

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
SEPTEMBER 3, 2019
REGULAR SESSION NO. 10
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Invocation/Pledge of Allegiance
Roll Call

Proclamations & Presentations

- ★ Proclamation recognizing Raytown Summer Lunch Ministry
- ★ Proclamation recognizing Norman Schneider
- ★ Proclamation recognizing Raytown Day of Prayer
- ★ Proclamation recognizing City SPIRIT

Public Comments

Communication from the Mayor
Communication from the City Administrator
Committee Reports

1. CONSENT AGENDA

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

Approval of the Regular August 20, 2019 Board of Aldermen meeting minutes.

NEW BUSINESS

2. **FIRST READING: Bill No. 6513-19, Section XIII: AN ORDINANCE** APPROVING THE "FINAL PLAT OF TURNLEAF VILLAS" LOCATED AT 59th STREET AND HUNTER COURT, COMPRISING 2.3 ACRES, AND LOCATED WITHIN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
3. **R-3229-19: A RESOLUTION** AUTHORIZING EXECUTION OF A GRANT OF DRAINAGE EASEMENT BY THE CITY AS GRANTOR TO CFT NV DEVELOPMENTS, LLC IN CONNECTION WITH CONSTRUCTION OF A STORM DRAINAGE PIPE AND CONCRETE OVERFLOW ON CITY-OWNED PROPERTY. Point of Contact: Damon Hodges, City Administrator.
4. **R-3230-19: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF RAYTOWN AND KISSICK CONSTRUCTION COMPANY, INC. FOR THE 8905 E. 55TH STREET STORM SEWER PROJECT IN AN AMOUNT NOT TO EXCEED \$45,000.00. Point of Contact: Damon Hodges, City Administrator.
5. **R-3231-19: A RESOLUTION** AUTHORIZING AND APPROVING PARTICIPATION BY THE CITY OF RAYTOWN IN THE TRAFFIC ENGINEERING ASSISTANCE PROGRAM (TEAP) THROUGH THE MISSOURI DEPARTMENT OF TRANSPORTATION. Point of Contact: Damon Hodges, City Administrator.

6. **R-3232-19: A RESOLUTION** APPROVING A GRANT POLICY FOR THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Russ Petry, Finance Director.

ADJOURNMENT

**DRAFT
MINUTES**

**RAYTOWN BOARD OF ALDERMEN
AUGUST 20, 2019
REGULAR SESSION No. 9
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.**

OPENING SESSION

Mayor Michael McDonough called the August 20, 2019 Board of Aldermen meeting to order at 7:03 p.m. and Alderman Frank Hunt provided the invocation and led the pledge of allegiance.

Roll

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

Present: Alderman Janet Emerson, Alderman Derek Ward, Alderman Jim Aziere, Alderman Frank Hunt, Alderman Bonnaye Mims, Alderman Bill Van Buskirk, Alderman Greg Walters, Alderman Mary Jane Van Buskirk, Alderman Jason Greene, Alderman Ryan Myers

Public Comments

Comments were made by:

Tony Jacob, Ward 2, Raytown, MO

Alderman Greene left the dais at 7:06 p.m.

Communication from the Mayor

Alderman Greene returned to the dais at 7:10 p.m.

Mayor McDonough spoke on recent events and City business.

Communication from the City Administrator

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

Committee Reports

Comments were made by Aldermen Greene, Ward, Hunt, Bill Van Buskirk, Walters, Myers, Mims.

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 August 6, 2019 Board of Aldermen meeting minutes.

Alderman Bill Van Buskirk, seconded by Alderman Mims, made a motion to adopt. The motion was approved by a vote of 10-0.

Ayes: Aldermen Bill Van Buskirk, Mims, Greene, Hunt, Mary Jane Van Buskirk, Aziere, Walters, Emerson, Myers, Ward
Nays: None

NEW BUSINESS

2. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 9100 E. 350 Highway.

2a. **SECOND READING: Bill No. 6508-19, Section XIII. AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR MOHAMED ALSIYOUHI TO OPERATE A VEHICLE REPAIR (LIMITED) USE AT 9100 E. 350 HIGHWAY IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI.** Point of Contact: Ray Haydaripoor, Community Development Director.

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

Chris Gilbert, Planning & Zoning Coordinator, presented the item and remained available for any discussion.

The item was discussed.

Alderman Mims, seconded by Alderman Aziere, made a motion to continue to a date certain of September 17, 2019.

Discussion continued.

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

Ayes: Aldermen Mims, Aziere, Walters, Hunt, Greene, Myers, Emerson, Mary Jane Van Buskirk
Nays: Aldermen Ward, Bill Van Buskirk

3. **FIRST READING: Bill No. 6511-19, Section III-A-9: AN ORDINANCE REPEALING ORDINANCE NO. 5603-19 AND ENACTING A NEW ORDINANCE AUTHORIZING AND APPROVING SUBMISSION AT THE SPECIAL ELECTION TO BE HELD NOVEMBER 5, 2019 TO THE QUALIFIED VOTERS OF THE CITY OF RAYTOWN, MISSOURI, THE QUESTION OF WHETHER THE CITY SHALL CONTINUE TO IMPOSE A SALES TAX IN THE AMOUNT OF ONE-EIGHTH (1/8) OF ONE PERCENT FOR THE PURPOSE OF FUNDING LOCAL PARKS/STORM WATER CONTROL WITHIN THE CITY FOR A TERM OF FIVE (5) YEARS AND IMPOSING SUCH TAX IF APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS VOTING THEREON.** Point of Contact: Damon Hodges, City Administrator Director.

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

Alderman Mims, seconded by Alderman Ward, made a motion to suspend the rules and hold an immediate second reading. The motion was approved by a vote of 10-0.

Ayes: Aldermen Mims, Ward, Emerson, Aziere, Hunt, Bill Van Buskirk, Walters, Mary Jane Van Buskirk, Greene, Myers
Nays: None

The ordinance was read for a second time by title only by Teresa Henry, City Clerk.

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

The item was discussed.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Mims, Emerson, Ward, Hunt, Bill Van Buskirk, Mary Jane Van Buskirk, Myers, Greene, Aziere, Walters

Nays: None

Became Ordinance 5611-19

4. **FIRST READING: Bill No. 6512-19, Section XXI-E-8: AN ORDINANCE AMENDING CHAPTER 44, UTILITIES; ARTICLE III; SEWERS, DIVISION 3; SERVICES CHARGES, SECTION 44-154 AND REPEALING SECTION 44-154(b) OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, MISSOURI.** Point of Contact: Russ Petry, Finance Director.

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

Russ Petry, Finance Director, remained available for any discussion along with Damon Hodges, City Administrator, and John Bales, Treasury Analyst.

The item was discussed.

Alderman Mims, seconded by Alderman Myers, made a motion to adjourn. The motion was approved by a majority of those present.

ADJOURNMENT

The meeting adjourned at 8:06 p.m.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: August 27, 2019 **Bill No.:** 6513-19
To: Mayor and Board of Aldermen **Section No.:** XIII
From: Chris Gilbert, Planning & Zoning Coordinator

Department Head Approval: _____

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

City Administrator Approval: _____



Action Requested: Board of Aldermen consideration and approval of the “Final Plat of Turnleaf Villas”, located at 59th Street and Hunter Court, comprising 2.3 acres, being a replat of part of Blue Ridge Villas Subdivision.

Recommendation: Staff recommends approval as submitted. The Planning & Zoning Commission voted (6-0) to recommend approval of the Final Plat with all conditions contained in the staff report.

Analysis: The “Final Plat of Turnleaf Villas”, located at 59th Street and Hunter Court and comprising 2.3 acres, is a replatting of the existing Blue Ridge Villas Subdivision. This is being done in advance of an effort by the developer, Ivan Chiang of Four Gem Properties, LLC, to complete development of the area by moving lot lines and easement locations to better accommodate the already approved senior care facilities and to eliminate the individual ownership parcels for the remaining unbuilt condominium units.

Public works has no additional requirements for utilities or roadway construction as all these improvements are already in place, including the private street, the common space with gazebo and sewer stubs, and no bonding for improvements installation is necessary. Hunter Court was constructed to then-existing design standards in 2005, which included a 20 foot roadway width, but current Fire Code now requires either a 24-foot width or the street to be signed for “No Parking” and enforced by the Homeowner’s Association (HoA). Posting the street was the chosen option by the Developer and enforcement on the private street will be required as part of the HoA’s responsibilities. The Developer is also required to update the HoA documents to include the entirety of both the proposed Turnleaf Villas and the remaining portions of Blue Ridge Villas not included in this plat. This revised document will be reviewed by staff to ensure it addresses these aforementioned issues and will then be recorded with the plat.

Several conditions of approval were attached to the Final Plat by staff and concurred with by the Planning Commission. These conditions are stated in the attached Ordinance.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to approve, conditionally approve, or deny the Final Plat.

Budgetary Impact:

Not Applicable

Additional Reports Attached:

- Staff Report from August 15, 2019, Planning & Zoning Commission meeting.

AN ORDINANCE APPROVING THE “FINAL PLAT OF TURNLEAF VILLAS” LOCATED AT 59th STREET AND HUNTER COURT, COMPRISING 2.3 ACRES, AND LOCATED WITHIN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS Application PZ-2019-06, submitted by Ivan Chiang of Four Gem Homes, LLC, for approval of the “Final Plat of Turnleaf Villas” located at 59th Street and Hunter Court and comprising 2.3 acres within the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

WHEREAS, the Planning Commission considered the application on August 15, 2019, and by a vote of 6 in favor and 0 against rendered a report to the Board of Aldermen recommending that the “Final Plat of Turnleaf Villas” be approved; and

WHEREAS, the Board of Aldermen considered the application on September 3, 2019 and September 17, 2019, and finds and declares that the provisions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public safety, health, and general welfare of persons in the City of Raytown and rendered a decision to approve the “Final Plat of Turnleaf Villas”

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

SECTION 1 – APPROVAL OF FINAL PLAT That the “Final Plat of Turnleaf Villas”, is hereby approved.

SECTION 2 – CONDITIONS OF APPROVAL
That the “Final Plat of Turnleaf Villas” be approved subject to the following conditions as contained in the staff report and as amended and approved by the Planning Commission:

1. Place permanent monuments, pins, or markers at all property corners within Raytown City Limits.
2. The public access easement is described twice below legal description on the plat. Please combine into one.
3. Place more A/E identifiers around Lot D on the plat to reduce confusion.
4. No public improvements are required per Raytown City Engineer, as private street and sewers already exist on Hunter Court.
5. Property owner is to provide an updated copy of the Homeowners Association (HoA) Covenants that incorporates all of the land contained within both the remaining lots of the original Blue Ridge Villas plat and the new lots contained within the Turnleaf Villas plat into one document that benefits all residents of both plats. Additionally the document will require the HoA to post and enforce the “No Parking” signage along Hunter Court, a private street, to meet Fire District requirements. This document will be recorded at Jackson County with the plats upon approval by the city.
6. Submit seven copies of the final subdivision plat of which four will be paper prints and three will be Mylar prints. All seven copies shall carry the original signatures of the owner or owners and acknowledgement by a notary public.
7. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

SECTION 3 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 – 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 5 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times 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 _____ day of September, 2019.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney



Staff Report

Community Development
Planning and Development Services

PZ 2019-06

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: August 1, 2019

Re: Application for Final Plat Approval

PLAT APPLICATION SUMMARY

Applicant: Four Gem Homes, LLC, Fullerton, California

Project: Turnleaf Villas, Replat of Part of Blue Ridge Villas

Property Location: Hunter Court north of 59th Street

Request: For approval of a Final Plat replatting part of Blue Ridge Villas into 4 lots.

SITE DATA

Legal Description is attached with Application Supporting Documentation. Entire site being platted is 2.3 acres.

Land Use Data	
Surrounding Zoning	South: Low Density Residential
	North: Low Density Residential
	West: Medium Density Residential
	East: Low Density Residential
Ward(s)	Ward 3
Approximate Land Area	2.3 Acres

ZONING AND CURRENT USES OF NEARBY PROPERTY

The following provides an overview of the zoning and existing land uses on properties surrounding the subject area:

	<u>ZONING</u>	<u>EXISTING LAND USES</u>
South:	R-1	Single Family Homes
North:	R-1	Single Family Homes
East:	R-1	Single Family Homes
West:	R-2	Duplex Homes



Location of Turnleaf Villas

BACKGROUND

The Blue Ridge Villas project was approved in 2005 by the City and all public improvements were installed, but only 7 townhome units were ever built, all at the southern end of the private street, Hunter Court. The present owners of the Blue Ridge Villas property, Ivan Chiang and Four Gem Homes, have recently gotten City approval of an application filed in 2017 for a senior care facility that will be located on the proposed new Lot B.

Consistent with the original Planned Development Plan for Blue Ridge Villas, the owner/applicant now intends to eliminate the building ownership footprints with this plat that lay underneath the 4-plex units he plans to build so they can be rented instead of sold. The owner/applicant does not believe that newly constructed townhomes are saleable in the current housing market in Raytown. The same style and number of units will be constructed as originally planned, except for those replaced by the senior care facility. The plat will also move an easement for the gazebo to a more suitable location to fit the overall development.



Staff Report

Community Development
Planning and Development Services

The owner/applicant also owns the Homes Association at the moment so has the power to combine the new platted lots in with the remaining lots of the Blue Ridge Villas plat to the south that already exist as owner-occupied townhome units.

SITE DESCRIPTION AND PRESENT USE

The property to be platted is approximately 2.3 acres in size, has a private street already constructed and a common area gazebo in an island on Hunter Court. All of the property contained in the plat area is vacant land other than these aforementioned public improvements.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood around the proposed plat is occupied primarily by low density residential uses. Some medium density residential exists to the west and a few units of the Blue Ridge Villas original plat exist to the immediate south.

FINDINGS OF FACT

1. Conformance to the City of Raytown Ordinances

Staff has reviewed the submitted final plat with respect to the City of Raytown Subdivision Regulations (Chapter 36) and Zoning Regulations (Chapter 50). Staff has determined that the final plat does meet City of Raytown regulations as pertains to the 2.3 acres of land actually within the plat.

2. Suitability of the land for subdivision development

The 2.3 acres within the plat area is vacant and all improvements are installed already.

3. Consistency with adjoining uses and platted property

Adjoining uses are mostly single family with some two family. The plat is overlaid by a previously approved Planned Development and the accompanying plan specifically identifies what can be done on the property. This plat is consistent with the plan, as amended.

4. Adequacy of public facilities and utilities to serve the proposed development

The plat area is undeveloped but currently served by all public facilities and utilities. The existing public facilities and utilities are adequate for the planned future development per the City Engineer.

5. Consideration of planning principles on site including lot layout and topography

The topography of the site does not present any issues. Lot layout is in accordance with the originally approved Planned Development plan and the original Blue Ridge Villas Plat.

RECOMMENDATION

Staff recommends approval of Case No. PZ 2019-06, Turnleaf Villas Final Plat, based on the conditions stated below:



Staff Report

Community Development
Planning and Development Services

1. Place permanent monuments, pins, or markers at all property corners within Raytown City Limits.
2. The public access easement is described twice below legal description. Please combine into one.
3. Place more A/E identifiers around Lot D to reduce confusion.
4. No public improvements are required per Raytown City Engineer, as private street and sewers already exist on Hunter Court.
5. Property owner is to provide an updated copy of the Homeowners Association Covenants that incorporates all of the land contained within both the remaining lots of the original Blue Ridge Villas plat and the new lots contained within the Turnleaf Villas plat into one document that benefits all residents of both plats. This document will be recorded at Jackson County with the plats upon approval by the city.
6. Submit seven copies of the final subdivision plat of which four will be paper prints and three will be Mylar prints. All seven copies shall carry the original signatures of the owner or owners and acknowledgement by a notary public.

Attachments:

Final Plat, Blue Ridge Villas

Final Plat, Turnleaf Villas

Original Development Plan, 2005

Application

DRAFT
CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
MINUTES

August 15, 2019
7:00 pm

Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133

1. Welcome by Chairperson (Chairman Wilson)

2. Call meeting to order and Roll Call

Wilson:	Present	Thurman:	Absent	Emerson:	Present
Bettis:	Absent	Robinson:	Present	Frazier:	Present
Stock:	Present	Dwight:	Present		

3. Approval of July 11, 2019 Meeting Minutes

- a) Revisions – N/A
- b) Motion to approve – Mr. Frazier
- c) Second – Ms. Stock
- d) Additional Board Discussion – N/A
- e) Vote – Approve (6-0-0)

4. Old Business: None

5. New Business

A. Case No.: PZ-2019-06 <Non-Public Hearing>

Applicant: Scott Chrisman, Anderson Engineering, on behalf of Four Gem Homes, LLC
Reason: Approval of the Final Plat, "Turnleaf Villas", being a replat of part of Blue Ridge Villas, located at 59th Street and Hunter Court.

Introduction of Application by Vice Chair (Mr. Bettis)

1. Explanation of any exparte' communication from Commission members regarding the application

No exparte communications reported.

2. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Application and Supporting Documents
- c. Final Plat of "Turnleaf Villas"

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, and the final plat. Mr. Gilbert explained that the replat was necessary to eliminate condominium ownership lines and to move a utility easement to facilitate completion of the unbuilt portion of Blue Ridge Villas as senior townhomes and care facilities. Mr. Gilbert said the property owner, who also is President of the Homes Association, would be required to provide an updated set of Covenants and Restrictions that benefits not just the residents of Turnleaf Villas, but also the existing 7 condominiums within Blue Ridge Villas, and they would be responsible for enforcing the no parking requirement along the private Hunter Court. Mr. Gilbert provided the recommendation that the Final Plat be recommended for approval with the conditions of approval listed in the staff report.

Ms. Stock asked Scott Chrisman, representing the owner, if he understood the conditions of approval. He said that he did.

Ms. Dwight asked if the 2005 conditions of approval would be enforced. Mr. Gilbert said the development was constructed except for the condominiums and the plat was being modified to permit the condominiums to become senior occupied rental townhomes instead. Mr. Gilbert pointed to City approval of the Development Plan change to permit two care facilities for seniors, including an Alzheimer's unit, to be located in the northeast corner of the plat.

A discussion ensued over parking on the narrow private street, who would enforce it, and how the two senior care facilities would look and if they could design enough parking to serve them without causing on street parking problems or significantly reduce open space in the development. A motion ensued:

- a. Motion – Ms. Dwight moved to direct staff to return the final site plan(s) for the senior care facilities to the planning Commission for approval once they are submitted for review.
- b. Second – Ms. Stock
- c. Vote (4-2) – Motion passes.

4. Board Decision to Approve, Conditionally Approve or Deny the Application

- a. Motion – Ms. Stock moved to recommend approval of the Final Plat based upon the recommendations in the staff report.
- b. Second – Mr. Frazier
- c. Vote (6-0) – Motion passes unanimously.

6. Other Business

A. Receiving Electronic Packets.

Mr. Gilbert took a poll of the commissioners of which preferred to get the packets emailed to them instead of paper deliveries. Commissioners Frazier, Dwight, and Wilson opted for electronic, Emerson, Robinson, and Stark for paper deliveries.

7. Future Meeting Date – Thursday, September 5, 2019 at 7:00 PM. The Planning Commission agreed by consensus to use the September 5, 2019, meeting to discuss possible zoning management criteria related to the moratorium placed on Smoke Shops, Convenience Stores, and Liquor Stores by the Board of Aldermen on May 21st, 2019.

8. Adjourn Ms. Stock, Ms. Dwight second, 6-0 approval to adjourn at 7:51 PM

CITY OF RAYTOWN
Request for Board Action

Date: August 27, 2019
To: Mayor and Board of Aldermen
From: Jason Hanson, City Engineer

Resolution No.: R-3229-19

Department Head Approval: _____

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

City Administrator Approval: _____



Action Requested: Board of Aldermen approval of the Grant of Drainage Easement across, under and through property owned by the City of Raytown for the Panda Express restaurant development project.

Recommendation: Staff recommends approval as submitted.

Analysis: The City of Raytown Joint Review Committee has worked with the Panda Express development team over the last year or so. The team is in the final stages of constructing the new restaurant. They need to obtain an approval of the grant of drainage easement from the City of Raytown to construct their new storm drainage pipe and concrete overflow swale on City of Raytown property.

The property owner must construct a new storm drain system that will connect to an existing drainage system and the only drainage system available runs along the west side of Walmart Drive, a public street. The new stormwater drainage system will be privately owned and privately maintained by the current and all future property owners of the Panda Express property. Additionally, the property owner needs to construct a new concrete swale for an emergency overflow channel for large flooding events. In the agreement these improvements are included with the definition of Drainage Facilities. In order to connect the storm drain system and concrete swale to the existing drain system, the connecting pipes must run across City-owned property and this requires approval of the Grant of Drainage Easement.

The Panda Express restaurant development project is in the final days of construction. Panda Express representatives have expressed that the projected timeline identifies their opening to be in September, subject to being able to obtain an occupancy permit. The Board of Aldermen's approval of the attached Grant of Drainage Easement is an item needing to be completed prior to the issuance of an occupancy permit.

Alternatives: n/a.

Budgetary Impact:

Not Applicable

Additional Reports Attached: Location Map, Site Plan and proposed Grant of Drainage Easement.

A RESOLUTION AUTHORIZING EXECUTION OF A GRANT OF DRAINAGE EASEMENT BY THE CITY AS GRANTOR TO CFT NV DEVELOPMENTS, LLC IN CONNECTION WITH CONSTRUCTION OF A STORM DRAINAGE PIPE AND CONCRETE OVERFLOW ON CITY-OWNED PROPERTY

WHEREAS, CFT NV Developments is constructing a new storm drainage pipe and concrete overflow swale for their restaurant development project; and

WHEREAS, City-owned property along Walmart Drive is where a new storm drain system will need to connect to an existing drainage system; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to grant a Storm Drainage Easement to facilitate the construction of such public improvements;

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

THAT the City Administrator is hereby authorized to execute in substantially the same form as attached hereto as Exhibit "A" and any other documents necessary 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 3rd September, 2019

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

CFT NV Developments, LLC
1120 N. Town Center Drive, Suite 150
Las Vegas, Nevada 89144

SPACE ABOVE THIS LINE FOR RECORDERS' USE ONLY

GRANT OF DRAINAGE EASEMENT

THIS GRANT OF EASEMENT (the “**Agreement**”) is entered into this ____ day of _____, 2019, by and between The City of Raytown, whose mailing address is 10000 E. 59th Street, Raytown, MO 64133 (“**Grantor**”), and CFT NV DEVELOPMENTS, LLC, a Nevada limited liability company, whose mailing address is 1120 N. Town Center Drive, Suite 150, Las Vegas, Nevada 89144 (“**Grantee**”).

WITNESSETH:

Whereas, Grantor is the fee owner of certain real property located in the City of Raytown, County of Jackson, State of Missouri, as more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (“**Grantor Property**”); and

Whereas, Grantee will be by the time this instrument is recorded the owner of that certain real property located in the City of Raytown, County of Jackson, State of Missouri, as more particularly described in **Exhibit B** attached hereto and commonly known as 10130 East 350 Highway, Raytown, Missouri 64138 (“**Grantee Property**”); and

Whereas, Grantee desires to acquire an easement (i) for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities located on, under and through the Grantor Property (collectively, the “**Drainage Facilities**”) and (ii) to provide for storm water run-off from the Grantee Property into the Drainage Facilities on the Grantor Property, the location of which is as depicted in **Exhibit C** and incorporated herein by reference; and

Whereas, Grantor is willing to grant such an easement for the aforesaid stated purposes on the terms and conditions set forth hereinbelow.

Now, therefore, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted, Grantee does hereby covenant and agree as follows:

1. **Grant of Easement.** Grantor does hereby grant and convey to Grantee, its successors, assigns, lessees, licenses and agents, a perpetual, non-exclusive easement, described and depicted on **Exhibit C** (the “**Easement Area**”) on, under and through the Grantor Property for the purpose

of providing for the Drainage Facilities and Grantee's use thereof. The legal description of the Easement Area is set forth in **Exhibit D**, attached hereto and incorporated herein by reference.

2. **Easement Rights.** Grantor hereby grants to Grantee the right to utilize the Drainage Facilities and, by such grant, Grantor agrees to accept such storm water run-off from the Grantee Property into such Drainage Facilities. Grantee, including Grantee's employees, contractors, successors and assigns, has the right of ingress and egress on and over the Easement Area at all times for the operation and maintenance of the Drainage Facilities, consistent with the easement provided herein. Grantee further agrees all construction, reconstruction, operation and maintenance and any other activities associated with the use of the easement shall be coordinated with Grantor so as to minimize any disruption to Grantor's Property. Grantee shall provide Grantor with reasonable notice of entry prior to entering upon the Easement Area (except in an emergency). Without limiting the generality of the foregoing, Grantee shall not obstruct any access to Grantor's Property from the Easement Area.

3. **Grantee Obligations.** Grantee covenants to repair any damage to the Drainage Facilities caused by Grantee's misuse thereof. Grantee shall protect the Easement Area and the adjacent lands of Grantor, over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by the acts or omissions of Grantee, its employees, agents, contractors, successors, assigns, lessees or licensees. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, successors, assigns, lessees, or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("**CERCLA**"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("**RCRA**"), including, but not limited to asbestos, and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Area or any other lands owned by Grantor.

4. **Damage to Grantor's Property.** Except if caused by the acts or omissions of Grantor, Grantee covenants that it is willing to assume responsibility for liability resulting from damage within or outside of the Easement Area, or to Grantor's Property or any improvements located thereupon if caused by Grantee's misuse of the Drainage Facilities or Grantee's failure to properly maintain the Drainage Facilities in good condition and repair, and agrees to hold Grantor harmless from and against all losses, costs, expenses, claims and damages (including reasonable attorney's fees and court costs) resulting therefrom.

5. **Indemnity.** Grantee agrees to indemnify and hold Grantor harmless, including Grantor's lessees, employees, agents, contractors, successors, assigns or licensees, from and against all liability, loss of life, personal injury, damage, costs or expenses, including, without limitation, reasonable attorneys' fees and court costs, arising from or occasioned wholly or in part by Grantee's work performed on or about the Easement Area or upon Grantor's Property by or at the direction of Grantee, or arising from or out of any occurrence associated with the Drainage Facilities caused in whole or in part by Grantee's misuse.

Grantor agrees to indemnify and hold Grantee harmless, including Grantee's lessees, employees, agents, contractors, successors, assigns or licensees, from and against all liability,

injury, loss of life, damage, costs, or expenses, including, without limitation, reasonable attorneys' fees and court costs, for damage to the Drainage Facilities caused by Grantor's intentional activities in or around the Easement Area (except if such damage is caused by Grantee's misuse of the Drainage Facilities).

6. **Agreement Runs with the Land.** The Easement, the restrictions hereby imposed and the agreements contained in this Agreement shall be deemed easements, restrictions and covenants running with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns. Reference herein to Grantor and Grantee and their respective rights and obligations under this Agreement shall include reference to any successors-in-interest and assignees of Grantor and Grantee.

7. **Power to Convey.** Grantor covenants and represents that it is lawfully seized of the real property through which the Easement is granted, that it has full right and power to convey the same, and that the Easement Area is not the subject of any prior encumbrance of record.

8. **Cooperation.** Grantor and Grantee shall in good faith cooperate with each other in connection with their respective rights and obligations under this Agreement, including, but not limited to, performing any acts and executing any further documents that may be reasonably necessary to effectuate the purposes of or rights conferred under this Agreement.

9. **Acceptance of Grant.** Grantor and Grantee hereby accept the foregoing grant of Easement and hereby expressly agree to be bound by the terms, covenants and conditions contained herein.

10. **Modification of Agreement.** This Agreement may only be amended by a written agreement signed and acknowledged by Grantor and Grantee and recorded in the real property records of Jackson County, Missouri. If a modification or amendment of this Agreement is a condition precedent to the consummation of any future sale, assignment or other transfer of the Grantor Property, Grantor or Grantee, as applicable, shall not unreasonably withhold consent to such modification or amendment, provided that such amendment or modification is not inconsistent with the intent of this Agreement.

11. **Notices.** All notices and requests under this Agreement shall be in writing and shall be sent by personal delivery, by certified or registered mail, postage prepaid, return receipt requested, nationally recognized overnight mail carrier such as FedEx or delivered in person to the following street addresses:

Grantor:

The City of Raytown
10000 E. 59th Street
Raytown, MO 64133
Telephone: 816-737-6000

Grantee:

CFT NV Developments, LLC.
1120 N. Town Center Drive, Suite 150
Las Vegas, Nevada 89144
Telephone: (626) 799-9898

With copy to:

Panda Restaurant Group, Inc.
1683 Walnut Grove Avenue
Rosemead, California 91770
Attention: Real Estate Legal
Telephone: (626) 799-9898

All notices shall be effective upon the earlier of personal delivery, or receipt of confirmation of delivery, if delivered by a nationally recognized overnight mail carrier or seventy-two (72) hours after deposit in the United States mail. Either party may change its address or designate a new street address for notices under this Agreement by notice complying with the terms of this Section.

12. **Interpretation.** This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri. If any provision of this Agreement or application thereof to any person or circumstances shall to any extent be invalid, the remainder of this Agreement shall not be affected and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law. **Exhibits A, B, C and D** as attached to this Agreement are hereby incorporated by this reference. All recitals set forth at the outset of this Agreement are incorporated in it by reference and are true.

13. **Counterpart Execution.** This Agreement may be executed and acknowledged in counterpart originals and all such counterparts shall constitute one (1) Agreement. Signature pages may be detached from the counterpart originals and attached to a single copy of this Agreement to physically form one (1) document.

[signatures on following page]

IN WITNESS WHEREOF, this instrument has been executed as of the date first set forth above.

“GRANTOR”:

THE CITY OF RAYTOWN

By: _____

Title: _____

IN WITNESS WHEREOF, this instrument has been executed as of the date first set forth above.

“GRANTEE”:

CFT NV DEVELOPMENTS, LLC,
a Nevada limited liability company

By: _____

Title: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
COUNTY OF _____) ss.

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my name and official seal.

Notary Public in and for the
State of _____
My commission expires: _____

EXHIBIT A

(Grantor Property Legal Description)

Tract A, RAYTOWN LIVE FIRST PLAT, a subdivision in Raytown, Jackson County, Missouri.

EXHIBIT B

(Grantee Property Legal Description)

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 48, RANGE 32, CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 1°-55'-53" WEST ALONG THE EAST LINE OF SAID WEST 1/2, A DISTANCE OF 192.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY NO. 50 WEST BOUND LANES; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 59°-36'-26" EAST, A RADIUS OF 984.93 FEET, A CENTRAL ANGLE OF 11°-30'-43", AND AN ARC DISTANCE OF 197.88 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 984.93 FEET, A CENTRAL ANGLE OF 2°-04'-10", AND AN ARC DISTANCE OF 35.57 FEET; THENCE SOUTH 73°-06'-29" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 75.69 FEET TO THE NORTHWEST CORNER OF RAYTOWN LIVE FIRST PLAT, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE SOUTH 20°-05'-37" WEST ALONG THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 275.32 FEET; THENCE NORTH 76°-21'-21" WEST, A DISTANCE OF 184.39 FEET; THENCE NORTH 34°-02'-14" EAST, A DISTANCE OF 299.23 FEET TO THE POINT OF BEGINNING. (Shown as Lot 2 on Lot Split Survey of PANDA BRAIN, filed March 27, 2019, as Document No. 2019E0021125 and further defined by affidavit filed April 5, 2019 as Document No. 2019E0024149).

EXHIBIT C

(Depiction of Easement Area)

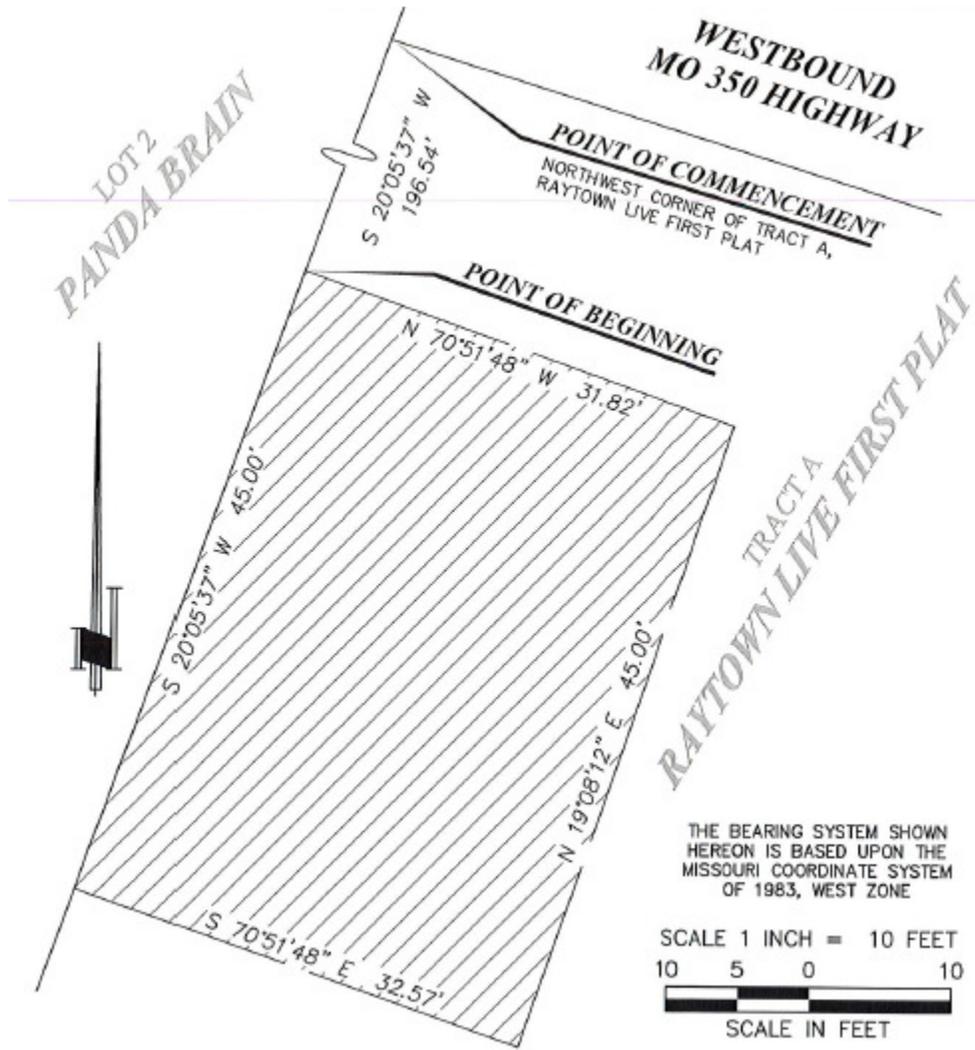


EXHIBIT D

(Legal Description of Easement Area)

DESCRIPTION:

THAT PART OF TRACT A, *RAYTOWN LIVE FIRST PLAT*, A SUBDIVISION IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE SOUTH 20°-05'-37" WEST ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 196.54 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 20°-05'-37" WEST ALONG SAID WEST LINE, A DISTANCE OF 45.00 FEET; THENCE SOUTH 70°-51'-48" EAST, A DISTANCE OF 32.57 FEET; THENCE NORTH 19°-08'-12" EAST, A DISTANCE OF 45.00 FEET; THENCE NORTH 70°-51'-48" WEST, A DISTANCE OF 31.82 FEET TO THE POINT OF BEGINNING; THE ABOVE TRACT OF LAND CONTAINS 1,449 SQUARE FEET OR 0.033 ACRES, MORE OR LESS.

Location Map



**CITY OF RAYTOWN
Request for Board Action**

Date: August 27, 2019
To: Mayor and Board of Aldermen
From: Damon Hodges, City Administrator

Resolution No.: R-3230-19

Department Head Approval: _____

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

City Administrator Approval: _____

Action Requested: Board of Aldermen approval of the 8905 E. 55th Street Storm Sewer Project low bid of Kissick Construction Company, Inc.

Recommendation: Staff recommends approval as submitted.

Analysis: The property owner at 8905 E. 55th Street notified the City about a sinkhole next to their driveway. Upon inspection, City crews deemed that the pipe across 8905 E. 55th Street needs to be removed and replaced along with the upstream pipe crossing Hunter Terrace and the pipe at 8913 E. 55th Street. City crews inspected the storm pipe to the south along Hunter Terrace and found it to be in good shape and it will be left in place.

The Public Works Department received five (5) sealed bids that were opened on August 13, 2019 at 2:00 p.m. Kissick Construction is the lowest, responsive, responsible bidder with a base bid of \$39,131.00 and is being recommended for approval. Staff is requesting purchasing authority up to \$45,000.00 to accommodate for potential change orders. This is approximately 15% over the base bid total cost.

The current Storm Water Fund budget has \$100,000.00 for storm water repairs and maintenance, and \$120,000 for emergency storm water repairs. The current remaining total amount in this account is \$121,743.82.

Alternatives: n/a.

Budgetary Impact:

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

Fund:	Storm Water Fund
	401.62.00.100.53600
Amount to Spend:	\$45,000.00

Additional Reports Attached: Bid Results, Bid Tabulation, Location Map and Pictures.

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF RAYTOWN AND KISSICK CONSTRUCTION COMPANY, INC. FOR THE 8905 E. 55TH STREET STORM SEWER PROJECT IN AN AMOUNT NOT TO EXCEED \$45,000.00

WHEREAS, the City of Raytown (the "City") issued an Invitation to Bid for the 8905 E. 55th Street Storm Sewer Project; and

WHEREAS, the City received five (5) sealed bids which were opened on August 13, 2019 and Kissick Construction Company, Inc. was the lowest, responsive responsible bidder; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to enter into an agreement with Kissick Construction Company, Inc. for the 8905 E. 55th Street Storm Sewer Project in an amount not to exceed \$39,131.00; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to authorize and approve an additional \$5,869.00 to fund any changes; and

WHEREAS, the Board of Aldermen find it is in the best interest of the citizens of the City of Raytown to authorize and approve an agreement between the City of Raytown and Kissick Construction Company, Inc for the 8905 E. 55th Street Storm Sewer Project in a total project amount not to exceed \$45,000.00;

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

THAT the agreement by and between the City of Raytown and Kissick Construction Company, Inc for the 8905 E. 55th Street Storm Sewer Project in an amount not to exceed \$39,131.00 is hereby authorized and approved; and

FURTHER THAT the Board of Aldermen find it is in the best interest of the City to authorize and approve an additional \$5,869.00 to fund any changes for a total project amount not to exceed \$45,000.00; and

FURTHER THAT the City Administrator is authorized to execute all documents necessary to these transactions 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 3rd of September 2019.

Michael McDonough, Mayor

ATTEST:

Approved as to Form

Teresa M. Henry, City Clerk

Jennifer M. Baird, City Attorney



BID RESULTS

**8905 E. 55th Street - Storm Sewer Project
2:00pm, Tuesday, August 13, 2019**

	CONTRACTOR	BASE BID
1.	Kissick Construction Company	\$39,131.00
2.	Blue Nile Contractors, Inc.	\$51,460.95
3.	J.M. Fahey Construction Co.	\$64,070.00
4.	Shedigs It, LLC	\$79,254.00
5.	Hettinger Excavating, LLC	\$132,381.00

	Engineer's Estimate	\$47,500.00
--	----------------------------	--------------------

8905 E. 55th Street - Storm Sewer Project

Bid Proposal Tabulation

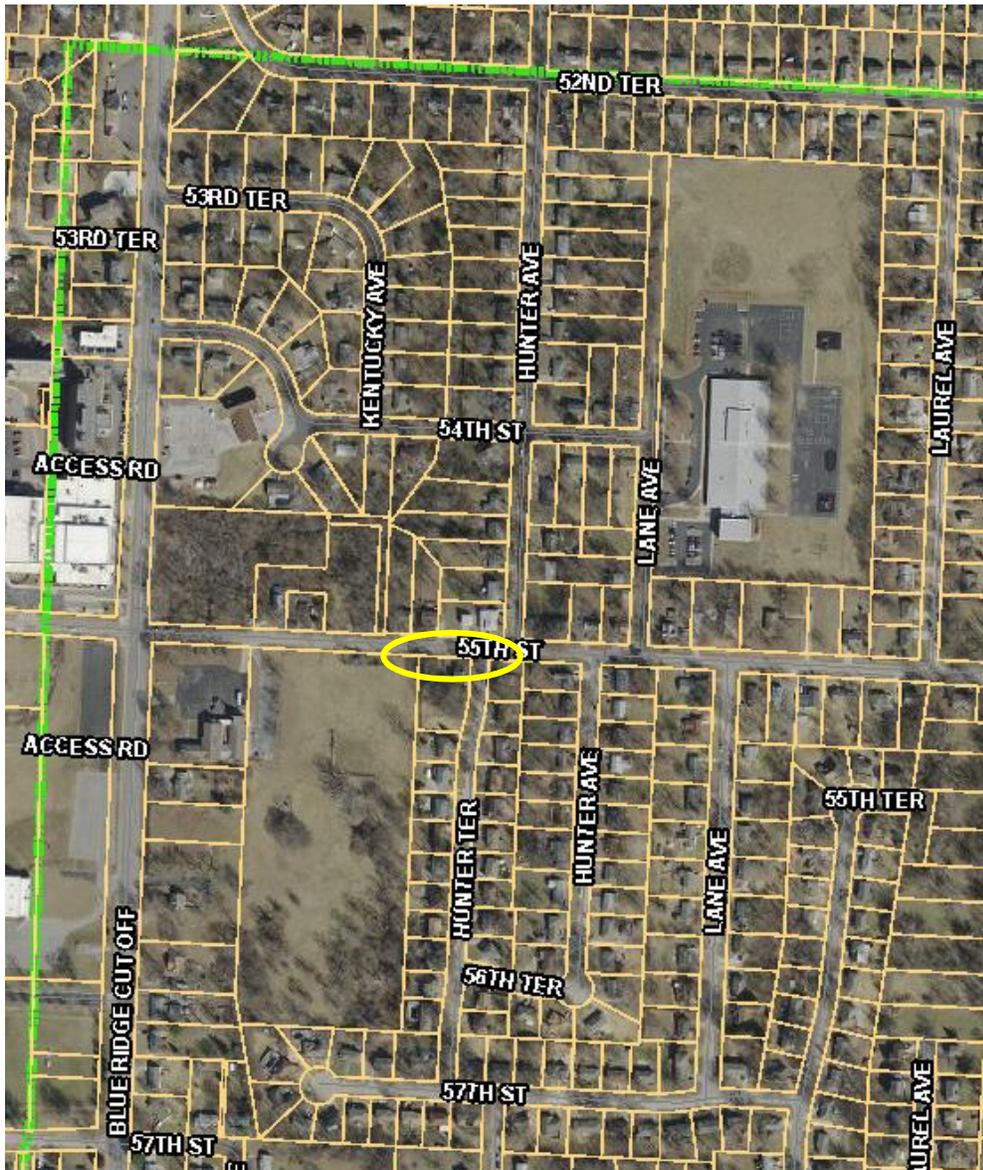
August 13, 2019



Description	Est. Qty.	Unit	1.		2.		3.	
			Kissick Construction		Blue Nile Contractors		J.M. Fahey	
			Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1. Mobilization	1	LS	\$ 2,300.00	\$ 2,300.00	\$ 2,500.00	\$ 2,500.00	\$ 6,400.00	\$ 6,400.00
2. Traffic Control	1	LS	\$ 900.00	\$ 900.00	\$ 5,320.00	\$ 5,320.00	\$ 2,000.00	\$ 2,000.00
3. Labor & Equipment	1	LS	\$ 1.00	\$ 1.00	\$ 18,843.00	\$ 18,843.00	\$ -	\$ -
4. 18" Dia. HDPE Pipe	89	LF	\$ 65.00	\$ 5,785.00	\$ 35.00	\$ 3,115.00	\$ 140.00	\$ 12,460.00
5. 24" Dia. HDPE Pipe	168	LF	\$ 71.00	\$ 11,928.00	\$ 66.00	\$ 11,088.00	\$ 100.00	\$ 16,800.00
6. 18" Dia. RCP End Section	1	EA	\$ 2,400.00	\$ 2,400.00	\$ 730.00	\$ 730.00	\$ 1,400.00	\$ 1,400.00
7. 24" Dia. RCP End Section	1	EA	\$ 2,700.00	\$ 2,700.00	\$ 890.00	\$ 890.00	\$ 1,600.00	\$ 1,600.00
8. 8' x 4' Curb Inlet	1	EA	\$ 4,900.00	\$ 4,900.00	\$ 4,100.00	\$ 4,100.00	\$ 10,000.00	\$ 10,000.00
9. Curb Inlet Throat	1	LS	\$ 1,796.00	\$ 1,796.00	\$ 1,200.00	\$ 1,200.00	\$ 2,500.00	\$ 2,500.00
10. Curb & Gutter, lazy back	30	LF	\$ 66.00	\$ 1,980.00	\$ 41.00	\$ 1,230.00	\$ 120.00	\$ 3,600.00
11. 6" Concrete Driveway Approach	167	SF	\$ 23.00	\$ 3,841.00	\$ 9.85	\$ 1,644.95	\$ 30.00	\$ 5,010.00
12. Seed & Straw	1	LS	\$ 600.00	\$ 600.00	\$ 800.00	\$ 800.00	\$ 2,300.00	\$ 2,300.00
BASE BID =				\$ 39,131.00		\$ 51,460.95		\$ 64,070.00

Description	Est. Qty.	Unit	4.		5.		Engineer's Estimate	
			Shedigs It, LLC		Hettinger Excavation		Engineer's Estimate	
			Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1. Mobilization	1	LS	\$ 17,750.00	\$ 17,750.00	\$ 8,000.00	\$ 8,000.00	\$ 9,000.00	\$ 9,000.00
2. Traffic Control	1	LS	\$ 7,100.00	\$ 7,100.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00
3. Labor & Equipment	1	LS	\$ 24,750.00	\$ 24,750.00	\$ 85,000.00	\$ 85,000.00	\$ 2,300.00	\$ 2,300.00
4. 18" Dia. HDPE Pipe	89	LF	\$ 30.00	\$ 2,670.00	\$ 45.00	\$ 4,005.00	\$ 50.00	\$ 4,450.00
5. 24" Dia. HDPE Pipe	168	LF	\$ 41.00	\$ 6,888.00	\$ 65.00	\$ 10,920.00	\$ 60.00	\$ 10,080.00
6. 18" Dia. RCP End Section	1	EA	\$ 1,900.00	\$ 1,900.00	\$ 1,300.00	\$ 1,300.00	\$ 2,500.00	\$ 2,500.00
7. 24" Dia. RCP End Section	1	EA	\$ 2,150.00	\$ 2,150.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00
8. 8' x 4' Curb Inlet	1	EA	\$ 5,750.00	\$ 5,750.00	\$ 6,500.00	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00
9. Curb Inlet Throat	1	LS	\$ 1,450.00	\$ 1,450.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
10. Curb & Gutter, lazy back	30	LF	\$ 73.00	\$ 2,190.00	\$ 55.00	\$ 1,650.00	\$ 50.00	\$ 1,500.00
11. 6" Concrete Driveway Approach	167	SF	\$ 18.00	\$ 3,006.00	\$ 18.00	\$ 3,006.00	\$ 10.00	\$ 1,670.00
12. Seed & Straw	1	LS	\$ 3,650.00	\$ 3,650.00	\$ 6,500.00	\$ 6,500.00	\$ 3,000.00	\$ 3,000.00
BASE BID =				\$ 79,254.00		\$ 132,381.00		\$ 47,500.00

Location Map



Pictures from July 1, 2019



Pictures from July 1, 2019



Pictures from July 1, 2019



This curb inlet will be removed and replaced with the project.



CITY OF RAYTOWN
Request for Board Action

Date: August 27, 2019
To: Mayor and Board of Aldermen
From: Damon Hodges, City Administrator

Resolution No.: R-3231-19

Department Head Approval: _____

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

City Administrator Approval: _____



Action Requested: Approval of the resolution authorizing the City of Raytown's participation in the Traffic Engineering Assistance Program (TEAP).

Recommendation: Approval of the resolution by the Board.

Analysis: The Traffic Engineering Assistance Program (TEAP) allows local public agencies to receive engineering assistance for studying traffic engineering problems. Typical traffic engineering related projects include corridor safety and/or operational analysis, intersection(s) safety and/or operational analysis, speed limit review, sign inventory pedestrian/bike route analysis, parking issues, and other traffic studies, etc.

Budgetary Impact:

Not Applicable

Additional Reports Attached: Press Release-TEAP

A RESOLUTION AUTHORIZING AND APPROVING PARTICIPATION BY THE CITY OF RAYTOWN IN THE TRAFFIC ENGINEERING ASSISTANCE PROGRAM (TEAP) THROUGH THE MISSOURI DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Raytown (the “City”) desires to participate in the Traffic Engineering Assistance Program available from the Missouri Department of Transportation; and

WHEREAS, funding is available for typical traffic engineering related projects and local public agencies can be reimbursed for eligible project costs; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to approve participation in the Traffic Engineering Assistance Program for funding in connection with typical traffic engineering related projects;

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

THAT participation in the Traffic Engineering Assistance Program through the Missouri Department of Transportation is hereby approved; and

FURTHER THAT the City Administrator is hereby authorized to execute any and all other documents necessary or incidental thereto and to take any and all actions necessary to effectuate program participation.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 3rd day of September, 2019.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Jennifer M. Baird, City Attorney

Press Release

Traffic Engineering Assistance Program (TEAP) Funding Now Available for FY 2020 & FY 2021

Traffic Engineering Assistance Program (TEAP) Funding Now Available for FY 2020 & FY 2021.

Application period 7/26/2019 through 9/20/19.

The Missouri Department of Transportation is seeking projects to be funded with Traffic Engineering Assistance Program (TEAP) funds.

The Traffic Engineering Assistance Program (TEAP) allows local public agencies (LPAs) to receive engineering assistance for studying traffic engineering problems. LPAs facing a traffic safety or operational problem can utilize the LPA On-Call Consultant List to perform a traffic study.

Typical traffic engineering related projects include: corridor safety and/or operational analysis, intersection(s) safety and/or operational analysis, speed limit review, sign inventory, pedestrian/bike route analysis, parking issues, and other traffic studies, etc. During this program call, MoDOT is opening applications for ADA Transition Plans for TEAP funding. The ADA Transition planning work may utilize Trails & Sidewalk or TEAP consultants from the MoDOT LPA consultant on-call list.

Local public agencies are reimbursed for eligible project costs at a rate of 80 percent with the local agency providing a 20 percent match. Funds administered by MoDOT will provide 80 percent of the TEAP project costs, up to \$8,000 per project. If the total cost is greater than \$10,000, the local agency can pay more than 20 percent to complete the TEAP project, if desired.

This year MoDOT is awarding two years' worth of funding with projects to receive funding in the year funds are available. Eligible projects must be able to be completed by spring of 2020 or spring of 2021.

Applications must be submitted by e-mail to the appropriate MoDOT District LPA Contact by **September 20, 2019**. Project awards will be announced in November 2020.

For the TEAP Application and additional information, visit section 136.3 of MoDOT's Engineering Policy Guide.

MoDOT
P. O. Box 270
Jefferson City, MO 65102



One Vision. One Team. One Call.

CITY OF RAYTOWN
Request for Board Action

Date: August 27, 2019
To: Mayor and Board of Aldermen
From: Russell Petry, Director of Finance

Resolution No.: R-3232-19

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: The staff is proposing the Board of Aldermen accept the grant policy to ensure fiscal responsibility and oversight to all grants applied for and/or awarded to the City.

Recommendation: To accept the grant policy as an official policy of the City of Raytown.

Analysis: The City currently has no grant policy in place. At this time grants are being handled by individual departments applying for them and need to get approval by the BOA regardless of the amount. This policy covers grants from application to completion with Finance Department and City Administrator oversight for the entire duration of each grant. Each grant will be required to be reviewed and approved by the Director of Finance and the City Administrator. The policy also delegates authority to the Director of Finance to develop and implement any controls necessary for the proper grant process. It is also tied to the City's Purchasing Policy limit of approval levels. This policy will ensure a complete oversight of any grants applied for and/or accepted by the City. This policy will ensure fiscal responsibility and oversight for every grant.

This policy was created through samples of living documents currently in use by the County of Roanoke Virginia as well as samples obtained through Government Finance Officers Association members. It also passes critical controls for grants that were covered in a recent grant management training program provided by MARC.

Alternatives: No guidelines.

Budgetary Impact: \$0

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

Additional Reports Attached: Policy

**A RESOLUTION APPROVING A GRANT POLICY FOR THE CITY OF RAYTOWN,
MISSOURI**

WHEREAS, the adoption of a formal Grant Policy by the City is desirable to ensure fiscal responsibility and oversight; and

WHEREAS, the Board of Aldermen find it in the best interest of the citizens of the City of Raytown to adopt and implement the Grant Policy set forth in Exhibit "A" attached hereto;

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

THAT the Grant Policy set forth in Exhibit "A" attached hereto and made a part hereof by reference is hereby approved and adopted; and

FURTHER THAT the effective date of the Grant Policy will be November 1, 2019.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 3rd day of September, 2019.

Michael McDonough, Mayor

ATTEST:

Teresa Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney



Grant Policies and Procedures

EFFECTIVE DATE - NOVEMBER 1, 2019

Table of Contents

1. Definition and Purpose	3
2. Scope	3
3. Central Responsibility	3
4. Grant Application Procedures.....	4
5. Grant Acceptance Procedures	5
6. Grant Monitoring and Reporting	6
7. Indirect Costs	7
8. New Personnel	8
9. Grant-Related Procurement and Policy Issues	8
10. Classification of Grant Revenue	9
11. Year-End Procedures.....	9
12. City Administrator Exemption.....	9
Appendix A: Grant Processing Request Form.....	10

**City of Raytown
Grant Policies and Procedures**

Finance Department

SECTION 1: DEFINITION AND PURPOSE

The definition of a grant for purposes of this policy is as follows: An award of financial assistance in the form of money or property by a funding source including the federal government, state government, other local governments, non-profit agencies, and private businesses and citizens that the City has the ability to accept or reject.

The purpose of the grant procedures outlined in this document is:

1. To ensure proper oversight of all funds appropriated to the City.
2. To minimize the City's risk of non-compliance with grant requirements.
3. To ensure proper administration and accounting of all grants.

SECTION 2: SCOPE

This policy is applicable to any City of Raytown program, department, or fund division preparing and submitting grant applications to agencies outside the City government for funds, materials, or equipment to be received and administered by the City or by an entity for which the City acts as fiscal agent. The goals and objectives of the City departments should be established early in the planning process and should not change based on changes in the availability of different funding sources sought and received. If grant policies and regulations conflict with regulations and policies of the City, the federal and state regulations will prevail unless they are less restrictive than City policies-where City policy prevails.

No grant will be accepted that will incur management reporting costs greater than the grant amount. Such costs include, but are not limited to, indirect costs, overhead and any other items needed to administer the grant. Any unapproved submittal by any City program, department, or fund division in violation of these grant procedures shall not bind the City.

SECTION 3: CENTRAL RESPONSIBILITY

The Board of Aldermen authorizes the Finance Director to promulgate any procedures and controls that minimize the City's risk for non-compliance with grant requirements and the Finance Director or their delegate for providing support to requesting agencies. The Finance Department will maintain the back-up file for all grants in order to facilitate management reporting and overall monitoring. The

required central grant file will be maintained by the department seeking grant funds and must be retained in accordance with City of Raytown retention policy.

For Federal Grants, the Finance Department should ensure compliance with the Federal Office of Management and Budget (OMB) general requirements and any other state and/or federal requirements specified in the grant conditions. The Finance Department will review expenditures for obvious non-compliance and will act as liaison with independent auditors. All City programs, departments, and fund divisions shall submit any/all grant information required by the Finance Department to carry out its oversight responsibilities.

SECTION 4: GRANT APPLICATION PROCEDURES

- 4.1 The City program, department, or fund division desiring to submit a grant application soliciting funds will prepare the request as outlined by the grantor's requirements. Grant applications will be reviewed by the departments seeking grants in order to make an independent assessment of all financial aspects of the application to ensure funds availability. The department director should sign the grant application as approval that funds are available and that they are supportive of the fiscal impacts to their department. The department applying for the grant should make every effort to project all initial and ongoing costs associated with the grant program including but not limited to: staff support, needed assistance for computer systems, office space, utilities, systems furniture, vehicles, office equipment, office supplies, computer software and hardware, and/or telephone charges.
- 4.2 Upon the department completing its financial assessment, they shall prepare and submit a Grant Processing Request Form (Appendix A) to the Finance Department with the original grant application, along with any required assurances and conditions prior to submitting the application to the grantor entity for approval. The purpose of this application notification to Finance is to eliminate duplication of submissions by City agencies or departments for the same grant, to allow Finance to maintain a comprehensive list of pending grant applications as well as active grants, to provide assistance as appropriate to departments in the preparation and administration of grants, and to ensure availability of matching funds, where applicable. The Finance department will obtain the City Administrator's approval and notify the department that the application has been approved. Finance will also send a Memorandum of Understanding, if necessary, on the grant's requirements to the department applying for the grant and will assist departments on inquiries concerning compliance issues.

- 4.3 The Finance Department will request additional information or revised submittals if needed. The Finance Department will work with the departments to ensure the availability of funds. For those grant applications where a Grant Processing Request Form has not been submitted within a reasonable time, Finance will follow up with the applicable department to see that the proper procedures are followed.
- 4.4 Any grant pertaining to technology will be required to complete a Technology Service Request (TSR) Form and forward it to the Information Technology personnel before applying for the grant. City of Raytown's Software/Hardware standards and IT staffing must be considered for any software/hardware purchases. IT staff must make assurances that any equipment/software purchased will be technologically compatible and can be supported in years to come.
- 4.5 If the grant is incorporated into the Adopted City of Raytown Budget and appropriated, then no additional Board approval is required for the application and acceptance of the grant; however, supporting documentation to assist in monitoring of the grant should be forwarded to the Finance Department.
- 4.6 All grant award acceptances must have approval from the City Administrator and/or the Board of Aldermen, under the provisions of the limits established in the City of Raytown Purchasing Policy. This action may involve preparation of a Board of Aldermen agenda item for inclusion on the next regular meeting agenda for consideration. In order for an item to be considered at a board meeting, the department must forward the required Board report and any necessary documentation to the City Clerk's office in accordance with Board of Aldermen agenda procedures. Please refer to the Board of Aldermen Calendar for additional information on the Board action agenda deadlines.
- 4.7 In the event that a grant application is denied by the grantor, a copy of the letter of denial shall be forwarded to the Finance Department for their records.

SECTION 5: GRANT ACCEPTANCE PROCEDURES

- 5.1 Whenever possible, all requests for acceptance of grants of a recurring nature should be submitted to the Finance Department through the normal budget process that must be approved by the Board of Aldermen.
- 5.2 The grant award letter/acceptance agreement (notification received detailing the amount of the grant awarded, grant assurances and special conditions, and the guidelines that must be followed to comply with the grant requirements) will be forwarded to the Finance Department, who will review the grant award for reporting requirements, special conditions, and deadlines related to administering the grant.

- 5.3 If deemed necessary by Finance and time permits, the Finance Department may forward the grant award letter/agreement to the City Attorney for legal review of any clauses or grant special conditions to ensure compliance with Federal or state laws.
- 5.4 In order for expenditures to be processed against a grant, a budget appropriation must be established using procedures and limits set forth in the City of Raytown Purchasing Policy. The department requesting a grant will prepare a Board of Aldermen agenda item requesting appropriation of grant funds, unless the grant has already been approved by the Board of Aldermen as part of the adopted annual budget process or if the appropriation falls within limits of the City of Raytown Purchasing Policy limits.
- 5.5 Upon obtaining a copy of the Board action approving a grant, the Finance Department will assign an account code to the grant and the applicable department will be notified of the account code. For reimbursable grants, all reimbursement requests should be copied and forwarded to Finance, noting the applicable account code for the receipting of the funds. Finance will notify the Treasurer of such anticipated receipts of revenue for those reimbursements made to the City.
- 5.6 Departments should notify the Finance Department if:
- (a) There is a subsequent alteration in the funding configuration;
 - (b) There is a subsequent alteration in the City's financial obligation;
 - (c) Grant funds will be carried forward into the next fiscal year;
 - (d) There is any notification that the grant will be terminated.
- 5.7 Departments shall process Personnel action/status forms at year end for those grants that have new account numbers each year, to eliminate necessary future adjustments.
- 5.8 Departments are responsible for ensuring that all funds are expended or encumbered prior to the end of the grant period, in order for funds to be used adequately and not lost in future award periods.

SECTION 6: GRANT MONITORING AND REPORTING

6.1 Monitoring of Grants

- 6.1.1 Departments are responsible for continuous monitoring of the financial status of grants. The Finance Department will provide departments with regular access of monthly financial reports for such monitoring. Departments must review the monthly

financial reports and notify the Finance Department promptly of any discrepancies noted and/or any additional reports needed.

- 6.1.2 Line item budget amendments must be approved prior to grant expenditures being made in order to avoid lost grant funds when/if amendments are denied. Line items can go negative, as long as the grant account is not negative in total if the granting entity allows it, but the department should remember that expenditures must be reported to the grantor by line item and must be allowable in the line item reported and spent.
- 6.1.3 Departments must also monitor grants for compliance with all applicable federal, state, and local regulations and ensure that grant expenditures remain in compliance with grant procurement policies and procedures. For example, equipment procured with grant funds must be disposed of in accordance with the terms of the grant and OMB Circular A-87 requires payroll costs to be supported properly based on the percentage worked on the grant. Federal grants must meet requirements set out in OMB Circulars A-87, A-102, and A-133 or the Uniform Grant Guidance, as applicable. Departments should contact Finance if assistance is needed with compliance issues.

6.2 Grant Reporting

- 6.2.1 The requesting department is responsible for providing financial reports to grantors. If it is determined that the report preparation is to be handled by the Finance Department, this must be indicated on the Grant Processing Request Form.
- 6.2.2 Departments handling grant reporting are responsible for complying by the due dates with all reporting requirements of the grant including financial reporting and reimbursement requests. All reimbursement requests should be copied and forwarded to Finance for review and monitoring of timeliness of revenue reimbursements.
- 6.2.3 Timely requests for reimbursements are crucial to maximize the financial benefits of the grants to the City. Grant reimbursements should be completed timely and in accordance with the requirements of the specific grant.

SECTION 7: INDIRECT COSTS

Grant applicants may request indirect costs if the application guidelines do not require a federally approved indirect cost rate and indirect cost are allowed in the grant. Departments should contact the Finance Department for assistance with identifying and calculating indirect costs for inclusion in

grant applications. These funds may be used by the Finance Department to offset costs in overseeing the grant including staff time, external auditor expenditures, etc.

SECTION 8: NEW PERSONNEL

Any new personnel positions to be created as a result of grant funding must be approved by the City Administrator and properly classified by Human Resources. Departments are to promptly notify Payroll each year of coding changes needed for those persons being charged to grants since grant codes may change each year. (Coding changes are noted on personnel action/status forms and turned into Human Resources by the applicable departments.)

Where employees are 100% federally funded by a grant, salaries and wages will be supported by semi-annual certifications stating that the employee worked solely on that program for the period covered by the certification. The certification must be signed by the supervisory official having firsthand knowledge of the work performed by the employee. Where employees are partially federally funded, their daily tasks must be listed on Daily Activity Logs if provided by the grantor to support the percentage of time spent working on the grant. Distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards. For example, someone working 75% out of federal funding and 25% out of local funding must complete the daily activity log to substantiate the percentages.

SECTION 9: GRANT-RELATED PROCUREMENT AND POLICY ISSUES

The Purchasing Specialist must be notified that federal funds are involved for all purchases with federally funded grants, regardless of the dollar amount involved.

Any purchases, of any amount, made with Federal grant funds must comply with the following requirement:

A copy of the required certification related to the suspension and disbarment of the vendor **MUST** be obtained before any funds are spent. This copy must be kept with the grant Central file and be available for the City auditors when requested. This information is available on the System for Award Management web page and can be accessed at the following address: <http://www.sam.gov>. From there, go to Search Records at the top left of the page, and search for your vendor by name. You will receive a message showing whether your vendor is excluded or not. If excluded, you may not purchase from that source. If there are no records matching the search request, you may purchase from that vendor, assuming all other purchasing and grant requirements have been met. In either case, please print out the pages for your grant file, to show compliance with this requirement.

The Finance Department also needs to be notified so that assets acquired using Federal funds can be properly identified. Equipment items purchased with Federal funds that cost \$5,000 or more are

to be tagged when purchased so that proper disposal procedures can be followed when items are sold or sent to surplus. Federal equipment should be inventoried at least every 2 years in order to be properly safeguarded against theft, damage, or loss. Inventory records should be maintained in accordance with State Library Regulations. Also, land purchases made with grant funds often have land use restrictions which will be discussed with the City Attorney's office to ensure restriction compliance. When assets acquired with Federal funds are no longer used in the grant program (i.e., grant has expired, asset was lost, stolen, or damaged, or asset became idle) the grantor must be notified. The Federal Government may be due a portion of the proceeds for equipment items with a book value of \$5,000 or more at the time of disposition. If the federal entity is compensated for the current fair market value of the item, the equipment may be retained by the entity.

Grantees should follow the City's and/or grantor's policies and procedures for all practices including procurement for the selection of contractors and vendors. If grant applications have special conditions, a copy of such must be given to Procurement and Finance for assistance in compliance monitoring. If grant guidelines require grantees to abide by different procurement procedures other than those adopted by the City, the grantee should resolve the situation with the City Purchasing Fund division of Finance prior to submitting the application. As a rule, the federal and state regulations prevail unless less restrictive than City policies-where City policy prevails.

SECTION 10: CLASSIFICATION OF GRANT REVENUE

All federal, state and local grant revenue should be receipted as revenue as opposed to as expenditure refunds in order to remain in compliance with approved grant policies. Budgets of expenditures for revenues received are obtained through the City of Raytown Purchasing Policy and as previously described in above paragraphs.

SECTION 11: YEAR-END PROCEDURES

Indicate clearly on the October and November vouchers which fiscal year (prior or current) they are to be posted. Only goods and services received prior to October 31st can be posted back to the prior year. Reconcile October and November expenditures promptly since these adjustments can only be made until the end of November, this is due to audit timing and materiality of expenditures.

Ensure all funds are expended or encumbered prior to the end of the grant period so that funds will be used adequately and not lost in future award periods.

SECTION 12: CITY ADMINISTRATOR EXEMPTION

The City Administrator may exempt any grants from this policy at his/her sole discretion.

Appendix A GRANT PROCESSING REQUEST FORM
Department of Finance

DATE :				
DEPARTMENT:				
GRANT PROGRAM:				
GRANTING ENTITY:		ENTITY CONTACT:		ENTITY PHONE NO:
IF FEDERAL GRANT... CFDA #			EXAMPLE OF NUMBER Dept: Department of Education (Entity No.) 84.XXX (Grant Program No.)	
PROGRAM TITLE:				
FUNDING REQUEST:				
FEDERAL	STATE	LOCAL MATCH	OTHER	TOTAL REQUEST
IF LOCAL MATCH IS REQUIRED, ARE FUNDS AVAILABLE IN DEPARTMENT BUDGET? Y/N				
ACCOUNT TO WHICH THE MATCH WILL BE CODED:				
INDIRECT COSTS? Y/N			AMOUNT	
REIMBURSEMENT GRANT? Y/N				
FINANCIAL & PROGRESS REPORTS PREPARED BY:			REQUEST FOR FUNDS SUBMITTED BY:	
Department	Finance		Department	Finance
PROJECT DIRECTOR:				
PHONE:		FAX:		EMAIL:

DEPT. DIRECTOR OR THEIR DESIGNEE APPROVING SUBMISSION:	SIGNATURE:	DATE:

REVIEWED & APPROVED BY FINANCE:	SIGNATURE:	DATE:

REVIEWED & APPROVED BY CITY ADMINISTRATION:	SIGNATURE:	DATE: