown, MO 64133

816.737.6004 Direct

therry@raytown.mo.us

<Fireworks Ordinance Amendment 2018.pdf>

ARTICLE II. - FIREWORKS²¹

State Law reference— Authority to regulate, restrain and prevent keeping and discharge of fireworks or other dangerous combustible materials, RSMo 79.450(2).

Sec. 20-40. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Community service organization means a non-profit community-based organization located within the city which provides programs and services designed to improve the quality of life for residents of the city or designed to solve particular problems related to the needs of the citizens of the city, including, but not necessarily limited to: health care, child care, literacy training, education, welfare, social services, transportation, housing and neighborhood improvement, public safety, crime prevention and control, recreation, community improvement, youth corps, support services to persons with disabilities, homeless shelter and support, feeding the hungry, or caring for the elderly.

Consumer fireworks.

- (1) The term "consumer fireworks" means small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. This term includes fireworks devices defined as 1.4G which comply with the construction, chemical composition and labeling regulations of the United States Department of Transportation for Fireworks, UN0336, and the U.S. Consumer Product Safety Commission as set forth in 16 CFR parts 1500 and 1507, as amended from time to time.
- (2) Notwithstanding anything contained herein to the contrary, within the corporate limits of the city, the definition of consumer fireworks shall specifically exclude the following:
 - a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
 - c. d. Altered or combined fireworks.

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G (formerly known as class C, common fireworks) or 1.3G fireworks (formerly known as class B, special fireworks) as set forth in the fire code adopted and amended by the city from time to time.

Nonprofit organization means an organization located within the city and formed for the purpose of serving a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors. All money raised by the organization must go back into the operation of the organization and must benefit citizens of the city.

Religious organization means a church, synagogue, or other organization or association located within the city that is organized primarily for the study or advancement of religion.

Sell or *sale* means the act of selling, attempting to sell or offering for sale. This term shall also include bartering and giving away for no consideration.

Selling season means the period beginning at 6:00 a.m. on June 29 and continuing through 10:00 p.m. on July 4 of each year.

Special fireworks.

- (1) The term "special fireworks" means large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. The term includes fireworks devices defined as 1.3G

Deleted: Roman candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING: SHOOTS FLAMING BALLS" or WARNING: SHOOTS FLAMING BALLS AND REPORTS," and not including California Candles or Illumination Torch with the following wording on the caution label: "CAUTION: EMITS SHOWERS OF SPARKS"; and ¶

and include, but are not limited to, firecrackers containing more than 130 milligrams (two grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the United States Department of Transportation, as amended from time to time.

(2) Notwithstanding anything contained herein to the contrary, within the corporate limits of the city the definition of special fireworks shall specifically include the following:

- a. Rockets on a stick;
- b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight;
- c. 
- d. Altered or combined fireworks.

Stand or temporary structure means any non-permanent structure or tent, which is used solely for the purpose of selling fireworks.

(Code 1969, § 9-18; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-41. - Penalty for violation.

In addition to immediate revocation of any license or permit granted herein, any person violating the provisions of this article is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 or be punished by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment. Each day that a person fails to comply with the requirements of this article may be deemed a separate offense.

(Code 1969, § 9-33; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-42. - Duties and responsibilities generally.

Except such duties as may be designated to the police department or building official, the fire code official of the city shall discharge the duties and responsibilities provided for in this article.

(Code 1969, § 9-19; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-43. - Records and reports.

The fire code official shall keep a record of all licenses and special fireworks permits issued, and of the suspension and revocation thereof. The fire code official shall make a full report to the building official on each application received, including, but not limited to, a copy of the complete application and all supporting paperwork.

(Code 1969, § 9-20; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-44. - Forms.

The fire code official shall prepare all forms of applications, licenses, permits, and other forms as are necessary to carry out the provisions of this article and shall submit such forms to the building official for approval.

(Code 1969, § 9-21; Ord. No. 5308-09, § 1, 3-3-2009)

Deleted: Roman candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING: SHOOTS FLAMING BALLS" or "WARNING: SHOOTS FLAMING BALLS AND REPORTS", and not including California Candles or Illumination Torch with the following wording on the caution label: "CAUTION: EMITS SHOWERS OF SPARKS";

Sec. 20-45. - Rules and regulations.

The fire code official shall have the power to recommend to the building official reasonable rules, regulations, orders and directions as may be necessary and feasible to carry out the provisions of this chapter. The same shall be approved, in writing, by the building official, maintained on file with both the fire code official and the building official, and available to licensees and the public.

(Code 1969, § 9-22; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-46. - Consumer fireworks allowed within city.

The possession, storage, sale, handling and use of consumer fireworks, as defined herein, shall be allowed within the city in compliance with the provisions of this article.

(Code 1969, § 9-23; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-47. - Permit required for possession or discharge.

(a) The possession or discharge of consumer fireworks within the city shall be allowed only by permit. The permit shall be in the form prepared by the fire code official and shall contain the following minimum information:

- (1) Name of the purchaser;
- (2) Address of the purchaser; and
- (3) Location of the intended use.

(b) The permit for possession or discharge may be obtained at the point of sale within the city, or from the fire code official. One such permit shall be required per household or address at which the discharge will occur.

(Code 1969, § 9-24; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-48. - Limited use.

The discharge of consumer fireworks within the city limits shall be allowed only between July 1 July 4th of each year between the hours of 10:00 a.m. and 11:00 p.m. and on December 31st, for 1 hour beginning at 11 P.M.

(Code 1969, § 9-25; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-49. - Unlawful acts involving possession or discharge.

- (a) It shall be unlawful for any person to possess or discharge fireworks which are not defined herein as consumer fireworks within the corporate limits of the city.
- (b) It shall be unlawful for any person to discharge, throw, use, explode, detonate, aim, point, or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned or occupied by the person shooting the fireworks.
- (c) It shall be unlawful for any person to discharge, throw, use, explode, detonate, or shoot fireworks within any structure.

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- (d) No person shall discharge, use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle including watercraft or any other means of transportation, nor shall any person place or throw any ignited firework into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person, group of people or animal.
- (e) No person shall discharge, throw, use, explode, detonate, or shoot fireworks within 300 feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any stand where fireworks are stored, sold or offered for sale.
- (f) Except for July 1st through July 4th of each year, it shall be unlawful for any person under the age of 16 years, to possess or discharge consumer fireworks within the city limits. During the period of July 1st through July 4th of each year, no person under the age of 16 years shall possess or discharge fireworks except with the permission of the person owning or leasing the property whereupon the possession and discharge occurs.
- (g) It shall be unlawful for any person to discharge or shoot any type of fireworks at any time in any public park or public grounds of the city without a special fireworks permit approved by the city.

(Code 1969, § 9-26; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-50. - License required to sell fireworks.

- (a) It shall be unlawful for any person to construct a retail display for, sell, or offer for sale consumer fireworks within the city without first obtaining a license for the sale of such fireworks as provided herein. The sale of consumer fireworks within the city shall only be conducted by a nonprofit, religious, educational or community service organization located within the city (hereinafter "qualifying organization") issued a license by the fire code official and such license shall only be valid during a single selling season.
- (b) The number of licenses for the sale of consumer fireworks issued by the fire code official shall not exceed ten in any selling season. In the first year after the effective date of this ordinance, the initial ten applications shall be selected by random lottery in the following manner. First, each applicant shall draw a number at random at the time of filing the application. The fire code official shall record the number drawn with the applicant's application. The names of the applicants shall be listed in numerical, sequential order of the numbers so drawn. The first ten qualifying organizations listed shall be considered for the ten licenses. Incomplete applications shall be rejected and further randomly selected applications considered until all licenses have been issued. If any such selected applicant fails to qualify with the additional requirements of this article within the time frame provided herein, such license shall be deemed to be forfeited and the next applicant on the list shall be selected.
- (c) In subsequent years, the fire code official shall first consider those applications from organizations that have previously had a license. If there are fewer applications from qualifying organizations that have previously had licenses than available licenses, the fire code official shall use the lottery method set forth in subsection (b) of this section to select from the new applications for license consideration.

(Code 1969, § 9-27; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-51. - Application for license to sell consumer fireworks.

- (a) *Application period.* The fire code official shall accept applications for a license to sell consumer fireworks between 8:00 a.m. on April 1 and 5:00 p.m. on April 3 of each year. In the event that April 1, 2, or 3 for any given year falls on a Saturday, Sunday or legal holiday, the period for accepting license applications shall be proportionally extended so that a total of three business days shall be available for the submission of applications. If less than ten applications are received prior to the

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application period set forth herein, the fire code official may accept additional applications on a first come, first served basis.

- (b) *Contents of application.* No application may be accepted unless it is a fully completed application in the form approved by the building official, contains all information required herein, is signed by the responsible party and is accompanied by any required application fee. Once an application is filed, the information contained therein may not be revised or altered; provided, however, that the identity of the qualifying organization and the proposed location may be changed by written request received by the fire code official within 48 hours of the filing of the application.
- (c) *One application submitted per organization.* Only one application may be filed on behalf of a qualifying organization for a location to sell fireworks within the city.
- (d) *Zoning clearance approval.* The stand must be located on property zoned commercial or industrial. The applicant shall obtain zoning clearance approval from the building official prior to submission of the application.
- (e) *Property owner consent.* A statement or letter of consent from the property owner or current lessee on which the sales are to occur shall be included with the application.
- (f) *Site plan.* A site plan shall be submitted showing the following: size of lot, location of existing structures on the property, size and location of temporary stand or structure, signage, parking, entrances and exits from street, restroom facilities, location of any storage trailers, location of temporary electrical service, any other item reasonably required by the building official or the fire code official to ensure public health and safety.
- (g) *Security plan.* At the time of application, the applicant shall provide a narrative description of its security plan to secure the premises when not open to the public, including the evidence of the qualifications of the security guard or guards. At a minimum, the security plan shall provide the following:
 - (1) The premises shall be secured and a guard present any time the business is not open to the public; and
 - (2) The security guard shall be properly and validly licensed by the City of Kansas City, Missouri, or, in the alternative, may be an off-duty police officer.
- (h) *Off-street parking.* Each applicant shall provide a minimum of 20 parking spaces per location, which shall be contiguous to the stand and shall be hard surface pavement or an existing gravel parking surface. An existing gravel parking surface may not be enlarged in size to meet the parking requirements of this subsection. A site plan showing available parking spaces shall be provided with the application.
- (i) *Responsible party.* Each qualifying organization shall list on their application the name, address and phone number of the person who is responsible for management and operation of the stand and the application shall bear the signature of such responsible party.

(Code 1969, § 9-28; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-52. - Additional licensing requirements of qualifying organization.

In addition to compliance with the requirements set forth in the initial application, any applicant selected to receive a license shall comply with the following requirements within 30 days of receiving notice that the qualifying organization was approved for issuance of the license. The fire code official may allow additional time for the qualifying organization to comply with any additional requirement contained in this subsection, for good cause shown. Failure to comply with the following additional requirements set forth in this section within the time frame established by the fire code official shall result in forfeiture of the right to receive a license; provided that if fewer than ten applications are received in any year an applicant who has forfeited the right to receive a license under this section may submit a new application. The additional requirements are:

- (1) *License fee.* A qualifying organization approved for issuance of a license to sell consumer fireworks within the city shall submit payment of a non-refundable license fee to the fire code official.
- (2) *Proof of state permit required.* Proof of a valid state permit issued by the state department of public safety for the retail sale of consumer fireworks shall be provided to the fire code official.
- (3) *Proof of insurance required.* The applicant shall provide to the fire code official proof of general liability insurance in the amount of not less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit and covering liabilities arising from the retail sale of fireworks during the term of the coverage. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the qualifying organization.
- (4) *Proof of city business license required.* In addition to the license to sell consumer fireworks required herein, the qualifying organization shall also obtain a business license from the city.

(Code 1969, § 9-29; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-53. - Operational requirements of stand.

- (a) *Fireworks sold from temporary stands or structures.* Fireworks may be sold only from temporary stands or structures. Any such stand shall comply with the provisions of the currently adopted building and fire code relative to temporary structures and a certificate of occupancy shall be obtained prior to opening. In addition, such stand shall comply with the following requirements:
 - (1) A minimum 44-inch-wide, unobstructed aisle running the length of the stand, inside and behind the sales counter shall be provided.
 - (2) Each stand up to 24 feet in length or width must have at least two exits. Each stand in excess of 24 feet must have at least three exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.
- (b) *Setup and removal of stand.* No licensed stand or allowed signage may be set up before June 27 of the licensed year. It shall be the duty of the licensee to completely remove the stand and allowed signage, and to clear the site where such stand and signage were erected of all debris and trash on or before 5:00 pm on July 7 of the same year.
- (c) *Sale from public property prohibited.* Fireworks shall not be sold from any street, alley, sidewalk, or other public property within the corporate limits of the city.
- (d) *Sign limits.* Signage for any fireworks stand granted a license to operate within the city is exempt from the sign regulations contained in the zoning code; however, such signage shall comply with the requirements of this article. The size of one side of the sign shall not exceed eight feet by four feet.
- (e) *Licensee to display sign on premises regarding prohibitions and restrictions.* Each licensee shall obtain and display in at least four conspicuous places inside the stand, a sign or placard, printed in bold letters not smaller than one inch in height, the following:

SHOOTING OF FIREWORKS IS PROHIBITED ON RAYTOWN PARKS AND OTHER PUBLIC PROPERTY AND IN BUSINESS DISTRICTS. CONSUMER FIREWORKS MAY ONLY BE SOLD AND DISCHARGED DURING THE FOLLOWING TIMES:

Sold between 6:00 a.m. on June 29 and 10:00 p.m. on July 4.

The discharge of consumer fireworks within the city limits shall be allowed only between July 1 July 4th of each year between the hours of 10:00 a.m. and 11:00 p.m., and on December 31st, for 1 hour beginning at 11 P.M.

BOTTLE OR STICK ROCKETS and MISSILES ARE PROHIBITED FROM BEING SOLD OR DISCHARGED AT ANY TIME WITHIN THE CITY OF RAYTOWN

Deleted: or advertised for sale

Deleted: It shall be unlawful for any licensee to display more than one sign advertising the sale of fireworks; provided, such sign may contain advertising on both of its two sides

Deleted: Discharged on July 4 between the hours of 10:00 a.m. and 11:00 p.m., except if July 4 is on a Sunday the earliest time for discharge is 12:00 noon.

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- (f) *Licensee to display no smoking signs.* One or more signs reading "FIREWORKS—NO SMOKING" shall be displayed at each entrance and/or exit to the stand. The text on such sign shall be not less than four inches in height.
- (g) *Distribution of list of restrictions.* Each licensee shall provide with each sale a printed form listing the restrictions and safety practices involving discharge of fireworks. An original of such form will be provided to licensee by the fire code official. Copies shall be made at the expense of the licensed seller and shall be distributed at the time of and with each sale. Failure to distribute a copy of such form will be a cause for revocation of the license.
- (h) *Nontransferability of license.* Any license granted hereunder is personal to the qualifying organization as the applicant and nontransferable. The sale of fireworks or operation of a stand for the sale of fireworks by a person other than the license holder shall void the license and render the licensee ineligible to submit an application for a period of five years.
- (i) *Compliance with other rules, regulations and laws.* A qualifying organization holding a license to sell consumer fireworks shall at all times comply with RSMo ch. 320, 11 CSR 40-3.010, CPSC 16 CFE, parts 1500—1507, DOT 49 CFR, parts 100—178, the Fire Code and all other applicable ordinances and codes of the city.

(Code 1969, § 9-30; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-54. - Unlawful acts involving sale and retail display of consumer fireworks.

- (a) It shall be unlawful to sell or attempt to sell any fireworks to children under the age of 16 years except when such child is in the presence of parent, guardian or other adult over the age of 25 years.
- (b) It shall be unlawful for any person under the age of 16 years to sell fireworks or work in a stand or other premises where fireworks are stored, sold, or offered for sale, unless supervised by an adult.
- (c) It shall be unlawful to sell fireworks from a car, truck or trailer or in any other manner or location except from a stand licensed to sell fireworks pursuant to this article.
- (d) It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within 25 feet of where fireworks are stored or offered for sale.

(Code 1969, § 9-31; Ord. No. 5308-09, § 1, 3-3-2009)

Sec. 20-55. - Special fireworks permit.

- (a) *Issuance.* The fire code official may issue a permit for supervised public display of special fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of special fireworks by artisans in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the fire code official, and shall be of such character and so located, discharged or fired so as, in the opinion of the fire code official after proper investigation, not to be hazardous to property or endanger any person. Such permit shall be issued upon written application to the fire code official with a copy provided to the building official. Such application shall be in such form as the fire code official deems appropriate.
- (b) *Contents of application.* The special fireworks permit application shall contain the following:
 - (1) The name of the sponsor, if any, of the display and the name of the person or persons operating the display.
 - (2) The date and time of day at which the display is to be held.
 - (3) The exact location planned for the display.

- (4) A description setting forth the age, experience, residence, and physical characteristics of the person or persons operating the display.
 - (5) The number and kinds of fireworks to be displayed.
 - (6) The manner and place of the storage of such fireworks within the city.
 - (7) A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
- (c) *Insurance.* Before a permit shall be issued for a public display of special fireworks, the applicant shall provide to the city clerk proof of general liability insurance in the amount of not less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit and covering liabilities arising from the retail sale of fireworks during the term of the coverage. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the qualifying organization.

(Code 1969, § 9-32; Ord. No. 5308-09, § 1, 3-3-2009)

CITY OF RAYTOWN
Request for Board Action

Date: June 13, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No.: 6469-18
Section No.: IV-A

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____



Analysis: This item was first brought to the Board of Aldermen as a discussion item by Alderman Steve Meyers. At that time, the item was referred to the Municipal Committee to study the issue and bring back a recommendation to the Board of Aldermen for consideration.

There will also need to be amendments made to Resolution R-1422-04, originally adopted on June 15, 2004, which established Rules of Procedure for public comments before the Board of Aldermen.

The Municipal Committee recommended the following:

Alderman Ward, seconded by Alderman Black made a motion to amend Ordinance 2996-86, Section 2-495 by substituting the word "address" with the phrase "city of residence". The motion was approved by a vote of 4-0-1-0.

Attachments: Municipal Committee meeting draft minutes and information supplied in the Municipal Committee meeting packet.

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, RELATING TO ADDRESSING THE BOARD

WHEREAS, the Board of Aldermen find that it is in the best interest of the citizens of the City of Raytown to amend Chapter 2, Article IV as provided herein;

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

SECTION 1 – AMENDMENT OF CITY CODE. Chapter 2 of the Raytown City Code shall be amended as follows:

Sec. 2-495. – Addressing the board.

- (b) Procedure. Each person addressing the board shall step up to the microphone provided for the use of the public and give his name and ~~city of residence address~~ in an audible tone of voice for the record, state the subject he wishes to discuss, and state whom he is representing if he represents an organization or other persons. All remarks shall be addressed to the board as a whole and not to any member thereof. No person other than members of the board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the board, without the permission of the presiding officer. No question may be asked a board member or a member of the city staff without the permission of the presiding officer.

SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 – 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 4 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its date of passage.

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 19th day of June, 2018

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

**DRAFT
MINUTES
Municipal Committee
May 15, 2018
6:00 p.m.
City Hall Council Chambers**

Alderman Bill Van Buskirk, committee chair, opened the meeting.

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

Present: Alderman Karen Black, Alderman Mark Moore, Alderman Bill Van Buskirk, Alderman Derek Ward, Alderman Jim Aziere (arrived during Discussion Item 1).

DISCUSSION ITEMS

1) Public Comments Procedures

Teresa Henry, City Clerk

Teresa Henry, City Clerk, and Damon Hodges, Interim Co-City Administrator, remained available for any discussion.

Public comments procedures were discussed.

The function of the Municipal Committee was clarified.

Alderman Ward, seconded by Alderman Black, made a motion to recommend amending Ordinance 2996-86, Section 2-495, by substituting the word "address" with the phrase "city of residence". The motion was approved by a vote of 4-0-1-0.

Ayes: Aldermen Ward, Black, Moore, Van Buskirk

Nays: None

Absent: Alderman Aziere

Abstain: None

Discussion continued, focusing on the time limit for speakers.

Alderman Aziere arrived.

Alderman Black, seconded by Alderman Moore, made a motion to recommend amending Resolution 1422-04, Section 7, to allot a 3-minute time limit for each Public Comments speaker with no extra time allotted for group representatives. The motion was approved by a vote of 4-0-0-1.

Ayes: Aldermen Black, Moore, Van Buskirk, Ward

Nays: None

Absent: None

Abstain: Alderman Aziere

2) Fireworks Ordinance Amendment

Damon Hodges, Interim City Administrator

Chief Matt Mace, of the Raytown Fire Protection District, was present for discussion.

The current fireworks ordinance, and Alderman Ward's proposed changes, were discussed.

Alderman Van Buskirk, seconded by Alderman Black, made a motion to recommend Alderman Ward's proposed ordinance changes to the current City Ordinance to the Board of Aldermen. The motion was approved by a vote of 5-0.

Ayes: Aldermen Aziere, Black, Moore, Van Buskirk, Ward

Nays: None

3) Liquor License

Missy Wilson, Interim City Administrator

This item was not discussed and was continued to the next Municipal Committee meeting.

Adjournment

Alderman Van Buskirk made a motion to adjourn. The motion was approved by a majority of those present.

Next Meeting Date and Time – June 19, 2018, 6:00 p.m.

BOA MTG 5/1/2018

Teresa:

Could you please add to a future meeting agenda?

This will be to re-visit the discussion and give staff possible direction regarding revisions to the Public Comments Resolution # 1422-04.

ANTICIPATED AREAS OF DISCUSSION:

- **Allotted time limits of speakers/groups.**
- **Prioritization and qualifying guidelines.**
- **Format changes including separate time allotments over course of meeting.**

Also, if you could please include all related previous furnished material relating to other communities' practices regarding their public comment procedures, that would be greatly appreciated.

Regards,

Steve Meyers,

Alderman Ward 4

Teresa Henry

From: Alderman Steve Meyers
Sent: Friday, March 2, 2018 10:35 AM
To: GoverningBody; Teresa Henry; Tom Cole
Subject: Public Comments Info

Teresa,

If you could please include on the 3/6 BOA Agenda a discussion item regarding possible Board input and future procedure changes regarding the present guidelines and conditions regarding public comments I would appreciate it.

Also if you could include the previous procedures of other researched communities you compiled in our packet once again that would be appreciated.

Thanks for your ongoing efforts and have a pleasant weekend!

Steve Meyers,
Alderman Ward 4

Public Comments Survey

Municipality

Address Required

Time Limit

Procedure

Attachment

Additional Comments

Time Limit

Clinton, Missouri
 Kelly Harrelson
 660-885-6121
 kharrelson@cityofclintonmo.com

Yes - Name and Address

3 minutes

A request to speak card is completed and turned into the City Clerk before the meeting and the Clerk calls the names of the speaker and they come to the podium.
 Speaker Card asks for speaker's name and address. Not sure what they'd do if someone said "No" to sharing address, b/c that's never happened. Sometime people do not fill in address, and it's okay because they only use it for following up when necessary.

Speaker Card

Camdenton, Missouri
 Renee Kingston
 573-346-3600
 reneek@camdentoncity.com

Yes - Names and Address

5 minutes

Fill out speaker card before meeting, and receive card with public comment rules.

Speakers are required to give their name and address on the microphone. Mayor does encourage them to pick a spokesperson from amongst themselves if there are several there for the same subject.

Speaker Card and Rules

Grandview, Missouri
 Becky Schimmel
 816-316-4811
 bschimmel@grandview.org

Yes - Name and Address

5 minutes

Speakers must state their name and address and give their comment. They then sign their name, address, and phone number on the comments sheet after speaking.

They do require the name and address be stated on the microphone. No one has been reluctant or refused to state this information in her 10 years with the City.

Neosho, Missouri
 Rachel Holcomb
 (Rachel on maternity leave 1/31/2018, Georgia filling in)
 417-451-8050
 rholcomb@neoshomo.org

Yes - Name and Address

5 Minutes

Sign in sheet before meeting with name and address

Mayor reads name and address and invites speaker to microphone. Sometimes they repeat the info, sometimes they don't, but Mayor has stated it on the record either way.

Florissant, Missouri
 Karen Goodwin
 314-839-7630
 kgoodwin@florissantmo.com

??

3 minutes

Speaker Card to City Clerk

Not a question and answer period

Speaker Card

Kirkwood, Missouri
 Betty Montano
 314-822-5802
 montanbk@kirkwoodmo.org

Yes - Name and Address

No real time limit, except during controversial meetings with lots of speakers

Speaker Card, with name and address filled out prior to start of meeting. They are called up but no address is read out loud and they are not required to state it (it will be included in the minutes).

Name and Address are listed in the minutes for all meetings.

Speaker Card

Public Comments Survey

Municipality Address Required Time Limit Procedure Additional Comments Attachment Time Limit

Verona, Missouri
 Julie Ruscha
 417-498-6725
 verona@suddenlinkmail.com

Any person wishing to be added to the agenda to address the City Council must first request this in writing (Request to Speak to City Council Form). This form is submitted to the Mayor or the City Clerk by Wednesday at 5:00 pm preceding the Tuesday Council Meeting.

Sign up for public comments on Wed. before next meeting. Speakers provide name and address on this form and are added to the meeting's agenda.

Eldon, Missouri
 Fran Suttmoller
 573-392-2291 X 229
 frans@eldonmo.org

Yes - Name and Address

5-10 Minutes, extra time is allowed at Mayor's discretion

Name and address are put into the meeting minutes. They don't have to state it over the microphone, but they must provide it on paper to be added to the minutes.

Blue Springs, Missouri
 Sheryl Morgan
 816-655-0494
 smorgan@bluespringsgov.com

Yes - name and address

no time limit

Fill out appearance form before or during meeting and turn it in to Clerk.

Form has lines for name, address, phone. Some have questioned why but have been satisfied with response that City wants the information in case of follow up, or forming task force regarding their topic.

University City, Missouri
 LaRette Resse
 314-505-8531
 lreese@ucitymo.org

Not absolutely required

5 minutes for both individual or group

Fill out Request to Address the Council Form, includes name, address, and agenda item they are speaking on.

Speaker Card

Olivette, Missouri
 Myra Bennett
 314-983-5280
 mbennett@olivettermo.com

Yes - Name and Address

3 Minutes

Submit completed speaker card with name, address, contact information and topic to be discussed.

2 sections for public comments. First section at beginning of meeting is for comments on agenda items. Second section is at end of meeting and is for other comments.

Speaker Card and Rules

Belton, Missouri
 Patti Ledford
 816-331-4331
 pledford@belton.org

Yes - Name and Address

5 Minutes

Must sign up and be added to agenda by Thursday prior to next meeting. Preference given to speakers on agenda.

You can show up without having signed up, and may ask to speak to the Board, but the Mayor will decide if speaker is allowed to give comment.

Public Comments Survey

Municipality Address Required Time Limit Procedure Additional Comments Attachment Time Limit

2 public comment sections:
Section 1, at start of meeting and requires sign up on the schedule by 12pm on Friday before the meeting.

Section 2, at the end of the meeting, and requires no sign up. Board listens and does not reply to Section 2 speakers. Speakers in both sections must give their name and home address over the microphone for the record.

2 sections for comments. One at start of meeting, and one at end of meeting.

Raymore, Missouri
Jeanie Woerner
Jwoerner@raymore.com
816-892-3011

Yes - Name and Address 3 Minutes

Gladstone, Missouri
Ruth Bocchino
816-423-4096
ruthb@gladstone.mo.us

No sign in. Mayor asks for speakers and invites them to the podium to share their comments.

Public comments section is the first item on the regular agenda. No Form

Yes - Name and Address no time limit

Platte City, Missouri
Amy Edwards
816-858-3716
aedwards@plattcity.org

Parkville, Missouri
Melissa McChesney
816-741-7676
mmchesney@parkvillemo.org

Yes - Name and Address 3 Minutes Sign in sheet before meeting.

10 minutes is allotted for the entire public comments section. The Mayor asks how many speakers have signed up and divides the time amongst and some speakers choose not to speak.

Sign up before start of meeting. Asked to provide name and home address, but not required to say.

Lee's Summit, Missouri
Trisha Fowler Arcuri/Denise Chisum
969-1005
Trisha.FowlerArcuri@cityoflls.net

10 minutes for entire public comments section.

No - asked for, but not required

Odessa, Missouri
Peggy Eoff
816-230-5577
peoff@cityofodessamo.com

Speakers can come to Clerk to be added to agenda, or can speak during public comments portion of meeting without signing up prior to the meeting.

Yes - Name and Address No

Public Comments Survey

Municipality

Address Required

Time Limit

Attachment

Time Limit

Grain Valley, Missouri
Theresa Osenbaugh
816-847-6211
tosenbaugh@cityofgrainvalley.org

Yes - Name and Address

2 Minutes

Procedure
No registration prior to meeting. Speakers may approach the podium during the Public Comments section of the meeting.

Additional Comments
If a speaker forgets to provide name or address before speaking, they are asked to state that information on the record after speaking.

Oak Grove, Missouri
Cathy Smith
816-690-3773 x 1004
csmith@cityofoakgrove.com

Yes - Name and Address

No

Procedure
Speakers must submit letter requesting to be added to the agenda by the Wednesday prior to the meeting.

Additional Comments
Letter must include information on the topic they want to address. If the topic can be handled outside of the meeting, the City Administrator and Mayor can choose not to include them on the agenda and instead work with them directly.

Springfield, Missouri
Anita Cotter
417-864-1651
acotter@springfieldmo.gov

Kansas City, Missouri
Marilyn Sanders
816-513-6401
Marilyn.Sanders@kcmo.org

Yes - Name and Address

Varies by committee/council meeting and number of people signed up.

Procedure
Each committee and Board has their own protocol. Some have registration cards, others have sign in sheets, but all require name and address on the record

Riverside, Missouri
Robin Kincaid
816-372-9008
rkincaid@riversidemo.com

Yes - but only have to report it to the clerk

5 Minutes

Procedure
No formal system. Mayor asks if anyone would like to comment during that portion of the agenda, and people come up to speak.

Smithville, Missouri
Linda Drummond
816-532-3897
ldrummond@smithvillemo.org

Yes - Name and Address

3 Minutes

Procedure
sign up cards are filled out and turned in prior to the meeting.

Additional Comments
Speakers always give name and address on the record.

2996-86

BILL NO. 3570-8 ORDINANCE NO. 2996-86 SECTION NO. IV-

AN ORDINANCE REPEALING SECTION 2-39, RENUMBERING SECTION 2-40 AND ENACTING SECTIONS 2-40 THROUGH 2-48 REGARDING DECORUM AT MEETINGS OF THE BOARD OF ALDERMEN.

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

(1) That Section 2-39 of the Code of Ordinances of the City of Raytown, Missouri, hereinafter referred to as the Code, is hereby repealed.

(2) That Section 2-40 of the Code is hereby repealed.

(3) That Sections 2-39 through 2-45 of the Code are hereby enacted to read as follows:

Section 2-39. Short, title, purpose.

Sections 2-40 through 2-44 shall be known as the Board of Aldermen Decorum Ordinance.

The Board of Aldermen of the City of Raytown recognizes that in order to enhance the concept of effective and democratic government, it is essential that a legislative body exercise the power to preserve order and decorum during legislative meetings, so that the true deliberate process will not be disturbed. For this purpose, the Board of Aldermen Decorum Ordinance is adopted. It is the intention of the Board that, to the extent practicable, all legislation coming before it shall be studied and considered by the appropriate committee of the Board. Notice of such committee meetings shall be given in accordance with Section 2-30. Free and open public participation at the meetings of the committees of the Board shall be allowed and encouraged.

Section 2-40. Definitions.

(a) "Resident" means any person having a domicile or place of business within the City of Raytown, Missouri, or who is a taxpayer thereof.

(b) "Clerk" means the City Clerk of the City of Raytown, Missouri.

Section 2-41. Presiding Officer.

The Presiding Officer shall exercise the power to preserve strict order and decorum at all meetings of the Board of Aldermen.

Section 2-42. Presentations to the Board of Aldermen.

(a) Notice. The Clerk shall make public on Friday before the Board meeting an agenda containing all business to be discussed at the next regular meeting of the Board of Aldermen.

(b) Agenda. any person wishing to address the Board may submit to the Clerk a written request that such topic be placed on the agenda. Preceding the convening of the meeting. Copies of the request will be furnished to each Alderman. The Presiding Officer shall have the power to place or refuse to place such additional topics on the agenda. Any matter not submitted to the Clerk in an timely manner, as set forth in this Section may be considered and acted on by the Board if a majority of the Council members present and voting vote to consider the matters.

(c) Special Meetings. To the extent possible, and whenever it is apparent that an agenda item will generate widespread public interest, a special session of the Board of Aldermen will be scheduled and publicized. Participation by all persons attending the special session will be encouraged.

(d) Voting.

(1) Change of vote. A member of the Board of Aldermen voting on any motion, issue or question shall have the right to change his vote thereon at any time prior to the declaration by the presiding officer of the Board of the final vote upon said motion, question or issue. After such declaration by the presiding officer a member shall be allowed to change his vote only pursuant to a motion to reconsider.

(2) Members leaving the chambers during meetings. The Mayor and all Aldermen are encouraged to remain in their designated places during the meeting unless a recess is called by the presiding officer. The Mayor should consider not taking a vote during a member's absence from his/her chair.

Section 2-43. Decorum.

(a) Recognition by Presiding Officer. No person shall address the Board without first being recognized by the Presiding Officer.

(b) Procedure. Each person addressing the Board shall step up to the microphone provided for the use of the public and give his name and address in an audible tone of voice for the record, state the subject he wishes to discuss and state whom

he is representing if he represents an organization or other persons. All remarks shall be addressed to the Board as a whole and not to any member thereof. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Presiding Officer. No question may be asked a Board member or a member of the City staff without the permission of the Presiding Officer.

(c) Spokesman for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, it shall be proper for the Presiding Officer to recommend that a spokesman be chosen by the group to address the Board and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Board.

Section 2-44. Separability.

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 effect the validity of the remaining portions thereof.

PASSED, APPROVED, and ADOPTED this

2 day of September

1986.

William J. Kon
MAYOR

ATTEST:

RR
CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

Robt L. Nicks
CITY ATTORNEY

Sponsor: Scott

Department: All

CITY OF RAYTOWN
Request for Board Action

Date: June 13, 2018

Resolution No.: R-3106-18

To: Mayor and Board of Aldermen

From: Teresa Henry, City Clerk

Department Head Approval: _____

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

City Administrator Approval: _____



Analysis: This item was first brought to the Board of Aldermen as a discussion item by Alderman Steve Meyers. At that time, the item was referred to the Municipal Committee to study the issue and bring back a recommendation to the Board of Aldermen for consideration.

The Municipal Committee recommended the following:

Alderman Ward, seconded by Alderman Black made a motion to amend Ordinance 2996-86, Section 2-495 by substituting the word "address" with the phrase "city of residence". The motion was approved by a vote of 4-0-1-0.

This above amendment would also require Sections 5 and 6 of Resolution 1422-04 be amended as "address" is used in both Sections.

Additionally, the Municipal Committee recommended:

Alderman Black, seconded by Alderman Moore, made a motion to recommend amending Resolution 1422-04, Section 7, to allot a 3-minute time limit for each Public Comments speaker with no extra time allotted for group representatives. The motion was approved by a vote of 4-0-0-1.

Attachments: Municipal Committee meeting draft minutes and information supplied in the Municipal Committee meeting packet.

A RESOLUTION AMENDING RESOLUTION R-1422-04 REGARDING ESTABLISHING RULES OF PROCEDURE FOR PUBLIC COMMENT BEFORE THE BOARD OF ALDERMEN

WHEREAS, the Board of Aldermen of the City of Raytown, in Section 2-495 of the Code of Ordinances, has recognized that in order to enhance the concept of effective and democratic government, it is essential that a legislative body exercise the power to preserve order and decorum during legislative meetings so that the true deliberate process will not be disturbed; and

WHEREAS, the Board of Aldermen desires to adopt rules of procedure governing public comment before the Board of Aldermen.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, as follows:

Section 1. *Applicability.* The provisions of this resolution shall apply to general public comment before the Board of Aldermen and to public comment in public hearings before the Board of Aldermen, except public hearings required by the provisions of Section 89.050 of the Missouri Statutes and/or the provisions of the Zoning Regulations of the City of Raytown.

Section 2. *Role of the Presiding Officer.* The presiding officer of the Board of Aldermen shall chair the public meetings to hear public comments in an orderly and efficient manner and shall use a gavel to maintain order if necessary. The presiding officer will call for public comment when it appears in the order of business on an agenda.

Section 3. *Public Comment in the Order of Business.* An opportunity for public comment will appear on agendas for regularly scheduled meetings and may appear on the agenda for a work session or special meeting at the discretion of the presiding officer. After an ordinance has had its second reading, and prior to the vote by the Board of Aldermen, either the Mayor or an Alderman may call one person from the audience to comment on the ordinance while the item is being considered. A person who is called from the audience to comment under this Section may only provide facts that he or she knows first-hand. Second-hand information will not be permitted. The time limits specified in this resolution shall apply.

Section 4. *Who may appear.* Any person may give public comment, either individually or as a representative of an organization, at the time when "Public Comment" appears in the order of business on an agenda.

Section 5. *Procedure for Public Comments.* Persons wishing to speak in "Public Comment" are asked to sign in with their name and **city of residence address** prior to the meeting. Signing in is not a prerequisite to speaking. The presiding officer shall first call those persons who have signed in to speak, in the order they signed in. Any other person wishing to speak may follow.

Section 6. At the time for public comment, the presiding officer shall ask persons wishing to speak to step to the podium. Any person who speaks is required to give his or her name and **city of residence address**, and if appearing on behalf of a group or organization, the name of the group or organization. Speaking from the audience is not permitted. A person must be at the podium and recognized by the presiding officer prior to speaking. Only one person shall speak at a time. Comments should be directed to the Mayor and Board of Aldermen as a body and not to any individual person.

Section 7. *Time Limitations for Public Comment.* Comments by persons are limited to ~~three (3) five (5) minutes for individuals and ten (10) minutes to persons representing a group of three or more individuals.~~ **three (3)** minutes for individuals and ten (10) minutes to persons representing a group of three or more individuals. The presiding officer may permit the comments to continue after the time limits but, should also give guidance to the speaker to wrap up their comments. A question and answer period is not included in the speaker's time limit. An individual shall have one opportunity per meeting to make their comments; repeated trips to the podium are not permitted. If public comments continue for more than thirty (30) minutes, remaining public comments may be carried over to a later time in the meeting at the discretion of the presiding officer.

Section 8. *Subject of Comments.* Comments shall be limited to city business, i.e. issues within the Board of Aldermen's control. Comments shall be limited to issues appearing before the Board of Aldermen on that agenda or issues of general interest in the community. No person shall use public comment as an opportunity to speak regarding matters currently under the jurisdiction of the municipal court. No person shall use public comment as an opportunity to advertise any personal business, phone number, website, or email address, unless such information is specifically requested by a member of the Board of Aldermen or the Mayor. No person shall use public comment as an opportunity to make a personal attack against an elected official or any other person. Persons who have a question or complaint about City services should address their questions or complaints first by talking privately with the appropriate City Department, second by talking privately with the City Administrator and then by addressing the Board of Aldermen only if Staff has not resolved the question or complaint.

Section 9. *Conduct of the Board of Aldermen.* Members of the Board of Aldermen shall not interrupt a person speaking in public comment. Members of the Board of Aldermen may, when the speaker is finished and upon being recognized by the presiding officer, ask for clarification or respond to a speaker's comments. Members of the Board of Aldermen shall allow a speaker to finish before conducting any question and answer period.

Section 10. *Enforcement.* The presiding officer is responsible for enforcing the provisions of this resolution. Persons who disrupt the public meeting may be removed.

Section 11. That all resolutions or parts of resolutions in conflict with this resolution are hereby repealed.

Section 12. That this resolution shall be in full force and effect from and after the date of its passage and approval.

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

THAT all resolutions or parts of resolutions in conflict with this resolution are hereby repealed; and

FURTHER THAT this resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 19th day of June, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

**DRAFT
MINUTES
Municipal Committee
May 15, 2018
6:00 p.m.
City Hall Council Chambers**

Alderman Bill Van Buskirk, committee chair, opened the meeting.

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

Present: Alderman Karen Black, Alderman Mark Moore, Alderman Bill Van Buskirk, Alderman Derek Ward, Alderman Jim Aziere (arrived during Discussion Item 1).

DISCUSSION ITEMS

1) Public Comments Procedures

Teresa Henry, City Clerk

Teresa Henry, City Clerk, and Damon Hodges, Interim Co-City Administrator, remained available for any discussion.

Public comments procedures were discussed.

The function of the Municipal Committee was clarified.

Alderman Ward, seconded by Alderman Black, made a motion to recommend amending Ordinance 2996-86, Section 2-495, by substituting the word "address" with the phrase "city of residence". The motion was approved by a vote of 4-0-1-0.

Ayes: Aldermen Ward, Black, Moore, Van Buskirk

Nays: None

Absent: Alderman Aziere

Abstain: None

Discussion continued, focusing on the time limit for speakers.

Alderman Aziere arrived.

Alderman Black, seconded by Alderman Moore, made a motion to recommend amending Resolution 1422-04, Section 7, to allot a 3-minute time limit for each Public Comments speaker with no extra time allotted for group representatives. The motion was approved by a vote of 4-0-0-1.

Ayes: Aldermen Black, Moore, Van Buskirk, Ward

Nays: None

Absent: None

Abstain: Alderman Aziere

2) Fireworks Ordinance Amendment

Damon Hodges, Interim City Administrator

Chief Matt Mace, of the Raytown Fire Protection District, was present for discussion.

The current fireworks ordinance, and Alderman Ward's proposed changes, were discussed.

Alderman Van Buskirk, seconded by Alderman Black, made a motion to recommend Alderman Ward's proposed ordinance changes to the current City Ordinance to the Board of Aldermen. The motion was approved by a vote of 5-0.

Ayes: Aldermen Aziere, Black, Moore, Van Buskirk, Ward

Nays: None

3) Liquor License

Missy Wilson, Interim City Administrator

This item was not discussed and was continued to the next Municipal Committee meeting.

Adjournment

Alderman Van Buskirk made a motion to adjourn. The motion was approved by a majority of those present.

Next Meeting Date and Time – June 19, 2018, 6:00 p.m.

BOA MTG 5/1/2018

Teresa:

Could you please add to a future meeting agenda?

This will be to re-visit the discussion and give staff possible direction regarding revisions to the Public Comments Resolution # 1422-04.

ANTICIPATED AREAS OF DISCUSSION:

- Allotted time limits of speakers/groups.
- Prioritization and qualifying guidelines.
- Format changes including separate time allotments over course of meeting.

Also, if you could please include all related previous furnished material relating to other communities' practices regarding their public comment procedures, that would be greatly appreciated.

Regards,

Steve Meyers,

Alderman Ward 4

Teresa Henry

From: Alderman Steve Meyers
Sent: Friday, March 2, 2018 10:35 AM
To: GoverningBody; Teresa Henry; Tom Cole
Subject: Public Comments Info

Teresa,

If you could please include on the 3/6 BOA Agenda a discussion item regarding possible Board input and future procedure changes regarding the present guidelines and conditions regarding public comments I would appreciate it.

Also if you could include the previous procedures of other researched communities you compiled in our packet once again that would be appreciated.

Thanks for your ongoing efforts and have a pleasant weekend!

Steve Meyers,
Alderman Ward 4

Public Comments Survey

Municipality	Address Required	Time Limit	Procedure	Additional Comments	Attachment	Time Limit
Clinton, Missouri Kelly Harrelson 660-885-6121 kharrelson@cityofclintonmo.com	Yes - Name and Address	3 minutes	A request to speak card is completed and turned into the City Clerk before the meeting and the Clerk calls the names of the speaker and they come to the podium.	Speaker Card asks for speaker's name and address. Not sure what they'd do if someone said "No" to sharing address, b/c that's never happened. Sometime people do not fill in address, and it's okay because they only use it for following up when necessary.	Speaker Card	
Camdenton, Missouri Renee Kingston 573-346-3600 reneek@camdentoncity.com	Yes - Names and Address	5 minutes	Fill out speaker card before meeting, and receive card with public comment rules.	Speakers are required to give their name and address on the microphone. Mayor does encourage them to pick a spokesperson from amongst themselves if there are several there for the same subject.	Speaker Card and Rules	
Grandview, Missouri Becky Schimmel 816-316-4811 bschimmel@grandview.org	Yes - Name and Address	5 minutes	Speakers must state their name and address and give their comment. They then sign their name, address, and phone number on the comments sheet after speaking.	They do require the name and address be stated on the microphone. No one has been reluctant or refused to state this information in her 10 years with the City.		
Neosho, Missouri Rachel Holcomb (Rachel on maternity leave 1/31/2018, Georgia filling in) 417-451-8050 rholcomb@neoshomo.org	Yes - Name and Address	5 Minutes	Sign in sheet before meeting with name and address	Mayor reads name and address and invites speaker to microphone. Sometimes they repeat the info, sometimes they don't, but Mayor has stated it on the record either way.		
Florissant, Missouri Karen Goodwin 314-839-7630 kgoodwin@florissantmo.com	??	3 minutes	Speaker Card to City Clerk	Not a question and answer period	Speaker Card	
Kirkwood, Missouri Betty Montano 314-822-5802 montanbk@kirkwoodmo.org	Yes - Name and Address	No real time limit, except during controversial meetings with lots of speakers	Speaker Card, with name and address filled out prior to start of meeting. They are called up but no address is read out loud and they are not required to state it (it will be included in the minutes).	Name and Address are listed in the minutes for all meetings.	Speaker Card	

Public Comments Survey

Municipality Address Required Time Limit Procedure Additional Comments Attachment Time Limit

Verona, Missouri
 Julie Ruscha
 417-498-6725
 verona@suddenlinkmail.com

Any person wishing to be added to the agenda to address the City Council must first request this in writing (Request to Speak to City Council Form). This form is submitted to the Mayor or the City Clerk by Wednesday at 5:00 pm preceding the Tuesday Council Meeting.

Sign up for public comments on Wed. before next meeting. Speakers provide name and address on this form and are added to the meeting's agenda.

Eldon, Missouri
 Fran Suttmoller
 573-392-2291 X 229
 frans@eldonmo.org

Yes - Name and Address

5-10 Minutes, extra time is allowed at Mayor's discretion

Name and address are put into the meeting minutes. They don't have to state it over the microphone, but they must provide it on paper to be added to the minutes.

Blue Springs, Missouri
 Sheryl Morgan
 816-655-0494
 smorgan@bluespringsgov.com

Yes - name and address

no time limit

Form has lines for name, address, phone. Some have questioned why but have been satisfied with response that City wants the information in case of follow up, or forming task force regarding their topic.

University City, Missouri
 LaRette Resse
 314-505-8531
 lreese@ucitymo.org

Not absolutely required

5 minutes for both individual or group

Fill out Request to Address the Council Form, includes name, address, and agenda item they are speaking on.

Speaker Card

Olivette, Missouri
 Myra Bennett
 314-983-5280
 mbennett@olivettemo.com

Yes - Name and Address

3 Minutes

Submit completed speaker card with name, address, contact information and topic to be discussed.

2 sections for public comments. First section at beginning of meeting is for comments on agenda items. Second section is at end of meeting and is for other comments.

Speaker Card and Rules

Belton, Missouri
 Patti Leaford
 816-331-4331
 pleaford@belton.org

Yes - Name and Address

5 Minutes

Must sign up and be added to agenda by Thursday prior to next meeting. Preference given to speakers on agenda.

You can show up without having signed up, and may ask to speak to the Board, but the Mayor will decide if speaker is allowed to give comment.

Public Comments Survey

Municipality Address Required Time Limit Procedure Additional Comments Attachment Time Limit

2 public comment sections:
Section 1, at start of meeting and requires sign up on the schedule by 12pm on Friday before the meeting.

Section 2, at the end of the meeting, and requires no sign up. Board listens and does not reply to Section 2 speakers. Speakers in both sections must give their name and home address over the microphone for the record.

2 sections for comments. One at start of meeting, and one at end of meeting.

Raymore, Missouri
Jeanie Woerner
Jwoerner@raymore.com
816-892-3011

Yes - Name and Address 3 Minutes

Gladstone, Missouri
Ruth Bocchino
816-423-4096
ruthb@gladstone.mo.us

No sign in. Mayor asks for speakers and invites them to the podium to share their comments.

Public comments section is the first item on the regular agenda. No Form

Yes - Name and Address no time limit

Platte City, Missouri
Amy Edwards
816-858-3716
aedwards@plattcity.org

Parkville, Missouri
Melissa McChesney
816-741-7676
mmchesney@parkvillemo.org

Yes - Name and Address 3 Minutes Sign in sheet before meeting.

10 minutes is allotted for the entire public comments section. The Mayor asks how many speakers have signed up and divides the time amongst and some speakers choose not to speak.

Sign up before start of meeting. Asked to provide name and home address, but not required to say.

Lee's Summit, Missouri
Trisha Fowler Arcuri/Denise Chisum
969-1005
Trisha.FowlerArcuri@cityoflls.net

10 minutes for entire public comments section.

No - asked for, but not required

Odessa, Missouri
Peggy Eoff
816-230-5577
peoff@cityofodessamo.com

Speakers can come to Clerk to be added to agenda, or can speak during public comments portion of meeting without signing up prior to the meeting.

Yes - Name and Address No

Public Comments Survey

Municipality

Address Required

Time Limit

Attachment

Time Limit

Grain Valley, Missouri
Theresa Osenbaugh
816-847-6211
tosenbaugh@cityofgrainvalley.org

Yes - Name and Address

2 Minutes

Procedure
No registration prior to meeting. Speakers may approach the podium during the Public Comments section of the meeting.

Additional Comments
If a speaker forgets to provide name or address before speaking, they are asked to state that information on the record after speaking.

Oak Grove, Missouri
Cathy Smith
816-690-3773 x 1004
csmith@cityofoakgrove.com

Yes - Name and Address

No

Procedure
Speakers must submit letter requesting to be added to the agenda by the Wednesday prior to the meeting.

Additional Comments
Letter must include information on the topic they want to address. If the topic can be handled outside of the meeting, the City Administrator and Mayor can choose not to include them on the agenda and instead work with them directly.

Springfield, Missouri
Anita Cotter
417-864-1651
acotter@springfieldmo.gov

Kansas City, Missouri
Marilyn Sanders
816-513-6401
Marilyn.Sanders@kcmo.org

Yes - Name and Address

Procedure
Varies by committee/council meeting and number of people signed up.

Additional Comments
Each committee and Board has their own protocol. Some have registration cards, others have sign in sheets, but all require name and address on the record

Riverside, Missouri
Robin Kincaid
816-372-9008
rkincaid@riversidemo.com

Yes - but only have to report it to the clerk

5 Minutes

Procedure
No formal system. Mayor asks if anyone would like to comment during that portion of the agenda, and people come up to speak.

Smithville, Missouri
Linda Drummond
816-532-3897
ldrummond@smithvillemo.org

Yes - Name and Address

3 Minutes

Additional Comments
sign up cards are filled out and turned in prior to the meeting. Speakers always give name and address on the record.

RESOLUTION NO. 1422-04

1 A RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR PUBLIC
2 COMMENT BEFORE THE BOARD OF ALDERMEN.
3

4 WHEREAS, the Board of Aldermen of the City of Raytown, in Section 2-39 of the Code
5 of Ordinances, has recognized that in order to enhance the concept of effective and democratic
6 government, it is essential that a legislative body exercise the power to preserve order and
7 decorum during legislative meetings so that the true deliberate process will not be disturbed; and
8

9 WHEREAS, the Board of Aldermen desires to adopt rules of procedure governing public
10 comment before the Board of Aldermen.
11

12 Now therefore, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF
13 RAYTOWN, MISSOURI, as follows:

14 Section 1. *Applicability.* The provisions of this resolution shall apply to general public
15 comment before the Board of Aldermen and to public comment in public hearings before the
16 Board of Aldermen, except public hearings required by the provisions of Section 89.050 of the
17 Missouri Statutes and/or the provisions of the Zoning Regulations of the City of Raytown.

18 Section 2. *Role of the Presiding Officer.* The presiding officer of the Board of Aldermen
19 shall chair the public meetings to hear public comments in an orderly and efficient manner and
20 shall use a gavel to maintain order if necessary. The presiding officer will call for public
21 comment when it appears in the order of business on an agenda.

22 Section 3. *Public Comment in the Order of Business.* An opportunity for public
23 comment will appear on agendas for regularly scheduled meetings and may appear on the agenda
24 for a work session or special meeting at the discretion of the presiding officer. After an ordinance
25 has had its second reading, and prior to the vote by the Board of Aldermen, either the Mayor or
26 an Alderman may call one person from the audience to comment on the ordinance while the item
27 is being considered. A person who is called from the audience to comment under this Section
28 may only provide facts that he or she knows first-hand. Second-hand information will not be
29 permitted. The time limits specified in this resolution shall apply.

30 Section 4. *Who may appear.* Any person may give public comment, either individually
31 or as a representative of an organization, at the time when "Public Comment" appears in the order
32 of business on an agenda.

33 Section 5. *Procedure for Public Comments.* Persons wishing to speak in "Public
34 Comment" are asked to sign in with their name and address prior to the meeting. Signing in is
35 not a prerequisite to speaking. The presiding officer shall first call those persons who have
36 signed in to speak, in the order they signed in. Any other person wishing to speak may follow.

RESOLUTION NO. 1422-04

1 Section 6. At the time for public comment, the presiding officer shall ask persons
2 wishing to speak to step to the podium. Any person who speaks is required to give his or her
3 name, address, and if appearing on behalf of a group or organization, the name of the group or
4 organization. Speaking from the audience is not permitted. A person must be at the podium and
5 recognized by the presiding officer prior to speaking. Only one person shall speak at a time.
6 Comments should be directed to the Mayor and Board of Aldermen as a body and not to any
7 individual person.

8 Section 7. *Time Limitations for Public Comment.* Comments by persons are limited to
9 five (5) minutes for individuals and ten (10) minutes to persons representing a group of three or
10 more individuals. The presiding officer may permit the comments to continue after the time
11 limits, but should also give guidance to the speaker to wrap up their comments. A question and
12 answer period is not included in the speaker's time limit. An individual shall have one
13 opportunity per meeting to make their comments; repeated trips to the podium are not permitted.
14 If public comments continue for more than thirty (30) minutes, remaining public comments may
15 be carried over to a later time in the meeting at the discretion of the presiding officer.

16 Section 8. *Subject of Comments.* Comments shall be limited to city business, i.e. issues
17 within the Board of Aldermen's control. Comments shall be limited to issues appearing before
18 the Board of Aldermen on that agenda or issues of general interest in the community. No person
19 shall use public comment as an opportunity to speak regarding matters currently under the
20 jurisdiction of the municipal court. No person shall use public comment as an opportunity to
21 advertise any personal business, phone number, website, or email address, unless such
22 information is specifically requested by a member of the Board of Aldermen or the Mayor. No
23 person shall use public comment as an opportunity to make a personal attack against an elected
24 official or any other person. Persons who have a question or complaint about City services
25 should address their questions or complaints first by talking privately with the appropriate City
26 Department, second by talking privately with the City Administrator and then by addressing the
27 Board of Aldermen only if Staff has not resolved the question or complaint.

28 Section 9. *Conduct of the Board of Aldermen.* Members of the Board of Aldermen
29 shall not interrupt a person speaking in public comment. Members of the Board of Aldermen
30 may, when the speaker is finished and upon being recognized by the presiding officer, ask for
31 clarification or respond to a speaker's comments. Members of the Board of Aldermen shall allow
32 a speaker to finish before conducting any question and answer period.

33 Section 10. *Enforcement.* The presiding officer is responsible for enforcing the
34 provisions of this resolution. Persons who disrupt the public meeting may be removed.

35 Section 11. That all resolutions or parts of resolutions in conflict with this resolution are
36 hereby repealed.

RESOLUTION NO. 1422-04

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Section 12. That this resolution 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, and upon final vote taken the 15 day of June, 2004 was approved by the Board of Aldermen of the City of Raytown, Jackson County, Missouri upon the following vote:

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

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Teresa M. Newton
Teresa Newton, City Clerk

APPROVED BY THE MAYOR the _____ day of _____, 2004.
Sue Frank
Sue Frank, Mayor

ATTEST:
Teresa M. Newton
Teresa Newton, City Clerk

Approved as to Form:
Joanne L. Graham
Joanne L. Graham, City Attorney

Sponsor(s): Special Committee of the Board

CITY OF RAYTOWN
Request for Board Action

Date: June 13, 2018
To: Mayor and Board of Aldermen
From: Jason Hanson, City Engineer

Resolution No.: R-3107-18

Department Head Approval: _____

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

City Administrator Approval: _____



Action Requested: Authorization to enter into an agreement with Central Salt LLC for future purchase of 700 tons of salt at the rate of \$61.75 per ton.

Recommendation: Staff recommends approval of the low bid.

Analysis: The City of Raytown staff advertised salt supply bids for the upcoming 2018-2019 winter season. Salt bids must be put out in the spring due to supply allocation procedures practiced throughout the industry.

The bid was advertised in the newspaper, on our web page, and via e-mail and phone correspondence with known salt companies in the mid-west area. Bid information was sent to seven companies, and five submitted responses including two no-bids. Bids were opened on May 24, 2018, and the low bid was from Central Salt LLC in the amount of \$43,225.00 at a unit price of \$61.75 per ton.

Purchases will not occur until the beginning of the 2018-2019 fiscal year. Purchasing authority will be requested prior to placing the salt order and is pending the approval of the 2018-2019 Budget.

Staff recommends approval of the agreement with Central Salt LLC.

The Public Works Dept. plans to budget \$60,000.00 for salt in fiscal year 2018-2019.

In fiscal year 2016-2017 Pubic Works spent \$50,134.05 on salt and in fiscal year 2017-2018, Public Works spent \$50,835.40 on salt.

Alternatives: Solicit bids later in the year - this would risk elevated costs and/or yield no bids.

Budgetary Impact:

Not Applicable

Additional Reports Attached: Tabulation of Salt Bids from May 24, 2018.

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH CENTRAL SALT LLC FOR THE PURCHASE OF SALT FOR THE PURPOSE OF TREATING ROADS AND BRIDGES IN INCLEMENT WEATHER

WHEREAS, the City of Raytown (the "City") issued an invitation to bid on its 2018-2019 Road Salt to treat roads and bridges within the City in inclement weather; and

WHEREAS, the Public Works Department received five (5) bids in response to the invitation and has determined that the bid submitted by Central Salt LLC in the amount of \$61.75 per ton was the most advantageous bid received; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to approve an agreement to purchase salt from Central Salt LLC in the amount of \$61.75 per ton;

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

THAT the Board of Aldermen find it is in the best interest of the City to authorize and approve an agreement to purchase salt from Central Salt LLC in the amount of \$61.75 per ton; and

FURTHER THAT the City Administrator is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City 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 19th day of June, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

Bid Tabulation
2:00pm, Thursday May 24, 2018

2018-19 ROAD SALT PURCHASE



			1.		2.		3.	
			Central Salt LLC		Independent Salt Co.		Compass Minerals	
Description	Est. Qty.	Unit	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1. Sodium Chloride	700	Ton	\$ 61.75	\$ 43,225.00	\$ 62.68	\$ 43,876.00	\$ 112.00	\$ 78,400.00

4.	
Morton Salt	
Bid Unit Price	Bid Price
\$ -	No Bid

5.	
Cargill, Inc.	
Bid Unit Price	Bid Price
\$ -	No Bid

**CITY OF RAYTOWN
Request for Board Action**

Date: June 13, 2018
To: Mayor and Board of Aldermen
From: Chief of Police James Lynch

Resolution No.: R-3108-18

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: Authorize spending in excess of \$15,000.00 with one vendor (Digital Ally) but not to exceed fiscal year 2017-2018 budgeted amounts

Recommendation: Approve the Resolution – Approved by Special Sales Tax Review Committee on May 8, 2018.

Analysis: The Police Department maintains an operational audio/video recording unit in each marked police unit. These recordings are used to record, collect, retain and accurately report details of official police activities. In-car audiovisual recording systems record officer-citizen contacts, arrests and critical incidents. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction and evidence for investigative and prosecutorial purposes. In-car audiovisual recording systems may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband. In-car audiovisual recording systems have the potential to reinforce community relations, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluation.

Our current camera system is outdated, and all the cameras are over 4 years old. We are requesting to purchase 7 DVM 800HD Camera Systems with 7 additional DVM-928 MICS and one wireless access point. This will allow the Police Department to upgrade 7 marked police units with the new camera system. The wireless access point will allow automatic upload while the vehicle is parked in our police parking lot.

Alternatives: Not upgrade the camera system and risk equipment failure

Budgetary Impact:

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

Amount:	\$31,415.00
Account Number(s):	205.32.00.100.57000
Fund:	Capital
Department:	Police

Additional Reports Attached: Sole source letter and quote

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR AUDIO-VISUAL EQUIPMENT AND SUPPLIES FROM DIGITAL ALLY, INC., IN AN AMOUNT NOT TO EXCEED \$31,415.00 FOR FISCAL YEAR 2017-2018

WHEREAS, the City of Raytown equips patrol vehicles with audio-visual equipment to record interaction of officers with the public in those vehicles; and

WHEREAS, Digital Ally, Inc. is the sole local provider of such audio-visual equipment and supplies found to meet all of the specifications; and

WHEREAS, the City of Raytown in the adoption of its purchasing policy has required Board of Aldermen approval for purchases in which the cumulative value with a single vendor exceeds \$15,000.00 during the fiscal year; and

WHEREAS, the City of Raytown in the adoption of its purchasing policy has further approved the practice of purchasing goods and services from sole source vendors without competitive bid; and

WHEREAS, funds for such purpose are budgeted from the Capital Improvement Sales Tax and such expenditure has been reviewed and on May 8, 2018 was recommended by the Special Sales Tax Review Committee as being consistent with voter intent; and

WHEREAS, the City of Raytown finds it is in the best interest of the citizens of the City of Raytown to authorize and approve the expenditure of funds for the purchase of audio-visual equipment and supplies from Digital Ally, Inc., as a sole source vendor, in an amount not to exceed \$31,415.00 for fiscal year 2017-2018;

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

THAT the expenditure of funds for the purchase of audio-visual equipment and supplies from Digital Ally, Inc., as a sole source vendor, in an amount not to exceed \$31,415.00 for fiscal year 2017-2018, is hereby authorized and approved; and

FURTHER THAT the City Administrator is 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 19th day of June, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa Henry, City Clerk

Joe Willerth, City Attorney



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	1

9705 Loiret Blvd.
 Lenexa, KS 66219
 1-800-440-4947 www.digitalallyinc.com

Customer:

Raytown Police Department Captain Rogers 10000 E 59th St Raytown, MO 64133

Customer ID	Salesperson	Shipping Method	Payment Terms	Created By	Quote Valid
RAYMO2	TH	FEDERAL EXPRESS	Net 30	Derek Butler	90 Days

Ordered	Item Number	Description	Retail Price	Item Discount	Discount	Ext. Price
6	001-00114-00	DVM-800 HD Complete Kit, 128GB	\$4795.00	\$0.00	\$0.00	\$28,770.00
1	011-00009-00	UAP-Outdoor+ U.S.	\$295.00	\$0.00		\$295.00
6		DVM-500+ Trade in Credit	(\$500.00)	\$0.00		(\$3,000.00)
7		Additional DWM-928 Microphone	\$265.00	\$0.00		\$1,855.00
1		Existing DVM-800 HD Test Unit	\$4795.00	\$1300.00	\$1,300.00	\$3,495.00

Notes:

- 6-DVM-800 HD Complete Kits with 5 year advance exchange warranties
- 1- DVM-800 HD Complete Kit - Beta Test Unit - Cost Approved per Greg Dyer
- 6- DVM-500+ Trade in Credits
- 7- Additional DWM-928 Complete Kits
- 1- Wireless Access Point

Total Discount	\$1,300.00
Subtotal	\$31,415.00
Misc	
Tax	\$0.00
Freight	
Total	\$31,415.00

Thank you for your interest in Digital Ally products. If you would like to place an order, please contact the Digital Ally Sales Team at 1-800-440-4947.

TERMS OF SALE

Your purchase of goods from Digital Ally, Inc., a Nevada corporation ("Digital Ally") will be governed by the following terms of sale ("Terms"). You will be referred to throughout these Terms as "you".

1. Exclusion of Other Terms; Entire Agreement. Additional or different terms or conditions proposed by you (including any additional or different terms provided in a purchase order) will be void and of no effect unless specifically accepted in writing by Digital Ally. Digital Ally's sales invoice, the limited warranty accompanying the Goods, these Terms, and any special conditions agreed to in writing and signed by you and Digital Ally are incorporated and collectively referred to herein as the "Order", which supersedes and cancels all prior communications between us, whether verbal or written, and constitutes the entire agreement between us unless modified in writing and signed by each of us. In the event of a conflict between these Terms and the terms of any special conditions agreed to in writing and signed by you and



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	2

Digital ("Additional Agreement(s)"), the terms of those Additional Agreements shall take precedence over these Terms but only with respect to the product or specific purchase to which such Additional Agreement applies, except as otherwise provided in such Additional Agreement. If your purchase includes a license or licenses to permit you to use Digital Ally software, the terms of the software license(s) provided to you by Digital Ally shall apply to such software.

- 2. Payment.** Payment terms are cash on delivery, except where credit has been established and maintained to Digital Ally's satisfaction. If you have established credit, payment terms are net 30 days from date of shipment. Any invoice that you fail to pay when due will bear interest at the rate of 1-1/2% per month or the highest rate then permitted by law, whichever is less.
- 3. Unpaid Charges.** You will be responsible for all costs Digital Ally incurs in connection with the collection of unpaid amounts, including court costs, reasonable attorneys' fees, collection agency fees and any other associated costs.
- 4. Security Interest.** You hereby grant Digital Ally a security interest in the Goods to secure your payment obligation to Digital Ally under this sale, pursuant to these Terms. You hereby authorize Digital Ally to file such UCC financing statements in such jurisdictions as Digital Ally deems appropriate to perfect the security interest granted hereby.
- 5. Taxes.** In addition to the purchase price, you must pay any sales, excise or similar taxes applicable to the transaction, unless you provide Digital Ally with a valid tax exemption certificate. You must pay use taxes, if applicable to the transaction, directly to the appropriate taxing authority.
- 6. Shipment.** Digital Ally will use commercially reasonable efforts to comply with your shipping instructions. You must prepay all transportation and insurance charges prior to shipment. Unless otherwise stated by Digital Ally, all shipments will be F.O.B. (free on board) Digital Ally's facility in Lenexa, Kansas.
- 7. Force Majeure.** DIGITAL ALLY WILL NOT BE LIABLE TO YOU FOR ANY LOSS, DAMAGE, DELAY, OR FAILURE OF DELIVERY RESULTING FROM CAUSES THAT ARE BEYOND DIGITAL ALLY'S REASONABLE CONTROL, INCLUDING WITHOUT LIMITATION, THOSE DELAYS ARISING FROM EQUIPMENT MANUFACTURE AND SHIPPING (EACH, A "FORCE MAJEURE"). DIGITAL ALLY WILL NOT BE LIABLE FOR ANY LOST PROFITS, LOSS OF REVENUE, OR LOSS OF USE, INCIDENTAL, CONSEQUENTIAL, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES FROM ANY FORCE MAJEURE DELAY WHATSOEVER.
- 8. Limitation of Liability.** YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, DIGITAL ALLY AND ITS SUBSIDIARIES AND AFFILIATES (COLLECTIVELY, "DIGITAL ALLY PARTIES") WILL NOT BE LIABLE TO YOU UNDER ANY THEORY OF LIABILITY (WHETHER CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE) FOR ANY LOST PROFITS OR LOST REVENUE, LOSS OF USE, LOSS OF DATA, OR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, CONSEQUENTIAL OR EXEMPLARY DAMAGES THAT MAY BE INCURRED BY YOU ARISING FROM OR RELATING TO THE ORDER, THE GOODS, OR THESE TERMS, WHETHER OR NOT A DIGITAL ALLY PARTY OR ITS REPRESENTATIVES HAVE BEEN ADVISED OF OR SHOULD HAVE BEEN AWARE OF THE POSSIBILITY OF ANY SUCH LOSSES ARISING. YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE DIGITAL ALLY PARTIES' CUMULATIVE LIABILITY IN CONNECTION WITH THE ORDER, THE GOODS, AND/OR THESE TERMS WILL NOT EXCEED THE AMOUNT ACTUALLY PAID BY YOU TO DIGITAL ALLY FOR THE SPECIFIC GOODS IN CONTROVERSY. EACH CLAUSE OF THIS PARAGRAPH IS SEPARATE FROM THE OTHERS AND FROM THE REMEDY LIMITATIONS AND EXCLUSIONS ELSEWHERE IN THIS AGREEMENT, AND EACH WILL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF A REMEDY OR TERMINATION



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	3

OF THIS AGREEMENT. 9. Warranty; Limitations on Remedies. Digital Ally's repair or replacement warranty on the goods provided under the Order is set out in a separate statement (the "Limited Warranty"), which sets forth the only warranty applicable to the goods sold under this Order. THAT LIMITED WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES. THERE ARE NO WARRANTIES, WHETHER EXPRESS OR IMPLIED, THAT EXTEND BEYOND DIGITAL ALLY'S LIMITED WARRANTY STATEMENT. OTHER THAN THE LIMITED WARRANTY, ALL EXPRESS AND IMPLIED WARRANTIES ARE DISCLAIMED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT, FITNESS FOR A PARTICULAR PURPOSE, AND WARRANTIES IMPLIED FROM A COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE OF TRADE. DIGITAL ALLY DOES NOT WARRANT THAT THE GOODS OR ANY DELIVERABLES WILL OPERATE UNINTERRUPTED OR ERROR FREE. YOU'RE SOLE AND EXCLUSIVE REMEDY FOR A WARRANTY CLAIM ARISING FROM OR RELATING TO THE ORDER WILL BE THE REPAIR OR REPLACEMENT OF THE GOODS. The Limited Warranty applicable to the Goods is posted on the Digital Ally website at the following website address:

<http://www.digitalallyinc.com/documents/txdirWarrantyPolicy.pdf> The Limited Warranty provides you with warranty support from our offices in Lenexa, Kansas. You agree to appoint an Administrator (in accordance with Paragraph 17 of these Terms) at the place where the Goods are located to install and test all fixes, updates, products that we repair or replace, and to perform other actions reasonably requested by Digital Ally. Failure to properly maintain the Goods may void the Limited Warranty.

10. Third Party Claim Indemnification. You will indemnify, defend, and hold harmless Digital Ally, its managers, agents, employees, successors and assigns (collectively, the "Indemnified Parties"), from and against any claims, damages, losses, costs, and expenses (including reasonable attorneys' fees and other costs of legal defense, whether direct or indirect) arising out of or relating to any third party claim concerning (i) your use of the Goods under this Order, (ii) breach of these Terms, or (iii) violation of applicable law by you. This indemnification will survive the expiration or termination of this Order.

11. Risk of Loss. Risk of loss to goods purchased will pass to you at the earlier of the time the Goods are (a) duly delivered to the carrier, or (b) duly tendered to you for delivery.

12. Acceptance; Claims for Shortage or Non-Conformity. Delivered Goods will be deemed accepted upon the earlier of your formal acceptance of the Goods or the expiration of 30 days from delivery of the Goods ("Acceptance of the Goods"). If you discover upon initial inspection of the Goods that (a) some or all of the Goods are defective or (b) that the goods delivered do not conform to your Order, you must promptly notify Digital Ally of your rejection of the goods within 30 days from the delivery date, after which Digital Ally shall have a reasonable opportunity to cure any non-conformance with the Order. Digital Ally is not responsible for Goods lost or damaged in transit. You are solely responsible for filing claims against the carrier for any loss or damage. Digital Ally will furnish all available information and give any other reasonable assistance requested to assist you in filing a claim for deliver damage. Claims for shortages in shipment not chargeable against the carrier will not be considered unless written notice is given to Digital Ally within 10 days from date of receipt of the Goods.

13. Compliance with Laws. You will comply with all laws and regulations applicable to you, including those dealing with the use, purchase and distribution of the Goods purchased under these Terms. You will further keep Digital Ally informed of any laws, regulations, governmental orders, or requirements, which affect the ordering, shipment, importation, sale, marketing, or distribution of the Goods within your jurisdiction and will, in all cases, refrain from engaging in any activities or conduct, which would cause Digital Ally to be in violation of the laws of any jurisdiction. You agree at all times to comply with all United



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	4

States laws or regulations, as they may exist from time to time, regarding export licenses or the control or regulation of exportation or reexportation of products or technical data sold or supplied to you. Without limiting the generality of the foregoing, you specifically agree not to resell any Goods purchased under these Terms to any party, if such a sale would constitute a violation of any laws or regulations of the United States. In conformity with the FCPA, you represent and warrant that neither you, nor any of your directors or any of your members, managers, officers, employees, or agents is an official agent, or employee of any foreign government or governmental agency or political party. You agree to promptly notify Digital Ally of the occurrence of any event which would render the foregoing representation and warranty incorrect or misleading. In addition, you will at all times comply with all applicable laws of the United States concerning foreign corrupt practices or which in any manner prohibits the giving of anything of value to any official, agents or employee of any government, governmental agency, political party or any officer, employee, or agent thereof.

14. Changes to the Terms. The Terms in effect at the time you place your Order for the goods sold hereunder will apply to such Order and goods. Digital Ally reserves the right to make changes to these Terms from time to time, and any such changes will take effect immediately, except that changes with respect to your rights and obligations relating to payments, shipments, cancelled orders and/or returns, warranty, and limitations on remedies will only apply to future orders.

15. Governing Law; Jurisdiction and Venue. This Order and all disputes arising under this Order shall be governed by and construed in accordance with the law of the State of Kansas, without regard to its choice of law rules. Any action claim arising out of or relating to this Order, the Goods, or these Terms must be brought in the District Court of Johnson County, Kansas (and its appellate courts) or in the U.S. District Court for the District of Kansas (and its appellate courts), and the parties hereby irrevocably consent to the exclusive jurisdiction of, and venue in, such courts.

16. Authority. You warrant and represent to Digital Ally that you have all authority and capacity necessary to enter into this agreement and agree to these Terms. If you are entering into this agreement on behalf of a company, a government entity, or other legal entity, you represent and warrant that you are an authorized representative of the entity with the authority to bind the entity to these Terms, and that you agree to these Terms on the entity's behalf.

17. Administrator. You agree to appoint a primary administrator ("Primary Administrator") with the technical knowledge necessary to install and perform routine maintenance on the Goods, to make firmware updates and fixes, and to perform component upgrades for and basic troubleshooting on the Goods.

18. Trade-ins. (a) Traded Equipment. If, as part of your Order, Digital Ally agrees in writing to accept a trade-in from you ("Trade-In") and offers you a discount on a new Order for an equipment trade-in ("Trade-In Program"), or if Digital Ally otherwise accepts a Trade-In from you at any other time or upgrades or replaces any products or equipment ("Trade-In Offer"), the Trade-In Program or Trade-In Offer is subject to the following additional rules. You expressly understand, accept and agree that: (i) you are solely responsible for both the removal and preservation of the data previously stored on, or gathered in connection with, the products and equipment being traded ("Traded Equipment"); (ii) you will follow all Digital Ally and carrier shipping rules in returning the Traded Equipment to Digital Ally; (iii) the trade-in transaction is final and that by your accepting the Trade-In Program or Trade-In Offer, ownership of



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	5

Traded Equipment is transferred irrevocably to Digital Ally immediately, the Traded Equipment will not be returned to you under any circumstances, and you are irrevocably transferring the Traded Equipment to Digital Ally with no possibility of return; (iv) you are giving Digital Ally permission to destroy, utilize, re-sell, lease, or dispose of the Traded Equipment in Digital Ally's sole discretion; and (v) if the Traded Equipment is not returned to Digital Ally so as to be received by Digital Ally within thirty (30) days of the date of delivery of the new equipment you have received from Digital Ally as a replacement for the Traded Equipment, you will lose your discount pursuant to the Trade-In Program, and, whether pursuant to the Trade-In Program or Trade-In Offer, you will not receive any credit, refund, or value for the Traded Equipment. When returning the Traded Equipment, you must return all parts and accessories comprising of the Traded Equipment, exclusive of wiring, or you will not receive full credit for the Traded Equipment, which will be reduced pro-rata in accordance with the value that Digital Ally in its discretion assigns to the parts and accessories not returned. (b) Limitation of liability. YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE THEORY OF LIABILITY (WHETHER CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE) FOR ANY LOST PROFITS OR REVENUE, LOSS OF USE, LOSS OF DATA, OR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, CONSEQUENTIAL OR EXEMPLARY DAMAGES THAT MAY BE INCURRED BY YOU ARISING FROM OR RELATING TO THE TRADE-IN PROGRAM, WHETHER OR NOT A DIGITAL ALLY PARTY OR ITS REPRESENTATIVES HAVE BEEN ADVISED OF OR SHOULD HAVE BEEN AWARE OF THE POSSIBILITY OF ANY SUCH LOSSES ARISING. YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE DIGITAL ALLY PARTIES' TOTAL LIABILITY IN CONNECTION WITH THE TRADE-IN PROGRAM OR TRADE-IN OFFER WILL NOT EXCEED THE AMOUNT OF TEN DOLLARS (\$10.00).

19. Advance Exchange Program. (a) Replaced Goods. If your Order includes participation in Digital Ally's Advance Exchange Program, offered in conjunction with Digital Ally's Limited Warranty, Digital Ally will send you the replacement for Goods replaced pursuant to the terms of the applicable Digital Ally Limited Warranty in advance of receiving the Goods Digital Ally has agreed in writing to replace for you ("Replaced Goods"). In such case, you expressly understand, accept and agree that: (i) you are solely responsible for both the removal and preservation of the data previously stored on, or gathered in connection with, the Replaced Goods; (ii) you will follow all Digital Ally and carrier shipping rules in returning the Replaced Goods to Digital Ally; (iii) the return of Goods is final and that by participating in the Advance Exchange Program, ownership of the Replaced Goods is transferred irrevocably to Digital Ally immediately, the Replaced Goods will not be returned to you under any circumstances, and you are irrevocably transferring the Replaced Goods to Digital Ally with no possibility of return; (iv) you are giving Digital Ally permission to destroy, utilize, re-sell, lease, or dispose of the Replaced Goods in Digital Ally's sole; and (v) you will ship the Replaced Goods back to Digital Ally within thirty (30) days of your receiving your replacement. If you fail to return the Replaced Goods to Digital Ally within such thirty (30) day period, Digital Ally may, in its sole discretion, immediately suspend your participation in the Advance Exchange Program for such breach, until you either: (i) return the Replaced Goods to Digital Ally; or (ii) pay to Digital Ally the original purchase price of the Replaced Goods. If you fail to return the Replaced Goods to Digital Ally for a period exceeding ninety (90) days, Digital Ally may, in its sole discretion, immediately terminate your participation in the Advance Exchange Program, with no further opportunity to cure the breach, and you will be immediately responsible for paying to Digital Ally an amount equal to the original purchase price of the Replaced Goods. When returning the Replaced Goods, you must return all parts and accessories comprising of the



Quote	QUO-20032-M4Y6R3
Date	4/23/2018
Page	6

Replaced Goods, exclusive of wiring, or you will be responsible for payment of that part of the Replaced Goods not returned, which will be charged on a pro-rata basis in accordance with the value that Digital Ally in its discretion assigns to the parts and accessories not returned. (b) Limitation of liability. YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE DIGITAL ALLY PARTIES WILL NOT BE LIABLE TO YOU UNDER ANY THEORY OF LIABILITY (WHETHER CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE) FOR ANY LOST PROFITS OR REVENUE, LOSS OF USE, LOSS OF DATA, OR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, CONSEQUENTIAL OR EXEMPLARY DAMAGES THAT MAY BE INCURRED BY YOU ARISING FROM OR RELATING TO THE ORDER ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL OR EXEMPLARY DAMAGES THAT MAY BE INCURRED BY YOU ARISING FROM OR RELATING TO THE ADVANCE EXCHANGE PROGRAM, WHETHER OR NOT A DIGITAL ALLY PARTY OR ITS REPRESENTATIVES HAVE BEEN ADVISED OF OR SHOULD HAVE BEEN AWARE OF THE POSSIBILITY OF ANY SUCH LOSSES ARISING. YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE DIGITAL ALLY PARTIES' TOTAL LIABILITY IN CONNECTION WITH THE ADVANCE EXCHANGE PROGRAM WILL NOT EXCEED THE AMOUNT OF TEN DOLLARS (\$10.00).

20. General. Captions have been inserted solely for convenient reference and shall not limit or affect the scope or interpretation of any provision hereof. No provision of these Terms shall be deemed waived, amended or modified by either party unless such waiver, amendment or modification be in writing signed by the party against whom enforcement of such waiver, amendment or modification is sought. A signature provided by facsimile or other electronic transmission shall constitute a valid signature for purposes of agreeing to these Terms. If any provision of these Terms are held to be illegal or unenforceable to any extent, the legality and enforceability of the remainder of these Terms shall not be affected thereby, shall remain in full force and effect, and shall be enforced to the greatest extent permitted by law.



April 20, 2018

To Whom It May Concern:

Digital Ally, Inc. of Lenexa, KS is the sole manufacturer of the Digital Ally Model DVM-800, In-Vehicle Digital Video Rear View Mirror System and it is a Sole Source item. There are no other In-Vehicle digital or analog video systems that offer the following unique features of the DVM-800 and its one piece design.

1. Digital video and audio recording electronics integrated in a replacement rear-view mirror module.
 2. Color TFT Monitor to view recordings or real time scenes integrated into a replacement rear-view mirror module and is invisible when not activated.
 3. A one piece in-vehicle digital video system with an interior video road facing, interior driver facing color camera integrated into a replacement rear-view mirror module
 4. External 12x optical zoom camera.
 5. In-vehicle digital video system with automatic record triggering and a pre-event record feature integrated into a replacement rear-view mirror module.
 6. In-vehicle digital video system recording onto a 32 Gigabyte internal solid state memory and optional 32 Gigabyte removable SD card located behind a locking door.
- This system is only sold direct to the end user through Digital Ally Inc. exclusive sales agents. There is no other like item or product available for purchase that would serve the same purpose or function and there is only one price for the above product. If you desire additional information, please do not hesitate to contact me at 913-814-7774 or visit our website at www.digitalallyinc.com . Thank you for your interest in our products.

Sincerely,

Greg Dyer
VP of National Sales – Law Enforcement
Digital Ally, Inc.