

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
NOVEMBER 13, 2018
REGULAR SESSION No. 39
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
6:00 P.M.

OPENING SESSION

Invocation/Pledge of Allegiance
Roll Call

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.

OPENING SESSION

(Immediately Following the Closed Session at Approximately 7:00 p.m.)

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

REGULAR AGENDA

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 October 16, 2018 Board of Aldermen meeting minutes.

R-3137-18: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF JASON HULL AS AN AT-LARGE REPRESENTATIVE TO THE SPECIAL SALES TAX REVIEW COMMITTEE. Point of Contact: Teresa Henry, City Clerk.

R-3138-18: A RESOLUTION APPOINTING ASSISTANT CITY ADMINISTRATOR MICHELLE WILSON AS A CITY REPRESENTATIVE ON THE DITZLER COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS. Point of Contact: Teresa Henry, City Clerk.

R-3139-18: A RESOLUTION APPOINTING ASSISTANT CITY ADMINISTRATOR MICHELLE WILSON AS THE CITY REPRESENTATIVE ON THE RAYTOWN 350 COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS. Point of Contact: Teresa Henry, City Clerk.

NEW BUSINESS

2. Public Hearing: A public hearing to consider a change in zoning for property located at 6920 Elm.
 - 2a. **FIRST READING: Bill No. 6481-18, Section XIII. AN ORDINANCE** GRANTING A CHANGE IN ZONING FOR PROPERTY LOCATED AT 6920 ELM STREET FROM HIGHWAY COMMERCIAL DISTRICT (HC) TO HIGH-DENSITY RESIDENTIAL DISTRICT (R-3) LOCATED IN LAUREL HEIGHTS, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
3. Public Hearing: A public hearing to consider a final site plan for property located at 6920 Elm.
 - 3a. **FIRST READING: Bill No. 6482-18, Section XIII. AN ORDINANCE** GRANTING APPROVAL OF THE SITE PLAN FOR LAND LOCATED AT 6920 ELM STREET IN ACCORDANCE WITH THE PROVISIONS OF THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
4. Public Hearing: A public hearing to consider the rezoning of Turn Leaf Villas.
 - 4a. **FIRST READING: Bill No. 6483-18, Section XIII. AN ORDINANCE** GRANTING AN AMENDMENT TO A PLANNED DEVELOPMENT TO ALLOW FOR A 10-BED MEMORY CARE FACILITY ON LOT 6 OF BLUE RIDGE VILLAS IN ACCORDANCE WITH THE PROVISIONS OF THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
5. Public Hearing: A public hearing to consider a final site plan for Somerset Village.
 - 5a. **FIRST READING: Bill No. 6484-18, Section XIII. AN ORDINANCE** APPROVING THE FINAL SITE PLAN OF SOMERSET VILLAGE APARTMENTS, WILSON VIEW, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
6. **FIRST READING: Bill No. 6485-18, Section XIII. AN ORDINANCE** APPROVING THE FINAL PLAT, WILSON VIEW, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.
7. **FIRST READING: Bill No. 6486-18, Section IX. AN ORDINANCE** AMENDING CHAPTER 6, ARTICLE V, DIVISION 2, SECTION 6-317(1) OF ANIMAL REGULATION OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN. Point of Contact: Ray Haydaripoor, Community Development Director.

8. **FIRST READING: Bill No. 6487-18, Section IV-A. AN ORDINANCE** ESTABLISHING THE COMPENSATION FOR THE OFFICE OF BOARD OF ALDERMAN FOR THE TERM BEGINNING APRIL 2019. Point of Contact: Teresa Henry, City Clerk.
9. **FIRST READING: Bill No. 6488-18, Section IV-B. AN ORDINANCE** ESTABLISHING THE COMPENSATION FOR THE OFFICE OF CITY COLLECTOR FOR THE TERM BEGINNING APRIL 2019. Point of Contact: Teresa Henry, City Clerk.
10. **FIRST READING: Bill No. 6489-18, Section IV-A. AN ORDINANCE** ESTABLISHING THE COMPENSATION FOR THE OFFICE OF MAYOR FOR THE TERM BEGINNING APRIL 2019. Point of Contact: Teresa Henry, City Clerk.
11. **FIRST READING: Bill No. 6490-18, Section IV-C-1. AN ORDINANCE** AMENDING CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES; ARTICLE IV, DEPARTMENTS, ARTICLE VI, MEETINGS AND ARTICLE VII, PUBLIC RECORDS. Point of Contact: Teresa Henry, City Clerk.
12. **FIRST READING: Bill No. 6491-18, Section XXXI-A. AN ORDINANCE** ADOPTING THE MISSOURI MUNICIPAL RECORDS MANUAL FOR RETENTION OF RECORDS SCHEDULES FOR THE CITY OF RAYTOWN, MISSOURI, FOR CITY DOCUMENTS AND REPEALING ORDINANCE 5403-11. Point of Contact: Teresa Henry, City Clerk.
13. **FIRST READING: Bill No. 6492-18, Section IV-A. AN ORDINANCE** AMENDING CHAPTER 2, ARTICLE VI, DIVISION 1, SECTION 2-433 THROUGH SECTION 2-555 OF THE RAYTOWN MUNICIPAL CODE RELATING TO MEETINGS, ALIGNING SAID POLICY TO CORRESPOND WITH CHAPTER 610 OF THE MISSOURI REVISED STATUTES AS AMENDED FROM TIME TO TIME. Point of Contact: Teresa Henry, City Clerk.
14. **R-3141-18: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 5, 2017. Point of Contact: Debbie Duncan, Human Resource Manager.
15. **R-3142-18: A RESOLUTION** APPOINTING DAMON HODGES AS ASSISTANT CITY ADMINISTRATOR FOR THE CITY OF RAYTOWN AND RATIFYING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY AND DAMON L. HODGES TO SERVE IN SUCH CAPACITY. Point of Contact: Teresa Henry, City Clerk.
16. **R-3143-18: A RESOLUTION** APPOINTING MICHELLE WILSON AS ASSISTANT CITY ADMINISTRATOR FOR THE CITY OF RAYTOWN AND RATIFYING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY AND MICHELLE WILSON TO SERVE IN SUCH CAPACITY. Point of Contact: Teresa Henry, City Clerk.
17. **R-3144-18: A RESOLUTION** AUTHORIZING AND APPROVING THE PROFESSIONAL SERVICES OF LEATH & SONS, INC. FOR EMERGENCY SANITARY SEWER REPAIRS AT THE SOUTHWOOD LAGOON LOCATED OFF 87TH STREET IN AN AMOUNT NOT TO EXCEED \$19,325.75. Point of Contact: Damon Hodges, Co-Interim City Administrator/Assistant City Administrator/Public Works Director.
18. **R-3145-18: A RESOLUTION** AUTHORIZING AND APPROVING THE PURCHASE OF FUEL FROM JOHN MOORE OIL COMPANY OFF THE CITY OF LEE'S SUMMIT, MISSOURI COOPERATIVE PURCHASE CONTRACT FOR FISCAL YEAR 2018-2019 IN AN AMOUNT NOT TO EXCEED \$167,200.00. Point of Contact: Damon Hodges, Co-Interim City Administrator/Assistant City Administrator/Public Works Director.

19. **R-3146-18: A RESOLUTION** AUTHORIZING AND APPROVING THE CONTINUATION OF AN AGREEMENT WITH INFINITY BUILDING SERVICES FOR MOWING SERVICES IN AN AMOUNT NOT TO EXCEED \$28,000.00 FOR FISCAL YEAR 2018-2019. Point of Contact: Damon Hodges, Co-Interim City Administrator/Assistant City Administrator/Public Works Director.

DISCUSSION ITEM

20. Chapter 6 - Additional Animal Control Updates – Alderman Derek Ward – Information Forthcoming

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

DRAFT
MINUTES
TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
OCTOBER 16, 2018
REGULAR SESSION NO. 38
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Mayor Michael McDonough called the October 16, 2018 Board of Aldermen meeting to order at 7:03 p.m. and James Fuller of Ivanhoe United Church of Christ provided the invocation and led the pledge of allegiance.

Roll Call

Present: Alderman Karen Black, Alderman Frank Hunt, Alderman Jim Aziere, Alderman Ryan Myers, Alderman Mark Moore, Alderman Steve Meyers, Alderman Bill Van Buskirk, Alderman Bonnaye Mims, Alderman Derek Ward

Absent: Alderman Jason Greene

Proclamations/Presentations

Mayor McDonough presented a proclamation recognizing Paul Hansen.

Public Comments

Tony Jacob, Raytown, Missouri, spoke regarding the Raytown Parks Board, government transparency, City bonds and the budget process.

Alderman Moore spoke regarding City bonds.

Communication from the Mayor

The Mayor spoke regarding the following:

Raytown South High School reunion of the class of 1973.

The Raytown Education Foundation Run for Excellence.

Communication from the City Administrator

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

Committee Reports

Alderman Hunt spoke regarding the upcoming 2018 Veterans Day celebration.

Alderman Van Buskirk spoke regarding the Raytown Economic Development Corporation meeting October 29 at 2:30 p.m. at Raytown City Hall and the October 16 Municipal Committee meeting.

Alderman Meyers spoke regarding the Planning and Zoning Commission's work with the Somerset Apartment Complex and Turn Leaf Villas. He also commented on the recent Raytown High School vs Raytown South High School football game.

Alderman Mims spoke regarding government transparency.

Alderman Aziere spoke regarding the Raytown High School swim team.

Alderman Moore spoke regarding former REAP CEO, Al Brown.

REGULAR AGENDA

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 October 2, 2018 Board of Aldermen meeting minutes.

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

Ayes: Aldermen Mims, Myers, Moore, Black, Meyers, Hunt, Van Buskirk, Aziere, Ward
Nays: None
Absent: Alderman Greene

NEW BUSINESS

2. **FIRST READING: Bill No. 6480-18, Section XXI-A. AN ORDINANCE** AUTHORIZING THE ISSUANCE OF ANNUAL APPROPRIATION-SUPPORTED TAX INCREMENT AND SALES TAX REFUNDING REVENUE BONDS (RAYTOWN LIVE REDEVELOPMENT PLAN – REDEVELOPMENT PROJECT AREA 1) SERIES 2018 OF THE CITY OF RAYTOWN, MISSOURI IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$31,000,000; APPROVING THE EXECUTION AND DELIVERY OF THE INDENTURE AND OTHER DOCUMENTS TO BE ENTERED INTO WITH RESPECT TO SUCH BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS
Point of Contact: Missy Wilson, Co-Interim City Administrator/Assistant City Administrator/Economic Development Administrator.

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

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

There was no discussion.

3. **R-3134-18: A RESOLUTION** AUTHORIZING AND APPROVING THE BUDGET OF THE CITY OF RAYTOWN FOR FISCAL YEAR 2018-2019. Point of Contact: Missy Wilson and Damon Hodges, Co-Interim City Administrators.

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

Missy Wilson and Damon Hodges, Assistant City Administrators, and Michael Keenan, Finance consultant, remained available for any discussion.

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

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

Nays: None
Absent: Alderman Greene

4. **R-3135-18: A RESOLUTION** AUTHORIZING AND APPROVING THE PURCHASE OF PORTABLE RADIOS AND EQUIPMENT FROM MOTOROLA SOLUTIONS, INCORPORATED OFF THE JOHNSON COUNTY, KANSAS RADIO AND ACCESSORIES CONTRACT IN AN AMOUNT NOT TO EXCEED \$20,000.00. Point of Contact: Missy Wilson, Co-Interim City Administrator/Assistant City Administrator/Economic Development Administrator.

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

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

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

Alderman Aziere requested time to make a comment regarding the 2018-2019 Budget approval, following item 5.

Alderman Myers' motion, seconded by Alderman Mims, was approved by a vote of 8-1-1.

Ayes: Aldermen Myers, Mims, Aziere, Meyers, Black, Ward, Hunt, Moore
Nays: Alderman Van Buskirk
Absent: Alderman Greene

5. **R-3136-18: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED NEAR 71st TERRACE AND WILLOW IN AN AMOUNT NOT TO EXCEED \$155,000.00. Point of Contact: Damon Hodges, Co-Interim City Administrator/Assistant City Administrator/Public Works Director.

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

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

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

Ayes: Aldermen Myers, Van Buskirk, Hunt, Ward, Mims, Moore, Aziere, Black, Meyers
Nays: None
Absent: Alderman Greene

Alderman Aziere spoke regarding the 2018-2019 budget planning process.

Alderman Meyers spoke regarding the 2018-2019 budget planning process.

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.

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

Ayes: Aldermen Moore, Black, Meyers, Van Buskirk, Myers, Mims, Aziere, Hunt, Ward
Nays: None
Absent: Alderman Greene

The Open Session adjourned at 7:48 p.m.

ADJOURNMENT

Alderman Myers, seconded by Alderman Black, made a motion to adjourn the Closed Session. The motion was approved by a majority of those present.

The Closed Session adjourned at 8:44 p.m.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: November 5, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Resolution No. R-3137-18

Department Head Approval: _____

City Administrator Approval: _____



Action Requested: Appointment of Special Sales Tax Review Committee At-Large member.

Recommendation: None.

Analysis: The Special Sales Tax Review Committee was originally established in 2002 to provide guidance and oversight on how money from the Transportation Sales Tax, Capital Improvement Sales Tax and Public Safety Sales Taxes approved by the voters is spent. In doing so, the Committee is required to meet at least once each quarter to monitor the plan.

The Committee is comprised of one citizen member from each of the five Wards selected by mutual agreement of the Aldermen elected to represent the Ward and the appointment of two additional citizen members by the Mayor. If the two Aldermen representing that Ward cannot agree on a citizen member, then each of the two Aldermen nominate a citizen member and the Board of Aldermen select the committee member by majority vote.

There is currently an At-Large vacancy on the Committee and the Mayor has recommend Jason Hull be appointed to fill the vacant position

To be qualified for appointment a citizen must meet the following criteria:

1. current resident
2. at least 21 years of age
3. citizen of US
4. resident of the City for at least one year prior to appointment.

A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF JASON HULL AS AN AT-LARGE REPRESENTATIVE TO THE SPECIAL SALES TAX REVIEW COMMITTEE

WHEREAS, Resolution 1312-02 provides for appointment of a Special Sales Tax Review Committee; and

WHEREAS, such Special Sales Tax Review Committee is comprised of one citizen from each of the five Wards appointed by the Aldermen who represent that Ward and two citizens appointed At-Large by the Mayor; and

WHEREAS, an At-Large vacancy exists on the Special Sales Tax Review Committee and the Mayor recommends the appointment of Jason Hull to be an At-Large representative to the Special Sales Tax Review Committee.

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

THAT Jason Hull, 10705 E. 62nd Terrace, Raytown, MO is hereby appointed as an At-Large member of the Special Sales Tax Review Committee, to fill the remainder of an unexpired term ending September 1, 2020, or until a successor is duly appointed;

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 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

George E. Kapke, City Attorney

Teresa Henry

From: Please Do Not Click Reply <support@govoffice.com>
Sent: Wednesday, October 31, 2018 10:32 AM
To: Teresa Henry
Subject: Application for Boards, Committees and Commissions (form) has been filled out on your site.

Your Site has received new information through a form.

Form: Application for Boards, Committees and Commissions Site URL: www.raytown.mo.us

Date: Oct 31, 2018

Last Name: Hull

First Name: Jason

Middle Name: L

Address: 10705 E 62nd Terrace

Phone: Day: 816-517-3653

Phone: Evening: 816-517-3653

Cell Phone Number: 816-517-3653

Fax No.:

Email Address: golfj7769@gmail.com

Which board would you like to serve on?: Sales Tax Oversight Committee (STOC)

Because: I'm a regular citizen, unbiased input.

My strength(s) on this Board/Commission will be:: Analytical by nature, open-minded.

Education:High School/City/State/Date: St Mary's HS Independence, MO Graduated 1987

Trade/College/University/Degree/Date: NW Missouri St 1987-89 Longview (various years) Post

Graduate/College/Degree/Date:

Current: Employer/Address/Position: US General Services Administration IT/Systems Analyst Jan 2011-current Past

Employer/Address/Position/Dates: USMC-DOD Various Policy/Admin/IT roles Dec 1996-Jan 2011 Past

Employer/Address/Position/Dates: GSA & Dept of Commerce Jun 1990-Dec 1996 Accounting Technician

Organization/Leadership Position(s)/Membership Dates (s): President, Shamrock Hills Golf Association; 2007-Current If

so, please explain.: No If yes, how often do you anticipate this would occur?: Thursdays are out for me

Do Not Click Reply - This e-mail has been generated from a super form.

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Resolution No.: R-3138-18

Department Head Approval: _____

City Administrator Approval: _____



Action Requested: Designate Assistant City Administrator, Michelle Wilson as a City representative on the Ditzler Community Improvement District Board of Directors.

Recommendation: Approve the resolution.

Analysis: The Ditzler Community Improvement District is governed by a five (5) member Board of Directors consisting of three members who represent the Developer and two members who represent the City. The Developer is currently represented by Dave Olson, Andy Mitchell and Russ Ehnen.

To be qualified to serve on the Board of Directors the person must be a citizen of the United States and have resided in the State of Missouri for at least one year preceding the submittal date of the original petition.

Alternatives: Designate someone else.

Budgetary Impact:

Not Applicable

Additional Reports Attached: None

A RESOLUTION APPOINTING ASSISTANT CITY ADMINISTRATOR MICHELLE WILSON AS A CITY REPRESENTATIVE ON THE DITZLER COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS

WHEREAS, the Ditzler Community Improvement District (“District”), which was formed by Ordinance 5367-10, adopted by the Board of Aldermen on September 7, 2010, is a political subdivision created under the authority of the Missouri Community Improvement District Act (“Act”), Sections 67.1401 et seq. RSMo, as amended, and is transacting business exercising the powers granted by the Act; and

WHEREAS, the District is governed by a five (5) member Board of Directors consisting of three members who represent the Developer and two members who represent the City; and

WHEREAS, to be qualified to serve on the Board of Directors a person shall be a citizen of the United States and have resided in the State of Missouri for at least one year preceding the submittal date of the petition; and

WHEREAS, the City owns real property located within the District; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to designate Assistant City Administrator Michelle Wilson to represent the City’s interest on such Board of Directors;

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

THAT Assistant City Administrator Michelle Wilson is hereby appointed by the Mayor and approved by the Board of Aldermen as a City representative on the Ditzler Community Improvement District Board of Directors.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

George E. Kapke, City Attorney

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Resolution No.: R-3139-18

Department Head Approval: _____

City Administrator Approval: _____

Action Requested: Designate Assistant City Administrator Michelle Wilson as the City's representative on the Raytown 350 Community Improvement District Board of Directors.

Recommendation: Approve the Resolution.

Analysis: The Raytown 350 CID is governed by a five (5) member Board of Directors consisting of three members who represent the Developer, one member who represents the School District and one member who represents the City. The Developer is currently represented by Steve Caffey, David Harris, Amy Ehlers, and Angie Rogers. Assistant City Administrator Michelle Wilson is recommended as the City representative due to her knowledge of the tax increment financing procedures in the State of Missouri and the financial implications of the Raytown 350 CID connected to the Raytown Live 350 TIF District.

The members of the Board of Directors are nominated from a slate of officers submitted to the District and approved by the CID Board. The CID Board has requested that the City submit the name of the City representative for approval.

To be qualified to serve on the Board of Directors the person must be a resident of Missouri, at least 18 years of age and be either:

- (i) an owner, as defined in Section 67.1401, of real property or of a business operating within the District, or
- (ii) a registered voter residing in the District; or
- (iii) any other qualifications set forth in the petition establishing the District.

The City owns the strip of land between Westlake Hardware and the Wal-Mart property, thus continues to meet the necessary qualifications for designation of a representative from the City to serve on the Board of Directors.

A RESOLUTION APPOINTING ASSISTANT CITY ADMINISTRATOR MICHELLE WILSON AS THE CITY REPRESENTATIVE ON THE RAYTOWN 350 COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS

WHEREAS, the Raytown 350 Community Improvement District ("District"), which was formed by Ordinance 5201-07, adopted by the Board of Aldermen on March 27, 2007, is a political subdivision created under the authority of the Missouri Community Improvement District Act ("Act"), Sections 67.1401 to 67.1571, RSMo, as amended, and is transacting business exercising the powers granted by the Act; and

WHEREAS, the District is governed by a five (5) member Board of Directors consisting of three members who represent the Developer, one member who represents the School District and one member who represents the City; and

WHEREAS, Briana Burrichter is no longer employed by the City and thus no longer qualifies to serve as the City representative; and

WHEREAS, such Directors are nominated from a slate of officers submitted to the District and subsequently appointed by the Mayor and approved by the Board of Aldermen; and

WHEREAS, to be qualified to serve on the Board of Directors a person shall be at least 18 years of age and be either (i) an owner of real property within the District, (ii) an owner of a business operating within the District, or (iii) a registered voter residing in the District; and

WHEREAS, the City owns real property located within the District; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to designate Assistant City Administrator Michelle Wilson to represent the City's interest on such Board of Directors;

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

THAT Assistant City Administrator Michelle Wilson is hereby appointed by the Mayor and approved by the Board of Aldermen as a City representative on the Raytown 350 Community Improvement District Board of Directors.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

George E. Kapke, City Attorney

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018

Bill No. 6481-18

To: Mayor and Board of Aldermen

Section No.: XIII

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Requesting consideration and approval of the application to rezone the lot on 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3).

Recommendation: The Planning & Zoning Commission voted (7-0) to recommend approval of the application to rezone from Highway Commercial (HC) to High-Density Residential (R-3) subject to fourteen (14) conditions.

Analysis: Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district.

The building on the site was severely damaged in a fire in March of 2018. Since then, the building has sat in disrepair. According to business license records, the building had a long history of being a hair and nail salon for much of the 2000's and into the early 2010's. More recently, there had not been any licensed businesses with the City at the address.

It should be noted that this property is also within the Highway 350 Design Corridor, which means it will have to follow additional regulations that are intended to encourage high quality architecture, site planning, lighting, landscaping, screening, signage, infrastructure planning, and traffic flow.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the request or refer the Final Site plan back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report from October 4, 2018 Planning & Zoning Commission meeting
- Minutes from October 4, 2018 Planning & Zoning Commission meeting

AN ORDINANCE GRANTING A CHANGE IN ZONING FOR PROPERTY LOCATED AT 6920 ELM STREET FROM HIGHWAY COMMERCIAL DISTRICT (HC) TO HIGH-DENSITY RESIDENTIAL DISTRICT (R-3) LOCATED IN LAUREL HEIGHTS, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS, Application PZ-2018-08, Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district; and

WHEREAS, the Planning Commission considered the application on October 4, 2018, and by a vote of 6 in favor and 0 against rendered a report to the Board of Aldermen recommending that the application be approved; and

WHEREAS, the Board of Aldermen having considered the application on November 13, 2018 and November 20, 2018, 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 site plan.

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

SECTION 1 – REZONING OF PROPERTY That the zoning of property is changed from Highway Commercial District (HC) to High-Density Residential District (R-3) in Laurel Heights a subdivision in the City of Raytown, Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein, is hereby to be approved.

SECTION 2 – CONDITIONS OF APPROVAL. That the Final Site Plan be approved subject to the following conditions:

1. The existing road-side ditch along 69th Terrace will need to be included in a storm drainage improvement plan.
2. A storm drainage plan is needed.
3. The existing drainage culvert crossing 69th Terrace on the west side of Elm needs to be included in the plan.
4. A sanitary sewer main line extension will be needed so each unit will have their own sewer service connection. This must be designed by a licensed engineer and approved by MO Dept. of Natural Resources as well.
5. The parking lot driving lane is too narrow at 18' wide. This should be 24' in width.
6. The turning radius into the driveway needs to be 15'.
7. Plan needs to follow Sec. 50-422 and Sec. 50-423 – Highway 350 Corridor Design Guidelines.
8. Separate pages are needed for the landscape plan and the site plan.
9. Plan needs to show all the requirements as outlined in Sec. 50-520 – Preliminary Site Plans.
10. Need building renderings and/or elevations that show dimensions, materials, etc.
11. Plans need to be submitted to Raytown Fire District for review. Changes will need to be made per the Fire District's comments.

- 12. Is the site triangle 25 ft? Optional monument sign may be ok, but vehicle parking in site triangle may obstruct intersection views.
- 13. Open space requirement for R-3 is 55%. From the submitted calculations, the building, driveways, and parking use up 91.6%. This item does not meet the required standards. Site Plan needs to be revised and submitted.
- 14. Need more information on the fence dimensions, style and material, in order to make any recommendation.

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, November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

APPROVED AS TO FORM:

Joe Willerth, City Attorney



Staff Report

Community Development
Planning and Development Services

PZ 2018-08

To: City of Raytown Planning and Zoning Commission
From: Ray Haydaripoor, Community Development Director
Date: October 4, 2018
Re: Application for District Rezoning

PLAT APPLICATION SUMMARY

Applicant: Antonio Mendez
Project Contact: Antonio Mendez
Property Location: 6920 E Elm Street
Request: For approval Rezoning from Highway Commercial District to R-3 Residential District

BACKGROUND INFORMATION:

Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district.

The building on the site was severely damaged in a fire in March of 2018. Since then, the building has sat in disrepair. According to business license records, the building had a long history of being a hair and nail salon for much of the 2000's and into the early 2010's. More recently, there had not been any licensed businesses with the city at the address. At the time of the fire, two people had been staying in an apartment attached to the building.

It should be noted that this property is also within the Highway 350 Design Corridor, which means it will have to follow additional regulations that are intended to encourage high quality architecture, site planning, lighting, landscaping, screening, signage, infrastructure planning, and traffic flow.





Staff Report

Community Development
Planning and Development Services

REZONING APPLICATION FACTORS TO BE CONSIDERED

When considering a rezoning request the following criteria should be considered in order to determine whether the application should be approved or denied.

1. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is a mix of uses: single family dwellings exist to the immediate North, East and West of the property. To the South, along 350 HWY exists many commercial businesses.

2. 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:	HC	Retail, Restaurants, Services
North:	R-1	Single family homes
East:	R-1	Single family homes
West:	HC	Single family homes

Note: Despite being zoned for HC, the areas to the West of the site are mostly single-family homes.

3. SUITABILITY OF ZONING FOR CURRENT USE

The property was previously used for beauty salons which were a permitted use in the Highway Commercial (HC) district. The rezoning to High Density Residential (R-3) would be suitable for the proposed use of a townhome development. The purpose of the HC zoning classification is to accommodate commercial activities that draw business from, provide services to and would benefit from a location easily accessible to a highway or arterial street.

4. DETRIMENTAL EFFECTS TO NEARBY PROPERTIES IF REZONING IS APPROVED.

There could be detrimental effects to nearby properties if the rezoning is approved. As proposed, the 6-unit townhome development would have parking spaces for 10 vehicles. Depending on how you look at it, this could be seen as an increase or decrease in vehicular traffic coming in and out of the site. Given the building did not have any active businesses in if for the past several years, these proposed townhomes will bring life back to the site that hadn't been present in several years. This includes vehicular and foot traffic, noises, etc. On the other hand, one might say that the proposed use (residential) falls more in line with the rest of the properties along 69th Terrace and Elm Avenue (single family homes). A residential use, like the one proposed might be better suited for the area than a highway commercial business.

5. LENGTH OF TIME OF VACANCY.

The fire-damaged building has sat vacant on the lot since March 2018. Before then, city records show no business license active at the address since 2013.



Staff Report

Community Development
Planning and Development Services

6. CONSIDERATION OF PUBLIC INTEREST.

1. Public Health: The proposed changes to the planned development should not have any noticeable effect on public health. The applicant is proposing to build 6-unit town homes on a corner lot. Utilities have already been established in this development for existing residences property use. This development will have a more intensive use than originally was allowed, but sanitary sewer systems will be able to accommodate the additional load.
2. Public Safety: As the proposed use on the development is a denser use, there will be an increase in vehicular traffic that may cause concern to surrounding lots. Additionally, street parking is not allowed on Elm Street as it has been identified as a fire lane.
3. Public Welfare: The site plan proposes a dumpster which is in close proximity to adjacent property. This could have a negative effect towards the overall aesthetic of the planned development.

7. IMPACTS ON PUBLIC SERVICES AND UTILITIES.

Because the property is developed, and surrounding property is developed, all necessary utilities and public services are available and capable of serving the property.

8. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Future Land Use Map in the Raytown Comprehensive Plan Update adopted in 2002 identifies subject property as an area for single family residential use. Therefore, the proposed rezoning (of R-3 or multi-family residential use) is not in accordance with the Comprehensive Plan adopted in 2002. However, it should be noted that the current use of Highway Commercial (HC) is also not in accordance with the Comprehensive Plan of 2002.



Staff Report

Community Development
Planning and Development Services

STAFF RECOMMENDATION:

The Planning Commission may recommend approval, approval with conditions or denial. If the Planning Commission recommends approval, staff recommends the following conditions are applied to the Final Site Plan and be submitted to Community Development and Planning and Zoning Commission for review and approval:

1. The existing road-side ditch along 69th Terrace will need to be included in a storm drainage improvement plan.
2. A storm drainage plan is needed.
3. The existing drainage culvert crossing 69th Terrace on the west side of Elm needs to be included in the plan.
4. A sanitary sewer main line extension will be needed so each unit will have their own sewer service connection. This must be designed by a licensed engineer and approved by MO Dept. of Natural Resources as well.
5. The parking lot driving lane is too narrow at 18' wide. This should be 24' in width.
6. The turning radius into the driveway needs to be 15'.
7. Plan needs to follow Sec. 50-422 and Sec. 50-423 – Highway 350 Corridor Design Guidelines.
8. Separate pages are needed for the landscape plan and the site plan.
9. Plan needs to show all the requirements as outlined in Sec. 50-520 – Preliminary Site Plans.
10. Need building renderings and/or elevations that show dimensions, materials, etc.
11. Plans need to be submitted to Raytown Fire District for review. Changes will need to be made per the Fire District's comments.
12. Is the site triangle 25 ft? Optional monument sign may be ok, but vehicle parking in site triangle may obstruct intersection views.
13. Open space requirement for R-3 is 55%. From the submitted calculations, the building, driveways, and parking use up 91.6%. This item does not meet the required standards. Site Plan needs to be revised and submitted.
14. Need more information on the fence dimensions, style and material, in order to make any recommendation.

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**October 4, 2018
7:00 pm**

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

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Absent	Emerson:	Present	Stock:	Present
Bettis:	Absent	Robinson:	Present	Cochran:	Present
Frazier:	Present	Dwight:	Present	Meyers:	Present

3. Approval of July 12, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to approve - Emerson
- c) Second - Robinson
- d) Additional Board Discussion – Two new Members: Tina Cochran and David Frazier
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

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

N/A

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Final Plat

- c. Plat Application
- d. Plat Checklist
- e. Staff Review Letter & Applicant Responses
- f. City of Raytown Zoning Regulations, as amended
- g. City of Raytown Subdivision Regulations, as amended
- h. City of Raytown Comprehensive Plan
- i. Updated letter of Intent presented September 12, 2018

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The project amends the Plan Development located at 59th Street and Hunter Court. The applicants are asking to allow for ten bed facility on Lot 6.

5. Presentation of Application by Applicant

Want to change the use from 3 55+ Senior Townhomes into a ten bed Alzheimer Memory Care Facility for Senior 55+. Looking to allow Seniors to age in place, start in Independent Living, progress to Assisted Living and then, if needed, Memory Care Facility.

6. Additional Staff Comments and Recommendation

Willerth: Mr Chiang, you did get an opportunity to review the staff report dated October 4, 2018 and the one condition there for approval.

Chiang: yes, and talked with Mr. Haydaripoor. We did change ownership of the property to Fortune Homes.

Willerth: The staff recommendation is that the three diagonal parking spots that are difficult to back out of and the request is for 90 degree parking is on the west side of the building. Are you willing to go along or do you have an opinion?

Chiang: I am willing to go along because there is space for that, however we are making the loop a one way clockwise loop so when they come in it will be straight in. Also, we are designating the three spaces as employee parking

Haydaripoor: Correction on page 3 Item B there is a typo, instead of two parking spaces it should say three parking spaces.

7. Board Discussion

Stock: Green space is a concern

Chiang: to address this, the drainage area between lots 5 and 6 is being constructed as a green space area. We are putting a path around it so that the Seniors can walk to get exercise, as well as doing some planting of vegetables or flowers. Eliminated one townhouse, instead of doing nineteen, they are only doing eighteen, so that they can put in more parking and a patio area for the Alzheimer's Care.

Stock: Plenty of room for the fire trucks to get in.

Chiang: We did widen the street to 26 foot wide as per what the fire department wanted.

Emerson: This is an excellent project to take care of the Alzheimer's patients.

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

a. Motion - Emerson

b. Second - Meyers

c. Additional Board Discussion

Dwight: The update letter of intent, it went from eight to ten beds, what was the reason for this?

Chiang: It tied back to adequate parking for caregivers and the ratio of parking to beds. In our ideal model we usually have ten beds.

Dwight: So the building stayed the same?

Chiang: We expanded slightly to create two private suites (studio bedroom with its own bathroom)

d. Vote – Yes (7-0)

B. Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

2. Open Public Hearing

Gomez: Representing Mr. Mendez.

Correction – After comments from the city, we are adjusting the number of townhomes from six to five.

Stock: The land has been empty and it would be nice to have something in there.

Stoke: The last comprehensive plan that was done about sixteen years ago showed this as being residential. So it is going back to what was in the Comprehensive plan to start with.

Haydaripoor: clarification - The 350 Design Center is the responsibility of the property owner and not the cities responsibility to do the improvements in the right of way.

Frazier: Couple of concerns to address: Parking – sounds like it will be a back out onto Elm St set up. Elm St can get fairly busy down through there. Has there been any alternatives of parking looked into? Also, this lot sits on a hill, and they buildings will be high. Will there be any type of retaining walls or is it going to be graded down to street level?

Gomez: We asked for traffic studies and received no calls back. There has been minimal talk of how to do the grading work. With all the rain, we have not been able to do a study of the property. The plan is to build on the hill as the house currently sits.

Emerson: The back of the house should be facing the other houses and that should create some privacy.

Bettis: On the West property line, there is no indication of any fencing. Is there a fence running along the North and South property lines in the back? Will there be a fence on the west side too?

Gomez: there will be a fence there to connect all those running between the houses.

Frazier: Are there plans to have patios on the back of each house:

Gomez: Currently, the plan is to just have green space.

3. Explain Procedure for a Public Hearing and swear-in speakers

Antonio Mendez sworn in

4. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Current City Zoning Map
- c. Proposed Zoning Map
- d. Staff Review Letter & Applicant Responses
- e. Publication of Notice of Public Hearing in Daily Record Newspaper
- f. City of Raytown Zoning Ordinance, as amended
- g. City of Raytown Comprehensive Plan

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

Wilson:

5. Introduction of Application by Staff

Antonio Mendez requesting the lot at 6920 Elm be rezoned from HC to R-3 to allow for a six unit townhome development, which would not be acceptable land use for Highway Commercial Zoning district. It should also be noted that this property is in the Highway 350 design corridor, which means it will have follow additional regulations that are intended to encourage high quality architecture, site planning, landscaping, signage, infrastructure planning and traffic flow.

6. Request for Public Comment

Munger: How are you going to upkeep this property? When the house currently there caught fire, it started her house on fire. It never gets mowed. There is always debris around the house which gets blown around the neighborhood. How long is it going to take to get the construction complete? Her privacy as there will be five potential families moving in.

Gomez: It will take between six and eight months. Currently there is a chain link fence between the properties that provides no privacy. We are proposing to have a wooden privacy fence put up. If it is used as a rental, there will be rules and regulations that will need to be followed and that will provide a certain level of control over the property. If it is not used as a rental, it will be sold.

Munger: There have been people coming in and out of the house. It is a safety hazard. She has called the police as suggested. Is there going to be some kind of construction fence to keep these people out?

Gomez: The house will be demolished. The construction crew will have their own safety procedures to put in place.

Meyers: It may be awhile before the house is demolished, but the contractor will keep the area as safe as possible. With the new construction, the parking has to be taken into account.

Jones: This is in her backyard and she is concerned about privacy after it's all built.

Stock: If they put up a privacy fence, will that help at all?

Jones: Maybe.

7. Additional Staff Comments and Recommendation

Haydaripoor: We have not heard if they agree with the staff recommendations.

Gomez: We agree with the staff recommendations.

8. Board Discussion

Haydaripoor: Parking, we have a couple of recommendations: #5 and #6 - public works has come concern and we have requested a revision of the plans.

Hanson: Plans are still preliminary. There has been no Engineering. They were told up front both streets need to be curbed, guttered and add a sidewalk. They show that, but it has not been physically laid out with slopes or elevations. We have notified them that the storm drainage plan needs to be done, collect and manage the run off, sanitary mains sewer extension will need to be done. The only sanitary sewer is along the road and to the north. We specify that each unit needs to be connected to the sewer individually, so we foresee a newer main extension up the back yards. We are not sold on the parking yet. We are still going to work with them of the parking lot and configuration.

Stock: This is in the staff recommendations.

Wilerth: Will you agree to meet the 14 conditions from the staff?

Mendez: Yes

Frazier: Mr. Hanson will you be requiring the easement on the back side that would only be on their property?

Hanson: Yes

Dwight: The concrete on the north side on the drawing

9. Close Public Hearing

Stock closed.

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

- a. Motion – Meyers approved with the 14 recommendations
- b. Second - Emerson
- c. Additional Board Discussion
- d. Vote – Yes (7-0)

C. Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. **Enter Additional Relevant City Exhibits into the Record:**

- h. Staff report
- i. Current City Zoning Map
- j. Proposed Zoning Map
- k. Staff Review Letter & Applicant Responses
- l. Publication of Notice of Public Hearing in Daily Record Newspaper
- m. City of Raytown Zoning Ordinance, as amended
- n. City of Raytown Comprehensive Plan
- p. Amendment to the staff recommendations

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

Meyers: Yes, but it would not impact his decision.

6. **Introduction of Application by Staff**

Haydaripoor: Curtis Peterson is requesting approval of a Site Plan in order to replace a building that burnt down. The proposed replacement building also contains 11 units built in 1965.

7. **Request for Public Comment**

Peterson: Somerset has 13 buildings with 156 units. They lost one building in 2016 to fire.

Peterson: Two items that we want to put before you and ask for recommendations from the board, one is the preliminary site plan and two would be approval of a final plat. Proposal as a preliminary plan: First expand 60th Street by two feet and moving the curb so that it becomes 26 feet is the standard for the fire department. Second, Plans to vacate the right of way from the north curb line and then everything north of there would be private. Put in 51 new 90 degree parking stalls and there will no longer be parallel spaces and this doubles the amount of parking stalls along 60th Street. The water meters will be relocated to the north. Will also provide a utility easement on the plat. Add parking shown in dark gray on the west side. There will be a total of 66 new parking spaces with this development. Reinforce a drive for the fire department. Adding impervious surface to deal with storm water .

Three aspects of the Staff Report: Central Business District Site Design, the CBD Building Design Standards and a couple of elements in the R-3 regulations. CBD Site Design Standards – 4 items spoken to: 1) Location of the parking facilities 2) the parking lot landscaping 3) the parking facility lighting (2 poles) and 4) pedestrian scale lighting. CBD Building Design Standards – There are 11 units and one laundry unit in the three story building. Three elements that they are asking for support of are: 1) Building articulation and setbacks. 2) Flat roof compared to a pitched roof. 3) Materials – Brick veneer, textured siding and iron for railings on the balconies. Relevant R-3 regulations – tension of parking and open green space. Increased parking by 39% and reduced open space by 9%.

9. **Additional Staff Comments and Recommendation**

No additional comments.

9. **Board Discussion**

Meyers: In reviewing the compromise that has been accomplished and working through areas of concern where a lot of it hinged on safety (parking and fire). Very satisfied with the additional

parking that will alleviate the safety concern. The visual of the a/c unit on the roof was taken care of.

Dwight: White streak on the drawing, is it the sidewalk or curb?

Peterson: Yes, it represents the new roll curb.

Dwight: The only new sidewalks are centered around the new building?

Peterson: Yes.

Willerth: Did you get a chance to review the Staffs Revised Recommendation Report with the ten conditions?

Peterson: The applicant is supportive of all ten recommendations.

Dwight: Green space in the new area.

Peterson: This is a green Buffer with tree, shrubs and a bench.

10. Close Public Hearing

Closed.

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

- a. Motion – Frazier with staff recommendations to approve
- b. Second - Emerson
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

D. Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. Enter Additional Relevant City Exhibits into the Record:

- o. Staff report
- p. Current City Zoning Map
- q. Proposed Zoning Map
- r. Staff Review Letter & Applicant Responses
- s. Publication of Notice of Public Hearing in Daily Record Newspaper
- t. City of Raytown Zoning Ordinance, as amended
- u. City of Raytown Comprehensive Plan
- v. Amended Staff Report

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

None

6. **Introduction of Application by Staff**

Haydaripoor: Applicant requesting approval of a final plat in order to replace the building that burnt down. There are 19 lots though out the property. Staff was informed by Jackson County GIL that the only data they had before 1999 is notes in the system and the tax parcel does not have any notes. In researching the deeds, every time the property transfer hands, the legal description says lot 1 through 19. We have suggested that the applicant submit a final plat and go through the process and convert the three lots to one lot.

7. **Request for Public Comment**

Peterson: The applicant supports all four recommendations in the Amended Staff Report.

8. **Additional Staff Comments and Recommendation**

None

9. **Board Discussion**

None

10. **Close Public Hearing**

11. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Meyers approves with the four recommendations.
- b. Second - Frazier
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, November 1, 2018 at 7:00 PM

9. Adjourn

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018

Bill No. 6482-18

To: Mayor and Board of Aldermen

Section No.: XIII

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Requesting consideration and approval of the final site plan on the lot at 6920 Elm Street. Approval of the Final Site plan is subject to fourteen conditions recommended in the Planning and Zoning staff report and is dependent on approval of the Rezoning Application pending in Bill Number 6481-18.

Recommendation: The Planning & Zoning Commission voted (7-0) to recommend approval of the application to rezone from Highway Commercial (HC) to High-Density Residential (R-3) district subject to fourteen (14) conditions.

Analysis: Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district.

The building on the site was severely damaged in a fire in March of 2018. Since then, the building has sat in disrepair. According to business license records, the building had a long history of being a hair and nail salon for much of the 2000's and into the early 2010's. More recently, there had not been any licensed businesses with the city at the address.

It should be noted that this property is also within the Highway 350 Design Corridor, which means it will have to follow additional regulations that are intended to encourage high-quality architecture, site planning, lighting, landscaping, screening, signage, infrastructure planning, and traffic flow.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the request or refer the Final Site plan back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report from October 4, 2018 Planning & Zoning Commission meeting
- Minutes from October 4, 2018 Planning & Zoning Commission meeting

AN ORDINANCE GRANTING APPROVAL OF THE SITE PLAN FOR LAND LOCATED AT 6920 ELM STREET IN ACCORDANCE WITH THE PROVISIONS OF THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN, MISSOURI

WHEREAS, Application PZ-2018-08, Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district; and

WHEREAS, the Planning Commission considered the application on October 4, 2018, and by a vote of 7 in favor and 0 against rendered a report to the Board of Aldermen recommending that the application be approved; and

WHEREAS, the Board of Aldermen considered the application on November 13, 2018 and November 20, 2018, 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 site plan.

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

SECTION 1 – APPROVAL OF SITE PLAN. That the Final Site Plan in Laurel Heights a subdivision in the City of Raytown, Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein, is hereby to be approved.

SECTION 2 – CONDITIONS OF APPROVAL. That the Final Site Plan be approved subject to the following conditions:

1. The existing road-side ditch along 69th Terrace will need to be included in a storm drainage improvement plan.
2. A storm drainage plan is needed.
3. The existing drainage culvert crossing 69th Terrace on the west side of Elm needs to be included in the plan.
4. A sanitary sewer main line extension will be needed so each unit will have their own sewer service connection. This must be designed by a licensed engineer and approved by MO Dept. of Natural Resources as well.
5. The parking lot driving lane is too narrow at 18' wide. This should be 24' in width.
6. The turning radius into the driveway needs to be 15'.
7. Plan needs to follow Sec. 50-422 and Sec. 50-423 – Highway 350 Corridor Design Guidelines.
8. Separate pages are needed for the landscape plan and the site plan.
9. Plan needs to show all the requirements as outlined in Sec. 50-520 – Preliminary Site Plans.
10. Need building renderings and/or elevations that show dimensions, materials, etc.
11. Plans need to be submitted to Raytown Fire District for review. Changes will need to be made per the Fire District's comments.
12. Is the site triangle 25 ft? Optional monument sign may be ok, but vehicle parking in site triangle may obstruct intersection views.
13. Open space requirement for R-3 is 55%. From the submitted calculations, the building, driveways, and parking use up 91.6%. This item does not meet the required standards. Site Plan needs to be revised and submitted.

14. Need more information on the fence dimensions, style and material, in order to make any recommendation.

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, November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

APPROVED AS TO FORM:

Joe Willerth, City Attorney



Staff Report

Community Development
Planning and Development Services

PZ 2018-08

To: City of Raytown Planning and Zoning Commission
From: Ray Haydaripoor, Community Development Director
Date: October 4, 2018
Re: Application for District Rezoning

PLAT APPLICATION SUMMARY

Applicant: Antonio Mendez
Project Contact: Antonio Mendez
Property Location: 6920 E Elm Street
Request: For approval Rezoning from Highway Commercial District to R-3 Residential District

BACKGROUND INFORMATION:

Antonio Mendez, on behalf of DHARMONY LIFE SERIES 6 LLC., is requesting to rezone the lot located at 6920 Elm Street from Highway Commercial (HC) to High-Density Residential (R-3). The applicant is requesting the rezoning to allow for a 6-unit townhome development which would not be an acceptable land use in a HC zoning district.

The building on the site was severely damaged in a fire in March of 2018. Since then, the building has sat in disrepair. According to business license records, the building had a long history of being a hair and nail salon for much of the 2000's and into the early 2010's. More recently, there had not been any licensed businesses with the city at the address. At the time of the fire, two people had been staying in an apartment attached to the building.

It should be noted that this property is also within the Highway 350 Design Corridor, which means it will have to follow additional regulations that are intended to encourage high quality architecture, site planning, lighting, landscaping, screening, signage, infrastructure planning, and traffic flow.





Staff Report

Community Development
Planning and Development Services

REZONING APPLICATION FACTORS TO BE CONSIDERED

When considering a rezoning request the following criteria should be considered in order to determine whether the application should be approved or denied.

1. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is a mix of uses: single family dwellings exist to the immediate North, East and West of the property. To the South, along 350 HWY exists many commercial businesses.

2. 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:	HC	Retail, Restaurants, Services
North:	R-1	Single family homes
East:	R-1	Single family homes
West:	HC	Single family homes

Note: Despite being zoned for HC, the areas to the West of the site are mostly single-family homes.

3. SUITABILITY OF ZONING FOR CURRENT USE

The property was previously used for beauty salons which were a permitted use in the Highway Commercial (HC) district. The rezoning to High Density Residential (R-3) would be suitable for the proposed use of a townhome development. The purpose of the HC zoning classification is to accommodate commercial activities that draw business from, provide services to and would benefit from a location easily accessible to a highway or arterial street.

4. DETRIMENTAL EFFECTS TO NEARBY PROPERTIES IF REZONING IS APPROVED.

There could be detrimental effects to nearby properties if the rezoning is approved. As proposed, the 6-unit townhome development would have parking spaces for 10 vehicles. Depending on how you look at it, this could be seen as an increase or decrease in vehicular traffic coming in and out of the site. Given the building did not have any active businesses in it for the past several years, these proposed townhomes will bring life back to the site that hadn't been present in several years. This includes vehicular and foot traffic, noises, etc. On the other hand, one might say that the proposed use (residential) falls more in line with the rest of the properties along 69th Terrace and Elm Avenue (single family homes). A residential use, like the one proposed might be better suited for the area than a highway commercial business.

5. LENGTH OF TIME OF VACANCY.

The fire-damaged building has sat vacant on the lot since March 2018. Before then, city records show no business license active at the address since 2013.



Staff Report

Community Development
Planning and Development Services

6. CONSIDERATION OF PUBLIC INTEREST.

1. Public Health: The proposed changes to the planned development should not have any noticeable effect on public health. The applicant is proposing to build 6-unit town homes on a corner lot. Utilities have already been established in this development for existing residences property use. This development will have a more intensive use than originally was allowed, but sanitary sewer systems will be able to accommodate the additional load.
2. Public Safety: As the proposed use on the development is a denser use, there will be an increase in vehicular traffic that may cause concern to surrounding lots. Additionally, street parking is not allowed on Elm Street as it has been identified as a fire lane.
3. Public Welfare: The site plan proposes a dumpster which is in close proximity to adjacent property. This could have a negative effect towards the overall aesthetic of the planned development.

7. IMPACTS ON PUBLIC SERVICES AND UTILITIES.

Because the property is developed, and surrounding property is developed, all necessary utilities and public services are available and capable of serving the property.

8. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Future Land Use Map in the Raytown Comprehensive Plan Update adopted in 2002 identifies subject property as an area for single family residential use. Therefore, the proposed rezoning (of R-3 or multi-family residential use) is not in accordance with the Comprehensive Plan adopted in 2002. However, it should be noted that the current use of Highway Commercial (HC) is also not in accordance with the Comprehensive Plan of 2002.



Staff Report

Community Development
Planning and Development Services

STAFF RECOMMENDATION:

The Planning Commission may recommend approval, approval with conditions or denial. If the Planning Commission recommends approval, staff recommends the following conditions are applied to the Final Site Plan and be submitted to Community Development and Planning and Zoning Commission for review and approval:

1. The existing road-side ditch along 69th Terrace will need to be included in a storm drainage improvement plan.
2. A storm drainage plan is needed.
3. The existing drainage culvert crossing 69th Terrace on the west side of Elm needs to be included in the plan.
4. A sanitary sewer main line extension will be needed so each unit will have their own sewer service connection. This must be designed by a licensed engineer and approved by MO Dept. of Natural Resources as well.
5. The parking lot driving lane is too narrow at 18' wide. This should be 24' in width.
6. The turning radius into the driveway needs to be 15'.
7. Plan needs to follow Sec. 50-422 and Sec. 50-423 – Highway 350 Corridor Design Guidelines.
8. Separate pages are needed for the landscape plan and the site plan.
9. Plan needs to show all the requirements as outlined in Sec. 50-520 – Preliminary Site Plans.
10. Need building renderings and/or elevations that show dimensions, materials, etc.
11. Plans need to be submitted to Raytown Fire District for review. Changes will need to be made per the Fire District's comments.
12. Is the site triangle 25 ft? Optional monument sign may be ok, but vehicle parking in site triangle may obstruct intersection views.
13. Open space requirement for R-3 is 55%. From the submitted calculations, the building, driveways, and parking use up 91.6%. This item does not meet the required standards. Site Plan needs to be revised and submitted.
14. Need more information on the fence dimensions, style and material, in order to make any recommendation.

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**October 4, 2018
7:00 pm**

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

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Absent	Emerson:	Present	Stock:	Present
Bettis:	Absent	Robinson:	Present	Cochran:	Present
Frazier:	Present	Dwight:	Present	Meyers:	Present

3. Approval of July 12, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to approve - Emerson
- c) Second - Robinson
- d) Additional Board Discussion – Two new Members: Tina Cochran and David Frazier
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

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

N/A

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Final Plat

- c. Plat Application
- d. Plat Checklist
- e. Staff Review Letter & Applicant Responses
- f. City of Raytown Zoning Regulations, as amended
- g. City of Raytown Subdivision Regulations, as amended
- h. City of Raytown Comprehensive Plan
- i. Updated letter of Intent presented September 12, 2018

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The project amends the Plan Development located at 59th Street and Hunter Court. The applicants are asking to allow for ten bed facility on Lot 6.

5. Presentation of Application by Applicant

Want to change the use from 3 55+ Senior Townhomes into a ten bed Alzheimer Memory Care Facility for Senior 55+. Looking to allow Seniors to age in place, start in Independent Living, progress to Assisted Living and then, if needed, Memory Care Facility.

6. Additional Staff Comments and Recommendation

Willerth: Mr Chiang, you did get an opportunity to review the staff report dated October 4, 2018 and the one condition there for approval.

Chiang: yes, and talked with Mr. Haydaripoor. We did change ownership of the property to Fortune Homes.

Willerth: The staff recommendation is that the three diagonal parking spots that are difficult to back out of and the request is for 90 degree parking is on the west side of the building. Are you willing to go along or do you have an opinion?

Chiang: I am willing to go along because there is space for that, however we are making the loop a one way clockwise loop so when they come in it will be straight in. Also, we are designating the three spaces as employee parking

Haydaripoor: Correction on page 3 Item B there is a typo, instead of two parking spaces it should say three parking spaces.

7. Board Discussion

Stock: Green space is a concern

Chiang: to address this, the drainage area between lots 5 and 6 is being constructed as a green space area. We are putting a path around it so that the Seniors can walk to get exercise, as well as doing some planting of vegetables or flowers. Eliminated one townhouse, instead of doing nineteen, they are only doing eighteen, so that they can put in more parking and a patio area for the Alzheimer's Care.

Stock: Plenty of room for the fire trucks to get in.

Chiang: We did widen the street to 26 foot wide as per what the fire department wanted.

Emerson: This is an excellent project to take care of the Alzheimer's patients.

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

a. Motion - Emerson

b. Second - Meyers

c. Additional Board Discussion

Dwight: The update letter of intent, it went from eight to ten beds, what was the reason for this?

Chiang: It tied back to adequate parking for caregivers and the ratio of parking to beds. In our ideal model we usually have ten beds.

Dwight: So the building stayed the same?

Chiang: We expanded slightly to create two private suites (studio bedroom with its own bathroom)

d. Vote – Yes (7-0)

B. Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

2. Open Public Hearing

Gomez: Representing Mr. Mendez.

Correction – After comments from the city, we are adjusting the number of townhomes from six to five.

Stock: The land has been empty and it would be nice to have something in there.

Stoke: The last comprehensive plan that was done about sixteen years ago showed this as being residential. So it is going back to what was in the Comprehensive plan to start with.

Haydaripoor: clarification - The 350 Design Center is the responsibility of the property owner and not the cities responsibility to do the improvements in the right of way.

Frazier: Couple of concerns to address: Parking – sounds like it will be a back out onto Elm St set up. Elm St can get fairly busy down through there. Has there been any alternatives of parking looked into? Also, this lot sits on a hill, and they buildings will be high. Will there be any type of retaining walls or is it going to be graded down to street level?

Gomez: We asked for traffic studies and received no calls back. There has been minimal talk of how to do the grading work. With all the rain, we have not been able to do a study of the property. The plan is to build on the hill as the house currently sits.

Emerson: The back of the house should be facing the other houses and that should create some privacy.

Bettis: On the West property line, there is no indication of any fencing. Is there a fence running along the North and South property lines in the back? Will there be a fence on the west side too?

Gomez: there will be a fence there to connect all those running between the houses.

Frazier: Are there plans to have patios on the back of each house:

Gomez: Currently, the plan is to just have green space.

3. Explain Procedure for a Public Hearing and swear-in speakers

Antonio Mendez sworn in

4. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Current City Zoning Map
- c. Proposed Zoning Map
- d. Staff Review Letter & Applicant Responses
- e. Publication of Notice of Public Hearing in Daily Record Newspaper
- f. City of Raytown Zoning Ordinance, as amended
- g. City of Raytown Comprehensive Plan

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

Wilson:

5. Introduction of Application by Staff

Antonio Mendez requesting the lot at 6920 Elm be rezoned from HC to R-3 to allow for a six unit townhome development, which would not be acceptable land use for Highway Commercial Zoning district. It should also be noted that this property is in the Highway 350 design corridor, which means it will have follow additional regulations that are intended to encourage high quality architecture, site planning, landscaping, signage, infrastructure planning and traffic flow.

6. Request for Public Comment

Munger: How are you going to upkeep this property? When the house currently there caught fire, it started her house on fire. It never gets mowed. There is always debris around the house which gets blown around the neighborhood. How long is it going to take to get the construction complete? Her privacy as there will be five potential families moving in.

Gomez: It will take between six and eight months. Currently there is a chain link fence between the properties that provides no privacy. We are proposing to have a wooden privacy fence put up. If it is used as a rental, there will be rules and regulations that will need to be followed and that will provide a certain level of control over the property. If it is not used as a rental, it will be sold.

Munger: There have been people coming in and out of the house. It is a safety hazard. She has called the police as suggested. Is there going to be some kind of construction fence to keep these people out?

Gomez: The house will be demolished. The construction crew will have their own safety procedures to put in place.

Meyers: It may be awhile before the house is demolished, but the contractor will keep the area as safe as possible. With the new construction, the parking has to be taken into account.

Jones: This is in her backyard and she is concerned about privacy after it's all built.

Stock: If they put up a privacy fence, will that help at all?

Jones: Maybe.

7. Additional Staff Comments and Recommendation

Haydaripoor: We have not heard if they agree with the staff recommendations.

Gomez: We agree with the staff recommendations.

8. Board Discussion

Haydaripoor: Parking, we have a couple of recommendations: #5 and #6 - public works has come concern and we have requested a revision of the plans.

Hanson: Plans are still preliminary. There has been no Engineering. They were told up front both streets need to be curbed, guttered and add a sidewalk. They show that, but it has not been physically laid out with slopes or elevations. We have notified them that the storm drainage plan needs to be done, collect and manage the run off, sanitary mains sewer extension will need to be done. The only sanitary sewer is along the road and to the north. We specify that each unit needs to be connected to the sewer individually, so we foresee a newer main extension up the back yards. We are not sold on the parking yet. We are still going to work with them of the parking lot and configuration.

Stock: This is in the staff recommendations.

Wilerth: Will you agree to meet the 14 conditions from the staff?

Mendez: Yes

Frazier: Mr. Hanson will you be requiring the easement on the back side that would only be on their property?

Hanson: Yes

Dwight: The concrete on the north side on the drawing

9. Close Public Hearing

Stock closed.

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

- a. Motion – Meyers approved with the 14 recommendations
- b. Second - Emerson
- c. Additional Board Discussion
- d. Vote – Yes (7-0)

C. Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. **Enter Additional Relevant City Exhibits into the Record:**

- h. Staff report
- i. Current City Zoning Map
- j. Proposed Zoning Map
- k. Staff Review Letter & Applicant Responses
- l. Publication of Notice of Public Hearing in Daily Record Newspaper
- m. City of Raytown Zoning Ordinance, as amended
- n. City of Raytown Comprehensive Plan
- p. Amendment to the staff recommendations

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

Meyers: Yes, but it would not impact his decision.

6. **Introduction of Application by Staff**

Haydaripoor: Curtis Peterson is requesting approval of a Site Plan in order to replace a building that burnt down. The proposed replacement building also contains 11 units built in 1965.

7. **Request for Public Comment**

Peterson: Somerset has 13 buildings with 156 units. They lost one building in 2016 to fire.

Peterson: Two items that we want to put before you and ask for recommendations from the board, one is the preliminary site plan and two would be approval of a final plat. Proposal as a preliminary plan: First expand 60th Street by two feet and moving the curb so that it becomes 26 feet is the standard for the fire department. Second, Plans to vacate the right of way from the north curb line and then everything north of there would be private. Put in 51 new 90 degree parking stalls and there will no longer be parallel spaces and this doubles the amount of parking stalls along 60th Street. The water meters will be relocated to the north. Will also provide a utility easement on the plat. Add parking shown in dark gray on the west side. There will be a total of 66 new parking spaces with this development. Reinforce a drive for the fire department. Adding impervious surface to deal with storm water .

Three aspects of the Staff Report: Central Business District Site Design, the CBD Building Design Standards and a couple of elements in the R-3 regulations. CBD Site Design Standards – 4 items spoken to: 1) Location of the parking facilities 2) the parking lot landscaping 3) the parking facility lighting (2 poles) and 4) pedestrian scale lighting. CBD Building Design Standards – There are 11 units and one laundry unit in the three story building. Three elements that they are asking for support of are: 1) Building articulation and setbacks. 2) Flat roof compared to a pitched roof. 3) Materials – Brick veneer, textured siding and iron for railings on the balconies. Relevant R-3 regulations – tension of parking and open green space. Increased parking by 39% and reduced open space by 9%.

9. **Additional Staff Comments and Recommendation**

No additional comments.

9. **Board Discussion**

Meyers: In reviewing the compromise that has been accomplished and working through areas of concern where a lot of it hinged on safety (parking and fire). Very satisfied with the additional

parking that will alleviate the safety concern. The visual of the a/c unit on the roof was taken care of.

Dwight: White streak on the drawing, is it the sidewalk or curb?

Peterson: Yes, it represents the new roll curb.

Dwight: The only new sidewalks are centered around the new building?

Peterson: Yes.

Willerth: Did you get a chance to review the Staffs Revised Recommendation Report with the ten conditions?

Peterson: The applicant is supportive of all ten recommendations.

Dwight: Green space in the new area.

Peterson: This is a green Buffer with tree, shrubs and a bench.

10. Close Public Hearing

Closed.

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

- a. Motion – Frazier with staff recommendations to approve
- b. Second - Emerson
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

D. Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. Enter Additional Relevant City Exhibits into the Record:

- o. Staff report
- p. Current City Zoning Map
- q. Proposed Zoning Map
- r. Staff Review Letter & Applicant Responses
- s. Publication of Notice of Public Hearing in Daily Record Newspaper
- t. City of Raytown Zoning Ordinance, as amended
- u. City of Raytown Comprehensive Plan
- v. Amended Staff Report

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

None

6. **Introduction of Application by Staff**

Haydaripoor: Applicant requesting approval of a final plat in order to replace the building that burnt down. There are 19 lots though out the property. Staff was informed by Jackson County GIL that the only data they had before 1999 is notes in the system and the tax parcel does not have any notes. In researching the deeds, every time the property transfer hands, the legal description says lot 1 through 19. We have suggested that the applicant submit a final plat and go through the process and convert the three lots to one lot.

7. **Request for Public Comment**

Peterson: The applicant supports all four recommendations in the Amended Staff Report.

8. **Additional Staff Comments and Recommendation**

None

9. **Board Discussion**

None

10. **Close Public Hearing**

11. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Meyers approves with the four recommendations.
- b. Second - Frazier
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, November 1, 2018 at 7:00 PM

9. Adjourn

CITY OF RAYTOWN
Request for Board Action

Date: November 7, 2018

Bill No. 6483-18

To: Mayor and Board of Aldermen

Section No.: XIII

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Request to conduct a public hearing to consider an amendment to Blue Ridge Villas, a planned development overlay district (R-3-P) and site plan for Turn Leaf Villas, a 10-bed memory care facility.

Recommendation: The Planning & Zoning Commission voted (7-0) to recommend approval of the amendment and site plan subject to the two (2) conditions.

Analysis: Ivan Chiang, on behalf of LIY Financial LLC., is requesting to amend a planned development overlay district, Blue Ridge Villas, located at 59th Street and Hunter Court. The planned development (R-3-P) was approved by the Board of Aldermen in January 2006. To date, 27 of the 34 lots remain vacant. Blue Ridge Villas is surrounded by residential uses (R-1 and R-2).

The applicant is requesting to amend the planned development to allow for a 10-bed memory care facility on Lot 6. Earlier this year, a 10-unit assisted living facility was approved by the Board of Aldermen on Lot 5 (directly to the Northwest of Lot 6).

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the request or refer the plat back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report from October 4, 2018 Planning & Zoning Commission meeting
- Minutes from October 4, 2018 Planning & Zoning Commission meeting

AN ORDINANCE GRANTING AN AMENDMENT TO A PLANNED DEVELOPMENT TO ALLOW FOR A 10-BED MEMORY CARE FACILITY ON LOT 6 OF BLUE RIDGE VILLAS IN ACCORDANCE WITH THE PROVISIONS OF THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN, MISSOURI

WHEREAS, Application PZ-2018-07, submitted by Ivan Chiang, LIY Financial LLC., is requesting an amendment to a planned development, Blue Ridge Villas, to make a 10-bed memory care facility as permitted use on Lot 6, was referred to the Planning & Zoning Commission for consideration; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on October 4, 2018, and rendered a report to the Board of Aldermen recommending that the requested amendment of the Planned Development overlay district (R-3-P) site plan for Turn Leaf Villas, a 10-bed memory care facility, be approved; and

WHEREAS, the Board of Aldermen considered the application on November 13, 2018 and November 20, 2018, 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 to approve the amendment of the Planned Development Overlay District and Site Plan;

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

SECTION 1 – AMENDMENT OF PLANNED DEVELOPMENT. That the planned development located at 59th Street and Hunter Court, hereto and incorporated herein by reference is hereby amended to permit a memory care facility on Lot 6 of Blue Ridge Villas.

SECTION 2 – CONDITIONS OF APPROVAL. That the amendment to the Blue Ridge Villas Planned Development be approved subject to the following conditions which shall be applicable to the Final Site Plan for Turn Leaf Villas:

1. The applicant shall submit a final site plan for Lot 6 for staff review and approval subject to all City codes.
2. Public Works original comment was that the 3 new diagonal parking spots appear to be difficult to back out of. This still seems to be the case. The plan should be revised to reflect the 90-degree parking, as seen on the other side of the building.

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.

BILL NO. 6483-18

ORDINANCE NO. _____

SECTION NO. XIII

BE IT REMEMBERED that the above was read two times by heading only, **PASSED** and **APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form

Teresa Henry, City Clerk

Joe Willerth, City Attorney

PZ 2018-07

To: City of Raytown Planning and Zoning Commission
From: Ray Haydaripoor, Community Development Director
Date: October 4, 2018
Re: Application for Change in Use

PLAT APPLICATION SUMMARY

Applicant: Ivan Chiang
Project Contact: Blue Ridge Villas
Property Location: 59th Street and Hunter Court
Request: For approval of Change in Use IN R-3 District

BACKGROUND INFORMATION:

Ivan Chiang, on behalf of LIY Financial LLC., is requesting to amend a planned development overlay district, Blue Ridge Villas, located at 59th Street and Hunter Court. The planned development (R-3-P) was approved by the Board of Aldermen in January 2006. To date, 27 of the 34 lots remain vacant. Blue Ridge Villas is surrounded by residential uses (R-1 and R-2).

The applicant is requesting to amend the planned development to allow for a 10-bed memory care facility on Lot 6, which is outlined in green in the aerial photo below. Earlier this year, a 10-unit assisted living facility was approved by the Board of Aldermen on Lot 5 (directly to the Northwest of Lot 6).





Staff Report

Community Development
Planning and Development Services

PLANNED DEVELOPMENT AMENDMENT APPLICATION FACTORS TO BE CONSIDERED

When considering an amendment request the following criteria should be considered in order to determine whether the application should be approved or denied:

1. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is residential with single family homes to the north, east and south. To the west, there are duplex houses.

2. 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 Housing
North:	R-1	Single Family Housing
East:	R-1	Single Family Housing
West:	R-2	Medium-Density Housing

3. SUITABILITY OF ZONING FOR CURRENT USE

Blue Ridge Villas is a planned residential development zoned High-Density Residential (R-3). The purpose of the planned development overlay district is to provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards, open spaces and uses subject to approval of the plan by the board of aldermen.

The planned development has higher density housing than what is typical of Raytown neighborhoods. There are 34 lots in the 3-acre development. Lots range from 3-plex to 5-plex townhouse development. The average lot size is approximately 1,415 square feet. The majority of the area and yard requirements were either reduced or eliminated to allow for a denser community.

The planned development does provide a common area buffer along the perimeter of the community which ranges from 15-25 feet wide as well as additional common green space throughout the community.

The Blue Ridge Villas Design Manual (11/17/2005) calls for zero lot line, single-story patio homes with one-car garages. The neighborhood is modeled as a retirement community and the planned development specifies that residents of the development shall not be younger than 55 years of age.

4. DETRIMENTAL EFFECTS TO NEARBY PROPERTIES IF AMENDMENT IS APPROVED.

Amending the planned development to allow for a memory care facility could have negative effects on surrounding lots and nearby properties. The potential effects of this higher density use include:



Staff Report

Community Development
Planning and Development Services

A. Increased Traffic

The proposed memory care facility will produce more traffic than the planned 2 bedroom patio homes as the facility will require employees and outside vendors (e.g. medical staff, physical therapists, beauticians, deliveries etc.)

B. Parking Shortage

The increase of traffic will constitute the need for additional parking for full-time and part-time employees, outside vendors, and visitors. While staff believes that there will be sufficient parking on an average day, there is concern that from time to time, parking demands from Turn Leaf Villas might outweigh available parking.

As Section 50-539–Supplementary Parking Requirements of the City of Raytown Zoning Code, a standard for ‘assisted living facilities’, there shall be 1 parking spot per 2 units as well as 1 parking spot per employee. Per this standard, Turn Leaf Assisted Living would be required to have eight (8) off-street parking spots. The site plan indicates six (6) parking spots on Lot 5. The applicant is also requesting to create four (4) new parking spots with two (3) insets on the north and (4) on the south sides of the central green space. The site plan does dedicate two (2) of the six (6) allocated parking spots as ‘Handicap Parking’.

C. Overcrowding

While the development is designed for zero lot line homes, staff is concerned about the overall scale of the project. The 10-bed memory care facility will occupy the entire lot. Additionally, parking will consume some of the green common area which was intended to offset the lack of open space with these denser residential units. This was also a concern for the 10-unit assisted living facility that was approved earlier this year.

D. Loss of Common Area/Green Space

The common areas in Blue Ridge Villas were designed to account for open green space provided that the residences would not have private yards. Turn Leaf Villas is proposed to have lot coverage of 84%. Due to the need for on-site parking, the common area in the front of Lot 6 is proposed to be parking, which will diminish the amount of green space. Additionally, the two (2) proposed insets will reduce the size of the central green space and require the removal of landscaping. To offset the loss of green space, the developer has agreed to constructing a walking path along the perimeter of the drainage basin as well as adding three park benches along the path.

5. LENGTH OF TIME OF VACANCY.

Lot 6 has been vacant since the property was platted in May 2006. Approximately, 80 percent of the development remains undeveloped.

6. CONSIDERATION OF PUBLIC INTEREST.

Public Health: The proposed changes to the planned development should not have any noticeable effect on public health. The applicant is proposing to build an assisted living facility on a vacant lot. Utilities have already been established in this development for existing residences. Lot 6 will have a more intensive use than



Staff Report

Community Development
Planning and Development Services

originally anticipated, but sanitary sewer systems will be able to accommodate the additional load.

Public Safety: As the proposed use on Lot 6 is a denser use, there will be an increase in vehicular traffic that may cause concern to surrounding lots. Additionally, street parking is not allowed on Hunter Court as it has been identified as a fire lane.

Public Welfare: The site plan proposes a dumpster which is in close proximity to Lot 4D. This could have a negative effect towards the overall aesthetic of the planned development.

7. IMPACTS ON PUBLIC SERVICES AND UTILITIES.

Because the area surrounding the property is developed, and the proposed use is of a residential nature, all necessary utilities and public services are available and capable of serving the property.

8. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The following are aspects of the city's adopted Comprehensive Plan that relate to the amendment of the planned development application:

- A. Future Land Use Map: The Future Land Use Map in the Raytown Comprehensive Plan identifies the subject property as an area for single-family residential use. The property was rezoned from R-1 to R-3-P (High-Density Residential Planned Development) in 2006.
- B. Residential Development Efforts: The Comprehensive Plan further states that multifamily development efforts in Raytown should not be encouraged within single-family neighborhoods. It also states that new multifamily dwelling units should be permitted primarily along arterial streets. Blue Ridge Villas is a high-density planned residential development (R-3-P) that is surrounded by more mature R-1 and R-2 housing. In regard to the street network, the proposed memory care facility is limited to access via a private drive, Hunter Court, (fire lane) which connects to East 59th Street (collector roadway).
- C. Residential Locational Guidelines: The Comprehensive Plan also provides the following locational guidelines for residential development in Raytown.
 - 1. Single-family residential uses should be separated from adverse surrounding land use types, such as major industrial and commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls.

The location of the proposed development is consistent with this guideline.

- 2. Single-family residential lots should not front directly onto arterials but onto local and neighborhood streets, to minimize the number of access points along major streets.

This guideline is not applicable to the proposed development.



Staff Report

Community Development
Planning and Development Services

3. Two-family residences may serve as a transitional land use between low- and high-density residential uses; as a buffer between lower-density residential from commercial uses; multi-family residential areas should be located within walking distance of commercial centers, parks, schools and public transportation routes and be in proximity to employment concentrations, major thoroughfares and utility trunk lines.

There is two-family housing (R-2) to the west of the planned development as well as a 15-25 ft. wide common area buffer along the perimeter of the development. The only community feature (from the list above) within a close proximity (400 ft.) is Sarah Colman-Livengood Park; however, it is important to note that the proposed use is a memory care facility which will house residents with a more limited range of mobility.

4. Two-family to multi-family residential areas should be sited where they will not overload or create congestion in existing and planned facilities and utilities.

The location of the proposed residential development is in the rear of a three-acre development with access to E. 59th Street limited to a single 20' wide private drive. While the majority of the development is currently vacant, the intent is for each lot to be developed. Upon full development, there could be concern of the private drive being overloaded from the proposed memory care facility and the already-approved assisted living facility. However, it is important to note that Blue Ridge Villas is limited by city ordinance to residents 55+ years old; therefore, the traffic characteristics are not expected to mimic typical residential neighborhoods.

Additionally, the 2005 Traffic Impact Study for Blue Ridge Villas (prepared by: MKEC Engineering Consultants) concluded, "The relatively low number of afternoon peak hour vehicles entering and exiting the site should have a nominal impact on existing traffic flow on 59th St. and does not warrant the need for any additionally or supplemental traffic control devices or turn lanes." While the traffic study was conducted with the notion that there would be attached single-family housing only, the assisted living facility will most likely not increase the amount of residents driving but rather the amount of daily visitors.

STAFF RECOMMENDATION:

Staff recommends that the request to amend the Blue Ridge Villas planned development (R-3-P) be approved subject to the following conditions:

- 1- Public Works original comment was that the 3 new diagonal parking spots appear to be difficult to back out of. This still seems to be the case. The plan should be revised to reflect the 90-degree parking, as seen on the other side of the building.

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**October 4, 2018
7:00 pm**

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

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Absent	Emerson:	Present	Stock:	Present
Bettis:	Absent	Robinson:	Present	Cochran:	Present
Frazier:	Present	Dwight:	Present	Meyers:	Present

3. Approval of July 12, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to approve - Emerson
- c) Second - Robinson
- d) Additional Board Discussion – Two new Members: Tina Cochran and David Frazier
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

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

N/A

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Final Plat

- c. Plat Application
- d. Plat Checklist
- e. Staff Review Letter & Applicant Responses
- f. City of Raytown Zoning Regulations, as amended
- g. City of Raytown Subdivision Regulations, as amended
- h. City of Raytown Comprehensive Plan
- i. Updated letter of Intent presented September 12, 2018

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The project amends the Plan Development located at 59th Street and Hunter Court. The applicants are asking to allow for ten bed facility on Lot 6.

5. Presentation of Application by Applicant

Want to change the use from 3 55+ Senior Townhomes into a ten bed Alzheimer Memory Care Facility for Senior 55+. Looking to allow Seniors to age in place, start in Independent Living, progress to Assisted Living and then, if needed, Memory Care Facility.

6. Additional Staff Comments and Recommendation

Willerth: Mr Chiang, you did get an opportunity to review the staff report dated October 4, 2018 and the one condition there for approval.

Chiang: yes, and talked with Mr. Haydaripoor. We did change ownership of the property to Fortune Homes.

Willerth: The staff recommendation is that the three diagonal parking spots that are difficult to back out of and the request is for 90 degree parking is on the west side of the building. Are you willing to go along or do you have an opinion?

Chiang: I am willing to go along because there is space for that, however we are making the loop a one way clockwise loop so when they come in it will be straight in. Also, we are designating the three spaces as employee parking

Haydaripoor: Correction on page 3 Item B there is a typo, instead of two parking spaces it should say three parking spaces.

7. Board Discussion

Stock: Green space is a concern

Chiang: to address this, the drainage area between lots 5 and 6 is being constructed as a green space area. We are putting a path around it so that the Seniors can walk to get exercise, as well as doing some planting of vegetables or flowers. Eliminated one townhouse, instead of doing nineteen, they are only doing eighteen, so that they can put in more parking and a patio area for the Alzheimer's Care.

Stock: Plenty of room for the fire trucks to get in.

Chiang: We did widen the street to 26 foot wide as per what the fire department wanted.

Emerson: This is an excellent project to take care of the Alzheimer's patients.

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

a. Motion - Emerson

b. Second - Meyers

c. Additional Board Discussion

Dwight: The update letter of intent, it went from eight to ten beds, what was the reason for this?

Chiang: It tied back to adequate parking for caregivers and the ratio of parking to beds. In our ideal model we usually have ten beds.

Dwight: So the building stayed the same?

Chiang: We expanded slightly to create two private suites (studio bedroom with its own bathroom)

d. Vote – Yes (7-0)

B. Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

2. Open Public Hearing

Gomez: Representing Mr. Mendez.

Correction – After comments from the city, we are adjusting the number of townhomes from six to five.

Stock: The land has been empty and it would be nice to have something in there.

Stoke: The last comprehensive plan that was done about sixteen years ago showed this as being residential. So it is going back to what was in the Comprehensive plan to start with.

Haydaripoor: clarification - The 350 Design Center is the responsibility of the property owner and not the cities responsibility to do the improvements in the right of way.

Frazier: Couple of concerns to address: Parking – sounds like it will be a back out onto Elm St set up. Elm St can get fairly busy down through there. Has there been any alternatives of parking looked into? Also, this lot sits on a hill, and they buildings will be high. Will there be any type of retaining walls or is it going to be graded down to street level?

Gomez: We asked for traffic studies and received no calls back. There has been minimal talk of how to do the grading work. With all the rain, we have not been able to do a study of the property. The plan is to build on the hill as the house currently sits.

Emerson: The back of the house should be facing the other houses and that should create some privacy.

Bettis: On the West property line, there is no indication of any fencing. Is there a fence running along the North and South property lines in the back? Will there be a fence on the west side too?

Gomez: there will be a fence there to connect all those running between the houses.

Frazier: Are there plans to have patios on the back of each house:

Gomez: Currently, the plan is to just have green space.

3. Explain Procedure for a Public Hearing and swear-in speakers

Antonio Mendez sworn in

4. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Current City Zoning Map
- c. Proposed Zoning Map
- d. Staff Review Letter & Applicant Responses
- e. Publication of Notice of Public Hearing in Daily Record Newspaper
- f. City of Raytown Zoning Ordinance, as amended
- g. City of Raytown Comprehensive Plan

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

Wilson:

5. Introduction of Application by Staff

Antonio Mendez requesting the lot at 6920 Elm be rezoned from HC to R-3 to allow for a six unit townhome development, which would not be acceptable land use for Highway Commercial Zoning district. It should also be noted that this property is in the Highway 350 design corridor, which means it will have follow additional regulations that are intended to encourage high quality architecture, site planning, landscaping, signage, infrastructure planning and traffic flow.

6. Request for Public Comment

Munger: How are you going to upkeep this property? When the house currently there caught fire, it started her house on fire. It never gets mowed. There is always debris around the house which gets blown around the neighborhood. How long is it going to take to get the construction complete? Her privacy as there will be five potential families moving in.

Gomez: It will take between six and eight months. Currently there is a chain link fence between the properties that provides no privacy. We are proposing to have a wooden privacy fence put up. If it is used as a rental, there will be rules and regulations that will need to be followed and that will provide a certain level of control over the property. If it is not used as a rental, it will be sold.

Munger: There have been people coming in and out of the house. It is a safety hazard. She has called the police as suggested. Is there going to be some kind of construction fence to keep these people out?

Gomez: The house will be demolished. The construction crew will have their own safety procedures to put in place.

Meyers: It may be awhile before the house is demolished, but the contractor will keep the area as safe as possible. With the new construction, the parking has to be taken into account.

Jones: This is in her backyard and she is concerned about privacy after it's all built.

Stock: If they put up a privacy fence, will that help at all?

Jones: Maybe.

7. Additional Staff Comments and Recommendation

Haydaripoor: We have not heard if they agree with the staff recommendations.

Gomez: We agree with the staff recommendations.

8. Board Discussion

Haydaripoor: Parking, we have a couple of recommendations: #5 and #6 - public works has come concern and we have requested a revision of the plans.

Hanson: Plans are still preliminary. There has been no Engineering. They were told up front both streets need to be curbed, guttered and add a sidewalk. They show that, but it has not been physically laid out with slopes or elevations. We have notified them that the storm drainage plan needs to be done, collect and manage the run off, sanitary mains sewer extension will need to be done. The only sanitary sewer is along the road and to the north. We specify that each unit needs to be connected to the sewer individually, so we foresee a newer main extension up the back yards. We are not sold on the parking yet. We are still going to work with them of the parking lot and configuration.

Stock: This is in the staff recommendations.

Wilerth: Will you agree to meet the 14 conditions from the staff?

Mendez: Yes

Frazier: Mr. Hanson will you be requiring the easement on the back side that would only be on their property?

Hanson: Yes

Dwight: The concrete on the north side on the drawing

9. Close Public Hearing

Stock closed.

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

- a. Motion – Meyers approved with the 14 recommendations
- b. Second - Emerson
- c. Additional Board Discussion
- d. Vote – Yes (7-0)

C. Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. **Enter Additional Relevant City Exhibits into the Record:**

- h. Staff report
- i. Current City Zoning Map
- j. Proposed Zoning Map
- k. Staff Review Letter & Applicant Responses
- l. Publication of Notice of Public Hearing in Daily Record Newspaper
- m. City of Raytown Zoning Ordinance, as amended
- n. City of Raytown Comprehensive Plan
- p. Amendment to the staff recommendations

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

Meyers: Yes, but it would not impact his decision.

6. **Introduction of Application by Staff**

Haydaripoor: Curtis Peterson is requesting approval of a Site Plan in order to replace a building that burnt down. The proposed replacement building also contains 11 units built in 1965.

7. **Request for Public Comment**

Peterson: Somerset has 13 buildings with 156 units. They lost one building in 2016 to fire.

Peterson: Two items that we want to put before you and ask for recommendations from the board, one is the preliminary site plan and two would be approval of a final plat. Proposal as a preliminary plan: First expand 60th Street by two feet and moving the curb so that it becomes 26 feet is the standard for the fire department. Second, Plans to vacate the right of way from the north curb line and then everything north of there would be private. Put in 51 new 90 degree parking stalls and there will no longer be parallel spaces and this doubles the amount of parking stalls along 60th Street. The water meters will be relocated to the north. Will also provide a utility easement on the plat. Add parking shown in dark gray on the west side. There will be a total of 66 new parking spaces with this development. Reinforce a drive for the fire department. Adding impervious surface to deal with storm water .

Three aspects of the Staff Report: Central Business District Site Design, the CBD Building Design Standards and a couple of elements in the R-3 regulations. CBD Site Design Standards – 4 items spoken to: 1) Location of the parking facilities 2) the parking lot landscaping 3) the parking facility lighting (2 poles) and 4) pedestrian scale lighting. CBD Building Design Standards – There are 11 units and one laundry unit in the three story building. Three elements that they are asking for support of are: 1) Building articulation and setbacks. 2) Flat roof compared to a pitched roof. 3) Materials – Brick veneer, textured siding and iron for railings on the balconies. Relevant R-3 regulations – tension of parking and open green space. Increased parking by 39% and reduced open space by 9%.

9. **Additional Staff Comments and Recommendation**

No additional comments.

9. **Board Discussion**

Meyers: In reviewing the compromise that has been accomplished and working through areas of concern where a lot of it hinged on safety (parking and fire). Very satisfied with the additional

parking that will alleviate the safety concern. The visual of the a/c unit on the roof was taken care of.

Dwight: White streak on the drawing, is it the sidewalk or curb?

Peterson: Yes, it represents the new roll curb.

Dwight: The only new sidewalks are centered around the new building?

Peterson: Yes.

Willerth: Did you get a chance to review the Staffs Revised Recommendation Report with the ten conditions?

Peterson: The applicant is supportive of all ten recommendations.

Dwight: Green space in the new area.

Peterson: This is a green Buffer with tree, shrubs and a bench.

10. Close Public Hearing

Closed.

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

- a. Motion – Frazier with staff recommendations to approve
- b. Second - Emerson
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

D. Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. Enter Additional Relevant City Exhibits into the Record:

- o. Staff report
- p. Current City Zoning Map
- q. Proposed Zoning Map
- r. Staff Review Letter & Applicant Responses
- s. Publication of Notice of Public Hearing in Daily Record Newspaper
- t. City of Raytown Zoning Ordinance, as amended
- u. City of Raytown Comprehensive Plan
- v. Amended Staff Report

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

None

6. **Introduction of Application by Staff**

Haydaripoor: Applicant requesting approval of a final plat in order to replace the building that burnt down. There are 19 lots though out the property. Staff was informed by Jackson County GIL that the only data they had before 1999 is notes in the system and the tax parcel does not have any notes. In researching the deeds, every time the property transfer hands, the legal description says lot 1 through 19. We have suggested that the applicant submit a final plat and go through the process and convert the three lots to one lot.

7. **Request for Public Comment**

Peterson: The applicant supports all four recommendations in the Amended Staff Report.

8. **Additional Staff Comments and Recommendation**

None

9. **Board Discussion**

None

10. **Close Public Hearing**

11. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Meyers approves with the four recommendations.
- b. Second - Frazier
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, November 1, 2018 at 7:00 PM

9. Adjourn

CITY OF RAYTOWN
Request for Board Action

Date: November 7, 2018

Bill No. 6484-18

To: Mayor and Board of Aldermen

Section No.: XIII

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Requesting consideration and approval of a site plan for Somerset Village Apartments.

Recommendation: The Planning & Zoning Commission voted (7-0) to recommend approval of the site plan subject to 10 conditions.

Analysis: Curtis Peterson, on behalf of KM-TEH Realty owners of the property located at 9811/9813 E 60th Street is requesting approval of site plan in order to replace the building that burnt down. The building that was destroyed contained 11 dwelling units and proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings that have 156 dwelling units. The complex is located on East 60th Street just west of Raytown Road. The building that was destroyed by fire in February 2016 is located at 9811 E. 60th Street

The owner of Somerset Village is requesting site plan approval to reconstruct the building that burned down. The building that was destroyed contained 11 dwelling units and the proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings located on E 60th Street just west of Raytown Road. (Exhibit 1) The building at 9811 E. 60th Street (Exhibit 2) was destroyed in a fire in February 2016.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the request or refer the plat back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report from October 4, 2018 Planning & Zoning Commission meeting
- Minutes from October 4, 2018 Planning & Zoning Commission meeting

AN ORDINANCE APPROVING THE FINAL SITE PLAN OF SOMERSET VILLAGE APARTMENTS, WILSON VIEW, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS Application PZ-2018-09, submitted by Curtis Petersen, on behalf of KM-TEH Realty owners of the property located at 9811/9813 E 60th Street is requesting approval of site plan, Wilson View, a subdivision of the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

WHEREAS, the Planning & Zoning Commission considered the application on October 4, 2018, and by a vote of 7 in favor and 0 against rendered a report to the Board of Aldermen recommending that the final site plan be approved; and

WHEREAS, the Board of Aldermen having considered the application on November 13, 2018 and November 20, 2018, 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 site plan.

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

SECTION 1 – APPROVAL OF SITE PLAN. That the Final Site Plan, Wilson View, a subdivision in the City of Raytown, Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein, is hereby to be approved.

SECTION 2 – CONDITIONS OF APPROVAL. That the Final Site Plan, Wilson View, be approved subject to the following conditions:

1. The Parking facility lighting preliminary site plans does not have adequate information for staff to make any recommendations or the proposed design does not meet the requirements of this section of Central Business District Design Elements.
2. The proposed design showing the existing plaza area on the east side of the proposed building will be eliminated, this is a requirement for “Courtyards, Plazas and open space” in the complex and a design alternative must be approved to a usable space for the tenants.
3. That a design alternative be approved for the “Bulk of buildings” standards so that the proposed building is similar in design to the 10 other buildings in the complex.
4. That the “upper level step backs” not be required because they would appear much different than the rest of the buildings in the complex and a design alternative must be approved.
5. That the flat roof be approved as a design alternative subject to proposed screening of the roof mounted equipment, vents, etc. The applicant shall submit a roof plan showing the location of all equipment, vents, etc. for review by City Staff and a design alternative must be approved.

- 6. Per Public Works requirements, Civil Plans, Grading Plan, Sheet 1 of 2 – The proposed storm line extension and the proposed rip-rap is not upon Somerset's property but is on the neighboring Jackson County Railroad right-of-way. These improvements must remain on Somerset Village Apt. property.
- 7. Per Public Works requirements, a storm drainage study will still need to be submitted for review by staff.
- 8. No building permit will be issued before the final engineered site plan is submitted.
- 9. No Certificate of Occupancy will be issued until all requirements of this section have been met.
- 10. That the requirements of all the previous conditions be shown on revised drawings. The applicant shall submit five copies of the revised plans at full scale for review and approval by the Director of Community Development prior to the Final Site plan being submitted to the Planning & Zoning Commission. Additional copies of the plans will be required for the Planning & Zoning Commission.

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 **APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ___ day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form

Teresa Henry, City Clerk

Joe Willerth, City Attorney

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**October 4, 2018
7:00 pm**

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

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Absent	Emerson:	Present	Stock:	Present
Bettis:	Absent	Robinson:	Present	Cochran:	Present
Frazier:	Present	Dwight:	Present	Meyers:	Present

3. Approval of July 12, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to approve - Emerson
- c) Second - Robinson
- d) Additional Board Discussion – Two new Members: Tina Cochran and David Frazier
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

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

N/A

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Final Plat

- c. Plat Application
- d. Plat Checklist
- e. Staff Review Letter & Applicant Responses
- f. City of Raytown Zoning Regulations, as amended
- g. City of Raytown Subdivision Regulations, as amended
- h. City of Raytown Comprehensive Plan
- i. Updated letter of Intent presented September 12, 2018

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The project amends the Plan Development located at 59th Street and Hunter Court. The applicants are asking to allow for ten bed facility on Lot 6.

5. Presentation of Application by Applicant

Want to change the use from 3 55+ Senior Townhomes into a ten bed Alzheimer Memory Care Facility for Senior 55+. Looking to allow Seniors to age in place, start in Independent Living, progress to Assisted Living and then, if needed, Memory Care Facility.

6. Additional Staff Comments and Recommendation

Willerth: Mr Chiang, you did get an opportunity to review the staff report dated October 4, 2018 and the one condition there for approval.

Chiang: yes, and talked with Mr. Haydaripoor. We did change ownership of the property to Fortune Homes.

Willerth: The staff recommendation is that the three diagonal parking spots that are difficult to back out of and the request is for 90 degree parking is on the west side of the building. Are you willing to go along or do you have an opinion?

Chiang: I am willing to go along because there is space for that, however we are making the loop a one way clockwise loop so when they come in it will be straight in. Also, we are designating the three spaces as employee parking

Haydaripoor: Correction on page 3 Item B there is a typo, instead of two parking spaces it should say three parking spaces.

7. Board Discussion

Stock: Green space is a concern

Chiang: to address this, the drainage area between lots 5 and 6 is being constructed as a green space area. We are putting a path around it so that the Seniors can walk to get exercise, as well as doing some planting of vegetables or flowers. Eliminated one townhouse, instead of doing nineteen, they are only doing eighteen, so that they can put in more parking and a patio area for the Alzheimer's Care.

Stock: Plenty of room for the fire trucks to get in.

Chiang: We did widen the street to 26 foot wide as per what the fire department wanted.

Emerson: This is an excellent project to take care of the Alzheimer's patients.

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

a. Motion - Emerson

b. Second - Meyers

c. Additional Board Discussion

Dwight: The update letter of intent, it went from eight to ten beds, what was the reason for this?

Chiang: It tied back to adequate parking for caregivers and the ratio of parking to beds. In our ideal model we usually have ten beds.

Dwight: So the building stayed the same?

Chiang: We expanded slightly to create two private suites (studio bedroom with its own bathroom)

d. Vote – Yes (7-0)

B. Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

2. Open Public Hearing

Gomez: Representing Mr. Mendez.

Correction – After comments from the city, we are adjusting the number of townhomes from six to five.

Stock: The land has been empty and it would be nice to have something in there.

Stoke: The last comprehensive plan that was done about sixteen years ago showed this as being residential. So it is going back to what was in the Comprehensive plan to start with.

Haydaripoor: clarification - The 350 Design Center is the responsibility of the property owner and not the cities responsibility to do the improvements in the right of way.

Frazier: Couple of concerns to address: Parking – sounds like it will be a back out onto Elm St set up. Elm St can get fairly busy down through there. Has there been any alternatives of parking looked into? Also, this lot sits on a hill, and they buildings will be high. Will there be any type of retaining walls or is it going to be graded down to street level?

Gomez: We asked for traffic studies and received no calls back. There has been minimal talk of how to do the grading work. With all the rain, we have not been able to do a study of the property. The plan is to build on the hill as the house currently sits.

Emerson: The back of the house should be facing the other houses and that should create some privacy.

Bettis: On the West property line, there is no indication of any fencing. Is there a fence running along the North and South property lines in the back? Will there be a fence on the west side too?

Gomez: there will be a fence there to connect all those running between the houses.

Frazier: Are there plans to have patios on the back of each house:

Gomez: Currently, the plan is to just have green space.

3. Explain Procedure for a Public Hearing and swear-in speakers

Antonio Mendez sworn in

4. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Current City Zoning Map
- c. Proposed Zoning Map
- d. Staff Review Letter & Applicant Responses
- e. Publication of Notice of Public Hearing in Daily Record Newspaper
- f. City of Raytown Zoning Ordinance, as amended
- g. City of Raytown Comprehensive Plan

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

Wilson:

5. Introduction of Application by Staff

Antonio Mendez requesting the lot at 6920 Elm be rezoned from HC to R-3 to allow for a six unit townhome development, which would not be acceptable land use for Highway Commercial Zoning district. It should also be noted that this property is in the Highway 350 design corridor, which means it will have follow additional regulations that are intended to encourage high quality architecture, site planning, landscaping, signage, infrastructure planning and traffic flow.

6. Request for Public Comment

Munger: How are you going to upkeep this property? When the house currently there caught fire, it started her house on fire. It never gets mowed. There is always debris around the house which gets blown around the neighborhood. How long is it going to take to get the construction complete? Her privacy as there will be five potential families moving in.

Gomez: It will take between six and eight months. Currently there is a chain link fence between the properties that provides no privacy. We are proposing to have a wooden privacy fence put up. If it is used as a rental, there will be rules and regulations that will need to be followed and that will provide a certain level of control over the property. If it is not used as a rental, it will be sold.

Munger: There have been people coming in and out of the house. It is a safety hazard. She has called the police as suggested. Is there going to be some kind of construction fence to keep these people out?

Gomez: The house will be demolished. The construction crew will have their own safety procedures to put in place.

Meyers: It may be awhile before the house is demolished, but the contractor will keep the area as safe as possible. With the new construction, the parking has to be taken into account.

Jones: This is in her backyard and she is concerned about privacy after it's all built.

Stock: If they put up a privacy fence, will that help at all?

Jones: Maybe.

7. Additional Staff Comments and Recommendation

Haydaripoor: We have not heard if they agree with the staff recommendations.

Gomez: We agree with the staff recommendations.

8. Board Discussion

Haydaripoor: Parking, we have a couple of recommendations: #5 and #6 - public works has come concern and we have requested a revision of the plans.

Hanson: Plans are still preliminary. There has been no Engineering. They were told up front both streets need to be curbed, guttered and add a sidewalk. They show that, but it has not been physically laid out with slopes or elevations. We have notified them that the storm drainage plan needs to be done, collect and manage the run off, sanitary mains sewer extension will need to be done. The only sanitary sewer is along the road and to the north. We specify that each unit needs to be connected to the sewer individually, so we foresee a newer main extension up the back yards. We are not sold on the parking yet. We are still going to work with them of the parking lot and configuration.

Stock: This is in the staff recommendations.

Wilerth: Will you agree to meet the 14 conditions from the staff?

Mendez: Yes

Frazier: Mr. Hanson will you be requiring the easement on the back side that would only be on their property?

Hanson: Yes

Dwight: The concrete on the north side on the drawing

9. Close Public Hearing

Stock closed.

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

- a. Motion – Meyers approved with the 14 recommendations
- b. Second - Emerson
- c. Additional Board Discussion
- d. Vote – Yes (7-0)

C. Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. **Enter Additional Relevant City Exhibits into the Record:**

- h. Staff report
- i. Current City Zoning Map
- j. Proposed Zoning Map
- k. Staff Review Letter & Applicant Responses
- l. Publication of Notice of Public Hearing in Daily Record Newspaper
- m. City of Raytown Zoning Ordinance, as amended
- n. City of Raytown Comprehensive Plan
- p. Amendment to the staff recommendations

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

Meyers: Yes, but it would not impact his decision.

6. **Introduction of Application by Staff**

Haydaripoor: Curtis Peterson is requesting approval of a Site Plan in order to replace a building that burnt down. The proposed replacement building also contains 11 units built in 1965.

7. **Request for Public Comment**

Peterson: Somerset has 13 buildings with 156 units. They lost one building in 2016 to fire.

Peterson: Two items that we want to put before you and ask for recommendations from the board, one is the preliminary site plan and two would be approval of a final plat. Proposal as a preliminary plan: First expand 60th Street by two feet and moving the curb so that it becomes 26 feet is the standard for the fire department. Second, Plans to vacate the right of way from the north curb line and then everything north of there would be private. Put in 51 new 90 degree parking stalls and there will no longer be parallel spaces and this doubles the amount of parking stalls along 60th Street. The water meters will be relocated to the north. Will also provide a utility easement on the plat. Add parking shown in dark gray on the west side. There will be a total of 66 new parking spaces with this development. Reinforce a drive for the fire department. Adding impervious surface to deal with storm water .

Three aspects of the Staff Report: Central Business District Site Design, the CBD Building Design Standards and a couple of elements in the R-3 regulations. CBD Site Design Standards – 4 items spoken to: 1) Location of the parking facilities 2) the parking lot landscaping 3) the parking facility lighting (2 poles) and 4) pedestrian scale lighting. CBD Building Design Standards – There are 11 units and one laundry unit in the three story building. Three elements that they are asking for support of are: 1) Building articulation and setbacks. 2) Flat roof compared to a pitched roof. 3) Materials – Brick veneer, textured siding and iron for railings on the balconies. Relevant R-3 regulations – tension of parking and open green space. Increased parking by 39% and reduced open space by 9%.

9. **Additional Staff Comments and Recommendation**

No additional comments.

9. **Board Discussion**

Meyers: In reviewing the compromise that has been accomplished and working through areas of concern where a lot of it hinged on safety (parking and fire). Very satisfied with the additional

parking that will alleviate the safety concern. The visual of the a/c unit on the roof was taken care of.

Dwight: White streak on the drawing, is it the sidewalk or curb?

Peterson: Yes, it represents the new roll curb.

Dwight: The only new sidewalks are centered around the new building?

Peterson: Yes.

Willerth: Did you get a chance to review the Staffs Revised Recommendation Report with the ten conditions?

Peterson: The applicant is supportive of all ten recommendations.

Dwight: Green space in the new area.

Peterson: This is a green Buffer with tree, shrubs and a bench.

10. Close Public Hearing

Closed.

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

- a. Motion – Frazier with staff recommendations to approve
- b. Second - Emerson
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

D. Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. Enter Additional Relevant City Exhibits into the Record:

- o. Staff report
- p. Current City Zoning Map
- q. Proposed Zoning Map
- r. Staff Review Letter & Applicant Responses
- s. Publication of Notice of Public Hearing in Daily Record Newspaper
- t. City of Raytown Zoning Ordinance, as amended
- u. City of Raytown Comprehensive Plan
- v. Amended Staff Report

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

None

6. **Introduction of Application by Staff**

Haydaripoor: Applicant requesting approval of a final plat in order to replace the building that burnt down. There are 19 lots though out the property. Staff was informed by Jackson County GIL that the only data they had before 1999 is notes in the system and the tax parcel does not have any notes. In researching the deeds, every time the property transfer hands, the legal description says lot 1 through 19. We have suggested that the applicant submit a final plat and go through the process and convert the three lots to one lot.

7. **Request for Public Comment**

Peterson: The applicant supports all four recommendations in the Amended Staff Report.

8. **Additional Staff Comments and Recommendation**

None

9. **Board Discussion**

None

10. **Close Public Hearing**

11. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Meyers approves with the four recommendations.
- b. Second - Frazier
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, November 1, 2018 at 7:00 PM

9. Adjourn



Staff Report

Community Development
Planning and Development Services

PZ 2018-09

To: City of Raytown Planning and Zoning Commission
From: Ray Haydaripoor, Community Development Director
Date: October 4, 2018
Re: Application for Site Plan

PLAT APPLICATION SUMMARY

Applicant: Curtis Peterson, Polsinelli
Project Contact: Somerset Village Apt.
Property Location: 9800 E 60th St
Request: For approval of a Site Plan

SITE DATA

WILSON VIEW---LOTS 8-19 & TH PT NE 1/4 NE 1/4 SEC 05-48-32 DAF: BEG MOST SW COR LOT 12 WILSON VIEW TH W 50' TO ELY RR ROW LI TH NLY ALG SD ELY RR LI 244' TH E 50' TO W LI WILSON VIEW TH SLY ALG W LI LOTS 11 & 12 SD WILSON VIEW TO POB (BEING PT OF FORMER RR ROW)

Land Use Data	
Surrounding Zoning	R-3
Surrounding Overlay	Central Business District
Surrounding Land Use	Residential
Designated Future Land Use	Multi - Family Residential
Ward(s)	Ward 1
Approximate Land Area	3.5 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:	NC	Neighborhood Commercial
North:	R-3	Single family homes
East:	NC	Neighborhood Commercial
West:	N	Conservation

Background Information:

Curtis Peterson, on behalf of KM-TEH Realty owners of the property located at 9611/13 E 60th Street is requesting approval of site plan in order to replace the building that burnt down. The building that was destroyed contained 11 dwelling units and proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings that have 156 dwelling units. The complex is located on East 60th Street just west of Raytown Rd. The building that was destroyed is located 9811 E. 60th Street and was destroyed by fire in February 2016. The City does not have building permit information available, but sewer connection records indicate it was built in 1965 along with two other buildings on the cul-de-sac. The rest of the complex was built in the mid-seventies.



Exhibit 1

The owner of Somerset Village is requesting site plan approval to reconstruct the building that burned down. The building that was destroyed contained 11 dwelling units and the proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings located on E 60th Street just west of Raytown Road. (Exhibit 1) The building at 9811 E. 60th Street (Exhibit 2) was destroyed in a fire in February 2016.



Exhibit 2

The City does not have records available that specify when the building was built, but sewer connection records indicate it was built in 1965 along with two other buildings at the end of the cul-de-sac (Exhibit 3).



Exhibit 3

The rest of the complex was probably built in the early to mid-seventies. (Exhibit 4)



Exhibit 4

The building that was destroyed by fire was built at a time when the zoning regulations were different than they are now and therefore it was a nonconforming structure when it was destroyed. Sec. 50-454 (a) states that any structure destroyed by 50% or more or its appraised value shall comply with the current zoning regulations.

In 2003 the City adopted the Central Business Design Elements which is an overlay zone and the new building is subject to its regulations. Under this overlay zone the applicant is required to submit a preliminary site plan for a recommendation of approval, conditional approval, or denial from the Planning Commission and the Board of Alderman may approve, conditionally approve or deny the preliminary site plan. If the Board of Alderman approves the preliminary site plan, it shall adopt an ordinance to that affect and a final site plan shall be submitted to the Planning Commission for approval.

The proposed building does not meet all the Central Business District Design Elements and the applicant is requesting alternatives be approved as part of the preliminary site plan. These items will be set out in detail later on in this Staff Report.

CENTRAL BUSINESS (CBD) DESIGN ELEMENTS

The purpose and intent of the CBD Design Elements taken from the Zoning Ordinance are as follows:

Design goals. The purpose of the CBD Design Elements is to enhance and create a traditional downtown core that forms a commercial and cultural center for the city by emphasizing appropriate and complimentary architectural, landscape and site design standards for new and redeveloped properties that:

- (1) Focus on building and landscaping.
 - a. Buildings and vegetation should be the predominant elements of the downtown area.
 - b. Signage and parking facilities should be less prominent.
- (2) Promote pedestrian activity and walkability throughout the Central Business District while also providing pedestrian connections with surrounding neighborhoods.
- (3) Create appropriate building scale and proportion throughout the Central Business District.
- (4) Create a unique identity as development and redevelopment occur within the Central Business District incorporating visually prominent and attractive features through building design and site design that individually and cumulatively create an appealing and attractive area.
- (5) Allow easy access to and from the area via multiple modes of transportation such as pedestrian, bicycle, public transportation and personal vehicle.

Also:

New development. All of the provisions of the CBD Design Elements shall be applicable to the construction of a new building or structure on a vacant site. The CBD Design Elements are set out in two sections as follows: Sec.50-399 Residential Site Design Standards and Sec. 50-400 Residential Building Design Standards. The Staff Report will address each of these standards and will note when the standards are not met and when an alternative will need to be approved.

Residential Site Design Standards

It should be pointed out that this building is one of a complex of 13 buildings and the design of the replacement building mirrors those of the existing buildings and attempts to reflect that design while trying to meet some of the CBD Design Elements. The following are design elements for residential development and redevelopment.

- (1) Front yard treatment.
 - a. Intent: To provide a feeling of separation between buildings and the public pedestrian realm so that front yards function as usable outdoor spaces.
 - b. Standards:
 1. Required:
 - (i) In new development and redevelopment front yards, including two side property lines and the street lines, shall include at least two of the following transitional elements. Any transitional element over two feet high must be 80 percent transparent.
 - A. Steps;
 - B. Low fences, no more than three feet high;
 - C. Trellises;
 - D. Site furnishings;
 - E. Low hedges, no more than three feet high;
 - F. Landscaped borders; and/or
 - G. Low walls, no more than two feet high, of decorative concrete, masonry or other similar material.

- (ii) Front yards shall include at least one of the following entrance elements between the sidewalk and the building:
 - A. Gateways;
 - B. Archways;
 - C. Canopy;
 - D. Arbor or trellis;
 - E. Variety of paving materials; or
 - F. Pedestrian lighting;
- (iii) Fencing shall be constructed of durable, weather-resistant and vandal resistant materials.

Staff Comments: The proposed design meets the required standards.

(2) Entries facing the street.

- a. Intent: To provide a clearly defined, welcoming, and safe entry for pedestrians to multifamily dwellings, from the sidewalk into the building.
- b. Standards:
 - 1. Required:
 - (i) Architectural elements shall be used to provide a clearly identifiable and defensible entry visible from the street.
 - (ii) Developments shall include at least two of the following architectural elements:
 - A. Recesses;
 - B. Balconies;
 - C. Articulated roof forms;
 - D. Front porches with a depth of at least eight feet;
 - E. Arches; and/or
 - F. Glass at sides and/or above entry doors.
 - (iii) Developments shall include at least one of the following site furnishings:
 - A. Trellis;
 - B. Awning
 - C. Canopy; or
 - D. Bench with a back
 - (iv) Pedestrian scale lighting and/or lighted bollards shall be provided.
 - (v) Primary building entries shall face the street. If the doorway does not face the street, a clearly marked and well-maintained path shall connect the entry to the sidewalk.

Staff Comments: The proposed building meets the required standards.

(3) Private outdoor space.

- a. Intent: To provide private outdoor spaces that encourages a sense of ownership by residents.
- b. Standards:
 - 1. Required: Apply defensible space and clear entryway principles for multi-family dwellings.

Defensible entry is an industry-specific term that addresses the ability of a person to anticipate a path of travel, its obstruction, and points of vulnerability before moving through the space.

Staff Comments: The proposed building meets the required standard.

(4) Site landscape areas.

- a. Intent: To reinforce the character of the downtown area and the surrounding natural environment through site landscaping.
- b. Standards:
 - 1. Required:
 - (i) All areas not devoted to landscape required by these CBD Design Elements, this chapter, parking regulations, structures or other site improvements shall be planted, or remain in existing native, non-invasive vegetation including drought-tolerant grass.
 - (ii) A minimum 20 percent of plant varieties shall provide year-round color, texture and/or other special interest.

Staff Comments: A landscape plan sheet was submitted with the rest of the plan therefore the proposed design project has met this standard.

(5) Location of parking facilities.

- a. Intent: To maintain a contiguous, active pedestrian street front along streets by locating parking facilities behind buildings.
- b. Standards:
 - 1. Required:
 - (i) Garages and covered parking structures shall be constructed of similar materials and have similar architectural character as the principle building(s) on the property.
 - (ii) New development and redevelopment. Parking facilities shall be located behind buildings. The board of alderman as part of the preliminary site plan may approve an alternative to this design standard.
 - (iii) Where an alternative to this design standard is approved and parking facilities are allowed to remain in front of or beside buildings, parking facilities shall provide a ten-foot wide planting areas between the parking lot and street right-of-way to include:
 - A. A year-round sight barrier;
 - B. Evergreen shrubs;
 - C. Evergreen ground cover; and
 - D. Shrub material maintained at a maximum height of three feet for visibility.
 - (iv) All parking facilities (new development and redevelopment) shall comply with the parking lot standards set forth in this chapter including, but not limited to interior landscape areas, wheel stops, plant material requirements, and number of stalls.
 - (v) The board of aldermen by ordinance must approve any gated parking facilities or gated portions as part of a preliminary site plan.

Staff Comments: The applicant has made considerable effort to increase parking spaces from what currently exists. Even though this is an improvement, but the proposed design, does not meet the requirement as stated in item (iii) above.

(6) Location of driveways.

- a. Intent: To maintain a contiguous, uninterrupted sidewalk by minimizing, consolidating and/or eliminating driveway access off primary pedestrian streets.
- b. Standards:
 - 1. Required:
 - (i) All vehicular driveways shall be located off side streets and alleys unless:

- A. The only means of access to the site is from a primary pedestrian street;
 - B. The development is located at the corner of two primary pedestrian streets;
 - C. The driveway is consolidated (shared) between adjacent developments; or
 - D. The property cannot otherwise be accessed from a side street, alley or shared drive.
- (ii) Where a driveway is allowed on primary pedestrian streets, driveway entrances shall:
 - A. Include an identifying feature, such as a trellis, monument, low wall/column or special landscape treatment; and
 - B. Sidewalk-paving materials/treatment shall be extended across the driveway entrance.
 - (iii) Adjacent developments shall consolidate (share) vehicular driveways where feasible regardless of the type of street on which the driveway is located.
 - (iv) Apply defensible space and clear entryway principles for pedestrian access from driveways and parking areas to the development.
 - (v) If used for identifying features in subsection (6)b.1(ii)A of this section, the combination of walls and shrubs/ground cover shall not exceed a maximum height of four feet, unless all of the following are provided:
 - A. Wall/landscape treatment does not create a safety hazard;
 - B. Any portion of a wall/landscape treatment that is above four feet in height is a minimum 75 percent transparent (i.e., see-through metal railing, trellis, or other similar treatment); and
 - C. Any portion of a wall/landscape treatment that is above four feet in height provides added visual interest, detail and character.

Staff Comments: The applicant is proposing reconstruction of existing driveway on the west side of the building. When the project is completely built, the temporary fencing will be removed and the driveway on the west side of the building will be reopened.

(7) Parking lot landscape.

- a. Intent: To reduce the visual impact of parking lots through landscape areas, trellises and/or other architectural features.
- b. Standards:
 - 1. Required:
 - (i) Parking lot landscape shall be used to reinforce pedestrian and vehicular circulation such as:
 - A. Parking lot entrances;
 - B. Ends of driving aisles; and
 - C. To define pedestrian connections through parking lots.
 - (ii) Low walls (minimum three-feet high) used to screen parking lots shall be made of decorative concrete, masonry or other similar material. Where walls and/or fences are provided, landscape-planting areas may be reduced to a minimum five feet and shall be located adjacent to the public right-of-way.
 - (iii) The combination of walls, fences and shrubs/ground cover shall not exceed a maximum height of four feet, unless all of the following are provided:
 - A. Wall/fence/landscape treatment does not create a safety hazard;
 - B. Portion of wall/fence/landscape treatment that is above four feet in height is a minimum 75 percent transparent (i.e., see-through metal railing, trellis, or other similar treatment); and

- C. Portion of wall/fence/landscape treatment that is above four feet in height provides added visual interest, detail and character suitable to the nature of the downtown area.
- (iv) For any wall or fence above six feet total height, the entire wall/fence façade shall comply with the building design standards set forth in the CBD Design Elements for ground level details, materials, color, etc.
- (v) A minimum five-foot wide landscape planting area shall be provided between parking lots and adjacent developments to include a year-round sight barrier and meeting the requirements for parking lot landscape proved in this chapter.

Staff Comments: A new parking area is being proposed, the submitted landscape plan either does not have adequate information or does not meet the CBD Design Element Standards. Area of concerns are items (ii), (iii), (iv), (v).

(8) Parking facility lighting.

- a. Intent: To provide way-finding lighting to define pedestrian areas and promote public safety.
- b. Standards:
 - 1. Required:
 - (i) Lighting located within parking facilities shall be between 15 and 20 feet in height except where the lighting is intended to be used for pedestrian purposes as indicated in subsection (8) b.2(i) of this section.
 - (ii) In addition to parking facility lighting, pedestrian scale lighting shall be a maximum 14 feet in height.
 - (iii) Pedestrian scale lighting and/or bollard lighting shall be used to further define pedestrian walkways, crosswalks, connections to public right-of-way and/or other pedestrian areas within or besides parking facilities.
 - (iv) All lighting (parking lot and pedestrian scale) shall be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture. No light projection should extend higher than horizontal from the light fixture.
 - (v) All lighting (parking facility and pedestrian scale) shall reinforce the character of the downtown area and should complement other light fixtures through color, style and/or other architectural features of adjacent developments.

Staff Comments: A new parking area is being proposed with new parking layout, but the plan lacks the necessary information, or the proposed design does not meet the requirements of Central Business District Design Elements.

(9) Courtyards, plazas and open space.

- a. Intent: To reinforce the pedestrian nature of the downtown area by creating usable open space for pedestrians.
- b. Standard:
 - 1. Required:
 - (i) Where provided, pedestrian spaces shall be visible and accessible to the public.
 - (ii) Plazas, courtyards, green spaces and other pedestrian areas shall include landscaping and pedestrian scale lighting.

Staff Comments: Open space as defined by the zoning ordinance means the lot area unoccupied by buildings, parking areas and driveways which is either landscaped or developed for recreational use

by the occupants of the premises. The required open space is 116,201 square feet and the complex provides 61,777 square feet. The proposed design does not meet the required standard.

Pedestrian connections.

- a. Intent: To create a network of linkages for pedestrians, including locating building entrances in closer proximity to sidewalks than in other areas of the city.
- b. Standards:
 1. Required:
 - (i) Clearly defined pedestrian connections shall be provided;
 - (ii) Between a public right-of-way and building entrances when buildings are not located directly adjacent to the sidewalk; and
 - (iii) Between parking lots and building entrances;
 - (iv) Pedestrian connections shall be separated from vehicular traffic in a combination of two or more of the following ways:
 - A. A six inch vertical curb, except where walkways cross vehicular travel lanes where sidewalk ramps are necessary;
 - B. A trellis, railing, bollard, special paving, low seat well and/or other architectural features;
 - C. A continuous landscape area that is a minimum six feet wide on at least one side of the walkway, except where walkways cross vehicular travel lanes; and/or
 - D. Where a walkway abuts a driving aisle within a parking area, a minimum six-foot wide landscape area shall be provided between the walkway and the driving aisle.
 - (v) Where walkways abut a public right-of-way, a minimum six-foot wide landscape area shall be provided between the walkway and the public right-of-way.
 - (vi) Pedestrian connections shall be reinforced with pedestrian scale lighting (maximum 14-inch height), bollard lighting, accent lighting or a combination thereof to aid in pedestrian's way-finding.
 - (vii) Pedestrian connections that cross driveways or other vehicular or bicycle access shall be marked by using continuous sidewalk material consisting of either brick, paver bricks, stone or concrete that is stamped and colored throughout.
 - (viii) Pedestrian connections shall:
 - A. Include clear sight lines to building entrances;
 - B. Be not less than five feet wide;
 - C. Connect to adjacent walkways; and
 - D. Be of the same color, texture and treatment as adjacent walkways.
 - (ix) Landscaping shall consist of drought-tolerant plantings such as evergreens, deciduous trees and shrubs, and decorative grasses. A minimum 20 percent of varieties shall provide year-round color, texture and/or other special interest. Shrubs shall be maintained at a maximum three-foot height for visibility.

Staff Comments: The landscape plans do not show the minimum requirement such as items (iv) and (v). There are no sidewalks on 60th Street, so it probably is not practical to require a sidewalk on this property. It should be pointed out, however, with the high density of this project the applicant should construct sidewalks on both sides of 60th Street and around the cul-de-sac as a future improvement.

Sec. 50-400. Residential Building Design Standards.

- (a) Bulk of buildings.

- (1) Intent: To reduce the apparent bulk of buildings by breaking them down into smaller components that is visually consistent with a pedestrian scale:
- (2) Standards; required:
 - a. Walls facing streets shall be modulated with bays and recesses at least eight feet wide and no more than 25 feet wide and at least three feet deep.
 - b. Modulation shall extend to the roof, except at balconies. The purpose is not to create a regular rigid solution but rather to break up the mass in creative ways.
- (b) Articulation and overall massing of buildings.
 - (1) Intent: To provide visual variety along the street.
 - (2) Standards:
 - a. Required:
 - 1. Buildings shall include articulation along the facades facing and visible from public rights-of-way. Flat blank walls are discouraged.
 - 2. Horizontal facades longer than 25 feet shall be articulated into smaller units, reminiscent of the residential scale of the neighborhood. At least two of the following methods shall be included:
 - (i) Distinctive roof forms;
 - (ii) Changes in materials;
 - (iii) Window patterns; and/or
 - (iv) Color differentiation
 - b. Encouraged: Additions or alterations to existing buildings with unique architectural interest should be made sensitively and in keeping with the buildings original architectural style.

Staff Comments: The proposed building is similar to the buildings that were built in the seventies rather than the original buildings that were built in the mid-sixties. The sixties buildings were flat facades with no articulation. The proposed building with the balconies and a variety of materials provide more interest than the original building, but still does not meet the Design Standards and the applicant is requesting approval of a design alternative.

- (c) Upper level step backs.
 - (1) Intent: To enhance views of the surrounding area and to increase sunlight penetration to the public sidewalk.
 - (2) Standards:
 - a. Required: Multi-story buildings shall include step backs a minimum of four feet deep above the second level. Step backs shall be provided at every two floors minimum.

Staff Comments: The proposed building plans does not show upper level step backs. Since this building is a part of a larger complex, providing upper level step backs would not be consistent with the rest of the complex and the applicant is requesting approval of a design alternative.

- (d) Addressing the corner.

Staff Comments: This standard is not applicable since the building is not on a corner location.

- (e) Pitched roof forms.
 - (1) Intent: To maintain and enhance the image and character of the Raytown CBD and its residential neighborhoods.
 - (2) Standards:
 - a. Required:

1. All structures shall incorporate pitched roof forms having slopes between 4:12 and 12:12, except that structures located in the town square neighborhood, may have a flat roof that shall include extended parapets and projecting cornices to create a prominent edge, when viewed against the sky from an adjoining street, parking area, public open space, or pedestrian connection.
2. Rooftop mounted equipment, vents and flues (other than chimneys) shall be screened so that they are not visible from ground level on neighboring properties.
 - (i) Rooftop mechanical equipment screens shall be required at a height that is as high or higher than the rooftop equipment being screened.
 - (ii) Screening shall be provided in a manner that is architecturally integral to the overall appearance of the building.
 - (iii) The use of parapet walls or specially designed rooftop penthouse enclosures is the preferred methods of screening for rooftop mechanical equipment.
 - (iv) Partition screens are generally less desirable for screening purposes. However, when using partition screens, the use, design, and material of the screen should blend with the building architecture and create massing hierarchy that projects the same high quality appearance as the building façade.
 - (v) The number of vents and flues shall be kept to a minimum and located in a manner to not be visible. On sloped roof structures, vents and flues shall be incorporated into architectural features or painted to blend with the roofing material.
 - (vi) The board of aldermen as part of the preliminary site plan may approve an alternative to this design standard, provided that in addition to the other criteria for approval of an alternative, the board of aldermen must also determine that one of the following exception criteria is valid.
 - A. A building is located at a higher elevation in relation to surrounding properties and it is demonstrated that rooftop equipment will not be visible.
 - B. A building is located in the middle of an industrial park and rooftop equipment is not visible from arterial roadways, residential properties, nor will it have a negative impact upon any sensitive areas or scenic views or vistas.
 - C. A building is sited in a manner where the location and setback of rooftop equipment from the building edge in relation to the elevation and visibility of surrounding properties is such that the equipment will not be visible from any distance and additional screening measures are not required.

Staff Comments: The proposed building does not have a pitched roof as required but has a flat roof similar to the other buildings in the complex. The applicant will need to demonstrate that the roof mounted equipment, vents, etc. will not be visible from the street or other adjacent properties. A roof top plan has not been submitted that shows the location of HVAC units, vents, etc. along with the height of these items and how they will be screened. The applicant is requesting approval of the flat roof as a design alternative.

- (f) Materials/architectural details.
- (1) Intent:
 - a. To encourage creative expression through diversity of architectural style that enlivens the street.
 - b. To ensure a standard of quality that will be easily maintained and cared for over time.

- c. To encourage the use of materials appropriate to residential development and details that reduce the bulk of larger buildings.
- (2) Standards:
- a. Required:
 - 1. Facades facing a street shall be constructed of durable and maintainable materials. Materials that have texture, pattern and lend themselves to quality detailing include:
 - (i) Brick;
 - (ii) Stone;
 - (iii) Stucco (Dryvit or EIFS);
 - (iv) Marble;
 - (v) Ceramic;
 - (vi) The board of aldermen as part of the preliminary site plan may approve an alternative to this design standard.
 - 2. Architectural accents and projections on facades facing street and facades not facing a street may be constructed of durable and maintainable materials other than those listed in subsection (1) of this section such as:
 - (i) Wood;
 - (ii) Vinyl;
 - (iii) Masonite;

Staff Comments: The proposed building has brick and wood on all four sides which is consistent with the other 10 buildings in the complex but does not meet the required standard and the applicant is requesting approval of a design alternative.

- (g) Ground level details (when ground floor is commercial).

Staff Comments: This standard is not applicable to this project.

- (h) Concealing structured parking.

Staff Comments: This standard is not applicable to this project.

In addition to above design standards, the properties located in a High-Density Residential District.

Sec. 50-167- High Density Residential District (R-3). The purpose of this district is to provide quality apartment development in a higher density setting, while ensuring that livability, property values; open spaces, safety and the general welfare will be sustained.

(F) Lot Area per household. The minimum lot area shall be 2,500 square feet for each of the units in a triplex or fourplex dwelling building and 2,000 square feet for each apartment in an apartment building of five or more units.

Staff Comments: The R-3 District requires 2,000 square feet of lot area per dwelling unit in apartment buildings that have more than five dwelling units. Including the proposed building, the complex would have 156 apartments and would require a site of 312,000 square feet. The existing complex has 211,180 square feet which is 100,726 square feet less than the requirement. The proposed design does not meet the required standard.

(g) Size of dwelling. Every dwelling hereafter erected, constructed, reconstructed or altered in R-3 district shall have a minimum habitable floor area, excluding basements, open and screened porches and garages, of not less than 700 square feet for each multi-household dwelling unit.

Staff Comments: The proposed design meets the required standards.

STAFF RECOMMENDATION

This is a difficult analysis because the proposed building is in a larger complex and is not a stand-alone structure. The purpose of the CBD Design Elements is to upgrade the quality of development over a period of time as redevelopment occurs. At the same time, in this situation, the applicant desires to have the building be similar in design to the other buildings in the complex.

The proposed building does not meet many of the standards contained in the Central Business District Design Elements; the proposed project provides additional parking spaces, which is an increase of 66 off-street parking (site plan page L1); the lot area per household is 69% (site plan page L1) of the ordinance requirement; the propose minimum open space is only 31% (site plan page L1) compared to the required 55%; the entire development needs significant maintenance (painting of trim, replacing landscaping that has been removed around the buildings, repairing light poles and cleaning up the debris throughout the property).

Open space and parking spaces are two of the requirements that the proposed design does not meet the Central Business District Design Elements. Unfortunately, the two requirements are intertwined in a manner that one will affect the other. In the spirit of compromise staff does not have any objection to the proposed design regarding open spaces and parking spaces.

The Planning Commission may recommend approval, approval with conditions or denial. If the Planning Commission recommends approval, staff recommends the following conditions be required:

1. The Parking facility lighting preliminary site plans does not have adequate information for staff to make any recommendations or the proposed design does not meet the requirements of this section of Central Business District Design Elements.
2. The proposed design showing the existing plaza area on the east side of the proposed building will be eliminated, this is a requirement for "Courtyards, Plazas and open space" in the complex and a design alternative be approved to a usable space for the tenants.
3. That a design alternative be approved for the "Bulk of buildings" standards so that the proposed building is similar in design to the 10 other buildings in the complex.
4. That the "upper level step backs" not be required because they would appear much different than the rest of the buildings in the complex and a design alternative be approved.
5. That the flat roof be approved as a design alternative subject to proposed screening of the roof mounted equipment, vents, etc. The applicant shall submit a roof plan showing the location of all equipment, vents, etc. for review by City Staff and a design alternative be approved.
6. Per Public Works requirements, Civil Plans, Grading Plan, Sheet 1 of 2 – The proposed storm line extension and the proposed rip-rap is not upon Somerset's property but is on

the neighboring Jackson County Railroad right-of-way. These improvements must remain on Somerset Village Apt. property.

7. Per Public Works requirements, a storm drainage study will still need to be submitted for review by staff.
8. No building permit will be issued before the final engineered site plan submitted.
9. No Certificate of Occupancy will be issued until all requirements of this section have been met.
10. That the requirements of all the previous conditions be shown on revised drawings. The applicant shall submit five copies of the revised plans at full scale for review and approval by the Director of Community Development prior to the Final Site plan being submitted to the Planning Commission. Additional copies of the plans will be required for the Planning Commission.

CITY OF RAYTOWN
Request for Board Action

Date: November 7, 2018

Bill No. 6485-18

To: Mayor and Board of Aldermen

Section No.: XIII

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____

Action Requested: Requesting consideration and approval of a final plat for Somerset Village, Second Plat.

Recommendation: The Planning & Zoning Commission voted (7-0) to recommend approval of the final plat subject to four (4) conditions.

Analysis: Curtis Petersen, on behalf of KM-TEH Realty owners of the property located at 9811/9813 E 60th Street is requesting approval of a final plat in order to replace the building that burnt down. Wilson View, known as Somerset Village, has been at this location for approximately 60 years. There are 19 lots throughout the property with multiple buildings overlapping the lot lines. Staff were informed by Jackson County GIS personnel that the only data they have before 1999 is notes in the system and three tax parcels do not have any notes. Additionally, in researching the deeds, every time the property transferred hands the legal description is simply lot 1-19, which is the development.

Somerset Village is a complex of 13 buildings that have 156 dwelling units. The complex is located on East 60th Street just west of Raytown Road. The building that was destroyed is located 9811 E. 60th Street and was destroyed by fire in February 2016. The City does not have building permit information available, but sewer connection records indicate it was built in 1965 along with two other buildings on the cul-de-sac. The rest of the complex was built in the mid-seventies.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the request or refer the plat back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report from October 4, 2018 Planning & Zoning Commission meeting
- Minutes from October 4, 2018 Planning & Zoning Commission meeting

AN ORDINANCE APPROVING THE FINAL PLAT, WILSON VIEW, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS, Application PZ-2018-10, submitted by Curtis Petersen, on behalf of KM-TEH Realty owners of the property located at 9811/9813 E 60th Street is requesting approval of Final Plat, Wilson View, a subdivision of the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

WHEREAS, the Planning & Zoning Commission considered the application on October 4, 2018, and by a vote of 7 in favor and 0 against rendered a report to the Board of Aldermen recommending that the final plat be approved; and

WHEREAS, the Board of Aldermen having considered the application on November 13, 2018 and November 20, 2018, 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.

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

SECTION 1 – APPROVAL OF PLAT. That the Final Plat, Wilson View, a subdivision in the City of Raytown, Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein, is hereby to be approved.

SECTION 2 – CONDITIONS OF APPROVAL. That the Final Plat, Wilson View be approved subject to the following conditions:

1. Per Sec. 38-5; Before any plats shall be recorded or be of any validity, it shall have been presented to the Planning & Zoning Commission and approved by the Board of Aldermen as having fulfilled the requirements of these regulations and all other applicable ordinances.
2. Per Sec. 38-7, (15) A certification that after approval of the final plat, but prior to signature by the City Clerk, the applicant will satisfy all outstanding city and county tax and special assessments on all property within the proposed subdivision.
3. Per Sec. 38-7, (g) Available options - Approval of the final plat by the City Planning & Zoning Commission shall, however, authorize the applicant to proceed with one of the following options:
 - Option No. 1, completion of improvements.*
 - Option No. 2, bonding improvements.*
 - Option No. 3, escrow agreement.*
 - Option No. 4, delay construction or bonding until after final approval.*
4. Per Sec. 38-10. Final Plat; 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.

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 **APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney



Staff Report

Community Development
Planning and Development Services

PZ 2018-09

To: City of Raytown Planning and Zoning Commission
From: Ray Haydaripoor, Community Development Director
Date: October 4, 2018
Re: Application for Site Plan

PLAT APPLICATION SUMMARY

Applicant: Curtis Peterson, Polsinelli
Project Contact: Somerset Village Apt.
Property Location: 9800 E 60th St
Request: For approval of a Site Plan

SITE DATA

WILSON VIEW---LOTS 8-19 & TH PT NE 1/4 NE 1/4 SEC 05-48-32 DAF: BEG MOST SW COR LOT 12 WILSON VIEW TH W 50' TO ELY RR ROW LI TH NLY ALG SD ELY RR LI 244' TH E 50' TO W LI WILSON VIEW TH SLY ALG W LI LOTS 11 & 12 SD WILSON VIEW TO POB (BEING PT OF FORMER RR ROW)

Land Use Data	
Surrounding Zoning	R-3
Surrounding Overlay	Central Business District
Surrounding Land Use	Residential
Designated Future Land Use	Multi - Family Residential
Ward(s)	Ward 1
Approximate Land Area	3.5 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:	NC	Neighborhood Commercial
North:	R-3	Single family homes
East:	NC	Neighborhood Commercial
West:	N	Conservation

Background Information:

Curtis Peterson, on behalf of KM-TEH Realty owners of the property located at 9611/13 E 60th Street is requesting approval of site plan in order to replace the building that burnt down. The building that was destroyed contained 11 dwelling units and proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings that have 156 dwelling units. The complex is located on East 60th Street just west of Raytown Rd. The building that was destroyed is located 9811 E. 60th Street and was destroyed by fire in February 2016. The City does not have building permit information available, but sewer connection records indicate it was built in 1965 along with two other buildings on the cul-de-sac. The rest of the complex was built in the mid-seventies.



Exhibit 1

The owner of Somerset Village is requesting site plan approval to reconstruct the building that burned down. The building that was destroyed contained 11 dwelling units and the proposed replacement building also contains 11 dwelling units. Somerset Village is a complex of 13 buildings located on E 60th Street just west of Raytown Road. (Exhibit 1) The building at 9811 E. 60th Street (Exhibit 2) was destroyed in a fire in February 2016.



Exhibit 2

The City does not have records available that specify when the building was built, but sewer connection records indicate it was built in 1965 along with two other buildings at the end of the cul-de-sac (Exhibit 3).



Exhibit 3

The rest of the complex was probably built in the early to mid-seventies. (Exhibit 4)



Exhibit 4

The building that was destroyed by fire was built at a time when the zoning regulations were different than they are now and therefore it was a nonconforming structure when it was destroyed. Sec. 50-454 (a) states that any structure destroyed by 50% or more or its appraised value shall comply with the current zoning regulations.

In 2003 the City adopted the Central Business Design Elements which is an overlay zone and the new building is subject to its regulations. Under this overlay zone the applicant is required to submit a preliminary site plan for a recommendation of approval, conditional approval, or denial from the Planning Commission and the Board of Alderman may approve, conditionally approve or deny the preliminary site plan. If the Board of Alderman approves the preliminary site plan, it shall adopt an ordinance to that affect and a final site plan shall be submitted to the Planning Commission for approval.

The proposed building does not meet all the Central Business District Design Elements and the applicant is requesting alternatives be approved as part of the preliminary site plan. These items will be set out in detail later on in this Staff Report.

CENTRAL BUSINESS (CBD) DESIGN ELEMENTS

The purpose and intent of the CBD Design Elements taken from the Zoning Ordinance are as follows:

Design goals. The purpose of the CBD Design Elements is to enhance and create a traditional downtown core that forms a commercial and cultural center for the city by emphasizing appropriate and complimentary architectural, landscape and site design standards for new and redeveloped properties that:

- (1) Focus on building and landscaping.
 - a. Buildings and vegetation should be the predominant elements of the downtown area.
 - b. Signage and parking facilities should be less prominent.
- (2) Promote pedestrian activity and walkability throughout the Central Business District while also providing pedestrian connections with surrounding neighborhoods.
- (3) Create appropriate building scale and proportion throughout the Central Business District.
- (4) Create a unique identity as development and redevelopment occur within the Central Business District incorporating visually prominent and attractive features through building design and site design that individually and cumulatively create an appealing and attractive area.
- (5) Allow easy access to and from the area via multiple modes of transportation such as pedestrian, bicycle, public transportation and personal vehicle.

Also:

New development. All of the provisions of the CBD Design Elements shall be applicable to the construction of a new building or structure on a vacant site. The CBD Design Elements are set out in two sections as follows: Sec.50-399 Residential Site Design Standards and Sec. 50-400 Residential Building Design Standards. The Staff Report will address each of these standards and will note when the standards are not met and when an alternative will need to be approved.

Residential Site Design Standards

It should be pointed out that this building is one of a complex of 13 buildings and the design of the replacement building mirrors those of the existing buildings and attempts to reflect that design while trying to meet some of the CBD Design Elements. The following are design elements for residential development and redevelopment.

- (1) Front yard treatment.
 - a. Intent: To provide a feeling of separation between buildings and the public pedestrian realm so that front yards function as usable outdoor spaces.
 - b. Standards:
 1. Required:
 - (i) In new development and redevelopment front yards, including two side property lines and the street lines, shall include at least two of the following transitional elements. Any transitional element over two feet high must be 80 percent transparent.
 - A. Steps;
 - B. Low fences, no more than three feet high;
 - C. Trellises;
 - D. Site furnishings;
 - E. Low hedges, no more than three feet high;
 - F. Landscaped borders; and/or
 - G. Low walls, no more than two feet high, of decorative concrete, masonry or other similar material.

- (ii) Front yards shall include at least one of the following entrance elements between the sidewalk and the building:
 - A. Gateways;
 - B. Archways;
 - C. Canopy;
 - D. Arbor or trellis;
 - E. Variety of paving materials; or
 - F. Pedestrian lighting;
- (iii) Fencing shall be constructed of durable, weather-resistant and vandal resistant materials.

Staff Comments: The proposed design meets the required standards.

(2) Entries facing the street.

- a. Intent: To provide a clearly defined, welcoming, and safe entry for pedestrians to multifamily dwellings, from the sidewalk into the building.
- b. Standards:
 - 1. Required:
 - (i) Architectural elements shall be used to provide a clearly identifiable and defensible entry visible from the street.
 - (ii) Developments shall include at least two of the following architectural elements:
 - A. Recesses;
 - B. Balconies;
 - C. Articulated roof forms;
 - D. Front porches with a depth of at least eight feet;
 - E. Arches; and/or
 - F. Glass at sides and/or above entry doors.
 - (iii) Developments shall include at least one of the following site furnishings:
 - A. Trellis;
 - B. Awning
 - C. Canopy; or
 - D. Bench with a back
 - (iv) Pedestrian scale lighting and/or lighted bollards shall be provided.
 - (v) Primary building entries shall face the street. If the doorway does not face the street, a clearly marked and well-maintained path shall connect the entry to the sidewalk.

Staff Comments: The proposed building meets the required standards.

(3) Private outdoor space.

- a. Intent: To provide private outdoor spaces that encourages a sense of ownership by residents.
- b. Standards:
 - 1. Required: Apply defensible space and clear entryway principles for multi-family dwellings.

Defensible entry is an industry-specific term that addresses the ability of a person to anticipate a path of travel, its obstruction, and points of vulnerability before moving through the space.

Staff Comments: The proposed building meets the required standard.

(4) Site landscape areas.

- a. Intent: To reinforce the character of the downtown area and the surrounding natural environment through site landscaping.
- b. Standards:
 - 1. Required:
 - (i) All areas not devoted to landscape required by these CBD Design Elements, this chapter, parking regulations, structures or other site improvements shall be planted, or remain in existing native, non-invasive vegetation including drought-tolerant grass.
 - (ii) A minimum 20 percent of plant varieties shall provide year-round color, texture and/or other special interest.

Staff Comments: A landscape plan sheet was submitted with the rest of the plan therefore the proposed design project has met this standard.

(5) Location of parking facilities.

- a. Intent: To maintain a contiguous, active pedestrian street front along streets by locating parking facilities behind buildings.
- b. Standards:
 - 1. Required:
 - (i) Garages and covered parking structures shall be constructed of similar materials and have similar architectural character as the principle building(s) on the property.
 - (ii) New development and redevelopment. Parking facilities shall be located behind buildings. The board of alderman as part of the preliminary site plan may approve an alternative to this design standard.
 - (iii) Where an alternative to this design standard is approved and parking facilities are allowed to remain in front of or beside buildings, parking facilities shall provide a ten-foot wide planting areas between the parking lot and street right-of-way to include:
 - A. A year-round sight barrier;
 - B. Evergreen shrubs;
 - C. Evergreen ground cover; and
 - D. Shrub material maintained at a maximum height of three feet for visibility.
 - (iv) All parking facilities (new development and redevelopment) shall comply with the parking lot standards set forth in this chapter including, but not limited to interior landscape areas, wheel stops, plant material requirements, and number of stalls.
 - (v) The board of aldermen by ordinance must approve any gated parking facilities or gated portions as part of a preliminary site plan.

Staff Comments: The applicant has made considerable effort to increase parking spaces from what currently exists. Even though this is an improvement, but the proposed design, does not meet the requirement as stated in item (iii) above.

(6) Location of driveways.

- a. Intent: To maintain a contiguous, uninterrupted sidewalk by minimizing, consolidating and/or eliminating driveway access off primary pedestrian streets.
- b. Standards:
 - 1. Required:
 - (i) All vehicular driveways shall be located off side streets and alleys unless:

- A. The only means of access to the site is from a primary pedestrian street;
 - B. The development is located at the corner of two primary pedestrian streets;
 - C. The driveway is consolidated (shared) between adjacent developments; or
 - D. The property cannot otherwise be accessed from a side street, alley or shared drive.
- (ii) Where a driveway is allowed on primary pedestrian streets, driveway entrances shall:
 - A. Include an identifying feature, such as a trellis, monument, low wall/column or special landscape treatment; and
 - B. Sidewalk-paving materials/treatment shall be extended across the driveway entrance.
 - (iii) Adjacent developments shall consolidate (share) vehicular driveways where feasible regardless of the type of street on which the driveway is located.
 - (iv) Apply defensible space and clear entryway principles for pedestrian access from driveways and parking areas to the development.
 - (v) If used for identifying features in subsection (6)b.1(ii)A of this section, the combination of walls and shrubs/ground cover shall not exceed a maximum height of four feet, unless all of the following are provided:
 - A. Wall/landscape treatment does not create a safety hazard;
 - B. Any portion of a wall/landscape treatment that is above four feet in height is a minimum 75 percent transparent (i.e., see-through metal railing, trellis, or other similar treatment); and
 - C. Any portion of a wall/landscape treatment that is above four feet in height provides added visual interest, detail and character.

Staff Comments: The applicant is proposing reconstruction of existing driveway on the west side of the building. When the project is completely built, the temporary fencing will be removed and the driveway on the west side of the building will be reopened.

(7) Parking lot landscape.

- a. Intent: To reduce the visual impact of parking lots through landscape areas, trellises and/or other architectural features.
- b. Standards:
 - 1. Required:
 - (i) Parking lot landscape shall be used to reinforce pedestrian and vehicular circulation such as:
 - A. Parking lot entrances;
 - B. Ends of driving aisles; and
 - C. To define pedestrian connections through parking lots.
 - (ii) Low walls (minimum three-feet high) used to screen parking lots shall be made of decorative concrete, masonry or other similar material. Where walls and/or fences are provided, landscape-planting areas may be reduced to a minimum five feet and shall be located adjacent to the public right-of-way.
 - (iii) The combination of walls, fences and shrubs/ground cover shall not exceed a maximum height of four feet, unless all of the following are provided:
 - A. Wall/fence/landscape treatment does not create a safety hazard;
 - B. Portion of wall/fence/landscape treatment that is above four feet in height is a minimum 75 percent transparent (i.e., see-through metal railing, trellis, or other similar treatment); and

- C. Portion of wall/fence/landscape treatment that is above four feet in height provides added visual interest, detail and character suitable to the nature of the downtown area.
- (iv) For any wall or fence above six feet total height, the entire wall/fence façade shall comply with the building design standards set forth in the CBD Design Elements for ground level details, materials, color, etc.
- (v) A minimum five-foot wide landscape planting area shall be provided between parking lots and adjacent developments to include a year-round sight barrier and meeting the requirements for parking lot landscape proved in this chapter.

Staff Comments: A new parking area is being proposed, the submitted landscape plan either does not have adequate information or does not meet the CBD Design Element Standards. Area of concerns are items (ii), (iii), (iv), (v).

(8) Parking facility lighting.

- a. Intent: To provide way-finding lighting to define pedestrian areas and promote public safety.
- b. Standards:
 - 1. Required:
 - (i) Lighting located within parking facilities shall be between 15 and 20 feet in height except where the lighting is intended to be used for pedestrian purposes as indicated in subsection (8) b.2(i) of this section.
 - (ii) In addition to parking facility lighting, pedestrian scale lighting shall be a maximum 14 feet in height.
 - (iii) Pedestrian scale lighting and/or bollard lighting shall be used to further define pedestrian walkways, crosswalks, connections to public right-of-way and/or other pedestrian areas within or besides parking facilities.
 - (iv) All lighting (parking lot and pedestrian scale) shall be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture. No light projection should extend higher than horizontal from the light fixture.
 - (v) All lighting (parking facility and pedestrian scale) shall reinforce the character of the downtown area and should complement other light fixtures through color, style and/or other architectural features of adjacent developments.

Staff Comments: A new parking area is being proposed with new parking layout, but the plan lacks the necessary information, or the proposed design does not meet the requirements of Central Business District Design Elements.

(9) Courtyards, plazas and open space.

- a. Intent: To reinforce the pedestrian nature of the downtown area by creating usable open space for pedestrians.
- b. Standard:
 - 1. Required:
 - (i) Where provided, pedestrian spaces shall be visible and accessible to the public.
 - (ii) Plazas, courtyards, green spaces and other pedestrian areas shall include landscaping and pedestrian scale lighting.

Staff Comments: Open space as defined by the zoning ordinance means the lot area unoccupied by buildings, parking areas and driveways which is either landscaped or developed for recreational use

by the occupants of the premises. The required open space is 116,201 square feet and the complex provides 61,777 square feet. The proposed design does not meet the required standard.

Pedestrian connections.

- a. Intent: To create a network of linkages for pedestrians, including locating building entrances in closer proximity to sidewalks than in other areas of the city.
- b. Standards:
 1. Required:
 - (i) Clearly defined pedestrian connections shall be provided;
 - (ii) Between a public right-of-way and building entrances when buildings are not located directly adjacent to the sidewalk; and
 - (iii) Between parking lots and building entrances;
 - (iv) Pedestrian connections shall be separated from vehicular traffic in a combination of two or more of the following ways:
 - A. A six inch vertical curb, except where walkways cross vehicular travel lanes where sidewalk ramps are necessary;
 - B. A trellis, railing, bollard, special paving, low seat well and/or other architectural features;
 - C. A continuous landscape area that is a minimum six feet wide on at least one side of the walkway, except where walkways cross vehicular travel lanes; and/or
 - D. Where a walkway abuts a driving aisle within a parking area, a minimum six-foot wide landscape area shall be provided between the walkway and the driving aisle.
 - (v) Where walkways abut a public right-of-way, a minimum six-foot wide landscape area shall be provided between the walkway and the public right-of-way.
 - (vi) Pedestrian connections shall be reinforced with pedestrian scale lighting (maximum 14-inch height), bollard lighting, accent lighting or a combination thereof to aid in pedestrian's way-finding.
 - (vii) Pedestrian connections that cross driveways or other vehicular or bicycle access shall be marked by using continuous sidewalk material consisting of either brick, paver bricks, stone or concrete that is stamped and colored throughout.
 - (viii) Pedestrian connections shall:
 - A. Include clear sight lines to building entrances;
 - B. Be not less than five feet wide;
 - C. Connect to adjacent walkways; and
 - D. Be of the same color, texture and treatment as adjacent walkways.
 - (ix) Landscaping shall consist of drought-tolerant plantings such as evergreens, deciduous trees and shrubs, and decorative grasses. A minimum 20 percent of varieties shall provide year-round color, texture and/or other special interest. Shrubs shall be maintained at a maximum three-foot height for visibility.

Staff Comments: The landscape plans do not show the minimum requirement such as items (iv) and (v). There are no sidewalks on 60th Street, so it probably is not practical to require a sidewalk on this property. It should be pointed out, however, with the high density of this project the applicant should construct sidewalks on both sides of 60th Street and around the cul-de-sac as a future improvement.

Sec. 50-400. Residential Building Design Standards.

- (a) Bulk of buildings.

- (1) Intent: To reduce the apparent bulk of buildings by breaking them down into smaller components that is visually consistent with a pedestrian scale:
- (2) Standards; required:
 - a. Walls facing streets shall be modulated with bays and recesses at least eight feet wide and no more than 25 feet wide and at least three feet deep.
 - b. Modulation shall extend to the roof, except at balconies. The purpose is not to create a regular rigid solution but rather to break up the mass in creative ways.
- (b) Articulation and overall massing of buildings.
 - (1) Intent: To provide visual variety along the street.
 - (2) Standards:
 - a. Required:
 - 1. Buildings shall include articulation along the facades facing and visible from public rights-of-way. Flat blank walls are discouraged.
 - 2. Horizontal facades longer than 25 feet shall be articulated into smaller units, reminiscent of the residential scale of the neighborhood. At least two of the following methods shall be included:
 - (i) Distinctive roof forms;
 - (ii) Changes in materials;
 - (iii) Window patterns; and/or
 - (iv) Color differentiation
 - b. Encouraged: Additions or alterations to existing buildings with unique architectural interest should be made sensitively and in keeping with the buildings original architectural style.

Staff Comments: The proposed building is similar to the buildings that were built in the seventies rather than the original buildings that were built in the mid-sixties. The sixties buildings were flat facades with no articulation. The proposed building with the balconies and a variety of materials provide more interest than the original building, but still does not meet the Design Standards and the applicant is requesting approval of a design alternative.

- (c) Upper level step backs.
 - (1) Intent: To enhance views of the surrounding area and to increase sunlight penetration to the public sidewalk.
 - (2) Standards:
 - a. Required: Multi-story buildings shall include step backs a minimum of four feet deep above the second level. Step backs shall be provided at every two floors minimum.

Staff Comments: The proposed building plans does not show upper level step backs. Since this building is a part of a larger complex, providing upper level step backs would not be consistent with the rest of the complex and the applicant is requesting approval of a design alternative.

- (d) Addressing the corner.

Staff Comments: This standard is not applicable since the building is not on a corner location.

- (e) Pitched roof forms.
 - (1) Intent: To maintain and enhance the image and character of the Raytown CBD and its residential neighborhoods.
 - (2) Standards:
 - a. Required:

1. All structures shall incorporate pitched roof forms having slopes between 4:12 and 12:12, except that structures located in the town square neighborhood, may have a flat roof that shall include extended parapets and projecting cornices to create a prominent edge, when viewed against the sky from an adjoining street, parking area, public open space, or pedestrian connection.
2. Rooftop mounted equipment, vents and flues (other than chimneys) shall be screened so that they are not visible from ground level on neighboring properties.
 - (i) Rooftop mechanical equipment screens shall be required at a height that is as high or higher than the rooftop equipment being screened.
 - (ii) Screening shall be provided in a manner that is architecturally integral to the overall appearance of the building.
 - (iii) The use of parapet walls or specially designed rooftop penthouse enclosures is the preferred methods of screening for rooftop mechanical equipment.
 - (iv) Partition screens are generally less desirable for screening purposes. However, when using partition screens, the use, design, and material of the screen should blend with the building architecture and create massing hierarchy that projects the same high quality appearance as the building façade.
 - (v) The number of vents and flues shall be kept to a minimum and located in a manner to not be visible. On sloped roof structures, vents and flues shall be incorporated into architectural features or painted to blend with the roofing material.
 - (vi) The board of aldermen as part of the preliminary site plan may approve an alternative to this design standard, provided that in addition to the other criteria for approval of an alternative, the board of aldermen must also determine that one of the following exception criteria is valid.
 - A. A building is located at a higher elevation in relation to surrounding properties and it is demonstrated that rooftop equipment will not be visible.
 - B. A building is located in the middle of an industrial park and rooftop equipment is not visible from arterial roadways, residential properties, nor will it have a negative impact upon any sensitive areas or scenic views or vistas.
 - C. A building is sited in a manner where the location and setback of rooftop equipment from the building edge in relation to the elevation and visibility of surrounding properties is such that the equipment will not be visible from any distance and additional screening measures are not required.

Staff Comments: The proposed building does not have a pitched roof as required but has a flat roof similar to the other buildings in the complex. The applicant will need to demonstrate that the roof mounted equipment, vents, etc. will not be visible from the street or other adjacent properties. A roof top plan has not been submitted that shows the location of HVAC units, vents, etc. along with the height of these items and how they will be screened. The applicant is requesting approval of the flat roof as a design alternative.

- (f) Materials/architectural details.
 - (1) Intent:
 - a. To encourage creative expression through diversity of architectural style that enlivens the street.
 - b. To ensure a standard of quality that will be easily maintained and cared for over time.

- c. To encourage the use of materials appropriate to residential development and details that reduce the bulk of larger buildings.
- (2) Standards:
- a. Required:
 - 1. Facades facing a street shall be constructed of durable and maintainable materials. Materials that have texture, pattern and lend themselves to quality detailing include:
 - (i) Brick;
 - (ii) Stone;
 - (iii) Stucco (Dryvit or EIFS);
 - (iv) Marble;
 - (v) Ceramic;
 - (vi) The board of aldermen as part of the preliminary site plan may approve an alternative to this design standard.
 - 2. Architectural accents and projections on facades facing street and facades not facing a street may be constructed of durable and maintainable materials other than those listed in subsection (1) of this section such as:
 - (i) Wood;
 - (ii) Vinyl;
 - (iii) Masonite;

Staff Comments: The proposed building has brick and wood on all four sides which is consistent with the other 10 buildings in the complex but does not meet the required standard and the applicant is requesting approval of a design alternative.

- (g) Ground level details (when ground floor is commercial).

Staff Comments: This standard is not applicable to this project.

- (h) Concealing structured parking.

Staff Comments: This standard is not applicable to this project.

In addition to above design standards, the properties located in a High-Density Residential District.

Sec. 50-167- High Density Residential District (R-3). The purpose of this district is to provide quality apartment development in a higher density setting, while ensuring that livability, property values; open spaces, safety and the general welfare will be sustained.

(F) Lot Area per household. The minimum lot area shall be 2,500 square feet for each of the units in a triplex or fourplex dwelling building and 2,000 square feet for each apartment in an apartment building of five or more units.

Staff Comments: The R-3 District requires 2,000 square feet of lot area per dwelling unit in apartment buildings that have more than five dwelling units. Including the proposed building, the complex would have 156 apartments and would require a site of 312,000 square feet. The existing complex has 211,180 square feet which is 100,726 square feet less than the requirement. The proposed design does not meet the required standard.

(g) Size of dwelling. Every dwelling hereafter erected, constructed, reconstructed or altered in R-3 district shall have a minimum habitable floor area, excluding basements, open and screened porches and garages, of not less than 700 square feet for each multi-household dwelling unit.

Staff Comments: The proposed design meets the required standards.

STAFF RECOMMENDATION

This is a difficult analysis because the proposed building is in a larger complex and is not a stand-alone structure. The purpose of the CBD Design Elements is to upgrade the quality of development over a period of time as redevelopment occurs. At the same time, in this situation, the applicant desires to have the building be similar in design to the other buildings in the complex.

The proposed building does not meet many of the standards contained in the Central Business District Design Elements; the proposed project provides additional parking spaces, which is an increase of 66 off-street parking (site plan page L1); the lot area per household is 69% (site plan page L1) of the ordinance requirement; the propose minimum open space is only 31% (site plan page L1) compared to the required 55%; the entire development needs significant maintenance (painting of trim, replacing landscaping that has been removed around the buildings, repairing light poles and cleaning up the debris throughout the property).

Open space and parking spaces are two of the requirements that the proposed design does not meet the Central Business District Design Elements. Unfortunately, the two requirements are intertwined in a manner that one will affect the other. In the spirit of compromise staff does not have any objection to the proposed design regarding open spaces and parking spaces.

The Planning Commission may recommend approval, approval with conditions or denial. If the Planning Commission recommends approval, staff recommends the following conditions be required:

1. The Parking facility lighting preliminary site plans does not have adequate information for staff to make any recommendations or the proposed design does not meet the requirements of this section of Central Business District Design Elements.
2. The proposed design showing the existing plaza area on the east side of the proposed building will be eliminated, this is a requirement for "Courtyards, Plazas and open space" in the complex and a design alternative be approved to a usable space for the tenants.
3. That a design alternative be approved for the "Bulk of buildings" standards so that the proposed building is similar in design to the 10 other buildings in the complex.
4. That the "upper level step backs" not be required because they would appear much different than the rest of the buildings in the complex and a design alternative be approved.
5. That the flat roof be approved as a design alternative subject to proposed screening of the roof mounted equipment, vents, etc. The applicant shall submit a roof plan showing the location of all equipment, vents, etc. for review by City Staff and a design alternative be approved.
6. Per Public Works requirements, Civil Plans, Grading Plan, Sheet 1 of 2 – The proposed storm line extension and the proposed rip-rap is not upon Somerset's property but is on

the neighboring Jackson County Railroad right-of-way. These improvements must remain on Somerset Village Apt. property.

7. Per Public Works requirements, a storm drainage study will still need to be submitted for review by staff.
8. No building permit will be issued before the final engineered site plan submitted.
9. No Certificate of Occupancy will be issued until all requirements of this section have been met.
10. That the requirements of all the previous conditions be shown on revised drawings. The applicant shall submit five copies of the revised plans at full scale for review and approval by the Director of Community Development prior to the Final Site plan being submitted to the Planning Commission. Additional copies of the plans will be required for the Planning Commission.

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**October 4, 2018
7:00 pm**

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

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Absent	Emerson:	Present	Stock:	Present
Bettis:	Absent	Robinson:	Present	Cochran:	Present
Frazier:	Present	Dwight:	Present	Meyers:	Present

3. Approval of July 12, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to approve - Emerson
- c) Second - Robinson
- d) Additional Board Discussion – Two new Members: Tina Cochran and David Frazier
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-07 (Amendment to Planned Development – Blue Ridge Villas Lot 6)

Applicant: Ivan Chiang, LIY Financial LLC

Reason: Requesting Approval for Change of Use in R-3 District

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

N/A

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Final Plat

- c. Plat Application
- d. Plat Checklist
- e. Staff Review Letter & Applicant Responses
- f. City of Raytown Zoning Regulations, as amended
- g. City of Raytown Subdivision Regulations, as amended
- h. City of Raytown Comprehensive Plan
- i. Updated letter of Intent presented September 12, 2018

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The project amends the Plan Development located at 59th Street and Hunter Court. The applicants are asking to allow for ten bed facility on Lot 6.

5. Presentation of Application by Applicant

Want to change the use from 3 55+ Senior Townhomes into a ten bed Alzheimer Memory Care Facility for Senior 55+. Looking to allow Seniors to age in place, start in Independent Living, progress to Assisted Living and then, if needed, Memory Care Facility.

6. Additional Staff Comments and Recommendation

Willerth: Mr Chiang, you did get an opportunity to review the staff report dated October 4, 2018 and the one condition there for approval.

Chiang: yes, and talked with Mr. Haydaripoor. We did change ownership of the property to Fortune Homes.

Willerth: The staff recommendation is that the three diagonal parking spots that are difficult to back out of and the request is for 90 degree parking is on the west side of the building. Are you willing to go along or do you have an opinion?

Chiang: I am willing to go along because there is space for that, however we are making the loop a one way clockwise loop so when they come in it will be straight in. Also, we are designating the three spaces as employee parking

Haydaripoor: Correction on page 3 Item B there is a typo, instead of two parking spaces it should say three parking spaces.

7. Board Discussion

Stock: Green space is a concern

Chiang: to address this, the drainage area between lots 5 and 6 is being constructed as a green space area. We are putting a path around it so that the Seniors can walk to get exercise, as well as doing some planting of vegetables or flowers. Eliminated one townhouse, instead of doing nineteen, they are only doing eighteen, so that they can put in more parking and a patio area for the Alzheimer's Care.

Stock: Plenty of room for the fire trucks to get in.

Chiang: We did widen the street to 26 foot wide as per what the fire department wanted.

Emerson: This is an excellent project to take care of the Alzheimer's patients.

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

a. Motion - Emerson

b. Second - Meyers

c. Additional Board Discussion

Dwight: The update letter of intent, it went from eight to ten beds, what was the reason for this?

Chiang: It tied back to adequate parking for caregivers and the ratio of parking to beds. In our ideal model we usually have ten beds.

Dwight: So the building stayed the same?

Chiang: We expanded slightly to create two private suites (studio bedroom with its own bathroom)

d. Vote – Yes (7-0)

B. Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

1. Introduction of Application by Chair (Stock)

Case No.: PZ-2018-08 (6920 Elm Rezoning – HC to R-3)

Applicant: Antonio Mendez, Dharmonylife LLC

Reason: Requesting Approval to Rezone Property from HC District to R-3 District

2. Open Public Hearing

Gomez: Representing Mr. Mendez.

Correction – After comments from the city, we are adjusting the number of townhomes from six to five.

Stock: The land has been empty and it would be nice to have something in there.

Stoke: The last comprehensive plan that was done about sixteen years ago showed this as being residential. So it is going back to what was in the Comprehensive plan to start with.

Haydaripoor: clarification - The 350 Design Center is the responsibility of the property owner and not the cities responsibility to do the improvements in the right of way.

Frazier: Couple of concerns to address: Parking – sounds like it will be a back out onto Elm St set up. Elm St can get fairly busy down through there. Has there been any alternatives of parking looked into? Also, this lot sits on a hill, and they buildings will be high. Will there be any type of retaining walls or is it going to be graded down to street level?

Gomez: We asked for traffic studies and received no calls back. There has been minimal talk of how to do the grading work. With all the rain, we have not been able to do a study of the property. The plan is to build on the hill as the house currently sits.

Emerson: The back of the house should be facing the other houses and that should create some privacy.

Bettis: On the West property line, there is no indication of any fencing. Is there a fence running along the North and South property lines in the back? Will there be a fence on the west side too?

Gomez: there will be a fence there to connect all those running between the houses.

Frazier: Are there plans to have patios on the back of each house:

Gomez: Currently, the plan is to just have green space.

3. Explain Procedure for a Public Hearing and swear-in speakers

Antonio Mendez sworn in

4. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Current City Zoning Map
- c. Proposed Zoning Map
- d. Staff Review Letter & Applicant Responses
- e. Publication of Notice of Public Hearing in Daily Record Newspaper
- f. City of Raytown Zoning Ordinance, as amended
- g. City of Raytown Comprehensive Plan

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

Wilson:

5. Introduction of Application by Staff

Antonio Mendez requesting the lot at 6920 Elm be rezoned from HC to R-3 to allow for a six unit townhome development, which would not be acceptable land use for Highway Commercial Zoning district. It should also be noted that this property is in the Highway 350 design corridor, which means it will have follow additional regulations that are intended to encourage high quality architecture, site planning, landscaping, signage, infrastructure planning and traffic flow.

6. Request for Public Comment

Munger: How are you going to upkeep this property? When the house currently there caught fire, it started her house on fire. It never gets mowed. There is always debris around the house which gets blown around the neighborhood. How long is it going to take to get the construction complete? Her privacy as there will be five potential families moving in.

Gomez: It will take between six and eight months. Currently there is a chain link fence between the properties that provides no privacy. We are proposing to have a wooden privacy fence put up. If it is used as a rental, there will be rules and regulations that will need to be followed and that will provide a certain level of control over the property. If it is not used as a rental, it will be sold.

Munger: There have been people coming in and out of the house. It is a safety hazard. She has called the police as suggested. Is there going to be some kind of construction fence to keep these people out?

Gomez: The house will be demolished. The construction crew will have their own safety procedures to put in place.

Meyers: It may be awhile before the house is demolished, but the contractor will keep the area as safe as possible. With the new construction, the parking has to be taken into account.

Jones: This is in her backyard and she is concerned about privacy after it's all built.

Stock: If they put up a privacy fence, will that help at all?

Jones: Maybe.

7. Additional Staff Comments and Recommendation

Haydaripoor: We have not heard if they agree with the staff recommendations.

Gomez: We agree with the staff recommendations.

8. Board Discussion

Haydaripoor: Parking, we have a couple of recommendations: #5 and #6 - public works has come concern and we have requested a revision of the plans.

Hanson: Plans are still preliminary. There has been no Engineering. They were told up front both streets need to be curbed, guttered and add a sidewalk. They show that, but it has not been physically laid out with slopes or elevations. We have notified them that the storm drainage plan needs to be done, collect and manage the run off, sanitary mains sewer extension will need to be done. The only sanitary sewer is along the road and to the north. We specify that each unit needs to be connected to the sewer individually, so we foresee a newer main extension up the back yards. We are not sold on the parking yet. We are still going to work with them of the parking lot and configuration.

Stock: This is in the staff recommendations.

Wilerth: Will you agree to meet the 14 conditions from the staff?

Mendez: Yes

Frazier: Mr. Hanson will you be requiring the easement on the back side that would only be on their property?

Hanson: Yes

Dwight: The concrete on the north side on the drawing

9. Close Public Hearing

Stock closed.

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

- a. Motion – Meyers approved with the 14 recommendations
- b. Second - Emerson
- c. Additional Board Discussion
- d. Vote – Yes (7-0)

C. Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-09 (Somerset Village Site Plan)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Site Plan Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. **Enter Additional Relevant City Exhibits into the Record:**

- h. Staff report
- i. Current City Zoning Map
- j. Proposed Zoning Map
- k. Staff Review Letter & Applicant Responses
- l. Publication of Notice of Public Hearing in Daily Record Newspaper
- m. City of Raytown Zoning Ordinance, as amended
- n. City of Raytown Comprehensive Plan
- p. Amendment to the staff recommendations

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

Meyers: Yes, but it would not impact his decision.

6. **Introduction of Application by Staff**

Haydaripoor: Curtis Peterson is requesting approval of a Site Plan in order to replace a building that burnt down. The proposed replacement building also contains 11 units built in 1965.

7. **Request for Public Comment**

Peterson: Somerset has 13 buildings with 156 units. They lost one building in 2016 to fire.

Peterson: Two items that we want to put before you and ask for recommendations from the board, one is the preliminary site plan and two would be approval of a final plat. Proposal as a preliminary plan: First expand 60th Street by two feet and moving the curb so that it becomes 26 feet is the standard for the fire department. Second, Plans to vacate the right of way from the north curb line and then everything north of there would be private. Put in 51 new 90 degree parking stalls and there will no longer be parallel spaces and this doubles the amount of parking stalls along 60th Street. The water meters will be relocated to the north. Will also provide a utility easement on the plat. Add parking shown in dark gray on the west side. There will be a total of 66 new parking spaces with this development. Reinforce a drive for the fire department. Adding impervious surface to deal with storm water .

Three aspects of the Staff Report: Central Business District Site Design, the CBD Building Design Standards and a couple of elements in the R-3 regulations. CBD Site Design Standards – 4 items spoken to: 1) Location of the parking facilities 2) the parking lot landscaping 3) the parking facility lighting (2 poles) and 4) pedestrian scale lighting. CBD Building Design Standards – There are 11 units and one laundry unit in the three story building. Three elements that they are asking for support of are: 1) Building articulation and setbacks. 2) Flat roof compared to a pitched roof. 3) Materials – Brick veneer, textured siding and iron for railings on the balconies. Relevant R-3 regulations – tension of parking and open green space. Increased parking by 39% and reduced open space by 9%.

9. **Additional Staff Comments and Recommendation**

No additional comments.

9. **Board Discussion**

Meyers: In reviewing the compromise that has been accomplished and working through areas of concern where a lot of it hinged on safety (parking and fire). Very satisfied with the additional

parking that will alleviate the safety concern. The visual of the a/c unit on the roof was taken care of.

Dwight: White streak on the drawing, is it the sidewalk or curb?

Peterson: Yes, it represents the new roll curb.

Dwight: The only new sidewalks are centered around the new building?

Peterson: Yes.

Willerth: Did you get a chance to review the Staffs Revised Recommendation Report with the ten conditions?

Peterson: The applicant is supportive of all ten recommendations.

Dwight: Green space in the new area.

Peterson: This is a green Buffer with tree, shrubs and a bench.

10. Close Public Hearing

Closed.

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

- a. Motion – Frazier with staff recommendations to approve
- b. Second - Emerson
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

D. Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

1. Introduction of Application by Chair (Stokes)

Case No.: PZ-2018-10 (Somerset Village Plat)

Applicant: Curtis Peterson, Polsinelli (On behalf of Michael Fein, KM THE Realty LLC)

Reason: Plat Approval for Somerset Village Apartments

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

4. Enter Additional Relevant City Exhibits into the Record:

- o. Staff report
- p. Current City Zoning Map
- q. Proposed Zoning Map
- r. Staff Review Letter & Applicant Responses
- s. Publication of Notice of Public Hearing in Daily Record Newspaper
- t. City of Raytown Zoning Ordinance, as amended
- u. City of Raytown Comprehensive Plan
- v. Amended Staff Report

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

None

6. **Introduction of Application by Staff**

Haydaripoor: Applicant requesting approval of a final plat in order to replace the building that burnt down. There are 19 lots though out the property. Staff was informed by Jackson County GIL that the only data they had before 1999 is notes in the system and the tax parcel does not have any notes. In researching the deeds, every time the property transfer hands, the legal description says lot 1 through 19. We have suggested that the applicant submit a final plat and go through the process and convert the three lots to one lot.

7. **Request for Public Comment**

Peterson: The applicant supports all four recommendations in the Amended Staff Report.

8. **Additional Staff Comments and Recommendation**

None

9. **Board Discussion**

None

10. **Close Public Hearing**

11. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Meyers approves with the four recommendations.
- b. Second - Frazier
- c. Additional Board Discussion - none
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, November 1, 2018 at 7:00 PM

9. Adjourn

CITY OF RAYTOWN
Request for Board Action

Date: November 7, 2018

Bill No. 6486-18

To: Mayor and Board of Aldermen

Section No. IX

From: Ray Haydaripoor, Director of Community Development

Department Head Approval: _____

Finance Director Approval: _____

City Administrator Approval: _____



Action Requested: Adoption of ordinance amending Section 6-317 of the Raytown Municipal Code.

Recommendation: Staff recommends approval of the ordinance amending Section 6-317 of the Raytown Municipal Code.

Analysis: The City of Raytown provides animal services which includes impounding animals. When animals are impounded the City strives to return them to their owners. There are times, however, when the owners are not able to be found. When this occurs, the impounded animals are currently released to Midwest Animal ResQ or the City's veterinary services provider following the City's 10-day impoundment period.

Staff is proposing to amend the language written in Section 6-317 dealing with disposition of animals if the owner does not redeem an animal within ten (10) business days or the City is unable to locate an owner. The City has adopted minimum requirements for the holding period of impounded animals. The proposed amendments relate to the following.

Upon reviewing department of Agriculture Title 2 CSR 30-9, State of Missouri statute Title XVII, Chapter 273-100, and municipal codes of municipalities located in the Kansas City Metro Area, we discovered many municipalities similar to the City of Raytown have adopted the 5-day animal holding period as part of their animal control regulations.

Upon approval of the code amendment, the number of days an animal being boarded at the veterinary service provider will be reduced from 10 days to 5 days.

The conclusion of the Department of Community Development is that the current regulations provided in the municipal code for the City of Raytown should be amended within the parameters of surrounding municipalities. By reducing the current code requirements, the City could have more cost savings through the reduction in charges incurred by contracted veterinary services.

Alternatives: An alternative to the recommendation would be to not adopt the proposed code and leave the current ordinance as it stands in the Raytown municipal code, or to refer the proposed code adoption back to staff for revisions and/or further review.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports / Information Attached:

- Copy of page from City of Independence animal code regulation
- Copy of page from City of Lee's Summit animal code regulation
- Copy of page form City of Raymore animal code regulation
- Copy of page from Missouri Department of Agriculture
- Copy of page from State of Missouri Statue

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE V, DIVISION 2, SECTION 6-317(1) OF ANIMAL REGULATION OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN

WHEREAS, after review of the Raytown Municipal Code, an amendment to Chapter 6, Article V, Division 2, Section 6-317(1) of the Raytown Municipal Code is necessary.

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

SECTION 1 – APPROVAL OF AMENDMENT. That Chapter 6, Article V, Division 2, Section 6-317(1), commonly known as “Disposition of Animal” is hereby amended.

SECTION 2 – AMENDMENTS. The following animal regulation is hereby amended to read as follows:

- (1) *Length of time before disposition.* If the owner does not redeem an animal within five (5) business days after impoundment, the animal may be disposed of in a humane manner. The director, or his representative, may extend the period of impoundment”.

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 November, 2018.

ATTEST:

Michael McDonough, Mayor

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

Ray Haydaripoor

From: Ray Haydaripoor
Sent: Tuesday, October 9, 2018 3:20 PM
To: Ray Haydaripoor
Subject: FW: Message from LNX11450P

From: Karen Black <karen.black@milliporesigma.com>
Sent: Tuesday, October 9, 2018 12:26 PM
To: Ray Haydaripoor <rayh@raytown.mo.us>
Cc: Damon Hodges <damonh@raytown.mo.us>; Missy Wilson <missyw@raytown.mo.us>; Teresa Henry <thenry@raytown.mo.us>
Subject: Re: Message from LNX11450P

Hey Ray - Here is more info for the packet

Chapter 6 – ANIMALS

ARTICLE V. - ENFORCEMENT

DIVISION 2. - IMPOUNDMENT

Sec. 6-317. - Disposition of animals.

Except as otherwise specifically provided in this chapter, impounded animals shall be disposed of as follows:

(1) Length of time before disposition. If the owner does not redeem an animal within **ten five** business days after impoundment, the animal may be disposed of in a humane manner. The director, or his representative, may extend the period of impoundment.

CURRENT LANGUAGE OF THE ORDINANCE

Chapter 6 - ANIMALS

ARTICLE V. - ENFORCEMENT

- **DIVISION 1. - GENERALLY**

- Secs. 6-284—6-314. - Reserved.

- **DIVISION 2. - IMPOUNDMENT**

- **Sec. 6-315. - Impoundment and violation notice.**

(a)

Any animals or fowl that is a public nuisance as defined in this chapter or is abandoned, or whose seizure and impoundment are otherwise authorized by this chapter or by state law, shall be seized and impounded in a humane manner by the animal control officer or any police officer. Impoundment shall be in any facility designated by the director.

(b)

The director and animal control officers are hereby specifically authorized to issue citations to any owner, keeper, or harbinger of any animal or fowl found to be in violation of any section of this chapter.

(c)

Whenever any animal or fowl is confined by the authority of this chapter, it shall be the duty of the confining shelter to release the same, under the terms of this chapter, upon satisfactory proof that the person claiming the animal or fowl is entitled to possession thereof and upon payment to the city of all applicable fees or penalties prescribed by ordinance.

(d)

The board of aldermen shall, by resolution, set fees sufficient to cover the cost of impounding animals.

(Code 1969, § 4-8; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 3, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

State Law reference— Impounding of dogs, RSMo 273.100; impoundment of animal found off custodian's property, RSMo 578.016; municipal authority to impound animals and impose lien for cost thereof, RSMo 430.165.

- **Sec. 6-316. - Notification of capture and impoundment.**

After the impoundment of any animal or fowl, if the owner of any animal or fowl can by any reasonable means be identified and located, the owner shall within one business day be notified that the animal or fowl has been impounded. No liability shall be attached to the city or to the director for failure to give such notice. The owner or keeper of an impounded animal or fowl who does not redeem the animal or fowl may still be charged with violation of any applicable section or sections of this chapter.

(Code 1969, § 4-9; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

- **Sec. 6-317. - Disposition of animals.**

Except as otherwise specifically provided in this chapter, impounded animals shall be disposed of as follows:

(1) *Length of time before disposition.* If the owner does not redeem an animal within ten business days after impoundment, the animal may be disposed of in a humane manner. The director, or his representative, may extend the period of impoundment.

(2)

Destruction to prevent suffering. When an animal arrives at a shelter and is so sick or in an injured condition that, in the judgment of the director or a licensed veterinarian, human compassion requires that the suffering be promptly ended, said time period shall not apply and the animal will be humanely destroyed to prevent needless suffering.

(3)

Animal adoption generally. The director may, in lieu of having an unclaimed animal humanely destroyed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, provided that, in the judgment of the director, said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. The director shall not approve the adoption of any such animal until any such animal has been sterilized by a licensed veterinarian, as required by RSMo 273.403. If more than one qualified person requests an animal, the director may award it to the custody of the person who is determined best qualified to humanely care for said animal.

(4)

Adoption with intent to sell prohibited; number of animals restricted. No animal will be given to the custody of a person who, in the judgment of the director or animal shelter, is requesting the animal with the intent to sell it. No more than four animals may be given into the custody of any individual or family.

(5)

Vaccination before release; cost. No animal will be given for release to redeemer or adopting party until said animal has been properly vaccinated for rabies or such other vaccinations as required by city regulations or state law. Any costs of inoculation or certification shall be the responsibility of the redeemer or adopting party.

(6)

Certification of inoculation. Certification by a licensed veterinarian attesting that the impounded animal has been inoculated for rabies or such other vaccinations as required by city regulations or state law shall be furnished to the director prior to the release of said animal.

(7)

Circumventing chapter, fraud prohibited. It shall be unlawful for any person to adopt or trick to redeem or obtain any animal for adoption for the purpose of circumventing any section in this chapter, and it further will be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal for adoption; it further will be unlawful for any person to aid or assist such tricks, devices or schemes.

(Code 1969, § 4-31; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 9, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4279-97, § 1, 6-3-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 7, 7-3-2007; Ord. No. 5288-08, § 3, 5-20-2008)

The average time between an animal being impounded and reclaimed by his owner was 3 days. This is in line with the national reporting data that shows that if a pet is not reclaimed within 72 hours there is almost no chance it will be.

- Every other city with the KC metro has a 5 day hold period. That includes: KC, mo, KC, ks, Independence, Blue Springs, Lee's Summit, Gladstone (just to name a few). Furthermore the state of MO (both the department of Agriculture and the State Vet) recommend a day stray hold period. This recommendation was made directly to Raytown on the last 2 Raytown inspections.

- We have had up 6 animals in a month die while under stray hold, and many many more die shortly after release. 3 already this month. The longer the stray hold, especially without vaccines, medication, etc the higher the likelihood that animals will die in mass from avoidable, and typically treatable infections.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

1255 23rd Street, NW
Suite 450
Washington, DC 20037

P 202-452-1100
F 202-778-6132

humanesociety.org

October 4, 2018

Mayor Mike McDonough
Board of Aldermen
City of Raytown
10000 East 59th Street
Raytown, MO 64133

RE: Support for ordinance to adhere to state hold times for stray animals

Dear Mayor McDonough and Aldermen:

We are writing to express support for an ordinance, which would mimic current state law regarding hold periods for stray animals in the city of Raytown.

Current state law provides for a five (5) day hold period for stray animals. This length hold period is consistent with many other state laws and provides an appropriate amount of time for owners to find lost animals. However, it also allows for unclaimed animals to be made available for adoption in a reasonable timeframe, while longer hold periods may lead to illness and stress due to lack of space and close proximity to other animals.

Along with many other animal care experts in the state, we recommend that local ordinance mimic state law, to provide the best possible outcomes for Raytown's stray animals and to increase the life-saving rate.

We encourage you to make this change, which will have multiple benefits to animals, pet owners, and the community at large in Raytown.

Sincerely,

Missouri State Director
Humane Society of the United States

Dear City Alderman,

Canines are very social animals. They crave human and other canine contact. When given the opportunity to express normal behavior in a clean and fear free environment they tend to be one of the best companions mankind has. It is unsettling to hear of the 10 day stray hold mandated by the veterinarian clinic holding stray dogs in Raytown Missouri. Over the course of the last century the animal welfare society has found dogs who are kenneled for long periods of time develop severe behavior problems. The lasting effects of long kennel times can stay with a dog for the rest of their life. During their time confined to a small kennel they are unable to express their normal behavior. Without proper physical and mental stimulation they will begin to develop stereotypical behaviors. These behavior consist of, kennel spinning, licking walls, obsessive vocalization, shutdown behavior (refusing to move), little to no housekeeping (will lay or run through their own urine and fecal matter), and more severe cases turn aggressive.

Many dogs who are kenneled for long periods in a shelter environment may be harder to place in the future. After three days of exposure to a kennel environment you can expect most dogs to show behavioral changes. They have an increased tenancy to develop house soiling behavior, separation anxiety, excessive vocalization and barrier frustration. All of these behaviors can be challenging for adopters. A dog who is showing signs of barrier frustration and excessive vocalization would be harder to show on an adoption floor. If this behavior carries over to a new home chances of the dog staying in the home goes down.

According to the *Guidelines for Standards of Care in Animal Shelters, The Association of Shelter Veterinarians, 2010 Authors: Sandra Newbury, Mary K. Blinn, Philip A. Bushby, Cynthia Barker Cox, Julie D. Dinnage, Brenda Griffin, Kate F. Hurley, Natalie Isaza, Wes Jones, Lila Miller, Jeanette O'Quin, Gary J. Patronek, Martha Smith-Blackmore, Miranda Spindel* "Any animal that is observed to be experiencing mental suffering, distress or behavioral deterioration must be assessed and appropriately treated in a timely manner or humanely euthanized. Just as a severe or rapid decline in an animal's physical health constitutes an emergency situation and Behavioral Health and Mental Well-being Long-term confinement of any animal, including feral or aggressive animals, who cannot be provided with basic care, daily enrichment and exercise without inducing stress, is unacceptable. Alternatives to traditional cage housing must be provided for any animal staying in a shelter long term. 30 requires an urgent response, so do such changes in the behavioral or mental health of an animal."

Please consider changing stray hold time for the dogs of Raytown. This will help with any behavioral problems associated with long term kenneling.

Thank you,

Amy Ogleby
Level I Trainer Peaceable Paws Academy

Behavior Manager Lawrence Humane Society February 2016-April 2018
Behavior Manager Helping Hands Humane Society August 2012-February 2016
Behavior Technician Denver Dumb Friends League August 2010-August 2012

Hi Erin,

The director of KCK Animal Services wrote this up at our request for you to use:

KCK Animal Services is required to hold an animal (dog or cat) for a minimum of three (3) business days, which is actually 4 days since we don't count the intake date. If an animal appears to be owned – if it has a collar, tags, harness, bandana, anything that indicates that it has an owner... we hold it for 5 business days. While we do administer basic preventative vaccinations and any necessary emergency care upon intake, we do not perform spay/neuter surgeries until the hold time is up – after they are spayed/neutered we then put them up for adoption or they go to a rescue if they need a foster home. While there is a cost associated with treating and vaccinating animals upon intake, it is indeed critical for the safety of the animals in our care, which are often returned to the community; this is definitely something I would consider if you ever have that option. With a 5 business day stray hold, our shelter is continuously full while we wait for an owner to reclaim their animal and for those that are not reclaimed and have to wait for surgery, it occupies a kennel that could be used by another animal in our community so I cannot imagine how full your shelter must be if you have to wait up to 14 days before an animal can be adopted out. Reducing the hold time would allow you to care for more animals and get them into loving homes, which not only improves pet health but also improves community safety.

Thank you,

Jennifer Stewart

Director of Animal Services

Kansas City, KS Police Department

Office: 913.321.1445

Cell: 913.278.2179

jstewart@kckpd.org

(Side note from Jai: whenever a sick/injured/infirm/too old/too young animal gets picked up by KCKAS it comes to the Humane Society of Greater Kansas City for treatment/care or MVES/Blue Pearl if it's after hours or something serious, even if their stray hold isn't up).

Hope this helps!

-Jai

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No. 6487-18
Section No. IV-A

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____

Action Requested: An ordinance setting the compensation for the Board of Aldermen beginning in April 2019.

Recommendation: Recommended by the Elected Officials Compensation Committee.

Analysis: The Elected Officials Compensation Committee was established by the Board of Aldermen to review the compensation for elected officials and make recommendations for adjustment. An elected official's compensation must be set prior to a person taking office and compensation cannot change during the term of office, unless additional duties are added. Accordingly, any adjustment the Board of Aldermen deems appropriate must be made prior to the April 2, 2019 election.

The recommendation of the Commission relative to the Board of Aldermen was to keep the monthly compensation at the current rate of \$400.00 per month and to keep the monthly car allowance at the current rate of \$50.00 per month.

AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE OFFICE OF BOARD OF ALDERMAN FOR THE TERM BEGINNING APRIL 2019

WHEREAS, compensation for the Office of Board of Alderman is set by ordinance; and

WHEREAS, compensation for the Board of Aldermen cannot change during the term of office, unless additional duties are added; and

WHEREAS, the Elected Officials Compensation Committee recommended that the current monthly compensation of \$400.00 and the current monthly auto allowance of \$50.00 remain;

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

SECTION 1 – COMPENSATION AND AUTO ALLOWANCE OF THE BOARD OF ALDERMEN. That the current monthly compensation of \$400.00 and the current monthly auto allowance of \$50.00 will remain, effective April 19, 2019.

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 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 November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved to as Form:

Joe Willerth, City Attorney

DRAFT
MINUTES
ELECTED OFFICIALS COMPENSATION REVIEW BOARD
NOVEMBER 5, 2018

Present: James Bradshaw
Ralph Monaco
Jo Riggs
Paul Whitney
Don Wilson

Ralph Monaco called the November 5, 2018 Elected Officials Compensation Review Board meeting to order at 5:31 p.m.

Teresa Henry, City Clerk, and Missy Wilson, Assistant City Administrator were also in attendance.

Mr. Monaco explained that the committee had been presented with written material regarding the compensation history of the elected positions within the City and comparative salary surveys. He stated that the Commission would be making compensation recommendations for 5 members of the Board of Aldermen, Mayor and City Collector.

Chairman Monaco asked for discussion on the Compensation of the Mayor.

James Bradshaw, seconded by Paul Whitney made a motion to keep the monthly compensation at \$1,000.00 and monthly car allowance at \$200.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the Compensation of the City Collector.

It was explained that as a Fourth-Class City, we are required to have a City Collector or a City Marshal that could assume the duties of the City Collector.

Jo Riggs, seconded by James Bradshaw made a motion to keep the monthly compensation at \$100.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the compensation of the Aldermen.

James Bradshaw, seconded by Paul Whitney made a motion to reduce the Aldermen monthly salary to \$200.00 per month and car allowance of \$50.00 per month until the Board of Aldermen could find money to increase the police budget and pave the streets. The motion failed by a roll call vote of 2-3.

Aye: Bradshaw, Whitney
Nays: Riggs, Wilson, Monaco

Jo Riggs, seconded by Don Wilson made a motion to keep the total monthly compensation at \$400 and the monthly car allowance at \$50.00. The motion was approved by a roll call vote of 3-2.

Ayes: Riggs, Wilson, Monaco
Nays: Bradshaw, Whitney

James Bradshaw, seconded by Jo Riggs made a motion to adjourn the meeting. The meeting adjourned at 5:41 p.m.

ELECTED OFFICIALS COMPENSATION REVIEW BOARD

MEETING NOTICE

Monday, November 5, 2018

5:30 p.m.

Raytown City Hall – Administration Conference Room

Regular Agenda

- 1- Review and discuss the current compensation of elected officials (Mayor, Board of Alderman and City Collector) within the City and make recommendations to the Board of Aldermen for any changes to such compensation.

Adjourn



CITY CLERK'S OFFICE
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133-3993
PHONE: 816-737-6004 - FAX: 816-737-6097
E-MAIL: THENRY@RAYTOWN.MO.US

Date: October 26, 2018
To: Election Officials Compensation Review Board
From: Teresa Henry, City Clerk
Re: Compensation Review – Meeting Scheduled 11/5/2018 – 5:30 p.m.

The Elected Officials Compensation Review Board was established on February 19, 2002 by the Board of Aldermen pursuant to adoption of Resolution 1285-02. The Board is comprised of five residents of the City appointed by the Mayor and meets every two years for the purpose of reviewing and making recommendations to the Board of Aldermen on the compensation paid to elected officials of the City.

All elected positions within the City serve a term of four (4) years. The positions within the City which are elected (and their next date of election) are as follows:

Board of Aldermen (10 members) ½ elected	April 2019
Mayor	April 2019
City Collector	April 2019

As a reminder, there are some general rules regarding compensation for elected officials:

- An elected official's compensation must be set prior to a person taking office. Except as provided below, any change in compensation will not be effective until after the next election.
- An elected official's compensation cannot be increased during the term of office, with the follow exceptions:
 - An elected official who is assigned additional duties may receive additional compensation during the term of office as compensation for such additional duties; and
 - An elected official's salary may be automatically adjusted during the term of office, if the amount of that adjustment is set prior to the term of office.
 - Example: An ordinance providing that the salary for an elected official shall increase 2% each year, as a cost of living adjustment (COLA) or an ordinance providing that the salary for an elected official shall increase each year by a percentage equal to the average merit increase of all city employees.

Compensation History of the Board of Aldermen

Date of Last Adjustment: ½ the Board in April 2000
Remaining ½ the Board in April 2001 per Ordinance
4602-00

Current Rate of Compensation: \$400.00 per month and \$50.00 per month car allowance

History:

1986	-\$300 per month and car allowance of \$15.00 per month
2000/2001	-\$400 per month and car allowance of \$50.00 per month

The Board of Aldermen may also purchase health, dental and/or life insurance at cost through the City's group insurance plans.

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No. 6488-18
Section No. IV-B

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____



Action Requested: An ordinance setting the compensation for the City Collector beginning in April 2019.

Recommendation: Recommended by the Elected Officials Compensation Committee.

Analysis: The Elected Officials Compensation Committee was established by the Board of Aldermen to review the compensation for elected officials and make recommendations for adjustment. An elected official's compensation must be set prior to a person taking office and compensation cannot change during the term of office, unless additional duties are added. Accordingly, any adjustment the Board of Aldermen deems appropriate must be made prior to the April 2, 2019 election.

The recommendation of the Commission relative to the City Collector was to keep the monthly compensation at the current rate of \$100.00 per month.

AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE OFFICE OF CITY COLLECTOR FOR THE TERM BEGINNING APRIL 2019

WHEREAS, compensation for the Office of City Collector is set by ordinance; and

WHEREAS, compensation for the City Collector cannot change during the term of office, unless additional duties are added; and

WHEREAS, the Elected Officials Compensation Committee recommended that the current monthly compensation of \$100.00 remain;

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

SECTION 1 – COMPENSATION OF THE CITY COLLECTOR. That the compensation of the City Collector shall continue to be established at a rate of \$100.00 per month effective April 19, 2019.

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 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 November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved to as Form:

Joe Willerth, City Attorney

DRAFT
MINUTES
ELECTED OFFICIALS COMPENSATION REVIEW BOARD
NOVEMBER 5, 2018

Present: James Bradshaw
Ralph Monaco
Jo Riggs
Paul Whitney
Don Wilson

Ralph Monaco called the November 5, 2018 Elected Officials Compensation Review Board meeting to order at 5:31 p.m.

Teresa Henry, City Clerk, and Missy Wilson, Assistant City Administrator were also in attendance.

Mr. Monaco explained that the committee had been presented with written material regarding the compensation history of the elected positions within the City and comparative salary surveys. He stated that the Commission would be making compensation recommendations for 5 members of the Board of Aldermen, Mayor and City Collector.

Chairman Monaco asked for discussion on the Compensation of the Mayor.

James Bradshaw, seconded by Paul Whitney made a motion to keep the monthly compensation at \$1,000.00 and monthly car allowance at \$200.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the Compensation of the City Collector.

It was explained that as a Fourth-Class City, we are required to have a City Collector or a City Marshal that could assume the duties of the City Collector.

Jo Riggs, seconded by James Bradshaw made a motion to keep the monthly compensation at \$100.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the compensation of the Aldermen.

James Bradshaw, seconded by Paul Whitney made a motion to reduce the Aldermen monthly salary to \$200.00 per month and car allowance of \$50.00 per month until the Board of Aldermen could find money to increase the police budget and pave the streets. The motion failed by a roll call vote of 2-3.

Aye: Bradshaw, Whitney
Nays: Riggs, Wilson, Monaco

Jo Riggs, seconded by Don Wilson made a motion to keep the total monthly compensation at \$400 and the monthly car allowance at \$50.00. The motion was approved by a roll call vote of 3-2.

Ayes: Riggs, Wilson, Monaco
Nays: Bradshaw, Whitney

James Bradshaw, seconded by Jo Riggs made a motion to adjourn the meeting. The meeting adjourned at 5:41 p.m.

ELECTED OFFICIALS COMPENSATION REVIEW BOARD

MEETING NOTICE

Monday, November 5, 2018

5:30 p.m.

Raytown City Hall – Administration Conference Room

Regular Agenda

- 1- Review and discuss the current compensation of elected officials (Mayor, Board of Alderman and City Collector) within the City and make recommendations to the Board of Aldermen for any changes to such compensation.

Adjourn



CITY CLERK'S OFFICE
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133-3993
PHONE: 816-737-6004 - FAX: 816-737-6097
E-MAIL: THENRY@RAYTOWN.MO.US

Date: October 26, 2018
To: Election Officials Compensation Review Board
From: Teresa Henry, City Clerk
Re: Compensation Review – Meeting Scheduled 11/5/2018 – 5:30 p.m.

The Elected Officials Compensation Review Board was established on February 19, 2002 by the Board of Aldermen pursuant to adoption of Resolution 1285-02. The Board is comprised of five residents of the City appointed by the Mayor and meets every two years for the purpose of reviewing and making recommendations to the Board of Aldermen on the compensation paid to elected officials of the City.

All elected positions within the City serve a term of four (4) years. The positions within the City which are elected (and their next date of election) are as follows:

Board of Aldermen (10 members) ½ elected	April 2019
Mayor	April 2019
City Collector	April 2019

As a reminder, there are some general rules regarding compensation for elected officials:

- An elected official's compensation must be set prior to a person taking office. Except as provided below, any change in compensation will not be effective until after the next election.
- An elected official's compensation cannot be increased during the term of office, with the follow exceptions:
 - An elected official who is assigned additional duties may receive additional compensation during the term of office as compensation for such additional duties; and
 - An elected official's salary may be automatically adjusted during the term of office, if the amount of that adjustment is set prior to the term of office.
 - Example: An ordinance providing that the salary for an elected official shall increase 2% each year, as a cost of living adjustment (COLA) or an ordinance providing that the salary for an elected official shall increase each year by a percentage equal to the average merit increase of all city employees.

Compensation History of the City Collector

Date of Last Adjustment: 1993

Current Rate of Compensation:: \$100.00 per month

Salary History:

1992 - \$28,142 per year

1991 - \$27,060 per year

1993 - \$1,200 per year

Duties: The City Collector is provided two reports generated by the Finance Department. One is a monthly revenue financial report. The other is an end of the year revenue collection report. The Collector can come in and ask questions on those reports, but usually just affixes a Board distribution memo and submits the reports to the Board. As way of courtesy to the position, if Finance has any significant changes in collection policies, we inform the Collector of those changes. The Collector also signs various city documents, such as occupational licenses, as a part of her duties.

The City Collector may also purchase health, dental and/or life insurance at cost through the City's group insurance plans.

No comparison with other cities is attached. The cities compared for other elected positions did not have an elected City Collector.

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No. 6489-18
Section No. IV-A

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____



Action Requested: An ordinance setting the compensation for the Office of Mayor beginning in April 2019.

Recommendation: Recommended by the Elected Officials Compensation Committee.

Analysis: The Elected Officials Compensation Committee was established by the Board of Aldermen to review the compensation for elected officials and make recommendations for adjustment. An elected official's compensation must be set prior to a person taking office and compensation cannot change during the term of office, unless additional duties are added. Accordingly, any adjustment the Board of Aldermen deems appropriate must be made prior to the April 2, 2019 election.

The recommendation of the Commission relative to the Mayor was to keep the monthly compensation at the current rate of \$1,000.00 per month and current monthly car allowance at \$200.00 per month.

AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE OFFICE OF MAYOR FOR THE TERM BEGINNING APRIL 2019

WHEREAS, compensation for the Office of Mayor is set by ordinance; and

WHEREAS, compensation for the Mayor cannot change during the term of office, unless additional duties are added; and

WHEREAS, the Elected Officials Compensation Committee recommended that the current monthly compensation of \$1,000.00 and a \$200.00 monthly auto allowance remain;

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

SECTION 1 – COMPENSATION AND AUTO ALLOWANCE OF THE MAYOR. That the current monthly compensation of \$1,000.00 and the \$200.00 monthly auto allowance remain effective April 19, 2019.

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 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 November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved to as Form:

Joe Willerth, City Attorney

DRAFT
MINUTES
ELECTED OFFICIALS COMPENSATION REVIEW BOARD
NOVEMBER 5, 2018

Present: James Bradshaw
Ralph Monaco
Jo Riggs
Paul Whitney
Don Wilson

Ralph Monaco called the November 5, 2018 Elected Officials Compensation Review Board meeting to order at 5:31 p.m.

Teresa Henry, City Clerk, and Missy Wilson, Assistant City Administrator were also in attendance.

Mr. Monaco explained that the committee had been presented with written material regarding the compensation history of the elected positions within the City and comparative salary surveys. He stated that the Commission would be making compensation recommendations for 5 members of the Board of Aldermen, Mayor and City Collector.

Chairman Monaco asked for discussion on the Compensation of the Mayor.

James Bradshaw, seconded by Paul Whitney made a motion to keep the monthly compensation at \$1,000.00 and monthly car allowance at \$200.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the Compensation of the City Collector.

It was explained that as a Fourth-Class City, we are required to have a City Collector or a City Marshal that could assume the duties of the City Collector.

Jo Riggs, seconded by James Bradshaw made a motion to keep the monthly compensation at \$100.00. The motion was approved by those present.

Chairman Monaco asked for discussion on the compensation of the Aldermen.

James Bradshaw, seconded by Paul Whitney made a motion to reduce the Aldermen monthly salary to \$200.00 per month and car allowance of \$50.00 per month until the Board of Aldermen could find money to increase the police budget and pave the streets. The motion failed by a roll call vote of 2-3.

Aye: Bradshaw, Whitney
Nays: Riggs, Wilson, Monaco

Jo Riggs, seconded by Don Wilson made a motion to keep the total monthly compensation at \$400 and the monthly car allowance at \$50.00. The motion was approved by a roll call vote of 3-2.

Ayes: Riggs, Wilson, Monaco
Nays: Bradshaw, Whitney

James Bradshaw, seconded by Jo Riggs made a motion to adjourn the meeting. The meeting adjourned at 5:41 p.m.

ELECTED OFFICIALS COMPENSATION REVIEW BOARD

MEETING NOTICE

Monday, November 5, 2018

5:30 p.m.

Raytown City Hall – Administration Conference Room

Regular Agenda

- 1- Review and discuss the current compensation of elected officials (Mayor, Board of Alderman and City Collector) within the City and make recommendations to the Board of Aldermen for any changes to such compensation.

Adjourn



CITY CLERK'S OFFICE
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133-3993
PHONE: 816-737-6004 - FAX: 816-737-6097
E-MAIL: THENRY@RAYTOWN.MO.US

Date: October 26, 2018
To: Election Officials Compensation Review Board
From: Teresa Henry, City Clerk
Re: Compensation Review – Meeting Scheduled 11/5/2018 – 5:30 p.m.

The Elected Officials Compensation Review Board was established on February 19, 2002 by the Board of Aldermen pursuant to adoption of Resolution 1285-02. The Board is comprised of five residents of the City appointed by the Mayor and meets every two years for the purpose of reviewing and making recommendations to the Board of Aldermen on the compensation paid to elected officials of the City.

All elected positions within the City serve a term of four (4) years. The positions within the City which are elected (and their next date of election) are as follows:

Board of Aldermen (10 members) ½ elected	April 2019
Mayor	April 2019
City Collector	April 2019

As a reminder, there are some general rules regarding compensation for elected officials:

- An elected official's compensation must be set prior to a person taking office. Except as provided below, any change in compensation will not be effective until after the next election.
- An elected official's compensation cannot be increased during the term of office, with the follow exceptions:
 - An elected official who is assigned additional duties may receive additional compensation during the term of office as compensation for such additional duties; and
 - An elected official's salary may be automatically adjusted during the term of office, if the amount of that adjustment is set prior to the term of office.
 - Example: An ordinance providing that the salary for an elected official shall increase 2% each year, as a cost of living adjustment (COLA) or an ordinance providing that the salary for an elected official shall increase each year by a percentage equal to the average merit increase of all city employees.

Compensation History of the Mayor

Date of Last Adjustment: April 2000 per Ordinance 4629-00

Current Rate of Compensation: \$1,000.00 per month and \$200.00 per month car allowance

History:

- 1986 - \$800 per month and \$200.00 per month car allowance
- 1988 - \$1,000 per month and \$200.00 per month car allowance
- 1990 - \$1,166.77 per month
- 1994 - \$600 per month and \$200.00 per month car allowance
- 2000 - \$1,000 per month and \$200.00 per month car allowance

The Mayor may also purchase health, dental and/or life insurance at cost through the City's group insurance plans.

CITY OF RAYTOWN
Request for Board Action

Date: November 8, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No. 6490-18
Section No.: IV-C-1

Action Requested: Approval of amendments to Chapter 2.

A summary listing of the suggested amendments for consideration in Chapter 2, listed below by Article and Title for reference, are attached as Exhibit "A":

Article III – Officers and Employees;
Article IV – Departments;
Article VI – Meetings
Article VII – Public Records

Analysis: With the addition of the Assistant City Administrator (Chapter 2, Article III, Division 2B) to the Raytown Municipal Code, it became apparent that although the City went through a recodification process in 2013, there are still Chapters which are in need of updating. Many of the positions in Chapter 2 are written according to Statute; however, many were written and have not been updated since the City of Raytown hired their first City Administrator in 1994.

The language changes do not conflict with State Statute and the updates are consistent with the day-to-day operations of the City at this time. Additionally, due to changes in the City of Raytown Personnel Manual and the City's Purchasing Policy, some sections have been removed.

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES; ARTICLE IV, DEPARTMENTS, ARTICLE VI, MEETINGS AND ARTICLE VII, PUBLIC RECORDS

WHEREAS, it has been determined that amendments to Chapters 2 are needed to be consistent with the day-to-day operations of the City of Raytown.

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

SECTION 1 – AMENDMENT OF CHAPTER 2 ARTICLE III, OFFICERS AND EMPLOYEES; ARTICLE IV, DEPARTMENTS, ARTICLE VI, MEETINGS AND ARTICLE VII, PUBLIC RECORDS. That Chapter 2 of the Raytown Municipal Code is hereby amended to read as attached hereto in Exhibit “A”:

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 the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED** and **APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this _____ day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form

Teresa Henry, City Clerk

Joe Willerth, City Attorney

“EXHIBIT A”

ARTICLE III. - OFFICERS AND EMPLOYEES³

Footnotes:

--- (3) ---

State Law reference— Officers generally, RSMo 77.370 et seq.; appointive officers, RSMo 79.230; salaries of officers to be fixed by ordinance, RSMo 79.290; removal of officers from office, RSMo 79.240; filling vacancies in certain municipal offices, RSMo 79.280; officer's oath of office, RSMo 79.260; penalties for misdemeanor in office, RSMo 79.360; officers to be voters and residents, exceptions, RSMo 79.250; property qualifications of officers prohibited, RSMo 71.150.

DIVISION 1. - GENERALLY

Sec. 2-105. - Adoption of personnel manual.

The city has compiled and adopted a city personnel policy manual, a copy of which is available in the office of the city clerk. The personnel manual may be amended from time to time and such amendment of the personnel manual shall be approved by a $\frac{3}{4}$ vote of the entire elected board.

(Ord. No. 5576-17, § 1, 6-20-2017)

Sec. 2-106. - Residency.

Applicants for positions in the municipal service except as otherwise provided by law, are not required to be residents of the city, but they are encouraged to become residents upon assuming municipal service.

(Code 1969, § 14-10; Ord. No. 2341-81, § 6, 1-5-1982; Ord. No. 4267-97, § 1, 5-6-1997)

Secs. 2-107—2-123. - Reserved.

DIVISION 2A. - CITY ADMINISTRATOR

Sec. 2-124. - Office of city administrator established.

There is hereby created and established the office of city administrator for the city.

(Code 1969, § 2-150; Ord. No. 4014-94, § 1, 7-19-1994)

Sec. 2-125. - Appointment and tenure. – THIS WILL CONFLICT WITH AN EMPLOYMENT AGREEMENT

A qualified person shall be appointed city administrator for the city by the mayor. Such appointment shall be approved by a majority of the board of aldermen. The person so appointed shall serve at the pleasure of the board, ~~for an indefinite term~~. The person appointed to the office of city administrator shall become a resident of and reside within the city limits within six months of appointment. The residency requirement may be waived by a majority vote of the board of aldermen.

(Code 1969, § 2-151; Ord. No. 4014-94, § 1, 7-19-1994; Ord. No. 5558-16, § 1, 11-1-2016)

Sec. 2-126. - Qualifications.

The person appointed to the office of city administrator shall be at least 25 years of age; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

(Code 1969, § 2-152; Ord. No. 4014-94, § 1, 7-19-1994; Ord. No. 5558-16, § 1, 11-1-2016)

Sec. 2-127. - Bond.

The city administrator, before entering upon the duties of his office, shall file with the city a bond in the amount of \$50,000.00; such bond shall be approved by the board of aldermen and such bond shall insure the city for the faithful and honest performance of the duties of the city and for rendering a full and proper account to the city for funds and property which shall come into the possession or control of the city administrator. The cost of such bond shall be paid by the city; however, should the city administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

(Code 1969, § 2-153; Ord. No. 4014-94, § 1, 7-19-1994)

Sec. 2-128. - Compensation.

The city administrator shall receive such compensation as may be determined from time to time by the board of aldermen and such compensation shall be payable semi-monthly.

(Code 1969, § 2-154; Ord. No. 4014-94, § 1, 7-19-1994)

Sec. 2-129. - Removal of city administrator.

The city administrator shall serve at the pleasure of the board of aldermen. The mayor, with the consent of a majority of the board of aldermen, may remove the city administrator from office at will, and such city administrator may also be removed by a two-thirds vote of the board of aldermen independently of the mayor's approval or disapproval.

(Code 1969, § 2-155; Ord. No. 4014-94, § 1, 7-19-1994)

Sec. 2-130. - Duties.

- (a) *Administrative office.* The city administrator shall be the chief administrative assistant to the mayor and such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by the law of the state, the city administrator shall coordinate and generally supervise the operation of all departments of the city.
- (b) *Purchasing.* The city administrator shall have purchasing authority as provided in the purchasing policy approved by the board of aldermen and on file in the office of the city clerk.
- (c) *Budget.* The city administrator shall be the budget officer of the city, in accordance with state law, and shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the mayor and board of aldermen for their final approval.
- (d) *Financial reports.* The city administrator shall make monthly reports to the mayor and board of aldermen relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget.
- (e) *Annual report.* The city administrator shall prepare and present to the mayor and board of aldermen an annual report of the city's affairs, including in such report a summary of reports of department heads and such other reports as the mayor and board of aldermen may require.

- (f) *Personnel system.* The city administrator shall act as the personnel officer of the city and shall recommend an appropriate position classification system and pay plan to the mayor and board of aldermen. The city administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The city administrator shall have the power to appoint and remove (in accordance with personnel system regulations approved by the board of aldermen) all subordinate employees of the city. The city administrator shall make recommendations of appointment and removal of department heads.
- (g) *Policy formulation.* The city administrator shall recommend to the mayor and board of aldermen adoption of such measures as he may deem necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city.
- (h) *Board of aldermen agenda.* The city administrator shall submit to the mayor and board of aldermen a proposed agenda for each council meeting at least 48 hours before the time of the regular council meeting.
- (i) *Boards and committees.* The city administrator shall work with all city boards and committees to help coordinate the work of each.
- (j) *Attend board of aldermen meetings.* The city administrator shall attend all meetings of the board of aldermen.

(k) Miscellaneous. The City Administrator shall perform any other duties or functions prescribed by the Mayor or by the Board of Aldermen. NEW

- (k) ~~*Bid specifications.* The city administrator shall supervise preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the board of aldermen.~~
Purchasing Policy 2-612
- (l) *State and federal aid program.* The city administrator shall coordinate federal and state programs which may have application to the city.
- (m) *Conference attendance.* The city administrator shall attend state and regional conferences and programs applicable to his office, and the business of the city, ~~whenever such attendance is directed and approved by the board of aldermen and mayor.~~ **In fiscal year budget and/or employment agreement.**
- (n) *Press release.* The city administrator **or his designee** shall be responsible for keeping the public informed in the purposes and methods of city government through all available news media.
- (o) ~~*Recordkeeping.* The city administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and he shall safely and properly keep all records and papers belonging to the city and entrusted to his care; except as otherwise provided by law, all such records shall be and remain the property of the city and be open to inspection by the mayor and board of aldermen.~~ **This duty is assigned to City Clerk**

(Code 1969, § 2-156; Ord. No. 4014-94, § 1, 7-19-1994)

Sec. 2-131. - Powers.

- (a) ~~City property.~~ The city administrator shall have responsibility for all real and personal property of the city subject to his authority. He shall have the responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the city administrator only with approval of the board of aldermen. Real property may be sold only with approval of the board of aldermen by resolution or ordinance. **This is address in 2-612**
- (b) ~~Set administrative policies.~~ The city administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the board of aldermen. **New Section a & b in line with employment agreement**
- (c) ~~Coordinate departments.~~ The city administrator shall have the power to coordinate the work of all the departments of the city, and, at all times of an emergency, shall have authority to assign the employees of the city to any department where they are needed for the most effective discharge of the functions of city government. **New Section a in line with employment agreement**
- (a) Generally. He shall have the power to coordinate the work of all the departments of the city, and at times of an emergency, shall have authority to assign the employees of the city to any department where they are needed for the most effective discharge of the functions of city government.**
- (b) Rules and regulations. The city administrator shall establish such rules and regulations as are necessary or expedient for the conduct of city departments**
- (d) **(c)** ~~Investigate and report.~~ The city administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the city under his jurisdiction, and shall report on any condition or fact concerning the city government requested by the mayor or board of aldermen.
- (e) **(d)** ~~Coordinate officials.~~ The city administrator shall have the power to overrule any action taken by a department head subject to his authority, and may supersede him in the functions of his office.
- (f) **(e)** ~~Appear before the board of aldermen.~~ The city administrator shall have the power to appear before and address the board of aldermen at any meeting.
- (g) **(f)** ~~Action by mayor and board of aldermen to prevail.~~ At no time shall the duties or powers of the city administrator supersede the action by the mayor and board of aldermen.
- (h) ~~Authority to name an acting city administrator.~~ The city administrator is hereby granted authority to delegate his duties and powers to an acting city administrator, named by the city administrator, for a period not to exceed ten consecutive working days, upon prior written notification of same to the mayor and the board of aldermen. **Addressed in New Section 2-136 of Assistant City Administrator**

(Code 1969, § 2-157; Ord. No. 4014-94, § 1, 7-19-1994; Ord. No. 4077-95, § 1, 6-20-1995)

Secs. 2-132—2-160. - Reserved.

DIVISION 2B. - ASSISTANT CITY ADMINISTRATOR

Sec. 2-132. - Office created.

The appointive office of assistant city administrator is hereby created.

Sec. 2-133. - Appointment.

The assistant city administrator, upon recommendation of the city administrator shall be appointed by the mayor and approved by a majority of the board of aldermen. The assistant city administrator so appointed shall serve at the pleasure of the board.

Sec. 2-134. - Removal.

The assistant city administrator shall serve at the pleasure of the board of aldermen. The mayor, with the consent of a majority of the board of aldermen, may remove the assistant city administrator from office at will, and such assistant city administrator may also be removed by a two-thirds vote of the board of aldermen independently of the mayor's approval or disapproval.

Sec. 2-135. - Qualifications.

The assistant city administrator shall be appointed solely on the basis of their knowledge of city government and their administrative skills and abilities. The assistant city administrator shall possess qualifications equivalent to those of the city administrator.

Sec. 2-136. - Accountability, responsibilities and duties.

The assistant city administrator shall be immediately accountable and responsible to the city administrator for the effective performance of the office. The assistant city administrator shall serve as acting city administrator during the absence of the city administrator and the duties and responsibilities for the office of assistant city administrator shall be assigned by the city administrator.

Secs 2-137—160. - Reserved

DIVISION 3. - CITY CLERK⁴¹

Footnotes:

--- (4) ---

State Law reference— Election, duties of city clerk, RSMo 79.320; removal of officers, RSMo 79.240; qualifications, RSMo 79.250; oath, bond, RSMo 79.260; fixing salaries, RSMo 79.270; filling vacancies, RSMo 79.280.

Sec. 2-161. - Office affirmed.

The office of city clerk as provided for by state law is hereby affirmed.

(Code 1969, § 2-50; Ord. No. 102, 9-6-1966)

State Law reference— Authority for appointment of city clerk by mayor subject to consent and approval of board of aldermen, RSMo 79.230.

Sec. 2-162. - Selection, designation of city clerk.

The city clerk shall be elected by ordinance of the board of aldermen of the city and shall be designated and known as the "City Clerk of Raytown, Missouri."

(Code 1969, § 2-51; Ord. No. 102, 9-6-1966)

State Law reference— Authority for appointment of city clerk by mayor subject to consent and approval of board of aldermen, RSMo 79.230.

Sec. 2-163. - Term of office.

The city clerk shall serve at the pleasure of the board of aldermen, and until the election of a successor.

(Code 1969, § 2-52; Ord. No. 102, 9-6-1966)

Sec. 2-164. - Salary fixed.

The city clerk shall receive the salary fixed and established by ordinance—**the Board of Aldermen.**

(Code 1969, § 2-53)

Sec. 2-165. - Responsibility for ~~designated personnel.~~**keeping election records.**

~~The city clerk shall be responsible for the administration and completion of duties now and hereafter outlined by ordinances pertaining to the city assessor, and any and all other personnel assigned to the city clerk's office by ordinance or administrative order of the mayor.~~

The city clerk shall keep and maintain all election records and have custody of all property used in connect with elections.

(Code 1969, § 2-54; Ord. No. 102, 9-6-1966)

Sec. 2-166. - Designated as city assessor; compensation.

- (a) The city clerk is hereby appointed city assessor of the city and specifically charged with the efficient and proper assessment of individual personal, business personal, and merchants' and manufacturers' personal property duly assessable within said city, at rates of assessment not in conflict with those established by the county.
- (b) The city clerk, while serving as city assessor in addition to his regular duties, shall so perform the functions of the said assessor's office without additional compensation.

(Code 1969, § 2-66; Ord. No. 378-71, 2-2-1971)

Sec. 2-167. - Designation as general accountant of city.

The city clerk shall be the general accountant of the city, as provided by state law.

(Code 1969, § 2-57; Ord. No. 102, 9-6-1966)

State Law reference— City clerk as general accountant of city, RSMo 79.320.

Sec. 2-168. - Duty to keep and preserve city records.

The city clerk shall keep a journal of the proceedings of the board of aldermen; and shall safely and properly keep all records and papers of the city entrusted to him, as provided for in the Revised Statutes of Missouri.

(Code 1969, § 2-55; Ord. No. 102, 9-6-1966)

State Law reference— Duties of city clerk, RSMo 79.320; powers and duties of officers to be prescribed by ordinance, RSMo 79.290.

Sec. 2-169. - Duty to administer oaths.

The city clerk shall administer official oaths and oaths to persons certifying to demands or claims against the city, as provided by state law.

(Code 1969, § 2-56; Ord. No. 102, 9-6-1966)

State Law reference— Duties of city clerk, RSMo 79.320; powers and duties of officers to be prescribed by ordinance, RSMo 79.290.

Sec. 2-170. - Duty to attest, seal, record commissions, warrants, etc.

The city clerk shall attest all commissions, warrants and other documents requiring attestation drawn by the mayor, affix thereto the seal of the city, and keep an accurate record thereof in a book provided for the purpose as provided by state law.

(Code 1969, § 2-58; Ord. No. 102, 9-6-1966)

State Law reference— Duties of city clerk, RSMo 79.320; powers and duties of officers to be prescribed by ordinance, RSMo 79.290.

Sec. 2-171. - Duty to countersign, seal city licenses.

The city clerk shall countersign and affix the seal of the city to all licenses set by ordinances of the city, as provided by state law.

(Code 1969, § 2-59; Ord. No. 102, 9-6-1966)

State Law reference— City clerk to countersign licenses, RSMo 94.230.

Sec. 2-172. - Duty to withhold licenses until delinquencies are satisfied.

Before the issuance of licenses, the city clerk shall ascertain any taxes, fees or duties in arrears and shall withhold issuance of licenses until delinquencies, if any, are satisfied with the collector, all as provided for and in accordance with state statutes.

(Code 1969, § 2-62; Ord. No. 102, 9-6-1966)

State Law reference— Duty of city clerk as to delinquencies in connection with licenses, RSMo 94.290.

Sec. 2-173. - Duty to prepare back tax book; delivery to city collector.

The city clerk shall prepare the delinquent tax lists and within ten days thereafter, the city clerk shall make, under the seal of the city, the lists into a back tax book as provided for in state statutes. When completed, he shall deliver the book to the collector, taking duplicate receipts therefor, one of which he shall file in his office and the other he shall file with the budget officer.

(Code 1969, § 2-63; Ord. No. 102, 9-6-1966)

State Law reference— Duty to prepare delinquent tax list, back tax book, RSMo 140.060.

Sec. 2-174. - Duty to charge city collector with amounts posted in back tax book.

The city clerk shall charge the city collector with the amount of taxes, interest and clerk fees contained in the back tax book.

(Ord. No. 102, 9-6-1966)

Sec. 2-175. - Powers and duties of city clerk pertaining to public utilities.

The city engineer shall keep a complete file of all franchises granted by the city and shall secure and keep up to date and complete records and reports concerning the operation, financial condition, valuation, services, rates, charges, rules and regulations, practices and conduct of all public utilities operating within the city, and shall have power to require such public utilities to furnish all necessary information and reports relating thereto. He shall report to the board of aldermen upon all matters of public interest relating to public utilities, and shall make such other investigations and reports as may be required by the board of aldermen relating thereto.

(Code 1969, § 2-185; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Secs. 2-176—2-203. - Reserved.

DIVISION 4. - FINANCE DIRECTOR⁵¹

Footnotes:

--- (5) ---

State Law reference— Powers and duties of officers to be prescribed by ordinance, RSMo 79.290; duties of treasurer, RSMo 79.300; officers' oath and bond, RSMo 79.260.

Sec. 2-204. - Office of city treasurer; office affirmed, ratified, designated.

The office of city treasurer as provided for by state statutes is hereby affirmed and ratified, and shall be designated and known as "City Finance Director of Raytown, Missouri."

(Code 1969, § 2-95; Ord. No. 104, 11-15-1966)

State Law reference— Authority for appointment of city treasurer by mayor subject to consent and approval of board of aldermen, RSMo 79.230.

Sec. 2-205. - Selection of city finance director.

The city finance director shall be elected by a majority of the board of aldermen of the city.

(Code 1969, § 2-96; Ord. No. 104, 11-15-1966)

Sec. 2-206. - Term of office, salary.

The city finance director shall serve at the pleasure of the board of aldermen and until the election and qualification of his successor, and shall be paid such salary as shall be fixed and established by ordinance ~~the board of aldermen.~~

(Code 1969, § 2-97)

Sec. 2-207. - Custody of warrants, books, bonds and obligations.

The city finance director shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his care, as provided for in state statutes.

(Code 1969, § 2-98; Ord. No. 104, 11-15-1966)

State Law reference— Custody by city treasurer of city funds, RSMo 79.300.

Sec. 2-208. - Payment of monies, bonds or other obligations.

The city finance director shall pay over all monies, bonds or other obligations of the city on warrants or orders, duly drawn, passed or ordered by the board of aldermen, signed by the mayor and attested by the city clerk, and having the seal of the city affixed thereto, and not otherwise, as provided for and in accordance with state statutes.

(Code 1969, § 2-99; Ord. No. 104, 11-15-1966)

Sec. 2-209. - Publication of financial statement; duty in event such statement is not published.

The board of aldermen shall semiannually each year **at times to be set forth by the board of aldermen**, ~~in May and November~~ make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the city for the half-year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the city. In the event the financial statement is not so published, the city finance director shall not pay out any money of the city on any warrant or order of the board of aldermen after the end of the month in which such financial statement should have been published, until such time as such financial statement is published. Violation of this provision shall be deemed a misdemeanor and punished according to law, as provided in state statutes.

(Code 1969, § 2-100; Ord. No. 104, 11-15-1966; Ord. No. 2386-82, § 1, 5-18-1982)

Sec. 2-210. - Endorsement of bills for ordinances involving payment of money required.

All bills for ordinances contemplating the payment of money shall bear the endorsement of the city finance director that a sufficient sum stands to the credit of the city, unappropriated, in the fund covered by such ordinances, to meet the requirements of such bill.

(Code 1969, § 2-102; Ord. No. 104, 11-15-1966)

Sec. 2-211. - Duty to validate and return evidences of monies received and deposited.

The city finance director shall receive daily, validate and return to the city collector any and all copies requested of documents developed in support of and crediting him with monies received and deposited, as evidenced by bank deposit receipts, for cash received from the city collector for deposit.

(Code 1969, § 2-103; Ord. No. 104, 11-15-1966)

Sec. 2-212. - Duty to establish and maintain bond register account.

The city finance director shall establish and maintain a bond register account of bonds outstanding and interest and principal payments due thereon.

(Code 1969, § 2-104; Ord. No. 104, 11-15-1966)

Sec. 2-213. - Reports to the board of aldermen required.

(a) ~~It shall be the duty of the city finance director to report in person to the board of aldermen, on or before the first day of July in each year, the amount of receipts and expenditures of the treasury, the amount of money on hand, the amount of bonds falling due, if any, for the redemption of which provision must be made; also, the amount of interest to be paid during the next fiscal year.~~

See Sec. 2-209

(a) In addition to the annual report, it shall be the duty of the city finance director to present an investment report semi-annually each year at times to be set forth by the board of aldermen. Said report shall be made available to the public.

~~(b) In addition to the annual report, it shall be the duty of the city finance director to present a report before the second regular meeting of the board of aldermen of each month. Said report shall bear the signature of the city finance director and shall be made available to the public and distributed to the media. Said report shall contain information regarding the investment of the municipal funds including the following information:~~

~~(1) The amount of each investment;~~

~~(2) Where invested; maturity dates of each individual investment;~~

~~(3) Terms (with any special conditions noted);~~

~~(4) Rate of interest;~~

~~(5) How interest is to be paid (i.e., check, credited to account, etc.);~~

~~(6) How rate was arrived at on each investment (i.e., was it bid, etc.);~~

~~(7) Total amount of all investments;~~

~~(8) Total amount of interest received from all investments; and~~

~~(9) Any additional pertinent information regarding investments of such funds which may be of interest to the board of aldermen or the citizens of the city.~~

(Code 1969, § 2-105; Ord. No. 104, 11-15-1966; Ord. No. 2600-83, § 1, 11-1-1983; Ord. No. 2751-85, §§ 1, 2, 1-22-1985)

Sec. 2-214. - Duty to furnish information to federal, state agencies.

The city finance director shall make all reports and answer all requests required by law to or from the various agencies of the United States, the state, or any division thereof, as to the financial condition of the city.

(Code 1969, § 2-106; Ord. No. 104, 11-15-1966)

Sec. 2-215. - Duty to submit reports requested by mayor, board of aldermen.

The city finance director shall submit reports as requested by the mayor or board of aldermen concerning any and all financial matters of the city, and as otherwise provided by ordinance.

(Code 1969, § 2-107; Ord. No. 104, 11-15-1966)

Secs. 2-216—2-238. - Reserved.

DIVISION 5. - CITY COLLECTOR^[6]

Footnotes:

--- (6) ---

State Law reference— City collector designated elective office, RSMo 79.050; removal of officers, RSMo 79.240; qualifications, RSMo 79.250; oath, bond, RSMo 79.260; fixing salaries, RSMo 79.270; filling vacancies, RSMo 79.280; prescribing powers and duties, RSMo 79.290; collector to make annual report, RSMo 79.310.

Sec. 2-239. - Continuance, designation of office.

The office of city collector as provided for by the state statutes shall continue to be an elective office in the city and the officer shall be designated the "City Collector of Raytown, Missouri."

(Code 1969, § 2-76; Ord. No. 105, 7-19-1966)

State Law reference— City collector provided for, RSMo 79.050.

Sec. 2-240. - Election and term of office.

The city collector shall continue to be elected at the general election in the city held on the first Tuesday in April in odd-numbered years and, beginning with the term starting in April 1991, shall serve for a four-year term and until his successor is elected and qualified.

(Code 1969, § 2-77; Ord. No. 105, 7-19-1966; Ord. No. 3460-89, § 1, 10-3-1989)

Sec. 2-241. - Salary of city collector.

The salary of the city collector shall be fixed and established by ordinance.

(Code 1969, § 2-78)

Sec. 2-242. - Fidelity bond of city collector.

A fidelity bond in the amount of \$25,000.00 shall be obtained and maintained upon the city collector at the expense of the city.

(Code 1969, § 2-79; Ord. No. 134, 12-14-1965)

Sec. 2-243. - Duty to collect monies owed to city.

The city collector shall collect all monies owed to the city for property taxes, both real and personal; licenses and taxes owed by the various businesses and occupations as provided for in state statutes, countersign all licenses as provided for in state statutes collect all fees for motor vehicle registration licenses; for building permits; for dog licenses; sewer use charges; and all other taxes, licenses or fees owed to the city of whatever nature under statutes and ordinances now existing, or which may hereafter exist.

(Code 1969, § 2-80; Ord. No. 105, 7-19-1966)

State Law reference— Collection of licenses and taxes, RSMo 94.270; duty to countersign licenses, RSMo 94.230.

Sec. 2-244. - Duty to pay over to city finance director all monies collected.

The city collector shall pay into the office of city finance director, daily, all monies collected and received and shall be properly receipted for said monies. These shall be listed under the various accounts collected, such as real estate taxes, personal property taxes, sewer use charges, occupation licenses, dog licenses, motor vehicle licenses, building permits, and such other classifications as now or hereafter may exist.

(Code 1969, § 2-81; Ord. No. 105, 7-19-1966)

Sec. 2-245. - Duty to enforce payment of taxes.

The city collector shall enforce the payment of taxes as provided for in state statutes. All suits for the collection of city taxes shall be brought in the name of the state, at the relation and to the use of the city collector.

(Code 1969, § 2-82; Ord. No. 105, 7-19-1966)

State Law reference— Duty to enforce payment of taxes, RSMo 94.310 et seq.

Sec. 2-246. - Duty to report monthly to board of aldermen; scope of report.

The city collector shall make a monthly report to the board of aldermen of the city, listing all monies collected in the prior month, under various headings such as real estate taxes, personal property taxes, building permits, sewer use charges, dog licenses, motor vehicle registration licenses, etc., and shall list all expenditures made by said city collector for said month in this report. In addition, the city collector's report shall include all amounts that are uncollected, the names of firms or persons delinquent, and such other information as the board of aldermen may require.

(Code 1969, § 2-83; Ord. No. 105, 7-19-1966)

Sec. 2-247. - Duty to prepare and furnish list of delinquent taxes, to collect same.

The city collector shall at the first meeting of the board of aldermen in April of each year prepare and furnish to the board of aldermen a list of delinquent taxes remaining due and uncollected for each year, to be known as the "land and lot delinquent list" and "the personal delinquent list." After said lists have been examined by the board of aldermen, all as provided for by state statutes, the delinquent list shall be returned to the collector, charging him therewith; and he shall proceed to collect the same in the manner as provided by law and as set forth herein.

(Code 1969, § 2-84; Ord. No. 105, 7-19-1966)

State Law reference— Collector to make annual report, RSMo 79.310; examination of tax lists, RSMo 94.320.

Secs. 2-248—2-254. - Reserved.

DIVISION 6. - ETHICAL STANDARDS

Sec. 2-255. - Declaration of policy.

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there are hereby established ethical standards for persons in municipal service and a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

(Code 1969, § 14-12; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-256. - Bribery.

No person seeking appointment to, or promotion in, the municipal service shall either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with his appointment or proposed appointment, promotion or proposed promotion.

(Code 1969, § 14-14; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-257. - Tax delinquency.

No person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot who shall at the time be in arrears for any unpaid city taxes, or municipal user fees on the last day to file a declaration of candidacy for the office.

(Code 1969, § 14-15; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997; Ord. No. 4529-99, § 1, 9-7-1999)

State Law reference— Election or appointment to city office prohibited for persons in arrears in payment of city taxes, RSMo 79.250.

Sec. 2-258. - Conflicts of interest.

- (a) All persons in the municipal service shall comply with RSMo 105.454, as amended from time to time, concerning conflicts of interest as well as all other state laws governing official conduct.
- (b) No person in the municipal service who has the power or duty to perform an official act related to a municipal contract or transaction shall:
 - (1) Have or thereafter acquire a substantial or private personal interest, as defined by state law, in such contract or transaction;
 - (2) Have a substantial personal or private interest in any business entity, as those terms are defined by state law, representing or advising any person involved in such contract or transaction;
 - (3) Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
 - (4) Have solicited, accepted or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except an occasional non-pecuniary gift, insignificant in value; or an award publicly presented in recognition of public service, or any gift which would have been offered or given to him if he were not an official or employee;
 - (5) Disclosure, without proper legal authorization, confidential information concerning the property, government or affairs of the city, or use such information to advance the financial or other private interest of himself or others; or

- (6) Serve on the governing board of an organization, firm or business entity involved in such contract or transaction, provided, however, that this subsection shall not be applicable to persons in the municipal service who serve on the governing board of an organization, firm or business entity by reason or virtue of his municipal service.
- (c) No person in the municipal service who has the power or duty to perform an official act shall:
 - (1) Engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Code.
 - (2) Appear on behalf of any private person, other than himself, his spouse, or minor children, before any city agency or municipal court. However, a member of the board of aldermen may appear before city agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.
 - (3) Grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
 - (4) After the termination of service or employment with the city, appear before any board, commission, committee, or agency of the city in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

(Code 1969, § 14-16; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-259. - Use of municipally owned property.

- (a) No person in the municipal service shall use any city vehicle, equipment, materials or property for personal convenience, personal profit, or private interest. ~~Without limiting the foregoing and except as herein provided, no person in the municipal service shall use any city vehicle for transporting any person to or from a place of employment unless said vehicle is specifically assigned by the appropriate department head to the individual being transported. No city vehicle shall be used on personal errands.~~ **Contained in the Personnel Manual as authorized in Sec 2-105.**
- (b) ~~Each department head shall draft a specific and comprehensive vehicle policy for his department. The said policy shall then be subject to review and approval or rejection by the board of aldermen.~~ **Contained in the Personnel Manual as authorized in Sec 2-105.**
- (c) No person in the municipal service shall, during the hours of his employment, do those things prohibited to classified employees at all times.
- (d) No person in the municipal service shall use municipal property, equipment or supplies or any other thing of value for the purpose of furthering or promoting the candidacy, election or appointment of persons to the municipal service.
- (e) No person in the classified service shall request or receive from any person whomsoever, or give to or for the direct or indirect benefit of any person in the municipal service, a thing of value or services for the purpose of supporting or opposing the candidacy, election or appointment of persons to the municipal service.
- (f) Nothing in this section shall be construed as prohibiting an employee from participating in any political activity relating to any other level of government or from participating in municipal political activity relating to bond issues, referendums, propositions, approval of ordinances or other matters of a similar character, provided such participation does not interfere with or adversely affect the performance of his duties as a municipal employee; nor shall anything herein be construed as limiting the right of an employee to vote, the same being specifically encouraged; nor shall anything herein be construed as limiting the right of an employee to merely display campaign material, bumper stickers and yard signs.

(Code 1969, § 14-17; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-260. - Disclosure of interest in legislative action.

When any member of the board of aldermen or the mayor has a substantial personal or private interest, as defined by state law, in any measure, bill, order or ordinance pending before the board, he shall disclose on the records of the board the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

(Code 1969, § 14-18; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-261. - Contracts voidable.

Any contract or transaction which was the subject of an official act or action of the city in which there is an interest prohibited by this chapter or which involved the violation of a provision of this chapter, shall be voidable at the option of the city.

(Code 1969, § 14-19; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Sec. 2-262. - Disclosure reports.

Each elected official, the city administrator (as the chief administrative officer and purchasing officer), the city clerk (as the chief financial officer), and the full-time general counsel shall disclose the following information by May 1 if any such transactions occurred during the previous calendar year:

- (1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in the excess of \$500.00, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of \$500.00, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (3) The city administrator (as chief administrative officer and chief purchasing officer) shall also disclose by May 1 for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of \$1,000.00 or more was received during the year covered by the statement.
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests.
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

(Code 1969, § 14-20; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 3913-93, § 1, 9-7-1993; Ord. No. 4013-94, § 1, 7-19-1994; Ord. No. 4093-95, § 1, 9-5-1995; Ord. No. 4207-96, § 1, 9-3-1996; Ord. No. 4302-97, § 1, 8-5-1997; Ord. No. 4267-97, § 1, 5-6-1997; Ord. No. 4536-99, § 1, 9-7-1999; Ord. No. 4633-00, § 1, 9-5-2000; Ord. No. 4788-02, § 1, 6-18-2002)

Sec. 2-263. - Filing of disclosure reports.

The disclosure report shall be filed at the following times, but no person is required to file more than one report in any calendar year:

- (1) Each person appointed to office who is required to report under section 2-262 shall file the report within 30 days of such appointment or employment.
- (2) Every other person required to file a report shall file the same annually not later than May 1 and the report shall cover the calendar year ending the immediately preceding December 31; provided that, any member of the board of aldermen may supplement the report to disclose additional interests acquired after December 31 of the covered year until the date of filing the report.
- (3) The reports shall be filed with the city clerk and the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

(Code 1969, § 14-21; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 3913-93, § 1, 9-7-1993; Ord. No. 4013-94, § 1, 7-19-1994; Ord. No. 4093-95, § 1, 9-5-1995; Ord. No. 4207-96, § 1, 9-3-1996; Ord. No. 4302-97, § 1, 8-5-1997; Ord. No. 4267-97, § 1, 5-6-1997; Ord. No. 4536-99, § 1, 9-7-1999; Ord. No. 4633-00, § 1, 9-5-2000; Ord. No. 4788-02, § 2, 6-18-2002)

Sec. 2-264. - Advisory opinions.

- (a) Where any public officer or employee has a doubt as to the applicability of any provision of this chapter to a particular situation, or as to the definition of terms used herein, he may apply to the city attorney for an advisory opinion. The officer or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the chapter before such advisory opinion is made.
- (b) Such opinion until amended or revoked shall be binding on the city, the board of aldermen and the city attorney in any subsequent actions concerning any public officer or employee who acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen or state agency.
- (c) Any advisory opinion prepared by the city attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the city attorney unless the public officer or employee waives such confidentiality or where the city attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

(Code 1969, § 14-22; Ord. No. 3686-91, § 1, 8-6-1991; Ord. No. 4267-97, § 1, 5-6-1997)

Secs. 2-265—2-272. - Reserved.

ARTICLE IV. - DEPARTMENTS

DIVISION 1. - GENERALLY

Sec. 2-273. - Board of aldermen to create departments.

The city shall be divided into such administrative departments as the board of aldermen may from time to time deem necessary or desirable.

Secs. 2-274—2-294. - Reserved.

DIVISION 2. - EMERGENCY SERVICES DEPARTMENT

Sec. 2-295. - Department created; authority of director.

There is hereby organized and created a department of emergency services and the said department shall be under the direction of the director of emergency services who will supervise and control the department. The director of emergency services is hereby authorized and directed to prescribe rules and regulations concerning the operation of an ambulance service for the city and for emergency management functions as well as for the conduct of the employees of said department, all of which shall be consistent with personnel rules and regulations and all existing ordinances and state statutes.

(Code 1969, § 2-210; Ord. No. 4225-96, § 1, 12-17-1996)

Sec. 2-296. - Duties of director.

The director of emergency services shall have the authority and duty to manage and operate the emergency services department of the city; he shall be responsible for the preparation of the budget for said department; he shall prepare and present to the board of aldermen, for approval, an operating policy for said department; he shall supervise the purchase of all materials, supplies and equipment for said department; he shall submit monthly reports to the board of aldermen concerning the activities of said department and keep the board of aldermen advised of the financial conditions and future needs of said department and make such recommendations as he may deem desirable.

(Code 1969, § 2-211; Ord. No. 4225-96, § 1, 12-17-1996)

Sec. 2-297. - Department responsibilities.

The department of emergency services shall include ambulance service, and emergency management services.

(Code 1969, § 2-212; Ord. No. 4225-96, § 1, 12-17-1996)

Sec. 2-298. - Emergency medical services rules and regulations adopted.

The city emergency medical services rules and regulations relating to responsibility and authority of personnel; uniforms and dress codes; vehicles; living quarters; communications, paperwork and reports; training; community education; suggested guidelines for care of patient and vehicle during call; life flight field procedure; and response to calls, are hereby accepted, approved and adopted by the city.

(Code 1969, § 2-214; Ord. No. 2038-80, § 1, 3-28-1980)

Secs. 2-299—2-329. - Reserved.

DIVISION 3. - LAW DEPARTMENT^[7]

Footnotes:

--- (7) ---

State Law reference— Appointive officers of the city, RSMo 79.230; removal of officers, RSMo 79.240; qualifications, RSMo 79.250; oath, bond, RSMo 79.260; fixing salaries, RSMo 79.270; filling vacancies, RSMo 79.280; prescribing powers and duties, RSMo 79.290.

Sec. 2-330. - Establishment.

There shall be a law department in and for the city consisting of the city attorney, who shall be the department head, such assistant city attorneys as the board of aldermen may from time to time designate, and a city prosecuting attorney and such assistant city prosecuting attorneys as the board of aldermen may from time to time designate.

(Code 1969, § 2-137; Ord. No. 1726-78, § 1, 5-16-1978)

Sec. 2-331. - Compensation.

The city attorney, the city prosecuting attorney, the assistant city attorneys and the assistant city prosecuting attorneys shall be compensated at such rates as are established in connection with the annual municipal budget, and amendments thereto.

(Code 1969, § 2-138; Ord. No. 1736-78, § 1, 5-16-1978; Ord. No. 4219-96, § 1, 11-19-1996)

Sec. 2-332. - Duties of the city attorney as director of department.

The city attorney shall be responsible for the law department. He shall, subject to the direction of the mayor and board of aldermen, be responsible for all legal matters pertaining to the city and for the conduct of the officers and employees of the department. He will be responsible for the distribution and performance of its business, and for the custody and preservation of the books, records, papers and property under his control.

(Code 1969, § 2-139; Ord. No. 1726-78, § 1, 5-16-1978)

Sec. 2-333. - Duties of city attorney.

It shall be the duty of the city attorney, personally or by the assistant city attorneys, to:

- (1) Be present at, participate in and furnish legal advice to the mayor and board of aldermen at all regular and specially called meetings of said board.
- (2) Prepare and draft ordinances as requested by the members of the board of aldermen.
- (3) Defend or instigate all lawsuits on behalf of the city, at the direction of the mayor and board of aldermen, and process any claim for or against the city, including procedures and suits for the collection of all fees, taxes, and assessments, and for the enforcement of compliance with the zoning ordinances of the city.
- (4) Prepare, draft and review all contracts, deeds and legal documents that concern the city.
- (5) Confer with and review the problem of the city department heads upon their request.
- (6) Serve as legal advisor to the police department.
- (7) Submit written legal opinions to the mayor and board of aldermen, upon their request.
- (8) Prepare and draft all notices of public hearings.
- (9) Be present at, participate in and render legal advice in connection with administrative hearings conducted by the city.

- (10) Attend meetings of the committees of the board of aldermen upon request of the committee chairman, or a majority of the members of the duly constituted committee.
- (11) Perform the duties of the city prosecuting attorney in the event of the illness, absence or unavailability of the city prosecuting attorney and assistant city prosecuting attorneys.
- (12) Perform such additional duties which may, from time to time, be assigned to him by the mayor or board of aldermen.

(Code 1969, § 2-140; Ord. No. 1726-78, § 1, 5-16-1978; Ord. No. 2074-80, § 1, 6-3-1980)

Sec. 2-334. - Duties of assistant city attorneys.

It shall be the duty of the assistant city attorneys to:

- (1) Perform such duties of the city attorney as may be assigned to them by the city attorney or the mayor and board of aldermen.
- (2) Perform all duties of the city attorney in the event of his illness, absence or unavailability.
- (3) Perform such other duties which may, from time to time, be assigned to them by the mayor or board of aldermen.

(Code 1969, § 2-141; Ord. No. 1726-78, § 1, 5-16-1978; Ord. No. 2074-80, § 1, 6-3-1980)

Sec. 2-335. - Duties of the city prosecuting attorney.

It shall be the duty of the city prosecuting attorney to:

- (1) Draft and file all complaints in municipal court.
- (2) Attend municipal court at the convening times thereof and prosecute all cases before said court on behalf of the city.
- (3) Perfect and file all municipal appeals, and appear and participate in the trial or hearing of said appeals in the Circuit Court of Jackson County.
- (4) Confer with and advise the department heads upon their request concerning the enforcement of the ordinances.
- (5) Perform the duties of the city attorney in the event of the illness, absence or unavailability of the city attorney and all assistant city attorneys.
- (6) Perform such additional duties which may, from time to time, be assigned to him by the mayor and board of aldermen, or city attorney.

(Code 1969, § 2-142; Ord. No. 1726-78, § 1, 5-16-1978)

Sec. 2-336. - Duties of the assistant city prosecuting attorneys.

Assistant city prosecuting attorneys shall:

- (1) Perform such duties of the city prosecuting attorney as may be assigned to them by the city prosecuting attorney or the mayor and board of aldermen.
- (2) Perform all the duties of the city prosecuting attorney in the event of his illness, absence or unavailability.
- (3) Perform such other duties which may, from time to time, be assigned to them by the mayor and board of aldermen.

(Code 1969, § 2-143; Ord. No. 1726-78, § 1, 5-16-1978)

Sec. 2-337. - Assignment of additional duties and authority to provide additional compensation.

The mayor and board of aldermen shall have the authority and discretion to determine a particular matter be assigned to the city attorney, the city prosecuting attorney, and/or the respective assistants, and to authorize payment of additional fees therefor.

(Code 1969, § 2-144; Ord. No. 1726-78, § 1, 5-16-1978)

Sec. 2-338. - Authority to employ special counsel.

If deemed in the best interest of the city, the board of aldermen may, by ordinance, employ special counsel to represent the city and to fix the compensation therefor.

(Code 1969, § 2-145; Ord. No. 1726-78, § 1, 5-16-1978)

Secs. 2-339—2-364. - Reserved.

DIVISION 4. - PUBLIC WORKS DEPARTMENT^[8]

Footnotes:

--- (8) ---

State Law reference— Appointive officers of the city, RSMo 79.230; removal of officers, RSMo 79.260; fixing salaries, RSMo 79.270; filling vacancies, RSMo 79.280; prescribing powers and duties, RSMo 79.290.

Sec. 2-365. - Establishment.

There shall be a department of public works in and for the city.

(Code 1969, § 2-178; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-366. - Director designated head of department.

There shall be a director of public works, who may also be city engineer in and for the city, who shall be in charge of the department of public works of the city.

(Code 1969, § 2-179; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-367. - Qualifications of city engineer.

The city engineer shall be an engineer registered and licensed by the state to engage in the practice of professional engineering.

(Code 1969, § 2-180; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-368. - Salary of director of public works.

The director of public works shall receive such compensation as may be determined from time to time by the board of aldermen and such compensation shall be payable semi-monthly.

(Code 1969, § 2-181; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-369. - Use of term "director of public works."

Use of the term "director of public works" in this Code may be deemed to refer to the city engineer.

(Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-370. - Duties of director of department.

The director of the department of public works shall be responsible for said department. He shall have the power to prescribe rules and regulations, not inconsistent with the laws governing the city, or inconsistent with policy determinations by the board of aldermen, for the conduct of the officers and employees of his department, for the distribution and performance of its business, and for the custody and preservation of the books, records, papers and property under his control.

(Code 1969, § 2-183; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Sec. 2-371. - Powers of city engineer.

Except as otherwise provided by action of the board of aldermen, the city engineer shall have charge of:

- (1) The designing, construction, reconstruction and repair of all municipal buildings, bridges, viaducts, subways, dikes, canals, waterways, sewers, drains, levees, tunnels and structures, including alterations, replacements, additions, and appurtenances thereto, the maintenance of the same, and keeping the same open and in a safe and clean condition.
- (2) The grading and improvement of all streets, alleys, highways, sidewalk spaces and public ways, and keeping the same open and in a safe and clean condition.
- (3) The construction, reconstruction, repair and maintenance of all pavements, curbs and sidewalks.
- (4) The collection and disposal of garbage, ashes and refuse, and the disposal of sewage.
- (5) The lighting of public grounds and highways, the laying of conduits, the locations, erection and construction of poles and all structures in, on or over public grounds and highways, and the granting of all permits to excavate into or disturb any highway or public property or to make any special use thereof.
- (6) The exercise of such powers of the city relative to privately owned or operated public utilities as may be prescribed by the board of aldermen.

(Code 1969, § 2-184; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973; Ord. No. 4195-96, § 1, 8-20-1996)

Sec. 2-372. - Assignment of duties to city engineer by board of aldermen.

The city engineer shall perform such duties as may be prescribed from time to time by the board of aldermen.

(Code 1969, § 2-186; Ord. No. 101, 8-1-1961; Ord. No. 487-71, § 10, 11-2-1971; Ord. No. 744-73, § 2, 7-17-1973)

Secs. 2-373—2-402. - Reserved.

ARTICLE V. - BOARDS, COMMISSIONS, AUTHORITIES AND AGENCIES (RESERVED)

Secs. 2-403—2-432. - Reserved.

ARTICLE VI. - MEETINGS

DIVISION 1. - GENERALLY

Sec. 2-433. - 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:

Closed meeting, closed record or closed vote means any meeting, record or vote closed to the public.

Copying, if requested by a member of the public, means copies provided as detailed in article VII of this chapter, if duplication equipment is available.

Public business means all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business.

Public governmental body means any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:

- (1) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including, but not limited to, the administrative entity known as "The Curators of the University of Missouri" as established by RSMo 172.020;
- (2) Any advisory committee or commission appointed by the governor by executive order;
- (3) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district, including, but not limited to, sewer districts, water districts, and other sub-districts of any political subdivision;
- (4) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
- (5) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds; provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;
- (6) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of state law or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or

issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and

(7) Any bi-state development agency established pursuant to RSMo 70.370.

Public meeting means any meeting of a public governmental body subject to sections 2-433 through 2-461 and sections 2-530 through 2-539 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat, or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business.

Public record means any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of 18 years and by the parents, guardian or other custodian and the student if the student is over the age of 18 years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this section shall be retained by the public governmental body in the same manner as any other public record.

Public vote means any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

State records retention schedule or retention schedule means the Municipal Records Retention Schedule established by the Missouri Local Records Board under authority of Missouri's Business and Public Records Law, RSMo 109.230 and 109.255.

(Ord. No. 5404-11, § 1(2-16.1.1), 6-7-2011)

Sec. 2-434. - Liberal construction of law to be public policy.

- (a) It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. This article and sections 2-530 through 2-554 shall be liberally construed and their exceptions strictly construed to promote this public policy.
- (b) Except as otherwise provided by law, all public meetings of public governmental bodies shall be open to the public as set forth in this division, all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in sections 2-531 to 2-534, and all public votes of public governmental bodies shall be recorded.

(Ord. No. 5404-11, § 1(2-16.1.2), 6-7-2011)

Sec. 2-435. - Votes.

- (a) All public meetings shall be open to the public and public votes shall be open to the public for inspection and duplication.
- (b) Except as provided in section 2-460, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.
- (c) Any votes taken during a closed meeting shall be taken by roll call.
- (d) All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri general assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting.
- (e) When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

(Ord. No. 5404-11, § 1(2-16.1.3), 6-7-2011)

Sec. 2-436. - Notice of meetings.

- (a) All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its web site in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- (b) Notice conforming with all of the requirements of subsection (a) of this section shall be given at least 24 hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- (c) When it is necessary to hold a meeting on less than 24 hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
- (d) A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

- (e) If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

(Ord. No. 5404-11, § 1(2-16.1.4(1), (2), (4)—(6)), 6-7-2011)

State Law reference— Notice of meetings, RSMo 610.020.

Sec. 2-437. - Electronic recording of proceedings.

A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 2-460 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

(Ord. No. 5404-11, § 1(2-16.1.4(3)), 6-7-2011)

Sec. 2-438. - Minutes and meeting journals.

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

(Ord. No. 5404-11, § 1(2-16.1.4(7)), 6-7-2011)

Secs. 2-439—2-459. - Reserved.

DIVISION 2. - CLOSED MEETINGS

Sec. 2-460. - When permitted.

Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

- (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. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 2-434. However, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;
- (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 therefor; however, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

- (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within 72 hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the 72-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;
- (4) The state militia or National Guard or any part thereof;
- (5) Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
- (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of 18 years and by the parents, guardian or other custodian and the student if the student is over the age of 18 years;
- (7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
- (8) Welfare cases of identifiable individuals;
- (9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state and the amount of money contributed by the source;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
- (18) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

- (19) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and
- (20) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

(Ord. No. 5404-11, § 1(2-16.1.5), 6-7-2011)

Sec. 2-461. - Procedure for calling closed meetings.

- (a) Except as set forth in subsection (b) of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- (b) A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 2-460. Such notice shall comply with the procedures set forth in division 1 of this article for notice of a public meeting.
- (c) Any meeting or vote closed pursuant to section 2-460 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
- (d) Nothing in sections 2-433 through this section and sections 2-530 through 2-536 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.
- (e) Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.
- (f) In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter, such latter member shall state his objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 2-535.

(Ord. No. 5404-11, § 1(2-16.1.6), 6-7-2011)

Secs. 2-462—2-490. - Reserved.

DIVISION 3. - BOARD OF ALDERMEN MEETINGS

Sec. 2-491. - Regularly scheduled board of aldermen meetings.

The board of aldermen shall meet regularly on the first and third Tuesday of each month at the time and place established from time to time by the board. Regular meetings may be rescheduled by the majority of the board for good cause. Regular meetings will be rescheduled to the following Tuesday if the scheduled meeting falls on a national holiday or any election day.

(Code 1969, § 2-28; Ord. No. 110, § 1, 2-21-1967; Ord. No. 155-69, § 1, 9-16-1969; Ord. No. 2502-83, § 2, 3-1-1983; Ord. No. 4094-95, § 1, 9-5-1995; Ord. No. 4613-00, § 1, 6-6-2000; Ord. No. 4640-00, § 1, 10-3-2000)

Sec. 2-492. - Quorum designated.

A quorum of the board of aldermen shall be a simple majority of all the aldermen duly elected, qualified and serving. A quorum of a board, committee, commission or other subunit of the city shall be a simple majority of the members duly appointed, qualified and serving, but excluding ex officio members.

(Code 1969, § 2-31; Ord. No. 110, § 1, 2-21-1967; Ord. No. 155-69, § 1, 9-16-1969; 2502-83, § 2, 3-1-1983)

Sec. 2-493. - Parliamentary procedure of public meetings.

- (a) The mayor shall have a seat in and preside over the board of aldermen, but shall not vote on any question, except in the case of a tie, nor shall he preside or vote in cases when he is an interested party. The duly appointed or elected chairman of each board, committee, commission or other subunit of the city shall have a seat in and preside over the meetings of such body.
- (b) All meetings of the board of aldermen and the boards, committees, commissions, and other subunits of the city shall be conducted in accordance with and governed by state law, the ordinances of the city, and, where not inconsistent therewith, Robert's Rules of Order, Newly Revised.

(Code 1969, § 2-32; Ord. No. 110, § 4, 2-21-1967; Ord. No. 155-69, § 4, 9-16-1969; Ord. No. 1609-77, §§ 1, 2, 9-20-1977; Ord. No. 2502-83, § 2, 3-1-1983)

Sec. 2-494. - Order and decorum generally.

The board of aldermen of the city 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. The presiding officer shall exercise the power to preserve strict order and decorum at all meetings of the board of aldermen.

(Code 1969, §§ 2-39; Ord. No. 2996-86, § 3, 9-2-1986)

Sec. 2-495. - Addressing the board.

- (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 city of residence 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.

(Code 1969, §§ 2-41—2-43; Ord. No. 2996-86, § 3, 9-2-1986; Ord No. 5570-18 6-18-18)

Sec. 2-496. - Agenda generally.

- (a) Agenda items must be submitted to the city clerk's office before **5:00 p.m., 12:00 noon Friday, 11 Thursday, 12** days prior to the meeting in which they are to be considered. The city clerk shall make public, on ~~Thursday~~ **Friday** before the board meeting, an agenda packet containing all business to be discussed at the next regular meeting of the board of aldermen.
- (b) The presiding officer shall have the power to place or refuse to place additional topics on the agenda, and any matter not submitted to the clerk in a timely manner as set forth in this subsection may be considered and acted upon by the board, if a two-thirds majority of the aldermen present vote to consider the matter.
- (c) Remaining business of the agenda upon adjournment shall be carried over and automatically placed on the agenda of the next regular meeting.
- (d) Business not on the agenda may be discussed if so approved by a two-thirds vote of the aldermen present.
- (e) ~~Proposed ordinances or resolutions to be included as agenda items shall bear the sponsorship of a member of the board of aldermen or the mayor, only if the proposed ordinance or resolution has not been recommended for approval by a committee of the board of aldermen or by the planning and zoning commission.~~
- (f) The agenda for every regular meeting of the board of aldermen shall provide an opportunity for the city clerk to report to the board upon matters of interest.
- (g) The agenda for every regular meeting of the board of aldermen shall provide an opportunity for public comment.
- (h) 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.

(Code 1969, § 2-33(a)—(h); Ord. No. 110, § 2, 2-21-1967; Ord. No. 155-69, § 2, 9-16-1960; Ord. No. 474-71, 10-21-1971; Ord. No. 454-77, § 1, 1-18-1977; Ord. No. 1719-78, §§ 1, 2, 5-16-1978; Ord. No. 1888-79, § 1, 6-5-1979; Ord. No. 2810-85, § 1, 6-18-1985; Ord. No. 3136-87, § 1, 10-6-1987; Ord. No. 4014-94, § 3, 7-19-1994; Ord. No. 4299-97, § 1, 8-5-1997; Ord. No. 4520-99, § 1, 8-17-1999; Ord. No. 4869-03, § 1, 4-1-2003; Ord. No. 5027-05, § 1, 4-19-2005)

Sec. 2-497. - Consent agenda.

- (a) The agenda for every regular meeting of the board of aldermen shall include a consent agenda for the purpose of taking action on routine and noncontroversial items, where documentation provided to the board that is adequate and sufficient for approval without inquiry or discussion. The consent agenda is intended to minimize the time required for the handling of any noncontroversial matters and permit additional time to be spent on more significant matters.
- (b) The presiding officer may place items on the consent agenda, except that the following matters may not be placed on the consent agenda any matter which by law requires a public hearing, any matter which will increase a budget appropriation, and any matter requiring approval by ordinance.
- (c) An item designated for the consent agenda may be removed from the consent agenda at the request of the mayor or an alderman, where there is no objection by the remaining members of the board. If there is an objection to removal of an item from the consent agenda, the item may be removed by a motion and vote of the board.
- (d) When removed, items shall be considered individually at the end of the consent agenda at the same meeting.
- (e) The published agenda shall clearly distinguish consent from regular agenda items.
- (f) At any meeting at which there is a consent agenda, the ayes and nays shall be taken upon the passage of all items on the consent agenda by a single board vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a consent agenda.

(Code 1969, § 2-33(j); Ord. No. 110, § 2, 2-21-1967; Ord. No. 155-69, § 2, 9-16-1960; Ord. No. 474-71, 10-21-1971; Ord. No. 454-77, § 1, 1-18-1977; Ord. No. 1719-78, §§ 1, 2, 5-16-1978; Ord. No. 1888-79, § 1, 6-5-1979; Ord. No. 2810-85, § 1, 6-18-1985; Ord. No. 3136-87, § 1, 10-6-1987; Ord. No. 4014-94, § 3, 7-19-1994; Ord. No. 4299-97, § 1, 8-5-1997; Ord. No. 4520-99, § 1, 8-17-1999; Ord. No. 4869-03, § 1, 4-1-2003; Ord. No. 5027-05, § 1, 4-19-2005)

Sec. 2-498. - Voting.

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.

(Code 1969, § 2-33(i)(1); Ord. No. 110, § 2, 2-21-1967; Ord. No. 155-69, § 2, 9-16-1960; Ord. No. 474-71, 10-21-1971; Ord. No. 454-77, § 1, 1-18-1977; Ord. No. 1719-78, §§ 1, 2, 5-16-1978; Ord. No. 1888-79, § 1, 6-5-1979; Ord. No. 2810-85, § 1, 6-18-1985; Ord. No. 3136-87, § 1, 10-6-1987; Ord. No. 4014-94, § 3, 7-19-1994; Ord. No. 4299-97, § 1, 8-5-1997; Ord. No. 4520-99, § 1, 8-17-1999; Ord. No. 4869-03, § 1, 4-1-2003; Ord. No. 5027-05, § 1, 4-19-2005)

Sec. 2-499. - Members to remain present 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 chair.

(Code 1969, § 2-33(i)(2); Ord. No. 110, § 2, 2-21-1967; Ord. No. 155-69, § 2, 9-16-1960; Ord. No. 474-71, 10-21-1971; Ord. No. 454-77, § 1, 1-18-1977; Ord. No. 1719-78, §§ 1, 2, 5-16-1978; Ord. No. 1888-79, § 1, 6-5-1979; Ord. No. 2810-85, § 1, 6-18-1985; Ord. No. 3136-87, § 1, 10-6-1987; Ord. No. 4014-94, § 3, 7-19-1994; Ord. No. 4299-97, § 1, 8-5-1997; Ord. No. 4520-99, § 1, 8-17-1999; Ord. No. 4869-03, § 1, 4-1-2003; Ord. No. 5027-05, § 1, 4-19-2005)

Sec. 2-500. - Introduction of new business limited.

Introduction of new business or of further new business shall not be brought before the board of aldermen for discussion after the hour of 11:00 p.m. at any meeting of said board; provided, however, that this provision can be suspended by a two-thirds vote of said board.

(Code 1969, § 2-34; Ord. No. 110, § 1, 2-21-1967)

Sec. 2-501. - Preparation and submission of **resolutions and bills**.

- (a) The material outlining the scope of a **resolution and/or** bill shall be presented to the city attorney **city clerk**, who shall prepare all **resolutions and/or** bills to be considered **and said** that the **resolutions and/or bills** shall be in proper legal form **in a manner and hear to bear the city attorneys** his certification as to the **resolutions and/or** bill's legality.
- (b) Every proposed **resolution and/or bill ordinance** shall be introduced to the board of aldermen in writing and shall be read by title prior to passage. Copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the board of aldermen. The second reading of a bill may be made during the meeting in which the bill is introduced, provided that a suspension of the rule for said purpose, approved by two-thirds vote of the aldermen present at said meeting, is effected; otherwise, the matter of the second reading shall be considered at the next regular meeting, or as otherwise determined by the board.

(Code 1969, § 2-35; Ord. No. 110, § 3, 2-1-1967; Ord. No. 155-69, § 3, 9-16-1969; Ord. No. 1075-75, § 1, 5-3-1975; Ord. No. 3082-87, § 1, 6-2-1987; Ord. No. 3270-88, § 1, 7-19-1988; Ord. No. 3830-92, § 1, 11-17-1992; Ord. No. 4078-95, § 1, 6-20-1995; Ord. No. 4108-95, § 2, 10-17-1995; Ord. No. 4203-96, § 1, 9-3-1996)

State Law reference— Passage of ordinances, RSMo 79.130.

Sec. 2-502. - Referral to finance director of **resolutions and** bills contemplating payment of money.

All **resolutions and/or** bills contemplating payment of money shall, ~~prior to second reading~~, be referred to the finance director for endorsement to the effect that a sufficient sum stands to the credit of the city, unappropriated, and the funds ~~covered by such ordinance~~ to meet the requirements of the **resolution and/or** bill.

(Code 1969, § 2-37; Ord. No. 110, § 3, 2-21-1967; Ord. No. 155-69, § 3, 9-16-1969)

Sec. 2-503. - Objection to reading of bill.

An objection to the second reading may be sustained or overruled by the chair.

(Code 1969, § 2-38; Ord. No. 110, § 3, 2-21-1967; Ord. No. 155-69, § 3, 9-16-1969; Ord. No. 3270-88, § 2, 7-19-1988)

Secs. 2-504—2-529. - Reserved.

ARTICLE VII. - PUBLIC RECORDS

Sec. 2-530. - Records retention.

- (a) The state records retention schedule is hereby adopted in its entirety by the city as a minimum retention of records schedule for all city documents.
- (b) All departmental heads, and other interested parties, may recommend longer retention periods of any documents within their individual departments or jurisdiction. In such event, implementation of longer periods of document retention shall be made only by ordinance amending the provisions of this section.
- (c) It shall be the responsibility of the records custodian to determine the proper classification of all city records under the state retention schedule. In the event a department head or other interested person disagrees with the records custodian's classification of a particular document, the issue shall be resolved by submission of the controversial document to the secretary of state for clarification and determination.

(Code 1969, § 2-01; Ord. No. 856-74, §§ 1—3, 4-9-1974; Ord. No. 5402-11, § 1, 6-7-2011)

Sec. 2-531. - Custodian, public access.

- (a) Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.
- (b) Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- (c) Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.
- (d) If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.
- (e) Custodian(s) appointed. The city clerk is hereby appointed as the custodian of records for the records at city hall and is authorized to appoint assistant custodians to aid in the performance of the custodian's duties as established by state law, city ordinance and city policies which govern access to and maintenance of public records, meetings or votes, with the exception of the municipal court whose custodian is the court clerk and further that the police department, emergency medical services (EMS) department and the park and recreation department who will designate their own custodians in writing and provide that custodian's name to the city clerk for record of contact.

(Ord. No. 5404-11, § 1(2-16.1.7), 6-7-2011)

Sec. 2-532. - Exempt and nonexempt material in single record.

- (a) If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public governmental body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

- (b) When designing a public record, a public governmental body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public governmental body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

(Ord. No. 5404-11, § 1(2-16.1.8), 6-7-2011)

Sec. 2-533. - Electronic transmissions.

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of section 2-460.

(Ord. No. 5404-11, § 1(2-16.1.9), 6-7-2011)

Sec. 2-534. - Fees.

- (a) Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
 - (1) Fees for copying public records, except those records restricted under RSMo 32.091 shall not exceed \$0.10 per page for a paper copy not larger than nine by 14 inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;
 - (2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by 14 inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.
- (b) Payment of such copying fees may be requested prior to the making of copies.
- (c) Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.
- (d) Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to article VI to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

- (e) The term "tax, license or fees" as used in section 22 of article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.

(Ord. No. 5404-11, § 1(2-16.2), 6-7-2011)

Sec. 2-535. - Violations and penalties.

- (a) The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of this article. Suits to enforce this article shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of RSMo 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 2-460 or the assertion that the requested record is not a public record until the court directs otherwise.
- (b) Once a party seeking judicial enforcement of article VI demonstrates to the court that the body in question is subject to the requirements of this chapter and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of this chapter.
- (c) Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated this article, the public governmental body or the member shall be subject to a civil penalty in an amount up to \$1,000.00. If the court finds that there is a knowing violation of this article, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated this article previously.
- (d) Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated this article, the public governmental body or the member shall be subject to a civil penalty in an amount up to \$5,000.00. If the court finds that there was a purposeful violation of this article, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated this article previously.
- (e) Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of this article, a court shall void any action taken in violation of this article, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of this article outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.
- (f) A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

(Ord. No. 5404-11, § 1(2-16.2.1), 6-7-2011)

Sec. 2-536. - Legal defense of officials.

- (a) Any public governmental body may provide for the legal defense of any member charged with a violation of this article.
- (b) Each public governmental body shall provide a reasonable written policy in compliance with this article, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of this article or subject to civil liability for any act arising out of his adherence to the written policy of the agency.
- (c) No person who in good faith reports a violation of the provisions of this article is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, suspended, or otherwise disciplined for making such report.

(Ord. No. 5404-11, § 1(2-16.2.2), 6-7-2011)

Sec. 2-537. - Access to electronic records.

- (a) A public governmental body keeping its records in an electronic format is strongly encouraged to provide access to its public records to members of the public in an electronic format. A public governmental body is strongly encouraged to make information available in usable electronic formats to the greatest extent feasible. A public governmental body may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the public governmental body's records. For purposes of this section, a usable electronic format shall allow, at a minimum, viewing and printing of records. However, if the public governmental body keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the public governmental body shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this section may not take priority over the primary responsibilities of a public governmental body. For purposes of this section the term "electronic services" means on-line access or access via other electronic means to an electronic file or database. This subsection shall not apply to contracts initially entered into before August 28, 2004.
- (b) Public governmental bodies shall include in a contract for electronic services provisions that:
 - (1) Protect the security and integrity of the information system of the public governmental body and of information systems that are shared by public governmental bodies; and
 - (2) Limit the liability of the public governmental body providing the services.
- (c) Each public governmental body may consult with the division of data processing and telecommunications of the office of administration to develop the electronic services offered by the public governmental body to the public pursuant to this section.

(Ord. No. 5404-11, § 1(2-16.2.3), 6-7-2011)

Sec. 2-538. - Injunctive relief.

The circuit courts of this state shall have the jurisdiction to issue injunctions to enforce the provisions of this article.

(Ord. No. 5404-11, § 1(2-16.2.4), 6-7-2011)

Sec. 2-539. - Executive agency disclosure.

- (a) If an executive agency's records are closed by law, it may not disclose any information contained in such closed records in any form that would allow identification of individual persons or entities unless:
 - (1) Disclosure of such information is made to a person in that person's official capacity representing an executive agency and the disclosure is necessary for the requesting executive agency to perform its constitutional or statutory duties; or
 - (2) Disclosure is otherwise required by law.
- (b) Notwithstanding any other provision of law to the contrary, including, but not limited to, RSMo 32.057, such closed information may be disclosed pursuant to this section; however, the providing executive agency may request, as a condition of disclosing such information, that the requesting executive agency submit:
 - (1) The constitutional or statutory duties necessitating the disclosure of such information;
 - (2) The name and official capacity of the person or persons to whom such information will be disclosed;
 - (3) An affirmation that such information will be used only in furtherance of such constitutional or statutory duties; and
 - (4) The date upon which the access is requested to begin, when the request is for continuous access.
- (c) Any executive agency receiving such a request for closed information shall keep the request on file and shall only release such information to the person or persons listed on such request. If the request is for continuous access to such information, the executive agency shall honor the request for a period of one year from the beginning date indicated on such request. If the requesting executive agency requests such information for more than one year, the agency shall provide an updated request for closed information to the providing executive agency upon expiration of the initial request.
- (d) Any person receiving or releasing closed information pursuant to this section shall be subject to any laws, regulations or standards of the providing executive agency regarding the confidentiality or misuse of such information and shall be subject to any penalties provided by such laws, regulations or standards for the violation of the confidentiality or misuse of such information.
- (e) For the purposes of this section, the term "executive agency" means any administrative governmental entity created by the constitution or statutes of this state under the executive branch, including any department, agency, board, bureau, council, commission, committee, board of regents or board of curators of any institution of higher learning supported in whole or in part by state funds, any subdivision of an executive agency, and any legally designated agent of such entity.

(Ord. No. 5404-11, § 1(2-16.2.5), 6-7-2011)

Sec. 2-540. - State entity not to disclose social security number, exceptions.

No state entity shall publicly disclose any social security number of a living person unless such disclosure is permitted by federal law, federal regulation or state law or unless such disclosure is authorized by the holder of that social security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court. Notwithstanding any other provision of law to the contrary, the disclosure of social security numbers of deceased persons shall be lawful, provided that the state agency disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this section, the term "publicly disclose" shall not include the use of any social security number by any state entity in the performance of any statutory or constitutional duty or power or the disclosure of any social security number to another state entity, political subdivision, agency of the federal government, agency of another state or any private person or entity acting on behalf of, or in cooperation with, a state entity. Any person

or entity receiving a social security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For purposes of this section, the term "state entity" means any state department, division, agency, bureau, board, commission, employee or any agent thereof. When responding to any requests for public information pursuant to this chapter, any costs incurred by any state entity complying with the provisions of this section may be charged to the requester of such information.

(Ord. No. 5404-11, § 1(2-16.2.6), 6-7-2011)

Sec. 2-541. - Arrest reports, incident reports and related documents.

(a) The following words, terms and phrases, when used in this section and section 2-542 and 2-553, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Arrest means an actual restraint of the person of the defendant, or by his submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

Arrest report means a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

Inactive means an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

- (1) A decision by the law enforcement agency not to pursue the case;
- (2) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;
- (3) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

Incident report means a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

Investigative report means a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

(b) Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections (d) through (f) of this section or RSMo 320.083, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within 30 days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 2-547.

(c) Except as provided in subsections (d) through (g) of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person, or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody, or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

- (d) Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 2-553 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his family member within the first degree of consanguinity if such individual is deceased or incompetent, his attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within 30 days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.
- (e) Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.
- (f) Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to \$1,000.00. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 2-535. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to \$5,000.00 and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 2-535. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.
- (g) The victim of an offense as provided in RSMo ch. 566 may request that his identity be kept confidential until a charge relating to such incident is filed.

(Ord. No. 5404-11, § 1(2-16.2.7), 6-7-2011)

Sec. 2-542. - Criminal background check completed without fee, when.

Notwithstanding any other provision of law to the contrary, whenever a criminal background check is requested in connection with gaining employment, housing or any other services or benefit of any homeless former member of the organized militia or the armed forces of the United States who has been honorably discharged, such background check shall be completed and transmitted to the requesting party without any fee or other compensation for such background check or copy of any relevant public record pertaining to such request. For purposes of this section, the term "homeless" means an involuntary state characterized by a lack of housing or shelter.

(Ord. No. 5404-11, § 1(2-16.2.8), 6-7-2011)

Sec. 2-543. - Effect of dispositions other than convictions.

- (a) If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in subsection (b) of this section and section 2-547 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to RSMo 552.030 official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in RSMo 198.006 and in-home services provider agencies as defined in RSMo 660.250 in the manner established by section 2-547.
- (b) If the person arrested is charged with an offense found in RSMo 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, or 568.175 and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his own judicial proceeding, or if the victim is a minor to the victim's parents or guardian, upon request.

(Ord. No. 5404-11, § 1(2-16.2.9), 6-7-2011)

Sec. 2-544. - Suspended sentence prior to September 28, 1981, procedure to close records.

Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 2-547.

(Ord. No. 5404-11, § 1(2-16.2.10), 6-7-2011)

Sec. 2-545. - Failure to recite closed record excused; exceptions.

No person as to whom such records have become closed records shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his failure to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose, except as provided in RSMo 491.050 and section 2-547.

(Ord. No. 5404-11, § 1(2-16.2.11), 6-7-2011)

Sec. 2-546. - Penalty.

A person who knowingly violates any provision of section 2-541, 2-543, 2-544, or 2-547 is guilty of a class A misdemeanor.

(Ord. No. 5404-11, § 1(2-16.2.12), 6-7-2011)

Sec. 2-547. - Records to be confidential; accessibility; purposes.

- (a) Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and RSMo 43.507. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to RSMo 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency, including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by RSMo 43.543 to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in RSMo 558.019 for the purpose of studying sentencing practices in accordance with RSMo 43.507; to qualified entities for the purpose of screening providers defined in RSMo 43.540; the department of revenue for driver license administration; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to RSMo 595.010 to 595.075 department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- (b) These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with RSMo 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

(Ord. No. 5404-11, § 1(2-16.2.13), 6-7-2011)

Sec. 2-548. - Arrest record expunged, requirements.

Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to RSMo 43.503 may be expunged if the court determines that the arrest was based on false information and the following conditions exist:

- (1) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;
- (2) No charges will be pursued as a result of the arrest;
- (3) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions;
- (4) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and
- (5) No civil action is pending relating to the arrest or the records sought to be expunged.

(Ord. No. 5404-11, § 1(2-16.2.14), 6-7-2011)

Sec. 2-549. - Procedure to expunge; Supreme Court to promulgate rules; similar to small claims.

- (a) Any person who wishes to have a record of arrest expunged pursuant to section 2-548 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection (d) of this section. The petition shall include the following information or shall be dismissed if the information is not given:
 - (1) The petitioner's:
 - a. Full name;
 - b. Sex;
 - c. Race;
 - d. Date of birth;
 - e. Driver's license number;
 - f. Social Security number; and
 - g. Address at the time of the arrest;
 - (2) The offense charged against the petitioner;
 - (3) The date the petitioner was arrested;
 - (4) The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
 - (5) The name of the agency that arrested the petitioner;
 - (6) The case number and court of the offense;
 - (7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition to expunge a record that will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.
- (b) The petition shall name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason to believe may possess the records subject to expungement. The court's order shall not affect any person or entity not named as a defendant in the action.
- (c) The court shall set a hearing on the matter no sooner than 30 days from the filing of the petition and shall give reasonable notice of the hearing to each official or agency or other entity named in the petition.
- (d) If the court finds that the petitioner is entitled to expungement of any record that is the subject of the petition, it shall enter an order directing expungement. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. A copy of the order shall be provided to each agency identified in the petition pursuant to subsection (b) of this section.
- (e) The Supreme Court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 2-548. Such procedures shall be similar to the procedures established in RSMo ch. 482 for the handling of small claims.

(Ord. No. 5404-11, § 1(2-16.2.15), 6-7-2011)

Sec. 2-550. - Destruction of arrest records.

- (a) All records ordered to be expunged pursuant to section 2-549 shall be destroyed, except as provided in this section. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to section 2-549 shall be removed from all electronic files maintained with the state. The central repository shall request the Federal Bureau of Investigation expunge the records from its files.

- (b) Any petitioner, or agency protesting the expungement, may appeal the court's decision in the same manner as provided for other civil actions.

(Ord. No. 5404-11, § 1(2-16.2.16), 6-7-2011)

Sec. 2-551. - Failure to comply with expungement order.

- (a) A person subject to an order of the court who knowingly fails to expunge or obliterate, or releases arrest information which has been ordered expunged is guilty of a class B misdemeanor.
- (b) A person subject to an order of the court who, knowing the records have been ordered expunged, uses the arrest information for financial gain is guilty of a class D felony.

(Ord. No. 5404-11, § 1(2-16.2.17), 6-7-2011)

Sec. 2-552. - Expungement does not deem arrest invalid.

- (a) An expungement of an arrest record shall not reflect on the validity of the arrest and shall not be construed to indicate a lack of probable cause for the arrest.
- (b) Except as provided by section 2-548, the courts of this state shall have no legal or equitable authority to close or expunge any arrest record.
- (c) The petitioner shall not bring any action subsequent to the expungement against any person or agency relating to the arrest described in the expunged records.

(Ord. No. 5404-11, § 1(2-16.2.18), 6-7-2011)

Sec. 2-553. - "911" telephone reports inaccessible, exceptions.

Except as provided by this section, any information acquired by a law enforcement agency by way of a complaint or report of a crime made by telephone contact using the emergency number, "911," shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 2-541. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

(Ord. No. 5404-11, § 1(2-16.2.19), 6-7-2011)

Sec. 2-554. - Law enforcement agency log or record of suspected crimes, accidents or complaints.

All law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints shall make available the following information for inspection and copying by the public:

- (1) The time, substance, and location of all complaints or requests for assistance received by the agency;
- (2) The time and nature of the agency's response to all complaints or requests for assistance; and
- (3) If the incident involves an alleged crime or infraction:
 - a. The time, date, and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under RSMo ch. 566;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.

(Ord. No. 5404-11, § 1(2-16.2.20), 6-7-2011)

Sec. 2-555. - Tax credit records and documents deemed closed records.

- (a) Records and documents relating to tax credits submitted as part of the application for all tax credits to any department of this state, board, or commission authorized to issue or authorize or recommend the authorization of tax credits shall be deemed closed records until such time as the information submitted does not concern a pending application, and except as limited by other provision of law concerning closed records. For the purposes of this subsection, the term "pending application" means any application for credits that has not yet been authorized. In the case of partial authorization of credits, the completed authorization of a single credit shall be sufficient to constitute full authorization to the extent that the authorized credit or credits relate to the same application as the credits that have not yet been authorized.
- (b) Upon a request for opening of records and documents relating to all tax credit programs, as defined in RSMo 135.800 submitted in accordance with the provisions of this chapter, except as limited by the provision of subsection (a) of this section, the agency that is the recipient of the open records request shall make information available consistent with the provisions of this chapter. Where a single record or document contains both open and closed records, the agency shall make a redacted version of such record or document available in order to protect the information that would otherwise make the record or document a closed record. Staff time required for such redaction shall constitute an activity for which a fee can be collected pursuant to sections 2-531 through this section.
- (c) As used in this section, the term "closed record" shall mean closed record as defined in Section 2-16.1.

(Ord. No. 5404-11, § 1(2-16.2.21), 6-7-2011)

Sec. 2-556. - Written documents, letters, memorandum, etc., of city officials.

- (a) All original written documents, letters, memorandum and including duplicate copies of memorandum sent from the city officials, which comes into the custody or originates from any elected city official, any appointed city official or other department head or employee, is hereby declared to be property of the city.
- (b) Upon leaving the employment of service of the city by any elected official through expiration of term, or otherwise, and upon the termination of service by any appointed city official, department head or other employee, all original written documents, letters and memorandum pertaining to the city, in the possession of such official or employee shall be deposited with the city clerk within 15 days of expiration of term, or termination of employment, as the case may be.
- (c) In the event the various written documents, letters and other memorandum are already contained within the city hall, it shall not be necessary to physically move the various documents and memorandum into the city clerk's office. It is the intent of this section that each elected and appointed official having custody of city records, correspondence and other written data within the city hall shall leave same for their successor. It is the further intent of this section that aldermen having custody and possession of original documents, letters, data and other memoranda, including duplicate copies of letters, documents and other memoranda issued by the city, return all such data.
- (d) All officials, department heads, and other employees referred to in this section are hereby authorized to retain in their possession photographic copies of any written data or memoranda as specified above for their own personal records, if they so desire.

(Code 1969, § 2-17; Ord. No. 844-74, §§ 1—4, 3-5-1974)

Secs. 2-557—2-575. - Reserved.

ARTICLE VIII. - CITY PROPERTY

Sec. 2-576. - Use of city-owned property—Responsibility for care.

Any person in the municipal service who shall have custody or control of city-owned property, shall be responsible for the care of said property during the time of its entrusted use.

(Code 1969, § 2-11; Ord. No. 109, 5-6-1963; Ord. No. 2341-81, § 1, 1-5-1982)

Sec. 2-577. - Same—Cost of repair.

In the event any property described in section 2-576 be damaged or lost while in such person's custody or control, due to the negligence, carelessness or inattention of such person having the custody or control thereof, as determined by the office of the city attorney, the cost of replacement or repair for such property may be deducted from the salary or compensation of said person.

(Code 1969, § 2-12; Ord. No. 109, 5-6-1963; Ord. No. 2341-81, § 1, 1-5-1982)

Sec. 2-578. - Same—Hearing and right of appeal.

In the event that such person shall be charged with the cost of replacement or repair as herein provided, he shall have the right to appeal such decision as permitted by the city's personnel policies and procedures.

(Code 1969, § 2-13; Ord. No. 109, 5-6-1963; Ord. No. 2341-81, § 1, 1-5-1982)

Sec. 2-579. - Same—Discharge of person responsible for damage.

If any person shall, by final determination, be charged with the cost of replacement or repair of city-owned property and refuses to abide by such determination, that person shall be subject to disciplinary action as permitted by the city's personnel policies and procedures.

(Code 1969, § 2-14; Ord. No. 109, 5-6-1963; Ord. No. 2341-81, § 1, 1-5-1982)

Sec. 2-580. - Public liability insurance certificate required for work to be performed on city-owned property.

- (a) All independent contractors, hereby defined as all persons, individuals, partnerships, corporations and associations submitting bids of proposals or contractual agreements to provide labor and/or labor and materials for work to be performed on any city-owned building, street, park land, street right-of-way, sanitary sewer or storm sewer easement or other city-owned property shall hereafter be required to furnish a public liability certificate of insurance in favor of the city in the amount set forth in subsection (b) of this section.
- (b) The public liability insurance provided by such contractor shall be in the minimum amount of \$500,000.00 single limit for injury or death of any one person or for injury or death of more than one person by reason of the carelessness or negligence of the contractor, or persons in their employ or for damages to property by reason of the carelessness or negligence of the contractor or persons in his employ. Said public liability insurance shall be issued by a solvent and responsible insurance company.
- (c) For all liability insurance policies issued pursuant to the requirements of this section, the following endorsement shall be included:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby agrees to pay any final judgment for personal injury, including death resulting therefrom, or damage to property caused by the carelessness or negligence of the contractor or persons in its employ while operating under and pursuant to any contractual agreement entered into city within the limits set forth in the schedule shown hereon, and further, agrees that upon its failure

to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. Nothing contained in the policy or any endorsement thereon, nor the violation of any of the provisions thereof by the assured shall relieve the company from liability hereunder or from the payment of such judgment attached to and forming a part of Policy No. _____ issued by the _____ Insurance Company to _____ , Contractor."

- (d) All contractual agreements, excluding agreements with other municipal corporations shall be subject to the provisions of this section. All existing contractors, upon renewal, shall be subject to the provisions of this section.

(Code 1969, § 2-22; Ord. No. 1970-79, §§ 1—4, 10-2-1979)

Secs. 2-581—2-608. - Reserved.

ARTICLE IX. - FINANCE

Sec. 2-609. - Selection of city depository; consolidation of accounts.

- (a) The city clerk, as chief accountant for the city, and the city finance director shall cause the public and/or municipal funds of the city to be deposited in any duly organized existing lawful financial institution located within the city limits. If such depository cannot be selected, or if satisfactory arrangements [cannot be] made, the funds of the city may be invested upon such terms and under the conditions provided by law for the loaning of county and school monies. Said funds may be consolidated into one account in the depository institution or may be divided amongst various accounts and/or various institution in such manner as the city clerk and city finance director deem appropriate; provided that nothing herein shall authorize the co-mingling of funds where the same would be a violation of state statute or the terms and conditions of any bond issue. The city clerk and the city finance director are hereby authorized to execute such documents as are necessary or convenient to implement the foregoing.
- (b) The banking services shall be bid periodically in order to generate the maximum revenue, at such times and in such manner as the city clerk and city finance director deem appropriate.

(Code 1969, § 2-4; Ord. No. 2328-81, §§ 1, 2, 12-15-1981; Ord. No. 3417-89, § 2, 6-20-1989; Ord. No. 3687-91, §§ 1, 2, 8-6-1991)

State Law reference— Depositories generally, RSMo 110.010.

Sec. 2-610. - Authorized signatures for city checks.

- (a) All checks drawn on the municipal funds of the city in the amount of \$1,000.00 or less shall be signed by the city clerk, city finance director or the deputy city clerk or the city finance director or the duly elected and qualified mayor of the city.
- (b) All checks drawn on the municipal funds of the city in an amount of more than \$1,000.00 shall be signed by at least two of the following: the city clerk, the city finance director, the deputy city clerk, the city finance director, or the duly elected and qualified mayor of the city.
- (c) Upon election or appointment and qualification of the city clerk, the city finance director, the deputy city clerk, the city finance director or the duly elected and qualified the mayor of the city, attested certification of same along with all necessary signature cards, facsimile signatures, etc., shall be forthwith transmitted to the various depositories of the city's funds by the city clerk.

(Code 1969, § 2-1; Ord. No. 111, §§ 1—4, 4-11-1967; Ord. No. 2732-84, § 1, 11-7-1984; Ord. No. 4166-96, § 1, 5-21-1996)

State Law reference— Mayor to sign, city clerk to attest orders, drafts and warrants, RSMo 79.190.

Sec. 2-611. - Reserve fund for general obligation bonds; required use.

Such funds as may be determined by the annual audit of the books of account of the city to be reserves for general obligation bonds shall be utilized only for the purpose of reducing the general obligation bond levy in subsequent years or for the purpose of retiring outstanding general obligation bonds.

(Code 1969, § 22½-2; Ord. No. 1657-78, § 1, 1-17-1978)

Sec. 2-612. - Comprehensive purchasing procedures.

- (a) The board of aldermen hereby authorizes the adoption of a written purchasing manual for the city. The said purchasing manual shall set forth procedures for purchasing, bidding, disposing of

municipal property and handling miscellaneous income. The board of aldermen delegates the authority to bind the city to enforceable purchases, as provided in the said manual.

- (b) Any revisions or amendments to the purchasing manual shall be adopted and approved by properly enacted resolution of the board of aldermen prior to it becoming effective.
- (c) A copy of the adopted and approved purchasing manual shall be maintained by the city finance director and by the custodian of public records for the city, and shall at all reasonable times be available for public inspection.

(Code 1969, § 2-7; Ord. No. 3164-87, § 2, 12-1-1987; Ord. No. 3181-88, § 1, 1-19-1988; Ord. No. 3554-90, § 1, 7-10-1990; Ord. No. 4108-95, § 1, 10-17-1995; Ord. No. 4606-00, § 1, 6-6-2000)

State Law reference— Public improvements, financing, proceedings connected therewith, RSMo 71.290; public works and special assessments, RSMo ch. 88; financial administration and indebtedness, RSMo ch. 95.

Sec. 2-613. - Fees for uncollected financial instruments.

Any person, firm or corporation who shall make, deliver, or endorse to the city a check, draft, credit or debit card transaction, or similar financial instrument which is subsequently dishonored by the financial institution upon which it is drawn shall pay to the city, in addition to the principal amount thereof, and all other sums authorized by law, an administrative fee known as the "non-sufficient funds fee." The fee is approved by the governing body and listed in the schedule of fees and charges maintained in the city clerk's office.

(Code 1969, § 2-7.1; Ord. No. 4095-95, § 1, 9-5-1995; Ord. No. 5384-10, § 1(2-7-1), 12-21-2010)

Sec. 2-614. - Copies of public documents; fee.

Any person, firm or corporation may obtain a photocopy of any public report, form or document not considered a closed record under applicable law from the custodian of such report, form or document. The city clerk is authorized to establish a written policy, consistent with the RSMo 610.026, establishing the cost for document search and duplication.

(Code 1969, § 2-8; Ord. No. 895-74, § 1, 6-18-1974; Ord. No. 2268-81, § 1, 8-18-1981; Ord. No. 3364-89, § 1, 2-21-1989; Ord. No. 4699-01, § 1, 5-15-2001)

Sec. 2-615. - Identity theft prevention program (red flag policy).

For purposes of complying with 16 CFR 681.2 and in order to detect, prevent and mitigate identity theft the town has adopted an identity theft prevention program and policy, incorporated by reference in this section as though fully set forth herein.

CITY OF RAYTOWN
Request for Board Action

Date: November 9, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No.: 6491-18
Section No.: XXXI-A

Department Head Approval: _____

City Administrator Approval: _____



Action Requested: Approve bill which will align the City of Raytown, Missouri Record Retention Manual with current Missouri Revised State Statutes updated August 2018 and as amended from time-to-time.

Recommendation: Approve as is.

Analysis: The City of Raytown, Missouri has not updated its Municipal Records Manual since June 7, 2011. In order to be compliant with all current Missouri Revised State Statutes regarding records retention, it is Staff's opinion that the information attached, be adopted and as amended from time to time. The last update from the State of Missouri on this information was August 2018.

Alternatives: To continue to operate under outdated information.

AN ORDINANCE ADOPTING THE MISSOURI MUNICIPAL RECORDS MANUAL FOR RETENTION OF RECORDS SCHEDULES FOR THE CITY OF RAYTOWN, MISSOURI, FOR CITY DOCUMENTS AND REPEALING ORDINANCE 5403-11

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

SECTION 1 – APPROVAL OF ADOPTION.

- a. That the Missouri Municipal Records Manual attached hereto and made a part hereof, is hereby adopted in its entirety by the City of Raytown, Missouri as a minimum retention of records schedule for all city documents in its current form and as amended from time-to-time.
- b. That all departmental heads, and other interested parties, may recommend longer retention periods of any documents within their individual departments or jurisdiction. In such event, implementation of longer periods of document retention shall be made only by Ordinance amending the provisions of this ordinance.
- c. It shall be the responsibility of the Records Custodian to determine the proper classification of all city records under the Missouri Municipal Records Manual. In the event a department head or other interested person disagrees with the Records Custodian’s classification of a particular document, or documents, the issue shall be resolved by submission of the controversial document(s) to the Secretary of the State of Missouri for clarification and determination.
- d. Ordinance 5403-11 is hereby repealed.

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 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 November 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

Local Records Retention Schedules

Missouri Revised Statutes Chapter 109 (Public and Business Records) Section 255 authorizes the Local Records Board to establish minimum retention periods for the administrative, fiscal and legal records created by local governments.

Retention and disposition of records that are common to many offices are included in the General Schedule. Records unique to particular offices are addressed in individual office schedules.

August 2018

Removed Cemetery Records to General Records Retention Schedule

Municipal Records Retention Schedule

See also the [General Records Retention Schedule](#), [Ambulance District Records Retention Schedule](#), [Fire District Records Retention Schedule](#), [Hospital and Health District Records Retention Schedule](#), [Library Records Retention Schedule](#); [Police Clerk Records Retention Schedule](#), [County Clerk-Election Authority Records Retention Schedule](#).

Using this Records Retention Schedule

Every day local government offices throughout Missouri produce records that document the rights of citizens, the actions of the government that serves them and the history of the community in which they live. It is the responsibility of local government to effectively maintain and manage these records and to ensure the continued preservation of those records of essential evidence that have enduring and permanent value.

The introduction to this retention schedule provides local government officials with basic information on records and the application of retention schedules.

What is a Record?

A "**record**" is defined as any "document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business" (109.210(5) RSMo). This definition includes those records created, used and maintained in electronic form.

Non-Records

Even though records include a broad spectrum of recorded information, not all recorded information is a record. According to Section 109.210(5) RSMo, the following are not records: "...Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records..."

Other examples of non-records include the following materials:

- Identical copies of documents maintained in the same file.
- Extra copies of printed or processed materials (official copies of which are retained by the office of record).
- Superseded manuals and other directives (maintained outside the office of record).
- Materials documenting employee fringe activities (blood donors, charitable funds, social and professional meetings, etc.)
- Work papers and drafts of reports or correspondence. Transcribed stenographic materials.
- Blank forms.
- Materials received from other activities that require no action (official copies of which are retained by the office of record).
- Catalogs, trade journals and other publications or papers received from government agencies, commercial firms or private institutions that require no action and are not part of an action case record.
- Survey Forms.

Non-records do not require retention scheduling or destruction authorization or reporting. To control excessive accumulation, it is necessary to keep only current, useful materials and to destroy non-records immediately after needs have been satisfied. Avoid filing non-record material with records.

The Value of Local Government Records

Some records, because of their enduring administrative, fiscal, legal or historical value, should be permanently retained. These records require that special care and consideration be given to their storage conditions and the

feasibility of preservation microfilming. Examples of permanent records include year-end reports; minutes; property records such as deeds; and birth, death and marriage records. Most records do not have values that warrant their permanent preservation. Those records with short-term value should, upon reaching end of the retention period, be destroyed.

Statutory Authority for Establishing Records Retention Requirements

In 1965, the Missouri General Assembly established a State Records Commission to approve retentions for records produced by state agencies. In 1972, Missouri's Business and Public Records Law (Chapter 109) was expanded to include local government. Thus, the Missouri Local Records Board was established to set retention times for local government records. The 16-member board, chaired by the Secretary of State, consists of local government officials from all classes of counties and cities, elementary and secondary education, higher education and a person active in historical society groups.

Supplemental to the Local Records Board, the Records Management and Archives Service of the Secretary of State's office provides assistance to local governments and implements board policy.

Application of the Records Retention Schedule

This schedule establishes minimum retention periods and authorizes dispositions for many of the administrative, fiscal and legal records common to most local governments. Retention periods are based upon federal and state mandates, record surveys, business needs, and general knowledge as to how long records should be kept. Using the schedule as a guide and without seeking further approval from the Local Records Board, any local government may regularly dispose of any of its records that appear on this schedule. The schedule is subject to the following exceptions and limitations:

- A. Local government offices may retain any of their records beyond the retention periods set by the schedule, as they deem necessary. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so. Unnecessary retention of records can be expensive in space and filing equipment and may expose the office to costly litigation and discovery requirements.
- B. This schedule does not relieve local governments of retention requirements mandated by other state and federal statutes and regulations. When such an obligation does exist, then the longer retention period takes precedence.
- C. This schedule generally reflects audit requirements in its prescribed retention periods, but audits are not always completed in a timely fashion. Therefore, any record required for an audit must be retained until completion of that audit, regardless of its stated retention period in the schedule.
- D. This schedule does not authorize destruction of records that could be deemed relevant to current or pending litigation.

Retention and disposition of records that are common to many offices are included in the General Schedule. Records unique to particular offices are addressed in individual office schedules. All schedules are available on the Secretary of State's website at <http://www.sos.mo.gov/archives/localrecs/schedules>

Destruction of Records

The records classification and retention periods in this manual constitute legal authority for retention and disposal of official records. No records can be destroyed until they meet the minimum retention period listed in this manual. In cases where there is no schedule for a particular record series, the Local Records Board must grant permission for the destruction.

The disposition of records should be recorded in a document such as the minutes of the city council or other legally constituted authority that has permanent record status. The record should include the description and quantity of each record series disposed of, manner of destruction, inclusive dates covered and the date on which destruction was accomplished.

The retention schedule does not prescribe the method of destruction (shredding, burning, landfills, etc.), however, record series with a disposition of *Destroy securely* contain confidential data. These records should be destroyed under the supervision of a competent person(s) designated (or appointed) to ensure that no records fall into unauthorized hands and that the data cannot be reconstructed.

When records, open or confidential, have been destroyed by decay, vermin, fire, water or other means making their remains illegible, the custodian of records may dispose of the remains after verification and documentation by the Local Records Program, Office of the Secretary of State.

Preservation of Permanent Records

A fundamental, yet often neglected obligation of local government is to care for its permanent records—in this case, some of the records that it generates and receives. The records that have been identified as permanent require special handling and storage if they are to be preserved. The continuous interaction between a record's medium—paper, magnetic tape, film, etc.—and the quality of the environment in which it is kept—temperature, humidity, light, and air—determines the severity and rate of its deterioration.

By microfilming older, deteriorating, but permanently valuable records, local governments can generate durable copies for research and prevent further damage or deterioration of the original. When filmed, processed, and maintained to archival specifications, the master negative will ensure that permanently valuable records are preserved for generations to come.

The Missouri Local Records Grant program can provide financial assistance in the form of grants-in-aid to supplement local funds for preservation initiatives, such as archival supplies, shelving and preservation microfilming.

Reformatting Standards

In accordance with RSMo 109.241.4, the Local Records Board has adopted the following standards for microfilm and digitized records. To be in compliance for image permanence, microfilm must conform to the technical standards outlined in the *Guidelines for Microfilming Public Records*, drafted by the Local Records Program and available on the Secretary of State's website at: <http://www.sos.mo.gov/archives/pubs/mfmfg>. To ensure the permanence of electronic records and digitized records, electronic records management systems must meet the standards outlined in the most current version of ISO 15489. Certification that records have been reformatted in accordance with these standards should be maintained locally and classified under *General Records Retention Schedule* "GS 018 Records Management Records."

A Note about Electronic Records

Permanent records existing solely in electronic form are in danger of becoming inaccessible through media decay and hardware/software obsolescence. Periodic migration and transfer of permanent records to stable preservation media, such as microfilm, should be considered as a best practice for local government to fulfill its statutory responsibility to maintain permanent records.

Vital Records

Certain records are so important to the essential operations of a government or to the protection of the rights and property of citizens that the records are considered vital. Vital records require special safeguards to ensure that the information and evidence in the records will survive a disaster.

The best method to safeguard vital records is to store a duplicate copy in another location (i.e., bank vault, off-site private storage, or Secretary of State's Office). In many instances, duplicate copies are created as part of the regular operating routine of the office—security copies on computer tapes, microfilm, or paper copies distributed to other offices or agencies. If these copies and the originals are stored in separate buildings, these vital records are adequately protected.

A Note about Retention Periods

This schedule provides minimum retentions. Local authorities may choose to keep a particular series or record for a longer period of time. It should be kept in mind, however, that a record kept beyond its listed retention must be made available for inspection upon request.

Retention Definitions:

COA=Completion of Audit. Note that COA is coupled with a lot of 5-year entries to help encourage regular audits. Not all jurisdictions are required to have audits by statute. Audits for some municipalities are governed by the level of federal financing for bonds and public improvements, and thus are governed by federal retentions. Most municipalities are governed by their local authority (alderman, council, mayor, etc.) for auditing policy. Local jurisdictions may consult RSMo 29 to review the State Auditor's chapter for petition audits (see RSMo 250 for large capital projects such as bonds for water and sewer). For general auditing explanations and advice we recommend that clerks contact the State Auditor's office at 573.751.4213.

DCA=Destroy in Current Area/Reference. Series with these retentions are considered "reference" records and may be destroyed when they are no longer of use.

Modifications and Additions

Because records reflect activities that are constantly changing, the retention requirements for them sometimes require revision as well. Consequently, records retention and disposition schedules often need modification or additions in order to be realistic and effective. Furthermore, because local governments are so large, it is impractical to consult with every office regarding specific schedule entries. There may be some retention periods and disposition requirements within this schedule that fail to account for all relevant factors and there may be some important record series not addressed here which need to be added. The Local Records Program welcomes all comments and suggestions concerned with improvement of record retention schedules through modifications and additions.

For further information on any records management or preservation issue, please contact:

Missouri Secretary of State
Local Records Preservation Program
PO Box 1747, Jefferson City, MO 65101-1747
Telephone: (573) 751-9047
local.records@sos.mo.gov

Contents

Administrative Records	5
Animal Control Records	8
Building Codes Records.....	9
Cemetery Records	10
Financial and Accounting Records.....	10
Parks and Recreation Records	17
Forestry and Landscaping Records	17
Plans and Zoning	17
Public Works Records (Streets, Sewer, Refuse, Etc.).....	19
Special Facilities Records	21
Transportation and Transit Records.....	22
Airport Records	23
Utilities (Gas, Electric, Water, Steam).....	24
Index	27

Municipal Records Retention Schedule

See also the [General Records Retention Schedule](#), [Ambulance District Records Retention Schedule](#), [Fire District Records Retention Schedule](#), [Hospital and Health District Records Retention Schedule](#), [Library Records Retention Schedule](#); [Police Clerk Records Retention Schedule](#), [County Clerk-Election Authority Records Retention Schedule](#).

Administrative Records

0001

Accident Report Files

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Reports describing accidents involving city employees resulting in personal injury

May include copies of Workers' Compensation claims

5 years after case concluded

Destroy securely

0003

Annexation Records

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Records used to annex property into city boundaries

May include correspondence, petitions, maps, surveys, and official annexation action.

6 years after recorded in minutes

Destroy

0008.2

Budget Adjustments

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Records documenting the transfer of or supplemental appropriation to departmental monies during the fiscal year

5 years

Destroy

0012

City Seal

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Records documenting the current and past city seals

Permanent

Archive; microfilm for preservation

0015.1

Maintenance Guarantee Bonds (Private Development)

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Term of contract plus term of bond plus 4 years

Destroy

0020

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Employee Suggestion Forms

Records for suggestions by employees for programs, awards, or administrative action

Destroy when no longer of administrative value

Destroy

0022

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Franchises: Utilities, Cable TV, etc.

Records regarding franchises granted by the city to utility companies or other non-public organizations permitting them to provide services within the city. NOTE: VITAL RECORDS: see introduction for further guidance

Expiration/cancellation of franchise plus 5 years

Destroy

0024

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Historic Preservation Files

Records relating to historical preservation programs and projects in the city, be it individual historical structures or a district of the city

May include correspondence, plans, studies, progress reports, and grant records

Permanent for historical purposes

Archive; microfilm for preservation

0028

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Land Trust Property Record

Removed, see General Records Retention Schedule, GS 103 Land Trust Property Records

0029

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Landfill Files

City Dump Records

Records dealing with the conception, implementation, and running of the city landfill

May include studies, costs, appraisals, testing, regulations, applications and reports of local, state, or federal agencies

Permanent

Archive; microfilm for preservation

0029a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Landfill Files Certificate of Insurance

Records to verify that a hauler has insurance coverage and indicates the amount of coverage; submitted annually by the company and have an annual expiration date

5 years

Destroy

0030

Also Called:
Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Landfill Fee Records

Daily Solid Waste Record; Solid Waste Tonnage Fee Form

Documents the quantity of waste material subject to fees, the dollar amount of fees collection, the collection costs incurred and the total dollar amount of waste tonnage fees.

May include: time shipment received or sent, name of individual or company transporting, type of waste, name and address of disposal area to which waste is transported, payment received or due.

3 Years

Destroy

See RSMo 260.330; 10 CSR 80-2.80

August 25, 2015

0039

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Petitions

Petitions signed by citizens requesting action by the city on issues of concern

May include petitions of initiative, referendum, recall, vacation of public rights of way, etc.

5 years, retain vacation of public rights of way with ordinances

Destroy

0043

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Proclamations

All official proclamations issued by the mayor, board, or council

1 year after recorded in official minutes, if not in minutes, retain permanently

Destroy those records not permanent, archive and microfilm those that are permanent

0048

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Index of Files

Index relating to all city files, often organized by major categories of records

Permanent

Archive

0054

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

County Recording (official): Plats, Ordinances, Contracts, etc.

Register of official recording activity with County Recorder and Secretary of State. NOTE: VITAL RECORDS - see introduction for further guidance

Permanent

Archive

0057

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Lost and Found

List of articles turned into the office

Date found, date released or other disposition

5 years, including audit

Destroy

Animal Control Records

0101

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Animal Bite Records

Records documenting any animal biting incident

May include type of animal inflicting the bite, animal's owner, animal's history, name and address of patient, date bitten, location of wound, attending physician, treatment and results of observation of animal for signs of rabies

2 years after bite report

Destroy securely

0102

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Animal Control Cards

Records documenting the history of every animal received at the shelter

May include record of capture, identifying information, animal's condition, whether animal is claimed or unclaimed, and disposition of the case

2 years

Destroy

0104

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Investigation Logs and Reports

Chronological record of investigations of incidents and cases handled by animal control officers

May include location of capture, action taken, case number, and by who case was initiated

2 years

Destroy

0105

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Pet and Animal Licenses or Permits

Dog License

Records documenting all licensed animals in the city

5 years after expiration

Destroy

0107

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Animal Control Enumeration Records

Periodic count and registration of all animals and pets in the city subject to immunization and licensing

3 years

Destroy

0108

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Ownership Verification Records, Animals

Records necessary to reclaim an animal when a summons has been issued

2 years after court date

Destroy

Building Codes Records**0205**

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Certificates of Occupancy File

Records that certify that a building complies with the minimum standards required by state and local laws

May include building name, location, occupancy, classification land limitation, date issued, fee, building permits and fee schedules

Permanent until superseded

Destroy

0207

Also Called:

Function:

Content:

Retention:

Retention Change:

Disposition:

Note:

Approval Date:

Dangerous Building File

Records relating to the demolition and boarding of buildings deemed unfit for human habitation by building inspectors.

May include building reports, letters to property owners, and demolition documents. May include copies of contracts and payment documents.

5 years after assessment is paid if building/structure is demolished or boarded-up by the city. All other demolitions or boardings of buildings by owner, 1 year after case is closed.

Destroy

August 28, 2012

0208

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Monthly Reports of Building Permits Issued File

Records compiled for the U.S. Bureau of the Census on the number of residential and commercial building permits issued and local public construction

3 years

Destroy

0210

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Standardized Building Codes

Printed code books containing standard codes used in the enforcement of building construction by city building inspectors

Permanently as revised and updated - for administrative, legal, and historical purposes

Destroy

0211

Also Called:
Function:
Content:
Retention:
Disposition:
Note:
Approval Date:

Street Address Log

Street Information Card; Street Number Locator Book
Master list of current streets and house numbers
May include street number and lot number
Until superseded or no longer needed for reference
Destroy

0215

Also Called:
Function:
Content:
Retention:
Disposition:
Note:
Approval Date:

Certificate of Compliance: Building Codes

Until superseded
Destroy

0217

Also Called:

Function:
Content:
Retention:
Disposition:
Note:
Approval Date:

Building Code Inspection and Enforcement File

Elevator Code Inspection; Mechanical Code Inspection; Plumbing Code Inspection;
Property Maintenance Code Inspection; Electrical Code Inspection; Fire and Life Safety
Code Inspection; Inspection File; Playground Inspection; Fire Hydrant Inspection;
Automatic Alarm Test and Maintenance File
Records used in the inspection, enforcement, and possibly certification of building codes
5 years, or 5 years after defects corrected
Destroy

Cemetery Records

0303

Note:
Approval Date:

Cemetery Register

Removed to General Records Retention Schedule GS 109
August 21, 2018

0304

Note:
Approval Date:

Deed Books

Removed to General Records Retention Schedule GS 110
August 21, 2018

0305

Note:
Approval Date:

Interment Record Cards

Removed to General Records Retention Schedule GS 111
August 21, 2018

Financial and Accounting Records

0704

Also Called:
Function:

Content:
Retention:
Disposition:
Note:
Approval Date:

Bank Loans Files

Records documenting outstanding financial obligations incurred by the city in the form of
bank loans
Until cancellation of loan plus 5 years
Destroy

0706

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Bonds and Coupons

Records documenting retired individual bonds and their coupons

5 years after cancellation date, plus completion of an outside audit

Destroy

0706.1

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Bonds and Coupons: City Reconciliation Files

For registered and non-registered bonds, records of individual issue statements from the bank, combined with municipal working papers used to reconcile the payment of bonds to the general ledger

10 years after final maturity of bond issue

Destroy

0707

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Bonds Issued

Records relating to the financing of municipal projects through bonded indebtedness;

NOTE: VITAL RECORDS: see Introduction for further guidance

May include proposals, audits, correspondence, signed contracts pertaining to the project, and the original financial instruments or copies of them including bond transcripts, affidavits of publications, and ordinances authorizing the sale of the bonds
10 years after final maturity; Rejected Proposals, 5 years

Destroy

0713

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Depreciation Schedules File

Records that document the useful life of city-owned equipment and property for capital equipment budgeting and other financial planning and control purposes

Life of equipment plus 3 years

Destroy

0714a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Financial Disclosure (non campaign)

Pertains to records created prior to January 1, 1991 when the State Financial Disclosure Law became effective; declaration of financial records of employees who make binding decisions, issue licenses and permits, and have the power to contract or are empowered to adopt rules and regulations

5 years after the person filing the information leaves office

Destroy securely

0717

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Journal Entries, Journal Vouchers

Records of adjustments to financial accounts and created in order to balance the city's books; NOTE: VITAL RECORDS: see Introduction for further guidance

May include debits, credits, reason for adjustment, date, and amount

5 years

Destroy securely

0718

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Motor Fuel Usage Reports File

Documentation of gasoline, oil, and diesel fuel used by city vehicles

May include logs or other records documenting miles on city motor vehicles, gallons of fuel used, person taking fuel, department of vehicle, and bills or invoices

5 years

Destroy

0720

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Street Paving File: Special Assessment Files

Records used to account for street paving funds, verifying revenue contributions from citizens

May include street, property owner's name, amount due, and date of paving

5 years after last collection

Destroy

0730a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Victory Tax Withholding Record

This was a World War II-era record and is no longer generated

5 years

Destroy

Obsolete record series

0734a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Convention and Tourism Tax Return

Records documenting all tourism tax collected from food establishments and hotel/motels covered by a municipal convention and tourism ordinance

May include quarterly, monthly, and quarterly-monthly returns showing gross receipts, gross adjustments, calculated taxable sales and penalties, interest due, amount due, and amount paid

5 years

Destroy

0742

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Ad Valorem Tax Records

Listing of merchants and manufacturers or professional establishments for purposes of collecting certain taxes; record has been discontinued

6 years

Destroy

0743

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Building Inspection Sheet File

Copies of building permits used for appraisal purposes based on property improvements

5 years

Destroy

0745

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Delinquent Tax Report Files

Record showing residents who owe delinquent real estate and personal property taxes to the city

May include name, legal description of property, amount due, amount paid, penalty, interest, and Certificate of Redemption

6 years except certificate of redemption, which need only be retained 2 years

Destroy

0746

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Earnings Tax Records

Records that document earnings taxes collected from residents and employees who work within the city limits; collected in certain cities

May include Employees Quarterly Report of Taxes withheld and information such as W-5 years including audit

Destroy securely

0747

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Personal Property Tax Records

A record of residents who owe city taxes on personal property

May include name, property, assessed value, and amount owed

6 years; evaluate for historical purposes

Destroy

0747.1

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Intangible Property Tax

Records associated with financial institution tax or other types of intangible property taxation.

May include name, taxes levied and payments made.

6 years

Destroy securely

0747.2

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Poll/Road Tax

A list of residents in certain road districts or areas that owe taxes or labor for road improvements

May include name, address, district, and amount of tax paid or labor done

Permanent (this record is no longer generated and is a historic record)

Archive, microfilm for preservation

0748

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Real Property Transfer Slips

Records from the assessor and collector relating to the transfer of property from an individual or company to another individual or company

3 years

Destroy

0749

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Real Estate Tax Records

Records documenting the collection of real estate taxes from city residents
May include name, property description, valuation, taxes owed, date paid, amount paid, copies of building inspection and permit records which have altered the value of the property or cross-reference notations to such files, and possibly records relating to circuit breaker provisions for those who qualify

6 years; evaluate for historical purposes

Destroy

0750

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Special Tax Assessments

Records pertaining to special tax assessments for road, street, sewer connection services, etc. where the property owner may be charged for certain improvements of services

6 years after due date and final payment

Destroy

0752

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Tax Anticipation Notes

All records relating to tax anticipation

5 years

Destroy

0753

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Tax Assessment Files

Records relating to assessments for real estate taxes

May include name, property description, and working papers used to arrive at assessed valuation

6 years including audit

Destroy

0753a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Withholding Coupons, RD 130

Vouchers used in Kansas City when taxpayers remit withholding tax payments

May include name, FID number, account number, tax period, and amount of payment; coupons are later compiled and reconciled on other forms (RD 110 and 113) which are kept for 5 years

1 year

Destroy

0756*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Bonds: Performance/Capital Projects**

Term of bond plus 10 years

Destroy

0756.1*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Performance Bond (Private Development of Streets, Sidewalks, Sewers, etc.)**

5 years

Destroy

0757*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Bonds: Maintenance Guarantee (Capital projects)**

Term of contract statute of limitations

Destroy

0758.1*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Bond For Lost Checks or Warrants**

Documents that support the reissuance of payment to cover lost or stolen city issued checks or warrants

May include statements by payees that they have not received or have not cashed the check or warrant in question, as well as a notice to stop check or payment

5 years

Destroy securely

0764*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Surplus Property**

Surplus Personal Property; Surplus Real Property

Records pertaining to property owned by the city that has been declared surplus

May include declarations, advertisements, notices, and transfer papers

5 years

Destroy

0767*Also Called:**Function:**Content:**Retention:**Disposition:**Note:**Approval Date:***Drivers Listing (Fee Office)**

A daily listing of all transactions pertaining to drivers licenses; this is a copy of the original sent to the Department of Revenue

2 years

Destroy

0768

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Audit Copies (Fee Office)

Copies of title applications and license renewals; originals are a permanent record in the Department of Revenue

2 years

Destroy

0769

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Rejections (Fee Office)

Notice of correction required from the Department of Revenue concerning an error on an original transaction

2 years

Destroy

0770

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Daily Report Sheet (Fee Office)

Internal planning report combining motor vehicle and drivers information

As long as has reference value

Destroy

0772

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Refuse Rebate Application

Requests made by apartment complex owners to obtain reimbursement by the city for private refuse collections

5 years after application becomes inactive

Destroy

0773

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Data Entry Coding

Record of transactions to be entered in computer database files (used for updating files such as financial accounting maintenance)

5 years after all defects have been corrected

Destroy

0774

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Remittance Advices

5 years

Destroy

0801

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Food Handler Inspection Records

5 years after approved inspection

Destroy

Parks and Recreation Records**1001**

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Maintenance: Parks, Parkways, and Recreation Areas

5 years

Destroy

Forestry and Landscaping Records**1010**

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Tree and Shrub Planting and Maintenance File

Records describing the planting and maintenance of trees and shrubs on city-owned property

May include tree and shrub location, type, date of planting, and maintenance

Permanent as updated or revised

Destroy outdated material

1011

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Horticulture/Greenhouse Planting and Maintenance File

Records describing short-lived annuals and perennials planted on city-owned property

May include plant location, type, date of planting, and maintenance

3 years

Destroy

Plans and Zoning**1201**

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Development (Land) and Applications

Permanent

Archive; microfilm for preservation

1202a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Field Notes (Survey)

Written records, usually involving legal descriptions, accompanying surveys of property within the city limits

May include legal description of property, date of survey, and name of surveyor

Permanent

Archive; microfilm for preservation

1203

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Rezoning Requests

Application for Zoning Determination

Applications for rezoning

May include surveys, correspondence, petitions, and meeting minutes

Accepted request - Permanent; denied requests - 5 Years; withdrawn request that have been publicized, placed on an agenda, or heard - 5 Years*

Permanent records - archive, microfilm for preservation; denied records - destroy

*If withdrawn before being publicized, scheduled, or heard, may be treated as non-record and destroyed.

Revised August 19, 2014

1204

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Variance Requests: Building and Zoning Requirements

Applications for variance and supporting documents

May include surveys, correspondence, petitions, and meeting minutes

Approved request - permanent; denied request - 5 years; withdrawn request that have been publicized, placed on an agenda, or heard - 5 Years*

Permanent records - archive, microfilm for preservation; denied records - destroy

*If withdrawn before being publicized, scheduled, or heard, may be treated as non-record and destroyed.

Revised August 19, 2014

1205

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Zoning Violations: Written Notice (Citation)

May include petitions, notices of violation to the zoning board, correspondence, and meeting minutes

5 years after correction of violation

Destroy

1206

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Zoning Notices From County

Written Notice of Public Hearing

5 Years From Date Received

Destroy

Public Works Records (Streets, Sewer, Refuse, Etc.)

1301

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Engineering Drawings and Blueprint File

As-built engineering drawings and blueprints of all facilities owned or managed by the city NOTE: VITAL RECORDS: See Introduction for further guidance

May include maps of streets, highways, water lines, sewage treatment plants, utilities, and other municipal facilities

Permanent

Archive; microfilm for preservation

1302

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Laboratory Reports: Sewage, Water, Etc.

Bacteriological Reports, Bact-Ts

Results of tests done on waste water and filtered water regulated by the city

5 years

Destroy

1303

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

State and Federal Compliance Reports: Waste Water Treatment Plant

Reports filed with state and federal agencies monitoring the city's compliance with government regulations

May include applications, recycling permits and reports, water treatment permits and reports, and other permits for solid waste and sewage treatment lagoon processes

5 years

Destroy

1304

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Sewage Treatment Monitoring Reports

Records used to monitor and report on the operations of the city sewage treatment plant and sewage treatment lagoons

May include lab reports and amounts of waste processed by the system

5 years

Destroy

1306

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Street Paving Log Book

Provides a record of street maintenance

May include a summary of streets paved listing street name, material used, cost, date, and other related information

10 years after last entry in book

Destroy

1317

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

City-owned Buildings Plan

May include plans and specifications for city buildings
Life of structure; evaluate for historical value
Destroy

1317a

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Structure Inventory and Appraisal Sheet

Permanent and update for the life of the inventory
Destroy

1318

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Equipment, Public Works Check In/Out Cards

Record of municipal public works equipment temporarily removed on a regular or periodic basis from its authorized place of storage
Possibly may include type of vehicle or equipment, name of person checking it out, time of check-out, time returned, and any problems experienced
2 years
Destroy

1322

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Street Design Improvement Files

Reports used to assess cause of accidents on city streets and make street design improvements in order to reduce accidents
May include collision diagrams showing time, direction of approach, weather, type of accident, pavement, accident severity, time of year, type of vehicle, and related documents
5 years
Destroy

1323

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Backflow Prevention Testing Records

Documents tests to check for water contamination

5 years

Destroy

Department of Natural Resources mandated test, see 10 CSR 60-11
August 28, 2012

Special Facilities Records

1401

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Event Files

Records relating to the leasing of municipal facilities to various groups

May include scheduling, license checklist, equipment rental requests and invoices, contracts, licenses, seating charts, floor plans, work orders, and sales and service reports
5 years after expiration or cancellation of lease

Destroy

1402

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Special Facilities Regulations

City, state, and federal regulations unique to the operation of a municipally owned facility

5 years

Destroy

1403/1404

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Facility Event and Recreation Program Scheduling and Reservation File

5 years

Destroy

1405

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Schedule of Admission and Use Fees and Charges

5 years after superseded

Destroy

1406

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Trust Fund and Event Control Card

Record of total projected amount of rental fee paid by lessee of city-owned facilities, which is held in a trust fund until completion of contract; account is closed after funds are transferred to the city

5 years

Destroy

Transportation and Transit Records

1501

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Bus Route Planning File

Records used to establish and modify the city transit route system

May include ridership projection studies, maps, population surveys, schedule plans and modifications

10 years

Destroy

1502

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Charter Bus Service Files

Records used in managing charter rentals of transit system buses to private groups

May include charter rentals, agreements, invoice statements, receipts, and correspondence.

3 years

Destroy

1503

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Daily Bus Passenger Reports / Drivers Daily Checklist

A summary report documenting ridership and usually statistics of all buses per bus route in the city transit system

May include operator name, number and type of fares, condition and appearance of airport shuttle buses and any maintenance problems

5 years

Destroy

1504

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Transit Operation Receipts Summary Reports

Reports documenting total fares received

May include daily and monthly fares, ridership, revenue, route information, and fuel usage

5 years

Destroy

1506

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Traffic Signals Intersection File

Records related to traffic planning

May include studies, drawings of traffic controllers and intersections, signal permits, timing progressions, and turning count totals used for traffic control

10 years

Destroy

Airport Records

1507

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Airports and Aviation Regulations

Municipal, state, and federal regulations unique to the operation of a municipally owned airport

Permanent

Archive

1508

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Airports: Crash Rescue Operations

May include a daily station log listing incidents and action taken, monthly activity reports documenting activities such as responses, inspections, vehicle mileage and maintenance, tours, and agents

5 Years and review for historical significance

Destroy

1509

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Airport Safety Officer's Reports and Logs

Record that reports incidents relevant to the safety operations of the airport

May include first aid reports, daily logs, incident reports, photographs, and safety officer's court appearance file

7 years

Destroy

1510

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Security Gate Entrance Application and Card File

Records regarding clearance badges allowing badge holder entrance to the operations area

5 years after termination or retirement of the badge holder

Destroy

1511

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Screening Activities Report

Monthly report to FAA of all passengers boarded, detailing apprehensions for CCW (carrying concealed weapon)

6 months - subject to FAA regulations

Destroy

1512

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Airport Condition and Inspection Reports

Daily reports required by the FAA

May include the Light Inspection Report, Airfield Inspection Report, and Field Condition Report (NOTAM - Notice to Airmen)

6 months - subject to FAA regulations

Destroy

1513

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Airport Pavement Maintenance Survey Records

Airport Pavement Maintenance Inspection Records

Documents pavement maintenance management program

Inspection date; Location; Pavement Distress Type; Maintenance Scheduled or Performed
5 Years

Destroy

Per the Federal Aviation Administration: Public Law 103-305, section 107, amended

Title 49, Section 47105, of the United States Code

August 24, 2010

Utilities (Gas, Electric, Water, Steam)**1601**

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Cathode Protection File

Records created and used in maintaining metal pipes

May include installation documents of anodes, test stations, rectifiers, and ground beds

Until superseded or obsolete

Destroy

Cathodic protection is a technique used to control surface corrosion for water and gas pipelines

Revised, August 20, 2013

1602

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Customer Account Card File

Records showing a billing and payment history of all customers using city utilities

May include customer name and address, date account was opened, consumption, billing and payment history, date of account closure

5 years after last entry

Destroy securely

1603

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Customer Service Deposit File

A record of whether a resident paid a utility deposit, and amount

May include customer name, address, account number, amount of deposit for connection, bills owed, cash stubs, book listings, and refunds of deposits for service terminations

2 years after deposit is refunded

Destroy

1604

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Electricity Purchase Reports

Transportation Charge; Wheeling Charge

Records showing daily and monthly electricity purchased to meet demand

May include invoice for transportation charge, capacity charge and total energy charge in megawatts, kilowatts and dollars

5 years

Destroy

Revised, August 20, 2013

1605

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Filter Plant Files

Monitoring data relating to the operation of the city filtration plant

May include daily logs, reports, lab and test reports, test results, quality control procedures, etc.

3 years

Destroy

1606

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Federal Reports: Gas System

Reports filed with the U. S. Department of Transportation documenting the number of miles of gas mains in the system

May include description of pipe system, extent of cathodically protected system, number of leaks in mains, and services performed during the year

20 years

Destroy

1607

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Gas Leak File

Leak Repair Records; Line Break Records; Leakage Survey; Line Patrol Record; Gas Line Inspection Record

Records documenting any leaks and repairs made to the gas line; report required for federal reporting compliance purposes

For records relating to leaks, inspections and repairs of transmission lines, Service Life of Line; For feeder lines, mains, service lines and other records, 6 Years

Destroy

See 4 CSR 240-40 (13)(F)

Revised, August 20, 2013

1608

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Gas Purchase Reports

Records documenting the quantity of natural gas purchased from distributors and used in the municipal gas system

5 years

Destroy

1609

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Gas Tap Records

Gas Work Orders

Work orders used to initiate gas service with new customers

Until superseded

Destroy

1610

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Meter Books

Record documenting consumption statistics gathered when meters are read
May include make of meter, size, number, street, customer's name and address, readings, etc.

5 years

Destroy

1611

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Meter Reading Summary Reports

Monthly summary of meter readings by customer account number for utility consumption
May include old and new readings and actual consumption

5 years

Destroy

1612

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Odorant Usage Reports

A compliance report filed with the Department of Transportation tracking odorants added to natural gas

May include odor level sampling reports, rectifier readings, and inspections which record levels of odorant

5 years

Destroy

1614

Also Called:

Function:

Content:

Retention:

Disposition:

Note:

Approval Date:

Service Interruption Records

Service Interruption Log Book

Records documenting the interruption of utility services

May include date of incident, name of person reporting, location, actions taken, and result

3 Years

Destroy

Revised, August 20, 2013

Index

- Accident Report Files, 5*
- Ad Valorem Tax Records, 12*
- Airport Condition and Inspection Reports, 24*
- Airport Pavement Maintenance Survey Records, 24*
- Airport Safety Officer's Reports and Logs, 23*
- Airports and Aviation Regulations, 23*
- Airports: Crash Rescue Operations, 23*
- Animal Bite Records, 8*
- Animal Control Cards, 8*
- Animal Control Enumeration Records, 8*
- Annexation Records, 5*
- Audit Copies (Fee Office), 16*
- Backflow Prevention Testing Records, 20*
- Bank Loans Files, 10*
- Bond For Lost Checks or Warrants, 15*
- Bonds and Coupons, 11*
- Bonds and Coupons: City Reconciliation Files, 11*
- Bonds Issued, 11*
- Bonds: Maintenance Guarantee (Capital projects), 15*
- Bonds: Performance/Capital Projects, 15*
- Budget Adjustments, 5*
- Building Code Inspection and Enforcement File, 10*
- Building Inspection Sheet File, 13*
- Bus Route Planning File, 22*
- Cemetery Register, 10*
- Certificate of Compliance: Building Codes, 10*
- Certificates of Occupancy File, 9*
- Charter Bus Service Files, 22*
- City Seal, 5*
- City-owned Buildings Plan, 20*
- Convention and Tourism Tax Return, 12*
- County Recording (official): Plats, Ordinances, Contracts, etc., 7*
- Customer Account Card File, 24*
- Customer Service Deposit File, 24*
- Daily Bus Passenger Reports / Drivers Daily Checklist, 22*
- Daily Report Sheet (Fee Office), 16*
- Dangerous Building File, 9*
- Data Entry Coding, 16*
- Deed Books, 10*
- Delinquent Tax Report Files, 13*
- Depreciation Schedules File, 11*
- Development (Land) and Applications, 17*
- Drivers Listing (Fee Office), 15*
- Earnings Tax Records, 13*
- Employee Suggestion Forms, 6*
- Engineering Drawings and Blueprint File, 19*
- Equipment, Public Works Check In/Out Cards, 20*
- Event Files, 21*
- Facility Event and Recreation Program Scheduling and Reservation File, 21*
- Federal Reports: Gas System, 25*
- Field Notes (Survey), 18*
- Filter Plant Files, 25*
- Financial Disclosure (non campaign), 11*
- Food Handler Inspection Records, 17*
- Franchises: Utilities, Cable TV, etc., 6*
- Gas Purchase Reports, 25*
- Gas Tap Records, 25*
- Historic Preservation Files, 6*
- Horticulture/Greenhouse Planting and Maintenance File, 17*
- Index of Files, 7*
- Intangible Property Tax, 13*
- Interment Record Cards, 10*
- Investigation Logs and Reports, 8*
- Journal Entries, Journal Vouchers, 12*
- Laboratory Reports: Sewage, Water, Etc., 19*
- Land Trust Property Record, 6*
- Landfill Fee Records, 7*
- Landfill Files, 6*
- Landfill Files Certificate of Insurance, 6*
- Lost and Found, 7*
- Maintenance Guarantee Bonds (Private Development), 5*
- Maintenance: Parks, Parkways, and Recreation Areas, 17*
- Meter Books, 26*
- Meter Reading Summary Reports, 26*
- Monthly Reports of Building Permits Issued File, 9*
- Motor Fuel Usage Reports File, 12*
- Odorant Usage Reports, 26*
- Ownership Verification Records, Animals, 9*
- Performance Bond (Private Development of Streets, Sidewalks, Sewers, etc.), 15*
- Personal Property Tax Records, 13*
- Pet and Animal Licenses or Permits, 8*
- Petitions, 7*
- Poll/Road Tax, 13*
- Proclamations, 7*
- Real Estate Tax Records, 14*
- Real Property Transfer Slips, 14*
- Refuse Rebate Application, 16*
- Rejections (Fee Office), 16*
- Remittance Advices, 16*
- Schedule of Admission and Use Fees and Charges, 21*
- Screening Activities Report, 23*
- Security Gate Entrance Application and Card File, 23*
- Sewage Treatment Monitoring Reports, 19*
- Special Facilities Regulations, 21*
- Special Tax Assessments, 14*
- Standardized Building Codes, 9*
- State and Federal Compliance Reports: Waste Water Treatment Plant, 19*
- Street Address Log, 10*
- Street Design Improvement Files, 20*
- Street Paving File: Special Assessment Files, 12*
- Street Paving Log Book, 19*
- Structure Inventory and Appraisal Sheet, 20*
- Surplus Property, 15*

Tax Anticipation Notes, 14
Tax Assessment Files, 14
Traffic Signals Intersection File, 22
Transit Operation Receipts Summary Reports, 22
Tree and Shrub Planting and Maintenance File, 17
Trust Fund and Event Control Card, 21

Variance Requests: Building and Zoning Requirements, 18
Victory Tax Withholding Record, 12
Withholding Coupons, RD 130, 14
Zoning Notices From County, 18
Zoning Violations: Written Notice (Citation), 18

CITY OF RAYTOWN
Request for Board Action

Date: November 9, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No.: 6492-18
Section No.: IV-A

Department Head Approval: _____

City Administrator Approval: _____



Action Requested: Approve bill which will align the City of Raytown, Missouri Open Records Ordinance with Missouri Revised State Statute Chapter 610 in its current form and as amended from time to time.

Recommendation: Approve as is.

Analysis: The City of Raytown, Missouri updated the Open Records Ordinance in June, 2011. In order to be compliant with all current Missouri Revised State Statutes regarding open records, it is Staff's opinion that the information attached, which was received from the State of Missouri, be adopted in its current form and as amended from time to time.

Alternatives: To continue to operate under outdated information.

Budgetary Impact: None.

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 1, SECTION 2-433 THROUGH SECTION 2-555 OF THE RAYTOWN MUNICIPAL CODE RELATING TO MEETINGS, ALIGNING SAID POLICY TO CORRESPOND WITH CHAPTER 610 OF THE MISSOURI REVISED STATUTES AS AMENDED FROM TIME TO TIME

WHEREAS, Chapter 610 of the Missouri Revised Statutes, “the Sunshine Law”, governs certain actions of public governmental bodies; and

WHEREAS, the Board of Aldermen for the City of Raytown, Missouri, recognizes the need to update certain Sections of the Municipal Code to comply with Chapter 610 RSMo.

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

SECTION 1 – REPEAL AND RE-ENACTMENT. Chapter 2, Article VI, Sections 2-433 2-555 of the Raytown Municipal Code are repealed in their entirety and re-enacted as follows attached in Exhibit “A” and as amended from time to time.

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 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 November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

EXHIBIT A

610.010. Definitions. — As used in this chapter, unless the context otherwise indicates, the following terms mean:

- (1) "**Closed meeting**", "**closed record**", or "**closed vote**", any meeting, record or vote closed to the public;
- (2) "**Copying**", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "**Public business**", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "**Public governmental body**", any legislative, administrative or governmental entity created by the Constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
 - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including but not limited to the administrative entity known as "The Curators of the University of Missouri" as established by section 172.020;
 - (b) Any advisory committee or commission appointed by the governor by executive order;
 - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
 - (d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
 - (e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental

EXHIBIT A

body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;

(f) Any quasi-public governmental body. The term "**quasi-public governmental body**" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, or unincorporated association which either:

a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and

(g) Any bi-state development agency established pursuant to section 70.370;

(5) "**Public meeting**", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, internet chat, or internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) "**Public record**", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that

EXHIBIT A

personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record;

(7) "**Public vote**", any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

(L. 1973 S.B. 1 § 1, A.L. 1977 H.B. 130, A.L. 1978 H.B. 882, A.L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

(1979) Springfield board of public utilities is a "public governmental body" within the meaning of the Open Meetings Act. *State ex rel. Board of Public Utilities v. Crow (A.)*, 592 S.W.2d 285.

(1984) A single member body may be a "governmental entity" for purposes of sunshine law, which is to be liberally construed in favor of open government. *McLachlan v. McNary (Mo. App.)*, 684 S.W.2d 534.

(1996) Official meetings of federal governmental bodies are not subject to the Missouri Sunshine Act. *In Re Kansas City Star Co.*, 73 F.3d 191 (8th Cir.).

(2002) For-profit telecommunications utility with the power of eminent domain, but without the power to tax, to formulate policies, or to promulgate statutes, ordinances, or regulations, does not constitute a public governmental body within meaning of section. *Stewart v. Williams Communications, Inc.*, 85 S.W.3d 29 (Mo.App.W.D.).

8/28/2004

610.011. Liberal construction of law to be public policy. — 1. It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy.

2. Except as otherwise provided by law, all public meetings of public governmental bodies shall be open to the public as set forth in section 610.020, all public records of public governmental bodies shall be open to the public for inspection and copying as set

forth in sections 610.023 to 610.026, and all public votes of public governmental bodies shall be recorded as set forth in section 610.015.

(L. 1987 S.B. 2, A.L. 2004 S.B. 1020, et al.)

8/28/2004

***610.015. Votes, how taken.** — Except as provided in section 610.021, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri general assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

(L. 1973 S.B. 1 § 2, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al., A.L. 2013 S.B. 170)

*Effective 10-11-13, see § 21.250. S.B. 170 was vetoed July 2, 2013. The veto was overridden on September 11, 2013.

10/11/2013

610.020. Notice of meetings, when required — recording of meetings to be allowed, guidelines, penalty — accessibility of meetings — minutes of meetings to be kept, content — voting records to be included. — 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall

EXHIBIT A

notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken

EXHIBIT A

at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

(L. 1973 S.B. 1 § 3, A.L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

8/28/2004

610.021. Closed meetings and closed records authorized when, exceptions. — Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(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. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(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 therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such

EXHIBIT A

decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "**personal information**" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

EXHIBIT A

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records

EXHIBIT A

in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; and

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498 .

(L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1995 H.B. 562, A.L. 1998 H.B. 1095, A.L. 2002 S.B. 712, A.L. 2004 S.B. 1020, et al., A.L. 2008 H.B. 1450, A.L. 2009 H.B. 191, A.L. 2013 H.B. 256, 33 & 305, A.L. 2018 S.B. 819)

CROSS REFERENCE:

Child's school records to be released to parents, attorney's fees and costs assessed, when, 452.375

(1988) Provisions of section 610.021 relating to closed meetings and votes does not apply to disciplinary actions against license holders and subject of disciplinary action may secure records pertaining to action from licensing agency. Christiansen v. State Bd. of Accountancy, 764 S.W.2d 943 (Mo.App.).

(1991) City properly labeled as personnel records investigative reports of police officers made in contemplation of disciplinary proceedings, and the city had the authority, under Missouri state law and city ordinances to close the records from public scrutiny. Wolfskill v. Henderson, 823 S.W.2d 112 (Mo. App.).

(2014) Organization's request for copies of state university course syllabi would involve reproduction and copying in violation of the Federal Copyright Act and thus was

exempt from disclosure under section. National Council of Teachers Quality v. Curators of the University of Missouri, 446 S.W.3d 723 (Mo.App.W.D.).

8/28/2018



610.022. Closed meetings, procedure and limitation — public records presumed open unless exempt — objections to closing meetings or records, procedure.

— 1. Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

5. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.

6. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall

EXHIBIT A

be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027.

(L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

(1993) A school board's workshop designed to improve effective communication and group interaction did not violate open meetings law because no public business was discussed. *Kansas City Star Co. v. Fulson*, 859 S.W.2d 934 (Mo. App. W.D.).

8/28/2004

610.023. Records of governmental bodies to be in care of custodian, duties — records may be copied but not removed, exception, procedure — denial of access, procedure. — 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

EXHIBIT A

(L. 1987 S.B. 2, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

8/28/2004

610.024. Public record containing exempt and nonexempt materials, nonexempt to be made available — deleted exempt materials to be explained, exception. — 1. If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public governmental body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

2. When designing a public record, a public governmental body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public governmental body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

(L. 1993 H.B. 170)

8/28/1993

610.025. Electronic transmission of messages relating to public business, requirements. — Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of section 610.021.

(L. 2004 S.B. 1020, et al.)

8/28/2004

610.026. Fees for copying public records, limitations — fee money remitted to whom — tax, license or fee as used in Missouri Constitution Article X, Section 22, not to include copying fees. — 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using

EXHIBIT A

employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.

(L. 1987 S.B. 2 § 610.025, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

8/28/2004

Ⓜ

610.027. Violations — remedies, procedure, penalty, purposeful violations — validity of actions by governing bodies in violation — governmental bodies may seek interpretation of law, attorney general to provide. — 1. The remedies provided by this

EXHIBIT A

section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any

EXHIBIT A

action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

(L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1990 H.B. 1395 & 1448, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

8/28/2004

610.028. Legal defense of members of governmental bodies, when — written policy on release of information required — persons reporting violations exempt from liability and discipline. — 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, suspended, or otherwise disciplined for making such report.

(L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 2004 H.B. 1548)

8/28/2004

610.029. Governmental agencies to provide information by electronic services, contracts for public records databases, requirements, electronic services defined — division of data processing may be consulted. — 1. A public governmental body keeping its records in an electronic format is strongly encouraged to provide access to its

EXHIBIT A

public records to members of the public in an electronic format. A public governmental body is strongly encouraged to make information available in usable electronic formats to the greatest extent feasible. A public governmental body shall not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are online or stored in an electronic record-keeping system used by the agency. Such contract shall not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the public governmental body's records. For purposes of this section, a usable electronic format shall allow, at a minimum, viewing and printing of records. However, if the public governmental body keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the public governmental body shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this section shall not take priority over the primary responsibilities of a public governmental body. For purposes of this section the term "**electronic services**" means online access or access via other electronic means to an electronic file or database. This subsection shall not apply to contracts initially entered into before August 28, 2004.

2. Public governmental bodies shall include in a contract for electronic services provisions that:

(1) Protect the security and integrity of the information system of the public governmental body and of information systems that are shared by public governmental bodies; and

(2) Limit the liability of the public governmental body providing the services.

3. Each public governmental body may consult with the information technology services division of the office of administration to develop the electronic services offered by the public governmental body to the public pursuant to this section.

(L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al., A.L. 2014 H.B. 1299 Revision)

8/28/2014

610.030. Injunctive relief authorized. — The circuit courts of this state shall have the jurisdiction to issue injunctions to enforce the provisions of sections 610.010 to 610.115.

(L. 1973 S.B. 1 § 5, A.L. 1982 H.B. 1253, A.L. 1998 H.B. 1095)

8/28/1998

610.032. Executive agency disclosure of closed records, purpose, procedure — executive agency defined. — 1. If an executive agency's records are closed by law, it may

EXHIBIT A

not disclose any information contained in such closed records in any form that would allow identification of individual persons or entities unless:

(1) Disclosure of such information is made to a person in that person's official capacity representing an executive agency and the disclosure is necessary for the requesting executive agency to perform its constitutional or statutory duties; or

(2) Disclosure is otherwise required by law.

2. Notwithstanding any other provision of law to the contrary, including, but not limited to, section 32.057, such closed information may be disclosed pursuant to this section; however, the providing executive agency may request, as a condition of disclosing such information, that the requesting executive agency submit:

(1) The constitutional or statutory duties necessitating the disclosure of such information;

(2) The name and official capacity of the person or persons to whom such information will be disclosed;

(3) An affirmation that such information will be used only in furtherance of such constitutional or statutory duties; and

(4) The date upon which the access is requested to begin, when the request is for continuous access.

3. Any executive agency receiving such a request for closed information shall keep the request on file and shall only release such information to the person or persons listed on such request. If the request is for continuous access to such information, the executive agency shall honor the request for a period of one year from the beginning date indicated on such request. If the requesting executive agency requests such information for more than one year, the agency shall provide an updated request for closed information to the providing executive agency upon expiration of the initial request.

4. Any person receiving or releasing closed information pursuant to this section shall be subject to any laws, regulations or standards of the providing executive agency regarding the confidentiality or misuse of such information and shall be subject to any penalties provided by such laws, regulations or standards for the violation of the confidentiality or misuse of such information.

5. For the purposes of this section, "**executive agency**" means any administrative governmental entity created by the Constitution or statutes of this state under the executive branch, including any department, agency, board, bureau, council, commission, committee, board of regents or board of curators of any institution of higher learning supported in whole or in part by state funds, any subdivision of an executive agency, and any legally designated agent of such entity.

EXHIBIT A

(L. 1994 S.B. 685)

Effective 5-10-94

5/10/1994

☐

610.035. State entity not to disclose Social Security number, exceptions. — No state entity shall publicly disclose any Social Security number of a living person unless such disclosure is permitted by federal law, federal regulation or state law or unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court. Notwithstanding any other provision of law to the contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided that the state agency disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this section, "**publicly disclose**" shall not include the use of any Social Security number by any state entity in the performance of any statutory or constitutional duty or power or the disclosure of any Social Security number to another state entity, political subdivision, agency of the federal government, agency of another state or any private person or entity acting on behalf of, or in cooperation with, a state entity. Any person or entity receiving a Social Security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For purposes of this section, "**state entity**" means any state department, division, agency, bureau, board, commission, employee or any agent thereof. When responding to any requests for public information pursuant to this chapter, any costs incurred by any state entity complying with the provisions of this section may be charged to the requester of such information.

(L. 1998 H.B. 1043 § 1, A.L. 1999 H.B. 453)

8/28/1999

610.100. Definitions — arrest and incident records available to public — closed records, when — record redacted, when — access to incident reports, record redacted, when — action for disclosure of investigative report authorized, costs — application to open incident and arrest reports, violations, civil penalty — identity of victim of sexual offense — confidentiality of recording. — 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "**Arrest**", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a

EXHIBIT A

criminal violation which results in the issuance of a summons or the person being booked;

(2) **"Arrest report"**, a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) **"Inactive"**, an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) **"Incident report"**, a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) **"Investigative report"**, a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;

(6) **"Mobile video recorder"**, any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;

(7) **"Mobile video recording"**, any data captured by a mobile video recorder, including audio, video, and any metadata;

(8) **"Nonpublic location"**, a place where one would have a reasonable expectation of privacy, including, but not limited to a dwelling, school, or medical facility.

2. (1) Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(2) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, mobile video recordings and

EXHIBIT A

investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.

(3) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(4) Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy of a recording under and pursuant to this section* .

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a legal guardian or a parent of such person if he or she is a minor, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, legal guardian or parent of such person if he or she is a minor, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or

EXHIBIT A

order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. (1) Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of a mobile video recording or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of a mobile video recording or the information contained in an investigative report be released to the person bringing the action.

(2) In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

(3) In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:

(a) Whether the benefit to the person bringing the action or the benefit to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the mobile video recording in regard and with respect to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile video recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

(4) The mobile video recording or investigative report in question may be examined by the court in camera.

(5) If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be had only by a method of disclosure other than that selected by the party seeking such disclosure and may be disclosed to the person making the request in a different manner or form as requested;

EXHIBIT A

- (c) That the scope of the request be limited to certain matters;
 - (d) That the disclosure occur with no one present except persons designated by the court;
 - (e) That the mobile video recording or investigative report be redacted to exclude, for example, personally identifiable features or other sensitive information;
 - (f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.
- (6) The court may find that the party seeking disclosure of the mobile video recording or the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the mobile video recording or investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location under and pursuant to this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third-party notice to each person not affiliated with a law enforcement agency or each non-law enforcement agency individual whose image or sound is contained in the recording, and affording, upon receiving such notice, each person appearing and whose image or sound is contained in the ^{**}mobile video recording ^{***} no less than ^{***}ten days to file and serve an action seeking

EXHIBIT A

an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this **** subsection is **** subject to damages in a civil action proceeding.

(L. 1973 S.B. 1 § 6, A.L. 1981 H.B. 554, A.L. 1993 H.B. 170, A.L. 1994 S.B. 554, A.L. 1995 H.B. 135, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al. merged with S.B. 1211, A.L. 2016 H.B. 1936 merged with S.B. 732 merged with S.B. 765)

*Words "upon written request" appear here in original rolls of S.B. 732, 2016.

**Word "a" appears in original rolls of S.B. 732, 2016.

*** ...***Words "shall be given" appear here in original rolls of S.B. 732, 2016.

**** ...****Words "section shall be" appear here in original rolls of S.B. 732, 2016.

(1986) Application of this block of sections to records kept before September 28, 1973, does not violate constitutional ban on ex post facto or retrospective legislation contained in section 13 of Article I of the Missouri Constitution. *Martin v. Schmalz*, 713 S.W.2d 22 (Mo.App.).

(2005) License plate numbers, addresses, telephone numbers, and month and date of birth of the parties in vehicular incident reports are not subject to disclosure as open records, and the public governmental body may redact such information. *State ex rel. Goodman v. St. Louis Board of Police Commissioners*, 181 S.W.3d 156 (Mo.App.E.D.).

(2007) Department of Social Services does not have power to arrest and thus is not a "law enforcement agency" within meaning of section. *Scroggins v. Department of Social Services, Children's Division*, 227 S.W.3d 498 (Mo.App.W.D.).

8/28/2016

610.103. Criminal background check completed without fee, when.

— Notwithstanding any other provision of law to the contrary, whenever a criminal background check is requested in connection with gaining employment, housing or any other services or benefit of any homeless former member of the organized militia or the Armed Forces of the United States who has been honorably discharged, such background check shall be completed and transmitted to the requesting party without any fee or other compensation for such background check or copy of any relevant public record pertaining to such request. For purposes of this section "**homeless**" means an involuntary state characterized by a lack of housing or shelter.

(L. 1998 H.B. 1046)

8/28/1998

610.105. Effect of nolle pros — dismissal — sentence suspended on record — not guilty due to mental disease or defect, effect — official records available to victim in

EXHIBIT A

certain cases. — 1. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in subsection 2 of this section and section 610.120 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, and in-home services provider agencies as defined in section 192.2400, in the manner established by section 610.120.

2. If the person arrested is charged with an offense found in chapter 566, section 568.045, 568.050, 568.060, 568.065, 573.200*, 573.205*, or 568.175, and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his or her own judicial proceeding, or if the victim is a minor to the victim's parents or guardian, upon request.

(L. 1973 S.B. 1 § 7, A.L. 1981 H.B. 554, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2001 S.B. 267, A.L. 2006 H.B. 1053)

*Section 568.080 was transferred to section 573.200 and section 568.090 was transferred to section 573.205 by S.B. 491, 2014, effective 1-01-17.

8/28/2006

610.106. Suspended sentence prior to September 28, 1981, procedure to close records. — Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.

(L. 1981 H.B. 554)

(1985) Held, that a witness can be impeached by his prior guilty plea, even though he had completed probation under a suspended imposition of sentence. State v. Brooks, (A.) 694 S.W.2d 851.

8/28/1981



EXHIBIT A

610.110. Failure to recite closed record excused — exceptions. — No person as to whom such records have become closed records shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his failure to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose, except as provided in section 491.050 and section 610.120.

(L. 1973 S.B. 1 § 8, A.L. 1981 H.B. 554)

8/28/1981

610.115. Penalty. — A person who knowingly violates any provision of section 610.100, 610.105, 610.106, or 610.120 is guilty of a class A misdemeanor.

(L. 1973 S.B. 1 § 9, A.L. 1981 H.B. 554)

8/28/1981

610.120. Records to be confidential — accessible to whom, purposes. — 1. Except as otherwise provided under section 610.124, records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and chapter 43. Closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by chapter 43 and applicable state law when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with chapter 43; to qualified entities for the purpose of screening providers defined in chapter 43; the department of revenue for driver license administration; the department of public safety for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are

EXHIBIT A

closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

(L. 1981 H.B. 554, A.L. 1983 S.B. 72, A.L. 1989 S.B. 215 & 58, A.L. 1992 S.B. 573 & 634, A.L. 1994 H.B. 1677 merged with S.B. 554 merged with S.B. 763, A.L. 2003 S.B. 184, A.L. 2014 H.B. 1299 Revision merged with H.B. 1665 & 1335, A.L. 2018 H.B. 1350)

8/28/2018

610.122. Arrest record expunged, requirements. — 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

(1) The court determines that the arrest was based on false information and the following conditions exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

(b) No charges will be pursued as a result of the arrest; and

(c) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; or

(2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is defined under section 302.010, except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under section 577.023 and:

(a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and

(b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.

2. A record of arrest shall only be eligible for expungement under this section if:

(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions; and

(2) No civil action is pending relating to the arrest or the records sought to be expunged.

(L. 1993 H.B. 170 § 1 merged with H.B. 562 § 11, A.L. 1995 H.B. 135, A.L. 2014 H.B. 1665 & 1335)

EXHIBIT A.

(2005) Statutory expungement of criminal records is civil in nature and is constitutional under legislative procedural requirements and provisions of ex post facto, equal protection, due process, and separation of powers. In re Dyer, 163 S.W.3d 915 (Mo.banc).

8/28/2014

610.123. Procedure to expunge, supreme court to promulgate rules — similar to small claims. — 1. Any person who wishes to have a record of arrest expunged pursuant to section 610.122 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection 4 of this section. The petition shall include the following information or shall be dismissed if the information is not given:

- (1) The petitioner's:
 - (a) Full name;
 - (b) Sex;
 - (c) Race;
 - (d) Date of birth;
 - (e) Driver's license number;
 - (f) Social Security number; and
 - (g) Address at the time of the arrest;
 - (2) The offense charged against the petitioner;
 - (3) The date the petitioner was arrested;
 - (4) The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
 - (5) The name of the agency that arrested the petitioner;
 - (6) The case number and court of the offense;
 - (7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition to expunge a record that will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.
2. The petition shall name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason to believe may possess the records subject to expungement. The court's order shall not affect any person or entity not named as a defendant in the action.
3. The court shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each official or agency or other entity named in the petition.

EXHIBIT A

4. If the court finds that the petitioner is entitled to expungement of any record that is the subject of the petition, it shall enter an order directing expungement. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. A copy of the order shall be provided to each agency identified in the petition pursuant to subsection 2 of this section.

5. The supreme court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 610.122. Such procedures shall be similar to the procedures established in chapter 482 for the handling of small claims.

(L. 1993 H.B. 170 § 2 merged with H.B. 562 § 12, A.L. 1995 H.B. 135, A.L. 2003 S.B. 184, A.L. 2005 S.B. 422)

8/28/2005



610.124. Destruction of arrest records — removal from all electronic files — FBI requested to expunge — protest to expungement, procedure. — 1. All records ordered to be expunged pursuant to section 610.123 shall be destroyed, except as provided in this section. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to section 610.123 shall be removed from all electronic files maintained with the state of Missouri. The central repository shall request the Federal Bureau of Investigation expunge the records from its files.

2. Any petitioner, or agency protesting the expungement, may appeal the court's decision in the same manner as provided for other civil actions.

(L. 1993 H.B. 170 § 3 merged with H.B. 562 § 13)

8/28/1993

610.125. Failure to comply with expungement order, penalty — knowingly using expunged record for gain, penalty. — 1. A person subject to an order of the court in subsection 4 of section 610.123 who knowingly fails to expunge or obliterate, or releases arrest information which has been ordered expunged pursuant to section 610.123 is guilty of a class B misdemeanor.

2. A person subject to an order of the court in subsection 4 of section 610.123 who, knowing the records have been ordered expunged, uses the arrest information for financial gain is guilty of a class E felony.

(L. 1993 H.B. 170 § 4 merged with H.B. 562 § 14, A.L. 1998 H.B. 1095, A.L. 2014 S.B. 491)

Effective 1-01-17

610.126. Expungement does not deem arrest invalid — department of revenue may retain records necessary for administrative actions on driver's license — power to close or expunge record, limitation. — 1. An expungement of an arrest record shall not reflect on the validity of the arrest and shall not be construed to indicate a lack of probable cause for the arrest.

2. Except as provided by sections 610.122 to 610.126, the courts of this state shall have no legal or equitable authority to close or expunge any arrest record.

3. The petitioner shall not bring any action subsequent to the expungement against any person or agency relating to the arrest described in the expunged records.

(L. 1993 H.B. 170 § 5 merged with H.B. 562 § 15, A.L. 1995 H.B. 135 merged with H.B. 174, et al.)

8/28/1995

610.130. Alcohol-related driving offenses, expunged from records, when — procedures, effect — limitations. — 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first intoxication-related traffic offense or intoxication-related boating offense which is a misdemeanor or a county or city ordinance violation and which is not a conviction for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any intoxication-related traffic offense or intoxication-related boating offense may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial or conviction.

2. If the court determines, after hearing, that such person has not been convicted of any subsequent intoxication-related traffic offense or intoxication-related boating offense, has no other subsequent alcohol-related enforcement contacts as defined in section 302.525, and has no other intoxication-related traffic offense or intoxication-related boating offenses or alcohol-related enforcement actions pending at the time of the hearing on the application, the court shall enter an order of expungement.

3. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of

EXHIBIT A

him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from maintaining such records as to ensure that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section.

4. The provisions of this section shall not apply to any individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

(L. 1989 1st Ex. Sess. H.B. 3 § 2, A.L. 2004 S.B. 1233, et al., A.L. 2005 S.B. 422, A.L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491)

Transferred 2014; formerly 577.054; Effective 1-01-17

(2009) Section authorizes courts to expunge all records of a driver's administrative alcohol suspension and to make those records confidential. S.S. v. Mitchell, 289 S.W.3d 797 (Mo.App. E.D.).

1/1/2017

610.131. Expungement for persons less than eighteen years of age at time of offense.

— 1. Notwithstanding the provisions of section 610.140 to the contrary, an individual who at the time of the offense was under the age of eighteen, and has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines, after a hearing, that such person was acting under the coercion, as defined in section 566.200, of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020, the court shall enter an order of expungement.

2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

8/28/2018



610.140. Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits. — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061 ;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454 , 105.478 , 115.631 , 130.028 , 188.030 , 188.080 , 191.677 , 194.425 , 2 or 632.520 ;
- (7) Any offense eligible for expungement under section 577.054 ** or 610.130 ;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001 , or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

EXHIBIT A

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;

(10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and

(11) Any offense of section 571.030 , except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of

EXHIBIT A

service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) At the time the petition is filed, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

EXHIBIT A

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120 . The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571 ;
- (3) Paid or unpaid employment with an entity licensed under chapter 313 , any state-operated lottery, or any emergency services provider, including any law enforcement agency;

EXHIBIT A

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

EXHIBIT A

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

(L. 2012 H.B. 1647, A.L. 2016 S.B. 588, 603 & 942, A.L. 2018 H.B. 1355 merged with S.B. 793 merged with S.B. 954)

*The following sections were repealed by S.B. 491, 2014, effective 1-01-17:

217.360 569.067
565.214 575.350
569.035

**The following sections were transferred by S.B. 491, 2014, effective 1-01-17:

565.084	to	575.095	569.030	to	570.025
565.085	to	575.155	569.072	to	577.078
565.086	to	575.157	577.054	to	610.130
565.095	to	574.140	578.008	to	574.130
565.200	to	566.116	578.305	to	577.703
568.080	to	573.200	578.310	to	577.706
568.090	to	573.205			

8/28/2018

610.145. Stolen or mistaken identity, expungement of records, procedure.

— 1. (1) If a person is named in a charge for an infraction or offense, whether a misdemeanor or a felony, as a result of another person using the identifying information of the named person or as a result of mistaken identity and the charges were dismissed

EXHIBIT A

or such person was found not guilty, the named person may apply by petition or written motion to the court where the charge was last pending on a form approved by the office of state courts administrator and supplied by the clerk of the court for an order to expunge from all official records any entries relating to the person's apprehension, charge, or trial. The court, after providing notice to the prosecuting attorney, shall hold a hearing on the motion or petition and, upon finding that the person's identity was used without permission and the charges were dismissed or the person was found not guilty, the court shall order the expungement.

(2) If any person is named in a charge for an infraction or offense, whether a misdemeanor or a felony, as a result of another person using the identifying information of the named person or mistaken identity, and the charge against the named person is dismissed, the prosecutor or other judicial officer who ordered the dismissal shall provide notice to the court of the dismissal, and the court shall order the expungement of all official records containing any entries relating to the person's apprehension, charge, or trial.

2. No person as to whom such an order has been entered under this section shall be held thereafter under any provision of law to be guilty of perjury or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial.

3. The court shall also order that such entries shall be expunged from the records of the court and direct all law enforcement agencies, the department of corrections, the department of revenue, or any other state or local government agency identified by the petitioner, or the person eligible for automatic expungement under subdivision (2) of subsection 1 of this section, as bearing record of the same to expunge their records of the entries. The clerk shall notify state and local agencies of the court's order. The costs of expunging the records, as provided in this chapter, shall not be taxed against the person eligible for expungement under this section.

4. The department of revenue shall expunge from its records entries made as a result of the charge or conviction ordered expunged under this section. The department of revenue shall also reverse any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions expunged, including the assessment of the driver's license points and driver's license suspension or revocation. Notwithstanding any other provision of this chapter to the contrary, the department of revenue shall provide to the person whose motor vehicle record is expunged under this section a certified corrected driver history at no cost and shall reinstate at no cost any driver's license suspended or revoked as a result of a charge or conviction expunged under this section.

EXHIBIT A

5. The department of corrections and any other applicable state or local government agency shall expunge its records as provided in subsection 3 of this section. The agency shall also reverse any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions being expunged. Notwithstanding any other provision of law to the contrary, the normal fee for any reinstatement of a license or privilege resulting under this section shall be waived.

6. Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was expunged under this section shall refund such additional premiums for the three-year period immediately prior to the entry of the expungement by the court to the policyholder upon notification and verification of the expungement.

7. For purposes of this section, the term “**mistaken identity**” shall mean the erroneous arrest of a person for an offense as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the offense, misinformation provided to law enforcement as to the identity of the person who committed the offense, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the offense.

(L. 2017 S.B. 34)

8/28/2017

610.150. "911" telephone reports inaccessible, exceptions. — Except as provided by this section, any information acquired by a law enforcement agency or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

(L. 1988 H.B. 1667 § 1, A.L. 1995 H.B. 135, A.L. 2013 H.B. 256, 33 & 305)

8/28/2013

610.175. Flight log records after flight, open public records for elected members of executive and legislative branches. — Any records or flight logs pertaining to any flight or request for a flight after such flight has occurred by any elected member of either the executive or legislative branch shall be open public records under this chapter, unless

EXHIBIT A

otherwise provided by law. The provisions of this section shall only apply to a flight on a state-owned plane.

(L. 2013 H.B. 256, 33 & 305 § 1)

8/28/2013

610.200. Law enforcement agency log or record of suspected crimes, accidents or complaints, available for inspection and copying. — All law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints shall make available the following information for inspection and copying by the public:

- (1) The time, substance, and location of all complaints or requests for assistance received by the agency;
- (2) The time and nature of the agency's response to all complaints or requests for assistance; and
- (3) If the incident involves an alleged crime or infraction:
 - (a) The time, date, and location of occurrence;
 - (b) The name and age of any victim, unless the victim is a victim of a crime under chapter 566;
 - (c) The factual circumstances surrounding the incident; and
 - (d) A general description of any injuries, property or weapons involved.

(L. 1995 H.B. 135 § 1, A.L. 1998 H.B. 1095, A.L. 2000 H.B. 1289, A.L. 2004 H.B. 1660 merged with S.B. 1020, et al.)

8/28/2004

610.205. Crime scene photographs and video recordings closed records, when — disclosure to next-of-kin or by court order — inapplicability. — 1. Crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered closed records and shall not be subject to disclosure under the provisions of this chapter; provided, however, that this section shall not prohibit disclosure of such material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall be:

- (1) The spouse of the deceased if living;
- (2) If there is no living spouse of the deceased, an adult child of the deceased; or

EXHIBIT A

(3) If there is no living spouse or adult child, a parent of the deceased.

2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.

3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No court shall order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on August 28, 2016, and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to file or litigating such proceedings. Counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection.

6. The director of the department of public safety shall promulgate rules and regulations governing the viewing of materials described in subsection 1 of this section by bona fide credentialed members of the press.

(L. 2016 S.B. 732)

8/28/2016

610.210. Health care coordination, certain records may be released.

— Notwithstanding any other provisions of law to the contrary, information in law enforcement agency records that would enable the provision of health care to a person in contact with law enforcement may be released for the purpose of health care

EXHIBIT A

coordination to any health care provider, as defined in the Health Insurance Portability and Accountability Act of 1996 as amended, that is providing or may provide services to the person.

(L. 2018 H.B. 1355)

8/28/2018

610.225. Tax credit records and documents deemed closed records, when — request for opening records and documents, requirements, fee authorized. — 1. Records and documents relating to tax credits submitted as part of the application for all tax credits to any department of this state, board, or commission authorized to issue or authorize or recommend the authorization of tax credits shall be deemed closed records until such time as the information submitted does not concern a pending application, and except as limited by other provision of law concerning closed records. For the purposes of this subsection, a "**pending application**" shall mean any application for credits that has not yet been authorized. In the case of partial authorization of credits, the completed authorization of a single credit shall be sufficient to constitute full authorization to the extent that the authorized credit or credits relate to the same application as the credits that have not yet been authorized.

2. Upon a request for opening of records and documents relating to all tax credit programs, as defined in section 135.800, submitted in accordance with the provisions of this chapter, except as limited by the provision of subsection 1 of this section, the agency that is the recipient of the open records request shall make information available consistent with the provisions of this chapter. Where a single record or document contains both open and closed records, the agency shall make a redacted version of such record or document available in order to protect the information that would otherwise make the record or document a closed record. Staff time required for such redaction shall constitute an activity for which a fee can be collected pursuant to section 610.026.

3. As used in this section "**closed record**" shall mean closed record as defined in section 610.010.

(L. 2004 S.B. 1099 § 610.255)

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018

Resolution No.: R-3141-18

To: Mayor and Board of Aldermen

From: Debbie Duncan, Human Resources Manager

City Administrator Approval: _____

Action Requested: Authorize and approve an amendment to the Employee Personnel Manual relating to:

- **Table of Contents**
- **Chapter 2, Provisions Applicable to All Officers and Employees, Section 2-3, Ethics.**
- **Chapter 4, Employment and Benefits, Benefits; Section 4-16(a), 4-16(b) and 4-16(j)(5). Holidays.**
- **Chapter 4, Employment and Benefits, Benefits; Section 4-18(j). Sick Leave.**
- **Chapter 4, Employment and Benefits, Separation From Municipal Service; Section 4-23(a). Resignations.**
- **Chapter 4, Employment and Benefits, Separation From Municipal Service; Section 4-25(b). Separation Pay.**
- **Chapter 4, Employment and Benefits, Disciplinary Policy; Section 4-34(a)(4). Employee Conduct.**
- **Chapter 6, Substance Abuse; Section 6-4(b)(5). Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances Will Be Tested for.**
- **Appendix, Use of City-Owned/Leased Vehicles Policy**
- **Appendix, Time Clock Policy**
- **Appendix, Information Request Policy**

Analysis: Following an annual review of the Personnel Handbook, suggested revisions have been made to the items above. Please see the attached list and description of recommended changes.

A RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 5, 2017

WHEREAS, on December 5, 2017 pursuant to Resolution R-3042-17 the Board of Aldermen approved an amended Employee Personnel Manual; and

WHEREAS, the Human Resources Department and Interim City Administrators are recommending the approval of amendments as set forth in Exhibit "A"; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

George E. Kapke, City Attorney

Table of Contents

Change: Revised to correspond to changes made in the Personnel Manual.

Description: New section, 2-3 Ethics, added and following sections were renumbered accordingly.

Chapter 2, Section 2-3. Ethics

Change: Ethics statement added.

Description: Statements of ethics and integrity in business practices are common in personnel manuals.

Chapter 4, Section 4-16 (a),(b), (j)(5). Holidays

Change: Two holidays, Christmas Eve and a floating holiday, were added.

Description: The addition of two holidays was directed by the Board of Aldermen on September 4, 2018. Clarification added to address instances when Christmas falls on a Saturday. Clarification added that floating holidays may not be taken once a separation date is announced.

Chapter 4, Section 4-18 (j). Sick Leave and Section 4-25 (b) Separation Pay

Change: Addition of a service requirement of five (5) years to be eligible for payout of forty (40) hours of accrued sick leave.

Description: Approximately half of the separating employees who received a payout since this policy was implemented in December 2016 have had less than five years of service. A 5-year service requirement is currently needed to be eligible for sick leave buyback and adding a comparable requirement to the payout will continue to provide a benefit, as well as a cost savings for the City.

Chapter 4, Section 4-23(a). Resignations

Change: Addition of language to more clearly define separation date.

Description: Without a clear definition of separation date, we've encountered situations where employees with an abundance of accrued paid leave resign and use that leave to extend their separation date. This results in additional benefit costs to the City in medical, dental, vision and life insurance, as well as pension, 401(a) matching dollars and FICA tax. There are sometimes additional salary dollars as well, when departments promote or hire other employees to fill the vacant position while the separated employee is also being paid out via accrued leave.

Chapter 4, Section 4-25 (b). Separation Pay

Change: Qualifying language added regarding years of service required to receive sick leave pay upon separation. Also added clarification that floating holidays may be taken once separation is announced.

Description: A 5-year service requirement is currently need to be eligible for sick leave buyback. Adding a comparable requirement for the payout will provide a benefit to employees and cost savings for the City.

Chapter 4, Section 4-34 (a)(4). Employee Conduct

Change: Clarification of smoking.

Description: Language is added to explain all tobacco and nicotine products, including vaping, are considered smoking.

Chapter 4, Section 4-34 (b) (5). Employee Conduct

Change: Clarification of conditions regarding damage to City property that would require a drug test.

Description: Language is added to help employees and supervisors know when an employee needs to be sent for drug screen following damage to persons or property.

Appendix. Use of City-Owned/Leased Vehicles Policy

Change: Addition of prohibition on smoking in City-owned or leased vehicles, as well as language regarding drug screening.

Description: Clarification that smoking is not allowed in City-owned or leased vehicles. Clarification of situations that require drug screens.

Appendix. Time Clock Policy

Change: Addition of examples of off-the-clock work.

Description: The City is responsible for paying employees for all hours worked. Employees cannot “volunteer” their time, nor can managers be aware of off-the-clock work and permit it to occur. The added language provides examples of off-the-clock activities that are not permitted.

Appendix. Information Request Policy

Change: New policy addition.

Description: The City intends to be open and accessible to residents and others who need information. The Information Request Policy provides guidance to employees who may receive a request for information from residents or others, or who receive requests for statements/interviews from the media.

TABLE OF CONTENTS

INTRODUCTION

I. IN GENERAL

1-1	Definition of Terms	3
1-2	At-Will Employment.....	4
1-3	Equal Opportunity Statement	4
1-4	Non-Discrimination and Anti-Harassment.....	5
1-5	Manual Authorized	8
1-6	Responsibility for Administration of Manual	8
1-7	Procedures Not in Derogation of Statutes	8
1-8	Savings Clause	8
1-9	Construction of Manual	8

2. PROVISIONS APPLICABLE TO ALL OFFICERS AND EMPLOYEES

2-1	Residency.....	9
2-2	Nepotism	9
2-3	Ethics.....	9

DEFERRED COMPENSATION

2-4	Program Established	9
2-5	Administration of Program	9
2-6	Ownership	10
2-7	Contracts Authorized	10

3. COMPENSATION AND CLASSIFICATION PLAN

3-1	The Plan	11
3-2	Purpose	11
3-3	Administration of the Plan.....	11
3-4	Classification of Positions.....	11
3-5	Position Descriptions.....	12
3-6	Application of the Compensation Plan.....	12
3-7	Special Allowances	12
3-8	Working Hours.....	12
3-9	Time Reporting.....	12

4. EMPLOYMENT AND BENEFITS

4-1	Departmental Policy Authorized	13
-----	--------------------------------------	----

2. PROVISIONS APPLICABLE TO ALL OFFICERS AND EMPLOYEES

2-1. Residency.

Applicants for positions in the municipal services except as otherwise provided by law or ordinance are not required to be residents of the City but are encouraged to become residents upon assuming municipal service.

2-2. Nepotism.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resource Manager, and City Clerk are not eligible for employment.

Members of the immediate family of an existing employee are not eligible for employment in the same division and/or if an on-going direct or indirect supervisory relationship would result from hiring.

Members of the immediate family of an appointee to a City Board, Committee or Commission are not eligible for employment if the Committee has assigned duties or provides advisory oversight to the division in which employment is sought.

In the event these conditions are not met, including changes as a result of marriage, the affected employee(s) has 180 calendar days to conform to this policy. One immediate family member must transfer to an open position in another division or cease employment. Determination of who shall transfer or cease employment will be determined by the affected employee(s). Any such transfer will not guarantee maintenance of current rates of pay or classification. Failure to make a determination in the time allotted will result in termination of the least tenured employee.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resource Manager, and City Clerk are not eligible for employment are not eligible to seek a transfer and must cease employment within 180 calendar days. Failure to cease employment will result in termination.

This policy will be in effect for any employees hired, transferred or promoted after December 20, 2016.

2-3. Ethics.

The City of Raytown will conduct its business honestly and ethically wherever operations are maintained. We strive to improve the quality of our services and operations and will maintain a reputation for honesty, fairness, respect, responsibility and sound business judgment. Our officers and employees are expected to adhere to high standards of business and personal integrity.

We expect that officers, directors and employees will not knowingly misrepresent the City and will not speak on behalf of the City unless authorized. The confidentiality of sensitive information (i.e., financial or personnel information or closed Board of Aldermen session information) about our City is to be treated with discretion and only disseminated on a need-to-know basis or in accordance with the rights to citizens under the Sunshine Law.

Retaliation against an individual for reporting ethics abuses or for participating in an investigation of an ethics abuse claim is a serious violation of this policy and will be subject to disciplinary action.

DEFERRED COMPENSATION

2-4. Program Established.

As provided by law, the City of Raytown, Missouri, authorizes the establishment of the City of Raytown deferred compensation program.

2-5. Administration of Program.

The City Administrator or his representative is hereby designated and appointed administrator of the City of Raytown deferred compensation program and is hereby authorized and directed to invest funds with the consent of the participating employees, in such investments deemed appropriate including but not limited to life insurance or annuity contracts.

2-6. Ownership.

The City of Raytown, Missouri, will be the owner beneficiary and have all rights under any said investments, insurance or annuity contract. This deferred compensation program shall exist and serve in addition to any retirement, pension and benefit system heretofore or hereafter established by the City of Raytown, Missouri. Income deferred under this plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee. However, any sum deferred shall be exempt from taxation as provided by law.

2-7. Contracts Authorized.

The City of Raytown is hereby authorized to enter into a written contract with any of its employees to defer, in whole or in part, any part of its employees' gross compensation and may, with the consent of such employee, invest said funds in any such manner as provided for herein.

4-16. Holidays.

(a) The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Martin Luther King Day, **third Monday in January**
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Thanksgiving Day, 4th Thursday in November
- Friday following Thanksgiving Day
- **Christmas Eve, December 24**
- Christmas Day, December 25
- **Three (3) floating holidays**

(b) Holiday Observance. Determination of a holiday for shift personnel shall be based on the actual date of the holiday. For employees who normally work Monday–Friday schedules, observance of holidays shall be either the day the holiday falls on, or if the holiday falls on a Saturday the previous Friday will be observed, and, if the holiday falls on a Sunday, the following Monday will be observed. **If Christmas Day falls on a Saturday it will be celebrated the following Monday.**

(c) Holiday Pay. An employee whose regular work day falls on any City-recognized holiday shall receive their regular pay plus holiday pay for the hours worked, but not to exceed the amount of hours of their normal work schedule.

(d) Holiday Call-back. An employee called back to duty on a holiday shall be compensated at 1½ rate and shall receive a minimum of 1 hour of pay. If they are engaged to work after the call-in they will receive a minimum of two (2) hours pay. They will still receive their full holiday pay.

(e) Off-duty Shift Workers. Shift workers such as police officers, with the exception of EMS, whose regular scheduled day off falls on any City-recognized holiday shall receive, in addition to his day off, regular pay as holiday compensation equal to the amount of hours the employee would regularly be scheduled for work. Off-duty EMS shift workers shall receive 12 hours of regular pay on holidays.

(f) Part-time or Seasonal. Part-time and/or seasonal personnel will not be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. If part-time or seasonal personnel do work on a City observed holiday, they will be compensated at their regular hourly wage unless they have worked over 40 hours that week at which time they will be compensated at 1½ time rate.

(g) To be eligible for holiday pay an employee must be on the payroll on the day of the holiday, must have worked or been on paid leave the work day prior to the holiday and the work day following the holiday.

(h) Holidays occurring during an employee's paid vacation time will be credited as a holiday and not as a vacation day.

(i) Consideration will be given to employees wishing to observe other religious holidays not a part of the official City holidays. The leave may be charged to vacation or leave without pay.

- (j) Employees, regardless of shift, shall be granted **three (3)** shifts as floating holidays. To be eligible for the floating holidays, an employee must have been a regular full-time employee for six (6) months prior to taking such holiday.
- (1) Floating holidays must be taken in their entirety and may not be used in increments.
 - (2) Floating holidays must be approved by Department Head or his designee.
 - (3) Floating holidays must be taken by the end of the City's fiscal year/October 31.
 - (4) Floating holidays will not be paid out to employees upon separation of employment.
 - (5) **Floating holidays may not be taken once a separation date is announced.**

4-17. Vacation.

(a) Amount:

- (1) Employees (excluding elected employees) employed at work on a regular basis of at least forty (40) hours per week, but not on a twenty-four (24) hour shift, shall earn vacation time at the following rate, up to a maximum accumulation of two hundred eighty (280) hours:

Employees scheduled to work less than 24 Hour Shifts		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	3.7	280
60 – 119	4.7	280
120 – 179	5.6	280
180 – 239	6.5	280
240 +	7.4	280

- (2) Employees employed to work on a regular basis of a twenty-four (24) hour shift day shall earn vacation time at the following rate up to a maximum accumulation of two hundred eighty-eight (288) hours:

Employees scheduled to work 24 Hour Shifts		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	4.7	288
60 – 119	6.5	288
120 – 179	8.3	288
180 – 239	10.2	288
240 +	12	288

- (b) When accrued: Employees, hired on a full-time basis, shall begin accruing leave at the above scheduled rate with their first payroll regardless of whether they have completed their probationary period.

- (j) Sick leave upon separation: Employees with a minimum of five (5) years of service, will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buyback the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer, no additional use of sick leave will be allowed.
- (k) Reporting illness: An employee unable to report to work, intending to claim sick leave, shall report prior to the time his work period is to begin. Advance notification guidelines will be established by the Department Head but will be no less than one hour prior to expected start time. Failure to comply with this paragraph may result in disallowance of sick leave for that absence.
- (l) Abuse of sick leave: Sick leave is a benefit provided for the employee, but it is not intended to be used to supplement vacation or holidays. The City has adopted specific policies in regard to the use of sick leave and any use for other than the stated purposes in this policy will be considered abuse. Sick employees are encouraged to stay home and recover so as not to cause any of their coworkers to become ill. However, abuse of sick leave impacts not just the employer but also coworkers who are required to cover the absent employee's duties. Use of unscheduled sick leave for other than actual illness of the employee or to care for the employee's immediate family will be considered abuse. A pattern of suspected abuse including but not limited to the repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation, pay day or inclement weather or use after vacation time has been denied (regardless of the number of consecutive days) will be considered abuse. Abuse may result in disciplinary action up to and including termination. This policy will not be applicable to FMLA and ADA qualifying events.
- (m) Physician's statement required: Sick leave in excess of two work shifts shall be allowed only after such employee presents to the City Administrator or his delegate a written physician's statement certifying that the employee's condition prevented the employee from performing his duties. The City Administrator or his delegate shall be entitled to request a physician's statement in such other circumstances as deemed appropriate.
- (n) Sick leave may be used to augment bereavement.

4-19. Leaves of Absence.

- (a) Family and medical leave (FMLA):
 - (1) Family and medical leaves of absence shall be granted to employees who have been employed in the municipal service for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the year preceding the start of leave.
 - (2) Family and medical leaves of absence shall be granted for extended periods of time off work due to those reasons required by federal law, including:
 - (A) Birth of a child, and to care for such child;
 - (B) Placement of a child for adoption or foster care;
 - (C) Caring for the employee's seriously ill spouse, child or parent;

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for the child. The time will not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used, or the employee can come in a little early or leave a little later to make up the time.

Please contact the Human Resource Manager to discuss.

SEPARATION FROM MUNICIPAL SERVICE

4-23. Resignations.

- (a) Any employee may resign in good standing by presenting his resignation in writing fourteen (14) calendar days prior to the effective date and continuing to perform assigned duties without disruption or violation of City policies. Resignation without such advance notice and observance of conduct rules and City policies will result in forfeiture of all accrued vacation, unless otherwise prohibited by then-existing applicable laws. Such resignation shall be promptly forwarded to the Human Resources Office.

In most situations, an employee's separation date (also called termination date or retirement date) will be the date the employee last worked a regular shift. Use of paid leave will not be applied to extend the separation date. Employees who are unable to return to work following Family and Medical Leave due to their own serious health condition or those unable to return to the job due to a work-related injury/illness may have a separation date other than their last working day.

- (b) At the discretion of the Department Head, the employee may be allowed to leave immediately after notice and still be considered to have left in good standing if it is more convenient for the department.

4-24. Reduction in Force; Layoff.

An employee may be separated from municipal service without prejudice because of lack of funds or curtailment of work. Ordinarily, the City attempts to give notice of at least ten (10) working days to such employees prior to separation, unless circumstances require less time or no notice. (Rev. 12-05-17 R-3042-17)

4-25. Separation Pay.

- (a) Upon separation from City employment in good standing employees will receive payment for unused vacation credits accrued.
- (b) Separated employees with a minimum of five (5) years of service will be allowed to sell back up to forty (40) hours of sick leave upon separation from municipal service in good standing. The City will buy back the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer no additional use of sick leave or floating holidays will be allowed.
- (c) Upon separation with prejudice, employees will receive payment only for time worked.
- (d) Notwithstanding the foregoing paragraph, no separation pay shall be paid until all property issued to the employee has been returned and all financial obligations to the City have been satisfied.

4-34. Employee Conduct.

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the City and for the benefit and protection of the rights and safety of all. Conduct that interferes with operations, brings discredit to the City and/or is offensive to citizens or fellow employees will not be tolerated. This section outlines some basic guidelines, bearing in mind that it is impossible to list every possible conduct rule and infraction. The discipline policies cannot cover all circumstances that arise in the employment relationship. Additional reasons for disciplinary action may be necessary depending on the circumstances.

While the City may in some cases utilize progressive discipline, employees remain employees at will and may be summarily terminated at any time with or without cause. Discipline, progressive or not, may always include corrective actions up to and including termination.

- (a) All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the City. As an illustration, some misconduct which may result in corrective action, up to and including termination, includes failing to abide by the following basic conduct rules:
 - (1) Reporting to work punctually as scheduled and being at the workstation, ready for work, at the assigned starting time.
 - (2) Notifying their supervisor when the employee will be absent from work or is unable to report for work on time.
 - (3) Complying with all City safety and health regulations.
 - (4) Smoking only in specifically designated areas. **Smoking consists of all tobacco and nicotine products, including vaping.**
 - (5) Wearing clothing appropriate for the work being performed.
 - (6) Performing assigned tasks efficiently and effectively.
 - (7) Maintaining work place and work area cleanliness and orderliness.
 - (8) Treating all citizens and visitors as guests of the City.
 - (9) Endeavoring to rectify identified and/or known poor performance in carrying out job assignments.

- (b) A non-exhaustive list of severe misconduct most likely to result in severe discipline, such as immediate termination, follows:
 - (1) The use of alcoholic beverages on City property, work sites or reporting for work while under the influence of alcoholic beverages, or controlled substances which are not prescribed for that employee.
 - (2) Sleeping while on duty.
 - (3) Unacceptable demeanor about work that is visible to coworkers and influences the work environment.
 - (4) Sexual harassment and/or discrimination.

- (2) All current City employees shall be subject to testing for the presence of drugs, including prescription drugs, and alcohol upon reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A request for the testing of an employee may be initiated by any supervisor who has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. Testing shall be authorized if the request is approved by the highest-ranking departmental supervisor available to review the request for testing. Those supervisors with authority to approve a request for testing include Department Heads, assistant Department Heads and division heads; and police majors.
 - (3) An employee who has been ordered to seek treatment for a substance abuse problem through the employee assistance program shall be subject to random testing for the presence of drugs or alcohol during the twelve-month period following the date of the notice of referral to the EAP.
 - (4) An employee who is injured in an accident or suffers a work-related illness during the course of work shall be tested for the presence of drugs and alcohol. Please note: A drug-screen is required for any workers' compensation claim in which the employee wishes to be made whole by the City. Claims without a drug screen will be processed as required by Missouri Statute.
 - (5) An employee who is involved in a property damage or personal damage accident while **such property is in his care, control or custody** shall be tested for the presence of drugs and alcohol.
- (c) Substances to be tested for. Testing may be administered to detect the presence and concentration of any substance which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect. Those substances may include, but are not limited to: alcohol, amphetamines/methamphetamines ("speed"), barbiturates ("downers"), benzodiazepines (tranquilizers, such as valium and librium), cannabinoids (marijuana, hashish), cocaine methadone methaqualone (quaaludes), opiates (codeine, heroin, morphine), phencyclidine (PCP, "angel dust"), and propoxyphene (darvon).

Drugs not otherwise listed may be tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer's specifications for the particular test kit or method to be used.

6-5. Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program.

- (a) The testing agency. Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice. All testing shall be performed in accordance with accepted scientific standards. Due care shall be taken by the testing agency to respect the dignity and privacy of individuals required to give test samples. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The testing agency shall be required to retain unused portions of each test sample that has initially shown a positive result for the presence of drugs or alcohol in order that additional testing may be performed on the sample on behalf of the tested employee.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Use of City-Owned/Leased Vehicles	Board of Aldermen	01-01-2017	11-13-2018

POLICY STATEMENT:

City-owned vehicles are to be used for official City business only. Assignments of City vehicles are subject to the approval of the City Administrator. All City-owned vehicles will be equipped with a permanently attached and on at all times GPS system used universally by all City departments. All City-owned vehicles shall bear the City of Raytown or Departmental insignia.

Vehicles cannot be used to transport other family members or to attend to personal errands. Passengers in City vehicles are allowed when their presence relates to City business.

Smoking is not allowed in City-owned or leased vehicles.

Exceptions to this policy may be made with approval by the City Administrator and/or his designee.

Responsibility of Drivers. Employees operating City vehicles are expected to practice all safety precautions when utilizing a City vehicle. All gear, equipment and City property will be secured within the capabilities of the vehicle being used. Any employee operating a City vehicle must have an applicable valid driver's license which must be on or accompanying the employee when driving such a vehicle. Seat belts shall be worn by all City employees and passengers while operating or riding in a City vehicle in accordance with State Statutes. Employees may not write, send or read written communications on their wireless communication device while driving. This prohibition includes, but is not limited to, text messages, instant messages, and electronic mail. Failure to comply with these policies may subject the employee to disciplinary action up to and including termination.

When using a City-owned vehicle to respond to an incident in an emergency capacity, the employee shall follow all laws, rules and regulations that govern the operation of an emergency vehicle.

Accidents Involving City-owned Vehicles. If an employee has an accident while **in care, control or custody of** a City-owned vehicle which results in personal injury or property damage, the employee shall notify the Police Department immediately and then notify his supervisor. This should be done regardless of how minor the accident appears. The employee shall request that all parties and property concerned remain at the scene of the accident until police officers can investigate the incident. The employee shall take a mandatory drug test within two hours of an accident involving a City-owned or leased vehicle. Supervisors shall report all accidents to the City Clerk.

Use of Private Vehicles for City Business. If employees are required to use a personal car in the performance of official duties for the City, they may receive a mileage rate as established by the Internal Revenue Service. Expenses for mileage must be submitted to and approved by the employee's Department Head or the City Administrator in the case of a Department Head.

Personal injuries may be covered under the Workers' Compensation program; however, damage to personal property is not covered or reimbursed by the City. Adequate auto

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Time Clock Policy	Board of Aldermen	12-01-2013	11-13-2018

POLICY STATEMENT:

All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in/out for payroll and attendance purposes. The time clock records will be used to track attendance for the exempt employee.

Employees are required to clock in/out at the time clock located in their department using their time clock badge or from their City computer. Clocking in/out via telephone is reserved for police officers or other on-call employees who are reporting from a non-office work location to a non-office work location. For example, reporting from home to a crime scene or sewer back-up. If there is a problem with the time clock, the employee should notify the supervisor and the supervisor will manually clock the employee in.

Employees should clock in no sooner than 10 minutes before the scheduled shift and clock out no later than 10 minutes after the scheduled shift. Nonexempt office employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day. Those employees who are not provided a lunch break or those who work in the field will follow the policy of their assigned departments for lunch breaks. Nonexempt employees are not permitted to perform any work while not clocked in. **Examples of prohibited off-the-clock work include but are not limited to performing work before clocking in or after clocking out; performing work during the meal period and not reporting the missed or interrupted meal period; performing work at home and not reporting the time worked; and checking, sending or responding to work-related emails while not clocked in.**

If the employee misses an entry into the timekeeping system, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours via the manager time clock portal. Employees who consistently miss time clock entries will be subject to disciplinary action.

Nonexempt employees are permitted to work overtime with prior authorization from the supervisor. Overtime includes clocking in early, late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.

Employees may not use another employee's badge to clock in or clock in for another employee. Employees who have lost a badge will report the lost badge to the facilities and payroll departments. The employee will be issued a new badge with the same employee and department numbers. A new code will be assigned to the new badge. Payroll will notify each department of new badge codes each pay period.

Supervisors are free to use discretion in disciplinary actions when employees violate the time keeping policy and/or procedure. This could include situations where employees may have clocked in but are repeatedly absent from their work station during work hours or have missed time clock entries in addition to working unscheduled overtime.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Information Request Policy	Board of Aldermen	11-13-2018	11-13-2018

POLICY STATEMENT:

Requests for Information

The City of Raytown is committed to open and straightforward governance and complies with the provisions of Chapter 610 of the Revised Statutes of Missouri, as amended, the Missouri Public Records (Sunshine) law.

The Office of the City Clerk is the City’s designated Custodian of Records. Whenever possible, employees should encourage requestors to provide requests for information in writing to reduce the chance of misunderstanding and to gather as much detail as possible. However, requests may be made verbally or in writing. If an employee receives a verbal request, he shall write down the request, including the date it was received, to the best of his understanding. All requests shall be sent promptly to the Custodian of Records for Sunshine Law compliance.

Media Requests for Interviews/Statements

In the event an employee is contacted by the media for an interview or statement, all questions shall be directed to the City Administrator or his designee (example: Assistant City Administrator), the supervisor and/or Department Head or his designee (example: Public Information Officer).

CITY OF RAYTOWN
Request for Board Action

Date: November 9, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Resolution No. R-3142-18

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____

Action Requested: Approval of a Resolution ratifying the appointment of Damon Hodges as Assistant City Administrator which became effective May 2, 2018 and the execution of an employment agreement with Mr. Hodges for such purposes.

Recommendation: Approve the Resolution and Employment Agreement

Budgetary Impact:

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

A RESOLUTION APPOINTING DAMON HODGES AS ASSISTANT CITY ADMINISTRATOR FOR THE CITY OF RAYTOWN AND RATIFYING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY AND DAMON HODGES TO SERVE IN SUCH CAPACITY

WHEREAS, the Board of Aldermen desires to appoint Damon Hodges to the position of Assistant City Administrator and further desires to enter into an individual employment agreement with Damon Hodges to fill the position of Assistant City Administrator for the City;

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

THAT, the appointment of Damon Hodges as Assistant City Administrator is hereby ratified and confirmed;

FURTHER THAT the Employment Agreement between the City of Raytown and Damon Hodges attached hereto as Exhibit "A" and made a part hereof by reference is hereby ratified and approved;

FURTHER THAT the signatures of the City Administrator and City Clerk on such Employment Agreement are hereby ratified, and the City Administrator and City Clerk are hereby authorized to execute any and all other documents necessary and incidental to carry out the intent of said agreement.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

George E. Kapke, City Attorney

EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of November, 2018 by and between the City of Raytown, Missouri, a municipal corporation (hereinafter "City") and Damon Hodges:

WHEREAS, the City desires to employ Damon Hodges (hereinafter "Employee") as its Assistant City Administrator; and

WHEREAS, the City and the Employee desire to enter into an agreement for the duties, compensation, benefits, and other conditions of employment with the City of Raytown, Missouri;

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1) Duties.

- a) The City agrees to employ Employee as Assistant City Administrator, to perform the duties specified in the Raytown Code of Ordinances, Raytown City Policies, the laws of the State of Missouri, the duties listed in the job description for this position, and other legally permissible and proper duties, as assigned by the City Administrator or Mayor and Board of Aldermen from time to time.
- b) Employee agrees to serve as Assistant City Administrator and perform all duties specified in the Raytown Code of Ordinance, Raytown City Policies, the laws of the State of Missouri, the duties listed in the job description for this position, and other legally permissible and proper duties, as assigned by the City Administrator or Mayor and Board of Aldermen from time to time.
- c) The City and the Employee agree that the City Administrator will provide policy guidance and direction to the Employee, as well as day-to-day direction.

2) Term. This Agreement shall be effective on the date first written above and shall continue in effect for an indefinite period of time, subject to annual appropriation, until either the City or the Employee give notice of termination. The City reasonably believes that moneys in an amount sufficient to make all payments to the Employee under the terms of this agreement can and will lawfully be appropriated and made available. Non-appropriation under the terms of this Agreement shall mean the failure of the City to budget for the position of Assistant City Administrator or a position with substantially the same duties and responsibilities for a period of one year.

3) Salary.

- a) The City shall pay the Employee an initial salary of \$104,200.00 annually in accordance with City payroll policies. The City periodically provides for salary adjustments based on the market, internal equity, and merit. Merit salary increases, if given, will be based upon satisfactory or better performance during each year of employment. Any merit salary increase is at the discretion of the City Administrator, in accordance with the City's approved budget. The Employee shall be awarded any cost of living adjustments available to the general employee groups, as budgeted by the Mayor and Board of Aldermen.

4) Performance Evaluation and Merit Consideration.

- a) Annually, the Employee and the City Administrator shall define goals and performance objectives that they determine necessary for the proper operation of the City and for the attainment of the City's policy objectives and shall further establish a relative priority among those various objectives.
- b) The City Administrator shall review and evaluate the performance of the Employee at least once annually in advance of the adoption of the City's annual operating budget. Said review and evaluation shall be in accordance with the performance goals for the Employee developed with the City Administrator.
- c) Merit consideration for salary increases will be provided at least once each year of employment, subject to appropriation in the annual budget.

5) Vacation and Leave Accrual. The Employee shall initially accrue vacation at the rate of a 5-year employee. Subsequent vacation and other leaves shall accrue in accordance with the City personnel policies, as amended from time to time.

6) Employee Benefits. The City shall provide other standard employee benefits, such as medical, dental, vision and life insurance, in the same manner as such benefits are provided to all other employees in accordance with the City personnel policies, as amended from time to time.

7) Hours of Work, Dues, Subscriptions and Expenses. Employee's hours of work, dues, subscriptions, professional development, memberships and general expenses shall be in accordance with the City's policies and guidelines for department directors, unless in conflict with the terms of this Agreement, in which event the terms of this Agreement shall prevail. The City shall pay membership fees for such standard associations and attendance at recognized conferences of professional organizations necessary for the Employee to fully discharge the duties and responsibilities of the position. General expenses for such activities shall be in accordance with budgetary/fiscal guidelines approved by the Board of Aldermen.

8) Notice of Resignation. If the Employee voluntarily resigns the position as Assistant City Administrator, Employee shall provide the City with a minimum of 45 days written notice, in advance, unless such notice is waived, by the concurrence of a majority of the Board of Aldermen.

9) Payment of Benefits. Upon termination without cause or resignation from the position, the Employee shall receive compensation for all accrued leave, in accordance with City ordinances.

10) Indemnification. To the maximum extent permitted by law, the City agrees to defend, indemnify, and hold harmless the Employee against any and all claims, demands, suits, actions or proceedings of any kind or nature arising out of the good faith performance by the Employee of the duties and responsibilities of the position, provided that the Employee's performance is not contrary to established ordinances, resolutions, policies and reasonable standards of conduct. Nothing herein shall be construed to be a waiver of the City's sovereign immunity.

11) Acknowledgement of At-Will Employment. The Employee shall serve at the pleasure of the Board of Aldermen. The Mayor with the consent of a majority of the Board of Aldermen may remove the employee from office at will and such employee may also be removed by two-thirds (2/3) vote of the Board of Aldermen independently of the Mayor's approval or disapproval. Removal shall occur in accordance with the terms of this Agreement.

12) Termination. The Employee may be terminated with or without cause by the City Administrator by written notice.

- a) In the event the Employee is terminated without cause, or the Employee's position is eliminated due to non-appropriation, the City shall pay the Employee a severance payment in the amount of six (6) months of the then current salary, payable bi-weekly, unless otherwise agreed to in writing by the City and the Employee. Upon such termination of employment, the Employee shall receive accrued vacation and other benefits in accordance with City personnel policies. In addition, during the said six (6) month period the City shall provide Employee with health and dental insurance in effect at the time of termination, the cost of which shall be paid by the City at the same rate as prior to the termination.
- b) In the event the Employee is terminated with cause, the City shall pay to the Employee no severance as defined above and the City shall have no further liability under this Agreement for payment of compensation or benefits pursuant to the terms of this Agreement, except for any benefits that by law must continue after Employee's termination.
- c) For purposes of this Agreement, the term "Cause" shall include, without limitation, the Employee's material breach of this Agreement; Employee's failure to substantially perform the normal material duties related to Employee's job position which failure continues for forty-five (45) days following the Employee's receipt of written notice of such failure to perform, specifying the nature of the failure and the means by which it may be remedied; fraud against the City; misappropriation of the City's assets; embezzlement, theft, malfeasance, willful misconduct, or material failure to follow the City's rules and regulations; willful engagement in gross misconduct which is materially and demonstrably injurious to the City; or the conviction of the Employee for a crime involving moral turpitude, drug abuse, violence, dishonesty or theft. "Cause" shall not include failure of the Board of Aldermen to appropriate funds, in accordance with Paragraph 2, above.

13) Resolution of Disputes. The City and the Employee agree to first attempt to resolve any disputes or obtain needed clarification arising out of the interpretation of this Agreement through mutual discussion.

14) Modification or Changes to This Agreement. This Agreement shall remain in full force and effect until modified by the parties. Any modification of the terms of this Agreement must have the concurrence of a majority of the entire Board of Aldermen, be in writing and be executed by the City and the Employee.

15) Terms of Agreement to Govern. This Agreement constitutes the entire understanding and agreement of the parties and shall govern Employee's terms of employment with the City. This Agreement supersedes all negotiations or previous agreements between the parties. This Agreement shall be governed by such ordinances, rules/regulations and policies established and may be amended from time to time by the Board of Aldermen, unless otherwise specifically provided herein.

16) Severance of Terms of Agreement. Invalidation of any part of this Agreement by judgment or court action shall in no way affect any of the other provisions, which shall remain in full force and effect.

17) Notice. Any notice required to be given hereunder shall be sufficient and deemed given when in writing, and sent by certified or registered mail, return receipt required, first-class posted prepaid, or by courier service to the City at: City Administrator, 10000 East 59th Street, Raytown, MO 64133 or to the Employee at the most recent address given in the Employee's personnel file.

18) Law of Missouri to Govern. This Agreement shall be construed according to the laws of the State of Missouri, without giving effect to the conflict of law provisions thereof.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

Damon Hodges, Employee

City Administrator

ATTEST:

Teresa M. Henry, City Clerk

**CITY OF RAYTOWN
Request for Board Action**

Date: November 9, 2018
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Resolution No. R-3143-18

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____

Action Requested: Approval of a Resolution ratifying the appointment of Michelle Wilson as Assistant City Administrator which became effective May 2, 2018 and the execution of an employment agreement with Mrs. Wilson for such purposes.

Recommendation: Approve the Resolution and Employment Agreement

Budgetary Impact:

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

A RESOLUTION APPOINTING MICHELLE WILSON AS ASSISTANT CITY ADMINISTRATOR FOR THE CITY OF RAYTOWN AND RATIFYING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY AND MICHELLE WILSON TO SERVE IN SUCH CAPACITY

WHEREAS, the Board of Aldermen desires to appoint Michelle Wilson to the position of Assistant City Administrator and further desires to enter into an individual employment agreement with Michelle Wilson to fill the position of Assistant City Administrator for the City;

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

THAT, the appointment of Michelle Wilson as Assistant City Administrator is hereby ratified and confirmed;

FURTHER THAT the Employment Agreement between the City of Raytown and Michelle Wilson attached hereto as Exhibit "A" and made a part hereof by reference is hereby ratified and approved;

FURTHER THAT the signatures of the City Administrator and City Clerk on such Employment Agreement are hereby ratified, and the City Administrator and City Clerk are hereby authorized to execute any and all other documents necessary and incidental to carry out the intent of said agreement.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

George E. Kapke, City Attorney

EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of November, 2018 by and between the City of Raytown, Missouri, a municipal corporation (hereinafter "City") and Michelle Wilson:

WHEREAS, the City desires to employ Michelle Wilson (hereinafter "Employee") as its Assistant City Administrator; and

WHEREAS, the City and the Employee desire to enter into an agreement for the duties, compensation, benefits, and other conditions of employment with the City of Raytown, Missouri;

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1) Duties.

- a) The City agrees to employ Employee as Assistant City Administrator, to perform the duties specified in the Raytown Code of Ordinances, Raytown City Policies, the laws of the State of Missouri, the duties listed in the job description for this position, and other legally permissible and proper duties, as assigned by the City Administrator or Mayor and Board of Aldermen from time to time.
- b) Employee agrees to serve as Assistant City Administrator and perform all duties specified in the Raytown Code of Ordinances, Raytown City Policies, the laws of the State of Missouri, the duties listed in the job description for this position, and other legally permissible and proper duties, as assigned by the City Administrator or Mayor and Board of Aldermen from time to time.
- c) The City and the Employee agree that the City Administrator will provide policy guidance and direction to the Employee, as well as day-to-day direction.

2) Term. This Agreement shall be effective on the date first written above and shall continue in effect for an indefinite period of time, subject to annual appropriation, until either the City or the Employee give notice of termination. The City reasonably believes that moneys in an amount sufficient to make all payments to the Employee under the terms of this agreement can and will lawfully be appropriated and made available. Non-appropriation under the terms of this Agreement shall mean the failure of the City to budget for the position of Assistant City Administrator or a position with substantially the same duties and responsibilities for a period of one year.

3) Salary.

- a) The City shall pay the Employee an initial salary of \$100,000.00 annually in accordance with City payroll policies. The City periodically provides for salary adjustments based on the market, internal equity, and merit. Merit salary increases, if given, will be based upon satisfactory or better performance during each year of employment. Any merit salary increase is at the discretion of the City Administrator, in accordance with the City's approved budget. The Employee shall be awarded any cost of living adjustments available to the general employee groups, as budgeted by the Mayor and Board of Aldermen.

- b) The Employee's duties require exclusive and unrestricted use of an automobile. The City shall pay to Employee, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of \$2,400.00 per year, payable monthly or bi-weekly as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a vehicle. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expense's attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle.

4) Performance Evaluation and Merit Consideration.

- a) Annually, the Employee and the City Administrator shall define goals and performance objectives that they determine necessary for the proper operation of the City and for the attainment of the City's policy objectives and shall further establish a relative priority among those various objectives.
- b) The City Administrator shall review and evaluate the performance of the Employee at least once annually in advance of the adoption of the City's annual operating budget. Said review and evaluation shall be in accordance with the performance goals for the Employee developed with the City Administrator.
- c) Merit consideration for salary increases will be provided at least once each year of employment, subject to appropriation in the annual budget.

5) Vacation and Leave Accrual. The Employee shall initially accrue vacation at the rate of a 5-year employee. Subsequent vacation and other leaves shall accrue in accordance with the City personnel policies, as amended from time to time.

6) Employee Benefits. The City shall provide other standard employee benefits, such as medical, dental, vision and life insurance, in the same manner as such benefits are provided to all other employees in accordance with the City personnel policies, as amended from time to time.

7) Hours of Work, Dues, Subscriptions and Expenses. Employee's hours of work, dues, subscriptions, professional development, memberships and general expenses shall be in accordance with the City's policies and guidelines for department directors, unless in conflict with the terms of this Agreement, in which event the terms of this Agreement shall prevail. The City shall pay membership fees for such standard associations and attendance at recognized conferences of professional organizations necessary for the Employee to fully discharge the duties and responsibilities of the position. General expenses for such activities shall be in accordance with budgetary/fiscal guidelines approved by the Board of Aldermen.

8) Notice of Resignation. If the Employee voluntarily resigns the position as Assistant City Administrator, Employee shall provide the City with a minimum of 45 days written notice, in advance, unless such notice is waived, by the concurrence of a majority of the Board of Aldermen.

9) Payment of Benefits. Upon termination without cause or resignation from the position, the Employee shall receive compensation for all accrued leave, in accordance with City ordinances.

10) Indemnification. To the maximum extent permitted by law, the City agrees to defend, indemnify, and hold harmless the Employee against any and all claims, demands, suits, actions or proceedings of any kind or nature arising out of the good faith performance by the Employee of the duties and responsibilities of the position, provided that the Employee's performance is not contrary to established ordinances, resolutions, policies and reasonable standards of conduct. Nothing herein shall be construed to be a waiver of the City's sovereign immunity.

11) Acknowledgement of At-Will Employment. The Employee shall serve at the pleasure of the Board of Aldermen. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the employee from office at will, and such employee may also be removed by a two-thirds(2/3) vote of the Board of Aldermen independently of the Mayor's approval or disapproval. Removal shall occur in accordance with the terms of this Agreement.

12) Termination. The Employee may be terminated with or without cause by the City Administrator by written notice.

- a) In the event the Employee is terminated without cause, or the Employee's position is eliminated due to non-appropriation, the City shall pay the Employee a severance payment in the amount of six (6) months of the then current salary, payable bi-weekly, unless otherwise agreed to in writing by the City and the Employee. Upon such termination of employment, the Employee shall receive accrued vacation and other benefits in accordance with City personnel policies. In addition, during the said six (6) month period the City shall provide Employee with health, vision and dental insurance in effect at the time of termination, the cost of which shall be paid by the City at the same rate as prior to the termination.
- b) In the event the Employee is terminated with cause, the City shall pay to the Employee no severance as defined above and the City shall have no further liability under this Agreement for payment of compensation or benefits pursuant to the terms of this Agreement, except for any benefits that by law must continue after Employee's termination.
- c) For purposes of this Agreement, the term "Cause" shall include, without limitation, the Employee's material breach of this Agreement; Employee's failure to substantially perform the normal material duties related to Employee's job position which failure continues for forty-five (45) days following the Employee's receipt of written notice of such failure to perform, specifying the nature of the failure and the means by which it may be remedied; fraud against the City; misappropriation of the City's assets; embezzlement, theft, malfeasance, willful misconduct, or material failure to follow the City's rules and regulations; willful engagement in gross misconduct which is materially and demonstrably injurious to the City; or the conviction of the Employee for a crime involving moral turpitude, drug abuse, violence, dishonesty or theft. "Cause" shall not include failure of the Board of Aldermen to appropriate funds, in accordance with Paragraph 2, above.

13) Resolution of Disputes. The City and the Employee agree to first attempt to resolve any disputes or obtain needed clarification arising out of the interpretation of this Agreement through mutual discussion.

14) Modification or Changes to This Agreement. This Agreement shall remain in full force and effect until modified by the parties. Any modification of the terms of this Agreement must have the concurrence of a majority of the entire Board of Aldermen, be in writing and be executed by the City and the Employee.

15) Terms of Agreement to Govern. This Agreement constitutes the entire understanding and agreement of the parties and shall govern Employee's terms of employment with the City. This Agreement supersedes all negotiations or previous agreements between the parties. This Agreement shall be governed by such ordinances, rules/regulations and policies established and may be amended from time to time by the Board of Aldermen, unless otherwise specifically provided herein.

16) Severance of Terms of Agreement. Invalidation of any part of this Agreement by judgment or court action shall in no way affect any of the other provisions, which shall remain in full force and effect.

17) Notice. Any notice required to be given hereunder shall be sufficient and deemed given when in writing, and sent by certified or registered mail, return receipt required, first-class posted prepaid, or by courier service to the City at: City Administrator, 10000 East 59th Street, Raytown, MO 64133 or to the Employee at the most recent address given in the Employee's personnel file.

18) Law of Missouri to Govern. This Agreement shall be construed according to the laws of the State of Missouri, without giving effect to the conflict of law provisions thereof.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

Michelle Wilson, Employee

City Administrator

ATTEST:

Teresa M. Henry, City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: November 6, 2018

Resolution No.: R-3144-18

To: Mayor and Board of Aldermen

From: Damon Hodges, Co-Interim City Administrator, Assistant City Administrator, Director of Public Works

Department Head Approval: _____

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

City Administrator Approval: _____

Action Requested: Approval of emergency sanitary sewer repairs to occur at the old Southwood Lagoon off 87th Street.

Recommendation: Authorization for emergency sanitary sewer repairs.

Analysis: On October 12, 2018, during recent preparations for our annual root control project staff went out to investigate all manholes and segments that were to be treated. The investigations and treatments are a part of a three (3) year cycle for root treatments and a part of the five (5) year cycle for routine maintenance and cleaning.

During the investigation staff found a back-up at manhole number 87S-264 that required bypass pumping and hiring an outside company to come in and open the line due to the remote location and equipment requirements that we are unable to meet during wet conditions. Staff brought in Ace Pipe Cleaning, Inc. with specialized equipment to attempt to open the blockage and mitigate the sanitary sewer overflow.

Staff worked to investigate the cause of the blockage during and after the blockage was cleared. Staff found tree roots to have played a role in the blockage during the process of partially clearing the blockage. During the post incident evaluation, staff found the condition of the manhole to have decayed significantly and it needs to be replaced to ensure any reduction of I&I. This project should be handled as an emergency purchase and repairs made very soon.

Staff reached out to Leath & Sons to get a contractor without having to reprioritize our current existing emergency projects that Wiedenmann Inc. is working on. Leath & Son's proposal of \$16,805.00 + 15% contingency (\$2,520.75) = \$19,325.75

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:	Sewer Fund
	501.62.00.100.57000
Amount to Spend:	Not to exceed \$19,325.75

Additional Reports Attached: Leath & Sons, Inc. proposal, Location Map and Emergency Memo.

A RESOLUTION AUTHORIZING AND APPROVING THE PROFESSIONAL SERVICES OF LEATH & SONS, INC. FOR EMERGENCY SANITARY SEWER REPAIRS AT THE SOUTHWOOD LAGOON LOCATED OFF 87TH STREET IN AN AMOUNT NOT TO EXCEED \$19,325.75

WHEREAS, the City of Raytown periodically identifies emergency sanitary sewer infrastructure that needs repair beyond staff capacity; and

WHEREAS, the City of Raytown received a proposal from Leath & Sons, Inc. for repair of an emergency sanitary sewer repair for the Southwood Lagoon located off 87th Street in the amount of \$16,805.00 for such purposes; and

WHEREAS, the Board of Aldermen finds it is in the best interest of the City to authorize and approve an additional \$2,520.75 to fund any changes; and

WHEREAS, the Board of Aldermen finds it is in the best interest of the citizens of the City of Raytown to authorize and approve the professional services of emergency sanitary sewer repair from Leath & Sons, Inc. and approve project expenses for the Southwood Lagoon located off 87th Street in an amount not to exceed \$19,325.85;

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

THAT the professional services of emergency sanitary sewer repair from Leath & Sons, Inc. and approving project expenses for the Southwood Lagoon located off 87th Street in the amount of \$16,805.00, is hereby authorized and approve; and

FURTHER THAT, the Board of Aldermen finds it is in the best interest of the City to authorize and approve an additional \$2,520.75 to fund any changes for a total amount not to exceed \$19,325.75; 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 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

George E. Kapke, City Attorney



Public Works Department

10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6012
www.raytown.mo.us

Inter-office Memorandum

Date: October 18, 2018

To: Damon Hodges and Missy Wilson
Assistant City Administrators
Cc: Tony Mesa

From: Jason Hanson
City Engineer

Re: 87S-264 emergency manhole replacement

October 12th, 2018 During recent preparations for our annual root control project staff went out to investigate all manholes and segments that were to be treated. The investigations and treatments are a part of a three (3) year cycle for root treatments and a part of the five (5) year cycle for routine maintenance and cleaning.

During the investigation staff found a back up at 87S-264 that required bypass pumping and hiring and outside company to come in and open the line due to the remote location and equipment requirements that we are unable to meet during wet conditions. Staff brought in Ace pipe with specialized equipment to attempt to open the blockage and mitigate the sanitary sewer overflow. Staff worked with Ace Pipe to open the line sufficiently to eliminate the need for bypass pumping at this time. The expenditure for sufficiently clearing the blockage enough to eliminate bypass pumping for now was \$5,280.00

Staff worked to investigate the cause of the blockage during and after the blockage was cleared. Staff found tree roots to have played a role in the blockage during the process of partially clearing the blockage. During the post incident evaluation staff found the condition of the downstream pipe near the manhole is in such compromised condition we were unable completely clear the main, additionally we determined the condition of the manhole to have decade significantly that it needs to be replaced to ensure any reduction of I&I and make a clean connection of the new pipe. This project should be handled as an emergency purchase and repairs made ASAP.

The normal source for this type of repair would be Wiedenmann Inc however we have them working on other emergencies and due to the nature of this project staff reached out to Leath and sons to get a contractor without having to reprioritize our existing emergency projects. Staff received and estimate of \$16,805.00 and 15% contingency due to the rocky and uncertain conditions would be \$19,325.75. to be funded from 501.62.00.100.57000 Staff recommends moving forward with Leath and Sons,



Public Works Department

10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6012
www.raytown.mo.us

Inter-office Memorandum

Respectfully,

A handwritten signature in blue ink that reads "Damon L. Hodges". The signature is written in a cursive style with a long horizontal stroke at the end.

Damon Hodges
Director of Public Works

Approval (Purchasing Policy Section 2 & 6): - Missy Wilson – Co-Interim City Administrator



Public Works Department

10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6012
www.raytown.mo.us

Inter-office Memorandum



Established in 1849 as Ray's Town
On the Santa Fe, California and Oregon Trail



Public Works Department

10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6012
www.raytown.mo.us

Inter-office Memorandum



Established in 1849 as Ray's Town
On the Santa Fe, California and Oregon Trail

PROJECT FORM

PROJECT: Emergency replacement of manhole 87S-264, drop structure and up to 4ft of 8in PVC SDR26

FISCAL YEAR: 2018

PROJECT NO:

FUND: 501.62.00.100.57000

DEPARTMENT: Public Works

PROJECT DESCRIPTION Remove and install a new manhole, drop structure and connecting pipes up to twenty (20ft) feet each direction to make the appropriate connections and reach good pipe.

LOCATION & AREA MAP:



NEED, JUSTIFICATION, BENEFIT: During recent preparations for our annual root control project staff went out to investigate all of the manholes and segments that were to be treated. During the investigation staff found a back up at 87S-264 that required bypass pumping and hiring and outside company to come in and open the line due to the remote location and equipment requirements that we are unable to meet during wet conditions. Staff worked with Ace Pipe to open the line sufficiently to eliminate the need for bypass pumping at this time. Staff worked to investigate the cause of the blockage during and after the blockage was cleared. Staff found tree roots to have played a roll in the blockage but the condition of the downstream pipe near the manhole is in such compromised condition we were unable completely clear the main, additionally we determined the condition of the manhole to have decayed significantly that it needs to be replaced to ensure any reduction of I&I and make a clean connection of the new pipe. This project should be handled as an emergency purchase and repairs made ASAP.

CONSEQUENCES OF DELAYING OR ELIMINATING THIS PROJECT: Delays or deference of this project will likely result in additional back ups and sanitary sewer overflows. Additionally, any delays may result in the need for an outside vender to be brought in to attempt to open the main enough to stop any sanitary sewer overflow.

THIS PROJECT IS RELATED TO THE FOLLOWING: Sanitary sewers and EPA compliance with the clean water act.

EXPLANATION OF IMPACT ON OPERATING BUDGET:

COMMENTS:



9301 E 63rd St
 Raytown MO 64133
 Office 816-353-8623
 Fax 816-353-7011

Tony Mesa
 City of Raytown Public Works
 1000 E 59th Street
 Raytown, MO 64133

October 16, 2018

RE: Southwood Sewer Lagoon Drop Manhole Replacement

Tony, I am pleased to present a proposal for the Southwood Sewer Lagoon Drop Manhole Replacement. Please let me know if you have any questions.

LEATH & SONS, INC. CITY OF RAYTOWN SOUTHWOOD LAGOON DROP MANHOLE REPLACEMENT					
LINE ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
1	LABOR & EQUIPMENT	1	LS	\$ 12,960.00	\$ 12,960.00
2	4 FT DIA DROP MANHOLE	1	LF	\$ 2,800.00	\$ 2,800.00
3	CONCRETE	1	LS	\$ 405.00	\$ 405.00
4	GRAVEL	1	LS	\$ 400.00	\$ 400.00
5	8" SDR 26 PIPE	20	FT	\$ 12.00	\$ 240.00
				TOTAL	\$ 16,805.00

Sincerely,

David Oshel
 Leath & Sons, Inc.



9301 E 63rd St
Raytown MO 64133
Office 816-353-8623
Fax 816-353-7011

Tony Mesa
City of Raytown Public Works
1000 E 59th Street
Raytown, MO 64133

October 16, 2018

RE: Southwood Sewer Lagoon Drop Manhole Replacement

Tony, I am pleased to present a proposal for the Southwood Sewer Lagoon Drop Manhole Replacement. Please let me know if you have any questions.

LEATH & SONS, INC. CITY OF RAYTOWN SOUTHWOOD LAGOON DROP MANHOLE REPLACEMENT					
LINE ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
1	LABOR & EQUIPMENT	1	LS	\$ 12,960.00	\$ 12,960.00
2	4 FT DIA DROP MANHOLE	1	LF	\$ 2,800.00	\$ 2,800.00
3	CONCRETE	1	LS	\$ 405.00	\$ 405.00
4	GRAVEL	1	LS	\$ 400.00	\$ 400.00
5	8" SDR 26 PIPE	20	FT	\$ 12.00	\$ 240.00
				TOTAL	\$ 16,805.00

Sincerely,

David Oshel
Leath & Sons, Inc.

Raytown, MO



Legend

- Manhole
 - all other values-
 - GPS
 - Office
- Manhole Number
 - all other values-
 - GPS
 - Office
- Gravity Main
 - Abandoned
 - Active
- Lift Station
- Force Main
- Road
- Parcel
- Address Point
- City Limit

1 in. = 214ft.



Notes

428.3 0 214.13 428.3 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

CITY OF RAYTOWN
Request for Board Action

Date: November 5, 2018 **Resolution No.:** R-3145-18
To: Mayor and Board of Aldermen
From: Damon Hodges, Co-Interim City Administrator, Assistant City Administrator,
Director of Public Works

Department Head Approval: _____

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

City Administrator Approval: _____

Action Requested: Authorize the purchase of motor vehicle fuel from John Moore Oil Company. Total purchases to exceed \$15,000.00, but not to exceed budgeted Fiscal Year 2018-2019 amount of \$167,200.00

Recommendation: Staff recommends approval.

Analysis: The City of Raytown is presently purchasing fuel from John Moore Oil Company utilizing a cooperative purchasing contract administered by Lee's Summit, Missouri. This contract provides the City of Raytown favorable pricing associated with the purchasing power of Lee's Summit. The contract renewal period will be February 19, 2018 through February 18, 2019.

Through the evaluation of alternative cooperative contracts, the Lee's Summit, Missouri cooperative oil contract was determined to be the most cost-effective contract for the City of Raytown. The contract is a one-year renewable contract that was originally put into effect August 21, 2015 and has the opportunity for four possible one-year renewals.

The Lee's Summit / John Moore Oil cooperative contract is a rack price plus a fixed profit contract. The contract provides the City the opportunity to purchase fuel at the wholesale market price plus \$0.135 per gallon profit paid to John Moore Oil and \$0.1762 in taxes that we are not exempt from paying. A purchase of unleaded on one week in October yielded a rack price of \$1.575 per gallon plus the profit of \$0.135 equaled \$1.71 per gallon before taxes. The after taxes cost was \$1.8862 per gallon which represents a substantial savings from buying fuel at a regular fuel station.

City Wide Fuel Budget for FY2019:

Police =	\$65,000
Public Works =	\$60,500
EMS =	\$ 1,000
Comm. Dev. =	\$ 6,000
Parks & Rec =	\$ 7,500
Sewer Dept. =	\$27,200

Alternatives: Seek a stand-alone contract based on the City of Raytown needs.

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:	General Fund,	Park Fund,	Sewer Fund
	101.62.00.100.55000	201.62.00.100.55000	501.62.00.100.55000

Amount to Spend: not to exceed \$167,200.00

Additional Reports Attached: City of Lee's Summit, Missouri Cooperative Purchase Contract

A RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE OF FUEL FROM JOHN MOORE OIL COMPANY OFF THE CITY OF LEE'S SUMMIT, MISSOURI COOPERATIVE PURCHASE CONTRACT FOR FISCAL YEAR 2018-2019 IN AN AMOUNT NOT TO EXCEED \$167,200.00

WHEREAS, the City of Raytown purchases diesel and gasoline fuel for use and operation of various vehicles owned and operated by the City; and

WHEREAS, the City of Raytown in the adoption of its purchasing policy has approved the practice of purchasing equipment and supplies from competitive bids awarded by other governmental entities through a competitive bidding process; and

WHEREAS, the City of Lee's Summit, Missouri has competitively bid the purchase of diesel and gasoline fuel and has determined John Moore Oil Company to be the most competitive bid; and

WHEREAS, the cost of fuel anticipated to be purchased for such purposes from John Moore Oil Company is anticipated to exceed \$15,000.00 during Fiscal Year 2018-2019; 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 purchase of fuel from John Moore Oil Company off the City of Lee's Summit, Missouri Cooperative Purchase Contract for Fiscal Year 2018-2019 in an amount not to exceed \$167,200.00.

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

THAT the purchase of fuel from John Moore Oil Company off the City of Lee's Summit, Missouri Cooperative Purchase Contract for Fiscal Year 2018-2019 in an amount not to exceed \$167,200.00 is hereby authorized and approved; 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 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

George E, Kapke, City Attorney



LEE'S SUMMIT MISSOURI

NOTICE TO PROCEED-RENEWAL

October 3rd, 2018

John Moore Oil Company
Attn: Josh Moore
PO Box 416
Blue Springs, MO 64013

Re: Renewal of Yearly Contract for Various Fuel Products & Related Services
Contract #2015-103/3R (Replaces Contract 2015-103/2R)

Dear Mr. Moore:

I am pleased to inform you the above referenced contract has been renewed with your company. The contract period will be October 19th, 2018 through October 18th, 2019. A copy of the contract document is enclosed. This is the third of a possible four (4) renewal periods.

The using departments will place orders with your company using a Purchase Order number. This Purchase Order number must be referenced on all invoices, delivery tickets, and all associated paperwork.
OR

To ensure prompt payment, all invoices must be sent to Accounts Payable at ap@cityofls.net, via fax at 816-969-1113, or by US Mail to Attention Accounts Payable, City of Lee's Summit, 220 S.E. Green Street, Lee's Summit, MO 64063. Payment will be made within 30 days after receipt of the invoice by the City of Lee's Summits Accounts Payable Division.

I look forward to doing business with your company during this new contract period. Please do not hesitate to contact me if any questions or concerns arise at 816-969-1085.

Thank you,

Tarah Daugherty

Procurement Officer II

cc: Bid file
Accounts Payable

THIS RENEWAL CONTRACT, made this 29th day of October 2018, is herein called Yearly Contract for Various Fuel Products and Related Services between the City of Lee's Summit, Missouri, a Missouri Constitutional Charter City, (hereinafter "City") and John Moore Oil Company, (hereinafter "Supplier").

WHEREAS, City has caused to be prepared, an Invitation for Bid, General Terms and Conditions, Special Conditions and/or Specifications, for Term and Supply Contract and any special bid clauses/addenda listed under Special Attachments below (hereinafter "Contract Documents"), said contract documents setting forth such equipment, supplies, labor and/or services to be furnished as therein fully described; and

WHEREAS, Supplier did on the 21st day of August 2015, file with City his Bid to furnish such equipment, supplies, labor and/or services, as specified; and

WHEREAS, the aforementioned documents adequately and clearly describe the terms and conditions upon which the Supplier is to furnish such equipment, supplies, labor and/or services as specified, IT IS AGREED,

1. The City of Lee's Summit, Missouri, acting through its Procurement and Contract Services Manager does hereby accept, with modifications, if any, the Bid of Supplier.
2. The Supplier's response to Bid No. 2015-103 is hereby incorporated by reference as if fully set forth herein and the City's Contract Documents become the agreement and contract between the parties hereto; that both parties hereby accept and agree to the terms and conditions of said bid documents, and that the parties are bound thereby and that the compensation to be paid the Supplier is as set forth in the Supplier's Bid. In the event of a conflict between the Supplier's Bid and the City's Contract Documents, the City's Contract Documents shall control. Items not awarded, if any, have been deleted.
3. Services shall only be provided after receipt of a written request or order from the City after the Department Head for the Department requesting the services, or his/her designee, has determined that budgeted funds are available to cover the cost of the services.
4. That this Renewal Contract shall be effective on the 19th day of October 2018. Contract period from October 19th, 2018 to October 18th, 2019. The City may, at its option, renew the Contract for up to one (1) additional one-year contract periods by giving written notice to the supplier. Any increase in cost at the beginning of each renewal period will be limited to that allowed per Bid # 2015-103; Section 2.1.2; Renewal Option. All pricing identified on the pricing page shall be in effect for the stated contractual period.
5. No financial obligation shall accrue against the City until Supplier makes delivery pursuant to order of the City Manager.
6. This Renewal Contract may be terminated by either party upon sixty (60) days prior notice in writing to the other party. The City may terminate this contract immediately, under breach of contract, if the Supplier fails to perform in accordance with the terms and conditions as referenced to and incorporated above. In the event of any termination of contract by the Supplier, the City may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Supplier will be liable for all costs in excess of the established contract pricing.
7. The City is exercising the option of renewing this Contract for the second renewal period, based on performance, quality of work and service and the acceptance of the agreed upon 0% price increase above the original bid pricing with the Exception of Fuel Additives on Revised Attachment I, Lines 8-12 of which list price has increased but % Markup remains the same for this renewal period submitted by Supplier. Any increase in cost at the beginning of each renewal period will be limited to the current Federal Price Index "CPI-U, All Items" (Urban Consumers Index CPI Rate).

Special Attachments: Renewal Pricing Sheet(s), Insurance Requirements, General Terms & Conditions. AWO 25.1.

Sarah [Signature]
 Procurement Officer of Record
[Signature] 10/24/18
 Stephen A. Arbo, City Manager Date

John Moore Oil Company
 Company Name
[Signature]
 Company Authorized Signature
Vice President 9-28-18
 Title Date
Josh Moore
 Type or Print the Name of Authorized Person

APPROVED AS TO FORM:
[Signature]
 Office of the City Attorney

FUEL QUALITY SERVICES

REVISED ATTACHMENT-G

6.0 Supplier shall provide products and services to maintain fuel quality. Maintenance services provided shall detect, diminish, and remove free and suspended moisture content, particulate matter, microbial contamination, and Ethanol phase separation throughout the year. Note: Fuel additive products used for restoring fuel quality will be at the cost provided on Attachment G.

6.1.5 Tank Fuel Sampling: Once a year minimum and as required, supplier shall bottom sample fuel in storage tanks using "beacon bomb" or similar method to extract fuel for visual inspection. Based on visual inspection one or more of the following lab analysis might be required:

	SERVICE	UNIT	COST
1	Customer request for additional tank sampling	Per Sample	\$200.00
Diesel Fuel			
2	Microbial Contamination (Positive/Negative)		
3	Distillation (D-86)		
4	API Gravity (D-287)		
5	Cetane Index (D976)		
6	Water by Karl Fisher (ASTM D-6304)		
7	Water & Sediment (D-1796)	Per Test	\$200.00
Unleaded and Ethanol Blend Fuel (Octane Test)			
	Microbial Contamination (Positive/Negative)		
	Distillation (D-86)		
	API Gravity (D-287)	Per Test	
	Cetane Index (D976)		
5.9	Fuel Reconditioning and Tank Bottom Sweep Service		
1	On-Site Mobilization Fee	Per Site	\$600.00
2	0-5,000 gal Horizontal UST Tank Bottom Sweep-moderate water and/or sediment	Per Tank	\$550.00
3	0-5,000 gal Horizontal AST Tank Bottom Sweep-moderate water and/or sediment	Per Tank	\$850.00
4	Per Hour Rate for 0-5,000 gal-Vertical or Heavy water and sediment	Hour	\$175.00
5	Disposal of Diesel Waste	Per Gal	\$3.00
6	Disposal of Unleaded Waste	Per 55 gal	\$275.00
7	Additional to Tank Bottom Sweep: hourly service rate to recondition fuel in the tank	Per Hour	\$175.00
5.10	Micro-Biocide Treatment: Property mix/agitate fuel with approved dual-phase biocide		
1	Add Micro-Biocide product to fuel and mix/agitating (0-5,000 gal Tank)	Per Tank	\$175.00
5.11	Supplier shall provide emergency services when air/ground water enters the fuel storage tank, at a level of 2" or more, to include:		
1	After-Hours On-Site Equipment Mobilization Fee	Per Site	\$600.00
2	After-Hours Hourly Service Rate	Per Hour	\$250.00
3	Water Coalescer Filter	Per Filter	\$50.00
4	Water Contact Diesel	Per 55 gal	\$275.00
5	Water Contact Gasoline	Per 55 gal	\$275.00

** Section 5.8, Diesel Fuel-Line items 2-7 shall be one fixed cost CHECK BID DOC

***Section 5.8, Unleaded and Ethanol Blend Diesel Fuel (Octane Test)-Line items shall be one fixed cost

Respondent: John Moore Oil Co

Supplier's Authorized Signature

DATE

X S-H-115

REVISED ATTACHMENT I

TANKWAGON DELIVERED PRICING-4,000 gallons or LESS

ITEM NO.	ITEM AND SPECIFICATION	Unit	State of Mo Tax	MUST FEE	LUST FEE	MO INSP. FEE	KS INSP. FEE	FED OIL SPILL FEE	MARGIN COST ABOVE RACK	TOTAL CHARGE (PER GAL)- 4,000 Gallons or Less
11	Gasoline, Unlead: 87 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.13500	0.31101
12	Gasoline, Unlead: 89 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.13500	0.31101
13	Gasoline, Unlead: 91 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.13500	0.31101
14	Diesel Fuel, Clear: #1, ULSD	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.13500	0.31120
15	Diesel Fuel, Clear: #2, ULSD	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.13500	0.31120
16	Diesel Fuel #2, Red Dye, Off-Road ULSD	GAL	0.00500							
17	X1 Pipeline Additive, or Equivalent	GAL	0.02750							
	Customer Specific Fuel Additives:		LSMO List Price	% Markup	Discount					TOTAL CHARGE PER FUEL GALLON
18	Power Service Additive, Clear Diesel at 1:1000 Ratio	GAL	0.00375	20.00000%	0.00000					0.04500
19	Power Service Additive, Diesel Kleen at 1:1500 Ratio	GAL	0.02375	20.00000%	0.00000					0.02850
110	Power Service Additive Supplement at 1:1500 Ratio	GAL	0.02292	20.00000%	0.00000					0.02750
111	Power Service Additive, Artic Express at 1:1500 Ratio	GAL	0.02292	20.00000%	0.00000					0.02750
112	Power Service Additive, BioKleen at 16 oz: 1:500 Ratio	GAL	0.05000	20.00000%	0.00000					0.06000

Change for BR

Discount for prompt payment: _____ % Net 20 (Calendar Days)

Respondent: John Moore Oil Company

Signature: *John Moore*

Date: X 8-31-18

TRANSPORT DELIVERED
PRICING-4,001 GALLONS OR MORE

REVISED ATTACHMENT J

ITEM NO.	ITEM AND SPECIFICATION	Unit	Rates of Mile Tax	MUST FEE	LAST FEE	MO INSP. FEE	NS INSP. FEE	FED OIL SPILL FEE	MARGIN COST ABOVE BACK	TOTAL CHARGE (PER GAL)-2,003 Gallons or More
11	Gasoline, Unleaded 87 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.05000	0.22501
12	Gasoline, Unleaded 89 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.05000	0.22501
13	Gasoline, Unleaded 91 Octane, 10% Ethanol Blend	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.05000	0.22501
14	Diesel Fuel, Clear #1, ULSD	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.05000	0.22501
15	Diesel Fuel, Clear #2, ULSD	GAL	0.17000	0.00250	0.00100	0.00050	0.00030	0.00171	0.05000	0.22501
16	Diesel Fuel #2, Red Dyes, Off-Road ULSD	GAL	0.09500							
17	1. Pipeline Additives, or Equivalent	GAL	0.02500							
	Customer Specific Fuel Additives:		LSMO List Price	% Markup	Discount					
18	Power Service Additive, Clear Diesel at 1:1000 Ratio	GAL	\$ 0.02390	20.00000%	0.00000				\$	0.02390
19	Power Service Additive, Diesel Klean at 1:1500 Ratio	GAL	\$ 0.01930	20.00000%	0.00000				\$	0.01930
20	Power Service Additive Supplement at 1:1500 Ratio	GAL	\$ 0.03890	20.00000%	0.00000				\$	0.03890
21	Power Service Additive, Arctic Express at 1:1500 Ratio	GAL	\$ 0.01390	20.00000%	0.00000				\$	0.01390
22	Power Service Additive, BioWash at 80 oz. 1:600 Ratio	GAL	\$ 0.04594	20.00000%	0.00000				\$	0.04594
23	Spill-Load Charge	Load	\$100.00						\$	
24	Spill-Load Delivery Charge	Load	\$100.00						\$	
TOTAL CHARGE PER FUEL GALLON										

Discount for prompt payment: N/A % Net 20 [Calendar Days]

Respondent: John Moore Oil Co

Signature: *John Moore*

Date: 8-14-15

REVISED ATTACHMENT K

SUPPLIER RACK PRICE SHEET

Date 7/31/2015

Supplier	Terminal	10% Ethanol Unleaded 87 Octane	10% Ethanol Unleaded 89 Octane	10% Ethanol Unleaded 91 Octane	Diesel Fuel, Clear: #1, ULSD	Diesel Fuel, Clear: #2, ULSD	#2 Red Dye Off-Road ULSD
P66 Unbranded Contract	Phillips 66	\$ 1.8326	\$ 2.1336	\$ 2.3486	N/A	\$ 1.6004	\$ 1.6039
Coffeyville Resources	Magellan	\$ 1.8326	\$ 2.1336	\$ 2.3486	\$ 1.8131	\$ 1.6331	\$ 1.6366
Growmark	Magellan	N/A	N/A	N/A	\$ 1.9116	\$ 1.6511	\$ 1.6546
Sinclair Branded	Sinclair	\$ 1.9560	\$ 2.2460	\$ 2.5560	\$ 1.9450	\$ 1.6650	\$ 1.6675
Phillips 66 Branded	Phillips 66	\$ 1.9704	\$ 2.2719	\$ 2.4881	N/A	\$ 1.6735	\$ 1.6786
		\$ /Gal	\$ /Gal	\$ /Gal	\$ /Gal	\$ /Gal	\$ /Gal

Respondent: John Moore Oil Co

x 8-14-15

John Moore
Signature

Date

REVISED ATTACHMENT 1

CITY OF LEE'S SUMMIT TANK LOCATIONS

NOTES: DELIVERY TIMES ARE FROM 7:00 A.M. TO 3:30 P.M.
CITY OF LEE'S SUMMIT MICHIGAN

LEE'S SUMMIT, MD 54082

Location	Contact	Phone	Tank Lease or Owned	Above or Below	Tank Capacity	Type of Fuel	Disp. Class / Delivery (month)	Yearly Gallons
City of Lee's Summit Fire Dept 297 SE Douglas Lee's Summit MO 64083	Debbie Lewis Mark Simpson	(816) 969-3569 (816) 969-1061	Own	Below	4100	On-road Fuel #2-Clear	(weekly)	97,650
City of Lee's Summit Fleet 1571 SE Rhombien Lee's Summit MO 64082	Debbie Lewis Mark Simpson	(816) 969-1060 (816) 969-1061	Own	Above	4100	On-road Fuel #2-Clear	1200 (bi-weekly)	94,152
City of Lee's Summit Water Utilities 636 NE Douglas Lee's Summit, MO 64083	Debbie Lewis Mark Simpson	(816) 969-1060 (816) 969-1061	Own	Below	4000	On-road Fuel #2-Clear	3000 (monthly)	12,000
City of Lee's Summit Airport 2751 NE Douglas Lee's Summit MO 64084	John Dronos	(816) 969-1180	Lease	Above	500	On-road Fuel #2-Clear	500 (6-8 weeks)	3000
City of Lee's Summit Water Meter Station 1359 NW Wind Rd Lee's Summit MO 64083	Mike Ryan	816-969-3950	Own	Above	3800	On-road Fuel #2 Diesel	every 26 months	1200
City of Lee's Summit Solid Waste 2101 SE Hamilton Rd Lee's Summit, MO 64085	Chris Buxton	316-969-1851	Lease	Above	2970	On-road Fuel #2 Diesel	1500 (monthly)	60,000-70,000
City of Lee's Summit Park & Rec Admin 1803 NE Kayellcrest Drive Lee's Summit MO 64083	Douglas Weibel	816-969-1551	Lease	Above	300	On-road Fuel #2 Diesel	6 times a year	2400
City of Lee's Summit Water Utilities 2211 SE Douglas Road Lee's Summit MO 64083	Mike Ryan	816-969-1850	Own	Above	3000	On-road Fuel #2 Diesel	500 (every 16 months)	500
City of Lee's Summit Police Dept 10 NE Taylor Rd Lee's Summit MO 64085	Debbie Lewis Mark Simpson	(816) 969-1060 (816) 969-1061	Own	Above	3000	Unleaded, 87 Octane	1200 (twice a year)	94,152
City of Lee's Summit Fire Dept 207 NE Douglas Lee's Summit MO 64083	Debbie Lewis Mark Simpson	(816) 969-1060 (816) 969-1061	Own	Below	4000	Unleaded, 87 Octane	1600 (monthly)	56,492
City of Lee's Summit Airport 2751 NE Douglas Lee's Summit MO 64084	John Dronos	(816) 969-1180	Own	Above	2500	Unleaded, 87 Octane	1500 (every 12 weeks)	6000

Responsible: John Moore O.I Co.
John Moore
 Signature
 Date: 8-14-15

A RESOLUTION AUTHORIZING AND APPROVING THE CONTINUATION OF AN AGREEMENT WITH INFINITY BUILDING SERVICES FOR MOWING SERVICES IN AN AMOUNT NOT TO EXCEED \$28,000.00 FOR FISCAL YEAR 2018-2019

WHEREAS, the City solicited sealed bids from qualified firms interested in providing mowing services to the City of Raytown; and

WHEREAS, the City received three (3) sealed bids in response which were opened on February 2, 2018; and

WHEREAS, Infinity Building Services submitted its bid and was determined to be the lowest and best bidder qualified to provide such services; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to authorize and approve the continuation of an agreement with Infinity Building Services in an amount not to exceed \$28,000.00 for fiscal year 2018-2019;

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

THAT a continuation of an agreement for mowing services with Infinity Building Services as set forth in "Exhibit A" for such purposes in an amount not to exceed \$28,000.00 for fiscal year 2018-2019 is hereby authorized and approved;

FURTHER THAT the City Administrator is hereby authorized to execute all documents necessary and to take any and all actions necessary to effectuate the terms of the contract and the City Clerk is authorized to attest to the same.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 13th day of November, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

George E. Kapke, City Attorney

Bid Tabulation, 2:00pm, February 6, 2018
2018 Raytown Mowing Services (Public Works)

Grounds Maintenance Location	Est. # of times	Approx. Frequency	1.		2.		3.		Engineer's Estimate	
			Infinity Bldg Services		Xscapes LLC		4Dyce Lawn & Landsc.			
			Cost Per Mow	Approx. Season Cost	Cost Per Mow	Approx. Season Cost	Cost Per Mow	Approx. Season Cost	Cost Per Mow	Approx. Season Cost
1. City Hall Property (front, side, immed. rear)	30	every week	\$ 75.00	\$ 2,250.00	\$ 168.00	\$ 5,040.00	\$ 105.00	\$ 3,150.00	\$ 70.00	\$ 2,100.00
2. City Hall Property (rear)	30	every week	\$ 60.00	\$ 1,800.00	\$ 27.00	\$ 810.00	\$ 105.00	\$ 3,150.00	\$ 70.00	\$ 2,100.00
3. ROW at 59St and Raytown Road	15	every 2 weeks	\$ 80.00	\$ 1,200.00	\$ 58.00	\$ 870.00	\$ 170.00	\$ 2,550.00	\$ 90.00	\$ 1,350.00
4. Vacant lot 62nd Street & Raytown Rd	15	every 2 weeks	\$ 60.00	\$ 900.00	\$ 48.00	\$ 720.00	\$ 200.00	\$ 3,000.00	\$ 70.00	\$ 1,050.00
5. Raytown Trfy east ROW (59T to 65th)	15	every 2 weeks	\$ 40.00	\$ 600.00	\$ 90.00	\$ 1,350.00	\$ 85.00	\$ 1,275.00	\$ 40.00	\$ 600.00
6. Wooden Bridge on east & west sides	15	every 2 weeks	\$ 40.00	\$ 600.00	\$ 105.00	\$ 1,575.00	\$ 25.00	\$ 375.00	\$ 40.00	\$ 600.00
7. Detention Basin at 67th and Hardy	15	every 2 weeks	\$ 50.00	\$ 750.00	\$ 27.00	\$ 405.00	\$ 50.00	\$ 750.00	\$ 50.00	\$ 750.00
8. ROW at 67th Street and Railroad bridge	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 53.00	\$ 795.00	\$ 25.00	\$ 375.00	\$ 30.00	\$ 450.00
9. Det. Basin from Lakeshore Dr to Woodson	10	every 3 weeks	\$ 90.00	\$ 900.00	\$ 121.00	\$ 1,210.00	\$ 140.00	\$ 1,400.00	\$ 115.00	\$ 1,150.00
10. Detention Basin at 75 St and Westridge	10	every 3 weeks	\$ 70.00	\$ 700.00	\$ 27.00	\$ 270.00	\$ 135.00	\$ 1,350.00	\$ 80.00	\$ 800.00
11. 63rd Street, East of Woodson	10	every 3 weeks	\$ 40.00	\$ 400.00	\$ 27.00	\$ 270.00	\$ 10.00	\$ 100.00	\$ 45.00	\$ 450.00
12. Detention Basin at Mount Olivet	10	every 3 weeks	\$ 120.00	\$ 1,200.00	\$ 27.00	\$ 270.00	\$ 220.00	\$ 2,200.00	\$ 135.00	\$ 1,350.00
13. Detention Basin at 8024 Spring Valley Rd	10	every 3 weeks	\$ 50.00	\$ 500.00	\$ 32.00	\$ 320.00	\$ 105.00	\$ 1,050.00	\$ 60.00	\$ 600.00
14. Detention Basin on 87th Street	10	every 3 weeks	\$ 200.00	\$ 2,000.00	\$ 27.00	\$ 270.00	\$ 500.00	\$ 5,000.00	\$ 215.00	\$ 2,150.00
15. Woodson Rd., East Side, N. of 72nd St.	10	every 3 weeks	\$ 25.00	\$ 250.00	\$ 32.00	\$ 320.00	\$ 30.00	\$ 300.00	\$ 45.00	\$ 450.00
16. Storm ditch south of 59St at Claremont	10	every 3 weeks	\$ 90.00	\$ 900.00	\$ 27.00	\$ 270.00	\$ 55.00	\$ 550.00	\$ 120.00	\$ 1,200.00
17. -----N/A-----	---N/A---	-----N/A-----	-----	-----	-----	-----	-----	-----	-----	-----
18. Storm ditch at 5433 Hardy	10	every 3 weeks	\$ 30.00	\$ 300.00	\$ 42.00	\$ 420.00	\$ 10.00	\$ 100.00	\$ 40.00	\$ 400.00
19. Island at 51st Street & Woodson	10	every 3 weeks	\$ 20.00	\$ 200.00	\$ 27.00	\$ 270.00	\$ 10.00	\$ 100.00	\$ 20.00	\$ 200.00
20. ROW of 57th Terr east of Sterling	10	every 3 weeks	\$ 25.00	\$ 250.00	\$ 32.00	\$ 320.00	\$ 25.00	\$ 250.00	\$ 30.00	\$ 300.00
21. ROW of 58th Street east of Sterling	10	every 3 weeks	\$ 25.00	\$ 250.00	\$ 32.00	\$ 320.00	\$ 25.00	\$ 250.00	\$ 30.00	\$ 300.00
22. Storm ditch south of 59St at Northern	10	every 3 weeks	\$ 50.00	\$ 500.00	\$ 37.00	\$ 370.00	\$ 65.00	\$ 650.00	\$ 55.00	\$ 550.00
23. 9107-9111 E. 85th Street, vacant ROW	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 69.00	\$ 1,035.00	\$ 18.00	\$ 270.00	\$ 50.00	\$ 750.00
24. Blue Ridge Blvd sw corner at 67th Street	15	every 2 weeks	\$ 50.00	\$ 750.00	\$ 69.00	\$ 1,035.00	\$ 60.00	\$ 900.00	\$ 45.00	\$ 675.00
25. Island at Hunter and 70th	15	every 2 weeks	\$ 20.00	\$ 300.00	\$ 32.00	\$ 480.00	\$ 12.00	\$ 180.00	\$ 20.00	\$ 300.00
26. Island at 8820 Richards Drive	15	every 2 weeks	\$ 20.00	\$ 300.00	\$ 32.00	\$ 480.00	\$ 12.00	\$ 180.00	\$ 20.00	\$ 300.00
27. Island at 68Terr and Hawthorne	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 32.00	\$ 480.00	\$ 28.00	\$ 420.00	\$ 30.00	\$ 450.00
28. Island at 78 Terr and Englewood	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 32.00	\$ 480.00	\$ 22.00	\$ 330.00	\$ 25.00	\$ 375.00
29. Island at 78 Terr west of Crisp	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 32.00	\$ 480.00	\$ 10.00	\$ 150.00	\$ 25.00	\$ 375.00
30. Island at 65 Terr and Lane	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 32.00	\$ 480.00	\$ 10.00	\$ 150.00	\$ 20.00	\$ 300.00
31. Island at 64 Terr and Evanston	15	every 2 weeks	\$ 20.00	\$ 300.00	\$ 32.00	\$ 480.00	\$ 12.00	\$ 180.00	\$ 20.00	\$ 300.00
32. EMS Facility, 10020 E. 66th Terrace	30	every week	\$ 25.00	\$ 750.00	\$ 105.00	\$ 3,150.00	\$ 40.00	\$ 1,200.00	\$ 30.00	\$ 900.00
33. Island at 84th and Hedges	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 53.00	\$ 795.00	\$ 22.00	\$ 330.00	\$ 25.00	\$ 375.00
34. ROW - 8318 J.A. Reed to 8401 Greenwood	15	every 2 weeks	\$ 25.00	\$ 375.00	\$ 63.00	\$ 945.00	\$ 28.00	\$ 420.00	\$ 25.00	\$ 375.00
35. Detention Basin at Ditzler & Gregory	10	every 3 weeks	\$ 25.00	\$ 250.00	\$ 42.00	\$ 420.00	\$ 38.00	\$ 380.00	\$ 30.00	\$ 300.00
TOTAL BASE BID =				\$ 22,100.00		\$ 27,205.00		\$ 33,015.00		\$ 24,675.00
			Infinity Bldg Services		Xscapes LLC		4Dyce Lawn & Landsc.			



BID RESULTS

2018 Raytown Mowing Project

2:00pm, Tuesday, February 6, 2018

CONTRACTOR		Public Works Bid
1.	Infinity Building Services, LLC	\$22,100.00
2.	Xscapes LLC	\$27,205.00
3.	4Dyce Turf Lawn & Landscape	\$33,015.00
Engineer's Estimate		\$24,675.00

Infinity Building Services

Public Works

2018 Prices	\$22,100.00
2019, 0% Increase	\$22,100.00
2020, 0% Increase	\$22,100.00

Xscapes LLC

Public Works

2018 Prices	\$27,205.00
2019, 2% Increase	\$27,749.10
2020, 3% Increase	\$28,581.57

4Dyce Turf Lawn & Landscape

Public Works

2018 Prices	\$33,015.00
2019, 5% Increase	\$34,665.75
2020, 5% Increase	\$36,399.04