RAYTOWN BOARD OF ALDERMEN
SEPTEMBER 18, 2018
REGULAR SESSION NO. 36
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.

OPENING SESSION

Invocation/Pledge of Allegiance
Roll Call

Proclamations/Presentations

- ★ Swearing in of Police Officer Emmanuel Salazar Villagomez
- ★ A Proclamation recognizing Child Passenger Safety Week

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

STUDY SESSION

9 Month Financial Report
Michael Keenan, Finance Consultant

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 September 4, 2018 Board of Aldermen meeting minutes.

R-3128-18: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF TINA COCHRAN TO THE PLANNING & ZONING COMMISSION. Point of Contact: Teresa Henry, City Clerk.

R-3129-18: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF DAVID FRAIZER TO THE PLANNING & ZONING COMMISSION. Point of Contact: Teresa Henry, City Clerk.

REGULAR AGENDA

NEW BUSINESS

2. **FIRST READING: Bill No. 6478-18, Section XIII. AN ORDINANCE** APPROVING THE AMENDED AND CORRECTED FINAL PLAT OF TIDAL WAVE AUTO SPA, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Missy Wilson, Assistant City Administrator.

- ★ Applicant and Staff are requesting a suspension of the rules.

3. **FIRST READING: Bill No. 6479-18, Section V-A. AN ORDINANCE** AUTHORIZING AND APPROVING AN EMERGENCY MEDICAL SERVICES LICENSE TRANSFER AGREEMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS PERTAINING THERETO. Point of Contact: Missy Wilson, Assistant City Administrator.

   ★ At time of publication, all information regarding this item has not been received. Additional information will be forthcoming.

4. **R-3130-18: A RESOLUTION** AUTHORIZING AND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2017-2018 BUDGET IN THE AMOUNT OF $4,500.00 RELATED TO FUEL AND THE EMERGENCY MEDICAL SERVICES DEPARTMENT. Point of Contact: Doug Jonesi, Emergency Medical Services Director.

DISCUSSION ITEM

5. Raytown Municipal Code - Chapter 2 Proposed Update's, Teresa Henry, City Clerk

CLOSED SESSION

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

610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

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

610.021(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information relating to the performance or merit of an individual employee is discussed or recorded; and/or

610.021(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

ADJOURNMENT

City of Raytown, Missouri
Summary Financial Highlights and Comparisons Between Budget and Actual
for the Nine Months Ending July 31, 2018

General Fund

General Fund revenues were 80% of the budgeted revenues for the 9 months ending July 31, 2018. Property taxes were 97% budgeted amounts as property taxes are primarily received in December and January of the budget year. Sales, Franchise, and Other taxes are tracking close to budgeted amounts. Municipal court revenue is projected be under budget by approximately $240,000 due to less citations. Charges for Services is trending ahead of budget primarily due to EMS revenues exceeding budgeted amounts. License and Permits and Other Revenues are trending ahead of budgeted amount primarily due to increases in building permits and interest revenues.

General Fund expenditures were 68% of the budgeted expenditures for the 9 months ending July 31, 2018. Expenditures by category:

	Actual	Amended Budget	Remaining Budget	% Used
Personnel	$ 5,476,913	$ 7,674,473	$ 2,197,560	71%
Supplies, Services, and Charges	1,084,464	1,869,048	784,584	58%
Repair & Maintenance	272,227	495,436	223,209	55%
Utilities	387,601	673,502	285,901	58%
Transfers out	150,000	150,000	-	100%
	$ 7,371,205	$ 10,862,459	$ 3,491,254	68%

Park Fund

Park Fund revenues were 90% of the budgeted revenues for the 9 months ending July 31, 2018. Property taxes, the most significant budgeted revenues, are primarily received in December and January of the budget year. Sales Taxes and Other are tracking ahead of budgeted amounts. Charges for Services revenues are tracking behind budgeted revenues however some charges for service revenues are received during the last months of the fiscal year.

Park Fund expenditures were 49% of the budgeted expenditures for the 9 months ending July 31, 2018. Personnel costs are lower than budgeted amounts due to vacancies. Several significant repair and maintenance projects and capital outlay acquisitions are scheduled for the last quarter of the fiscal year.

TIF Fund

TIF Fund revenues were 70% of the budgeted revenues for the 9 months ending July 31, 2018. Sales Taxes and Other are trending above budged amounts. Other taxes are below budgeted amounts due to payments made under protest at the County thus delaying the City's receipt of the 350 TIF Pilots.

TIF Fund expenditures were 96% of the budgeted expenditures for the 9 months ending July 31, 2018 as the $1,355,000 principal payment due on the TIF bonds was paid in December.

Sewer Fund

Sewer Fund revenues were 76% of the budgeted revenues for the 9 months ending July 31, 2018.

Sewer Fund expenditures were 70% of the budgeted expenditures for the 9 months ending July 31, 2018. Personnel was at 54% of budget due to vacancies. While Supplies, Services, and Charges were at 76% of budgeted amounts, it is anticipated that the KCMO Treatment costs will exceed budgeted amounts by $290,000 due to increase in rates. Repair and Maintenance and Capital outlay expenditures are scheduled during the last quarter of the fiscal year. Debt service is at 90% of the budgeted amount as all schedule principal payments have been made.

Transportation Sales Tax Fund

Transportation Sales Tax Fund revenues were 52% of the budgeted revenues for the 9 months ending July 31, 2018. Total Sales tax revenues are tracking under budget. Grant funding is on a reimbursement basis. Reimbursable project costs are anticipated to be incurred during the final 3 months of the fiscal year. Budgeted grant revenues included $637,000 related to the Hwy 350 & Raytown Road Project. The project is scheduled to be performed in the FY 2018-2019 year.

Transportation Sales Tax Fund expenditures were 48% of the budgeted expenditures for the 9 months ending July 31, 2018 as certain repair and maintenance and capital outlay expenditures are scheduled to be incurred during the last 3 months of the fiscal year.

Capital Sales Tax Fund

Capital Sales Tax Fund revenues were 75% of the budgeted revenues for the 9 months ending July 31, 2018.

Capital Tax Fund expenditures were only 6% of the budgeted expenditures for the 9 months ending July 31, 2018 as significant outlay expenditures are slated to be incurred during the last 3 months of the fiscal year.

Public Safety Sales Tax Fund

Public Safety Sales Tax Fund revenues were 82% of the budgeted revenues for the 9 months ending July 31, 2018. Sales tax revenues are tracking ahead of budget.

Public Safety Sales Tax Fund expenditures were 68% of the budgeted expenditures for the 9 months ending July 31, 2018 with the most significant positive budget variance related to personnel costs.

Stormwater Sales Tax Fund

Stormwater Tax Fund revenues were 90% of the budgeted revenues for the 9 months ending July 31, 2018 as the total amount of budgeted transfers has been recognized. Total Sales tax revenues are tracking under budget.

Stormwater Fund expenditures were 55% of the budgeted expenditures for the 9 months ending July 31, 2018 as the first 9 months of emergency repair and maintenance expenditures have been less than budgeted.

Risk Management Fund

Risk Management Fund revenues were 58% of the budgeted revenues and 28% of the budgeted expenditures for the 9 months ending July 31, 2018.

Capital Improvement Fund

Capital Improvement Fund revenues were 85% of the budgeted revenues and 13% of the budgeted expenditures for the 9 months ending July 31, 2018. Revenues primarily relate to the Ditzler CID loan interest revenues.

City of Raytown, Missouri
Schedule of Revenues and Expenditures - General Fund (Fund 101)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Property taxes	$ 1,137,063	$ 1,167,055	$ 29,992	97%
Sales taxes	1,958,149	2,697,800	739,651	73%
Franchise taxes	2,874,885	3,575,000	700,115	80%
Other taxes	941,663	1,227,000	285,337	77%
Municipal court receipts	299,562	634,200	334,638	47%
Grants	31,033	55,500	24,467	56%
Charges for Services	970,800	1,084,700	113,900	89%
Licenses and Permits	377,118	350,950	(26,168)	107%
Other	90,421	68,285	(22,136)	132%
Total revenues	8,680,694	10,860,490	2,179,796	80%
Expenditures by Department				
City-wide				
Personnel	-	8,000	8,000	0%
Supplies, Services, and Chrgs	68,175	128,067	59,892	53%
Transfers out	150,000	150,000	-	100%
	218,175	286,067	67,892	76%
Governing body				
Personnel	51,708	73,134	21,426	71%
Supplies, Services, and Chrgs	126,130	186,179	60,049	68%
	177,838	259,313	81,475	69%
Administration				
Personnel	426,725	624,451	197,726	68%
Supplies, Services, and Chrgs	53,614	124,225	70,611	43%
Repair & Maintenance	-	2,750	2,750	0%
Utilities	4,365	7,480	3,115	58%
	484,704	758,906	274,202	64%
Police				
Personnel	2,804,552	3,773,640	969,088	74%
Supplies, Services, and Chrgs	268,573	430,826	162,253	62%
Repair & Maintenance	82,461	126,956	44,495	65%
Utilities	15,537	32,015	16,478	49%
	3,171,123	4,363,437	1,192,314	73%
Finance				
Personnel	225,263	286,924	61,661	79%
Supplies, Services, and Chrgs	103,633	212,241	108,608	49%
Repair & Maintenance	-	2,000	2,000	0%
	328,896	501,165	172,269	66%
Legal				
Personnel	23,576	34,240	10,664	69%
Supplies, Services, and Chrgs	61,857	81,000	19,143	76%
	85,432	115,240	29,808	74%
Court				
Personnel	198,194	299,316	101,122	66%
Supplies, Services, and Chrgs	39,152	64,785	25,633	60%
Repair & Maintenance	180	720	540	25%
Utilities	177	500	323	35%
	237,703	365,321	127,618	65%
Public works				
Personnel	686,042	1,049,003	362,961	65%
Supplies, Services, and Chrgs	80,471	162,911	82,440	49%
Repair & Maintenance	162,309	323,475	161,166	50%
Utilities	357,199	613,710	256,511	58%
	1,286,021	2,149,099	863,078	60%
EMS				
Personnel	697,266	999,039	301,773	70%
Supplies, Services, and Chrgs	151,683	199,687	48,004	76%
Repair & Maintenance	22,546	30,260	7,714	75%
Utilities	7,758	13,297	5,539	58%
	879,253	1,242,283	363,030	71%
Community Development				
Personnel	363,587	526,726	163,139	69%
Supplies, Services, and Chrgs	131,177	279,127	147,950	47%
Repair & Maintenance	4,731	9,275	4,544	51%
Utilities	2,565	6,500	3,935	39%
	502,060	821,628	319,568	61%
Total expenditures	7,371,205	10,862,459	3,491,254	68%
Revenues over(under) expenditures	$ 1,309,489	$ (1,969)	$ (1,311,458)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Park Fund (Fund 201)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Property taxes	$ 567,858	$ 571,500	$ 3,642	99%
Sales taxes	208,179	252,500	44,321	82%
Charges for Services	47,921	105,250	57,329	46%
Other	55,818	52,600	(3,218)	106%
Total revenues	879,776	981,850	102,074	90%
Expenditures				
Personnel	351,163	596,712	245,549	59%
Supplies, Services, and Chrgs	94,262	203,560	109,298	46%
Repair & Maintenance	32,329	104,760	72,431	31%
Utilities	31,883	69,250	37,367	46%
Captial outlay	33,872	135,221	101,349	25%
Total expenditures	543,509	1,109,503	565,994	49%
Revenues over(under) expenditures	$ 336,267	$ (127,653)	$ (463,920)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - TIF Fund (Fund 210)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 1,227,436	$ 1,500,000	$ 272,564	82%
Other taxes	602,108	1,251,505	649,397	48%
Other	235,628	217,500	(18,128)	108%
Total revenues	2,065,172	2,969,005	903,833	70%
Expenditures				
Supplies, Services, and Chrgs	46,415	168,500	122,085	28%
Debt service	3,030,650	3,030,650	-	100%
Total expenditures	3,077,065	3,199,150	122,085	96%
Revenues over(under) expenditures	$ (1,011,893)	$ (230,145)	$ 781,748	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Sewer Fund (Fund 501)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Charges for Services	$ 5,050,806	$ 6,743,915	$ 1,693,109	75%
Other	316,038	293,287	(22,751)	108%
Total revenues	5,366,844	7,037,202	1,670,358	76%
Expenditures				
Personnel	567,914	1,046,315	478,401	54%
Supplies, Services, and Chrgs	3,223,486	4,238,036	1,014,550	76%
Repair & Maintenance	38,630	239,950	201,320	16%
Utilities	6,531	16,000	9,469	41%
Captial outlay	17,665	275,000	257,335	6%
Debt service	1,113,636	1,238,922	125,286	90%
Total expenditures	4,967,862	7,054,223	2,086,361	70%
Revenues over(under) expenditures	$ 398,982	$ (17,021)	$ (416,003)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - TIF Fund (Fund 210)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 1,227,436	$ 1,500,000	$ 272,564	82%
Other taxes	602,108	1,251,505	649,397	48%
Other	235,628	217,500	(18,128)	108%
Total revenues	2,065,172	2,969,005	903,833	70%
Expenditures				
Supplies, Services, and Chrgs	46,415	168,500	122,085	28%
Debt service	3,030,650	3,030,650	-	100%
Total expenditures	3,077,065	3,199,150	122,085	96%
Revenues over(under) expenditures	$ (1,011,893)	$ (230,145)	$ 781,748	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Sewer Fund (Fund 501)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Charges for Services	$ 5,050,806	$ 6,743,915	$ 1,693,109	75%
Other	316,038	293,287	(22,751)	108%
Total revenues	5,366,844	7,037,202	1,670,358	76%
Expenditures				
Personnel	567,914	1,046,315	478,401	54%
Supplies, Services, and Chrgs	3,223,486	4,238,036	1,014,550	76%
Repair & Maintenance	38,630	239,950	201,320	16%
Utilities	6,531	16,000	9,469	41%
Captial outlay	17,665	275,000	257,335	6%
Debt service	1,113,636	1,238,922	125,286	90%
Total expenditures	4,967,862	7,054,223	2,086,361	70%
Revenues over(under) expenditures	$ 398,982	$ (17,021)	$ (416,003)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Transporation Sales Tax Fund (Fund 204)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 848,256	$ 1,215,000	$ 366,744	70%
Grants	404,365	1,237,500	833,135	33%
Other	13,421	4,000	(9,421)	336%
Total revenues	1,266,042	2,456,500	1,190,458	52%
Expenditures				
Public works				
Supplies, Services, and Chrgs	212,566	358,000	145,434	59%
Repair & Maintenance	80,626	195,000	114,374	41%
Captial outlay	1,640,465	3,509,294	1,868,829	47%
Total expenditures	1,933,657	4,062,294	2,128,637	48%
Revenues over(under) expenditures	$ (667,615)	$ (1,605,794)	$ (938,179)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Capital Sales Tax Fund (Fund 205)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 744,299	$ 997,000	$ 252,701	75%
Other	24,054	22,500	(1,554)	107%
Total revenues	768,353	1,019,500	251,147	75%
Expenditures				
Finance				
Supplies, Services, and Chrgs	1,505	2,700	1,195	56%
Capital outlay				
Administration	19,960	53,500	33,540	37%
Police	7,949	214,028	206,079	4%
Public works	55,592	1,490,440	1,434,848	4%
EMS	3,225	122,704	119,479	3%
Community Development	29,528	42,150	12,622	70%
Total expenditures	117,759	1,925,522	1,807,763	6%
Revenues over(under) expenditures	$ 650,594	$ (906,022)	$ (1,556,616)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Public Safety Sales Tax (Fund 207)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 1,110,281	$ 1,354,380	$ 244,099	82%
Other	11,364	6,800	(4,564)	167%
Total revenues	1,121,645	1,361,180	239,535	82%
Expenditures				
Police				
Personnel	780,250	1,140,450	360,200	68%
Supplies, Services, and Chrgs	41,405	55,263	13,858	75%
Utilities	18,507	24,320	5,813	76%
EMS				
Personnel	64,836	109,853	45,017	59%
Supplies, Services, and Chrgs	8,592	15,000	6,408	57%
Total expenditures	913,590	1,344,886	431,296	68%
Revenues over(under) expenditures	$ 208,055	$ 16,294	$ (191,761)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Stormwater Sales Tax Fund (Fund 401)
For the nine month period ending July 31, 2018

	Actual	Amended Budget	Remaining Budget	% Used
Revenues				
Sales taxes	$ 61,189	$ 88,375	$ 27,186	69%
Other	2,538	-	(2,538)	0%
Transfers in	150,000	150,000	-	100%
Total revenues	213,727	238,375	24,648	90%
Expenditures				
Public works				
Supplies, Services, and Chrgs	3,524	4,100	576	86%
Repair & Maintenance	121,106	228,000	106,894	53%
Captial outlay	19,596	30,106	10,510	65%
Total expenditures	144,226	262,206	117,980	55%
Revenues over(under) expenditures	$ 69,501	$ (23,831)	$ (93,332)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Risk Management Fund (Fund 209)
For the nine month period ending July 31, 2018

	Actual	Budget	Remaining Budget	% Used
Revenues				
Other	$ 37,859	$ 65,800	$ 27,941	58%
Total revenues	37,859	65,800	27,941	58%
Expenditures				
Supplies, Services, and Chrgs	31,828	113,300	81,472	28%
Total expenditures	31,828	113,300	81,472	28%
Revenues over(under) expenditures	$ 6,031	$ (47,500)	$ (53,531)	

City of Raytown, Missouri
Schedule of Revenues and Expenditures - Capital Improvement Fund (Fund 402)
For the nine month period ending July 31, 2018

	Actual	Budget	Remaining Budget	% Used
Revenues				
Other	$ 63,596	$ 74,800	$ 11,204	85%
Total revenues	63,596	74,800	11,204	85%
Expenditures				
Supplies, Services, and Chrgs	3,001	24,000	20,999	13%
Total expenditures	3,001	24,000	20,999	13%
Revenues over(under) expenditures	$ 60,595	$ 50,800	$ (9,795)	

DRAFT
MINUTES
TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
SEPTEMBER 4, 2018
REGULAR SESSION NO. 35

RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
6:00 P.M.

Mayor Michael McDonough called the September 4, 2018 Board of Aldermen meeting to order at 6:01 p.m. and Alderman Bill Van Buskirk provided the invocation and led the pledge of allegiance.

Roll Call

Present: Alderman Frank Hunt, Alderman Derek Ward, Alderman Mark Moore, Alderman Jason Greene, Alderman Bill Van Buskirk, Alderman Karen Black, Alderman Ryan Myers, Alderman Steve Meyers, Alderman Bonnaye Mims (arrived during Closed Session)

Absent: Alderman Jim Aziere

CLOSED SESSION

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

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

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

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

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

The meeting reconvened in Open Session at 6:40 p.m.

OPENING SESSION

(Immediately Following the Closed Session)

Public Comments

Tony Jacob, 10201 E 64 Street, spoke regarding items on the agenda.

Communication from the Mayor

The Mayor spoke on the following events:

Raytown Arts and Music Festival
American Public Works Expo
August 30, reopening of Planet Fitness
August 31, opening ceremony of the Raytown High School football season
September 4, Eugene Yeokum's memorial service
September 8, the final concert of the 2018 Raytown Live concert series

Communication from the City Administrator

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

Committee Reports

Alderman Van Buskirk spoke regarding the upcoming Police Pension Board Meeting.

Alderman Meyers spoke regarding the Raytown High School and Raytown South High School football game.

Alderman Mims spoke regarding care of elderly and disabled friends and loved ones in the seasonal heat, and thanked emergency responders for their efforts to help a local family during a recent incident and announced a KCP&L price adjustment program.

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 August 21, 2018 Board of Aldermen meeting minutes.

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

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

REGULAR AGENDA

OLD BUSINESS

2. **REPORT OF CERTIFIED ELECTION RESULTS FOR THE SPECIAL ELECTION HELD ON AUGUST 7, 2018**

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

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

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

3. Public Hearing: A public hearing to consider rescinding voluntary tax rate ceiling reduction taken in year 2012.

   3a. **SECOND READING: Bill No. 6473-18, Section VIII: AN ORDINANCE** RESCINDING THE VOLUNTARY TAX RATE CEILING REDUCTION TAKEN IN THE YEAR 2012 TO BE APPLIED TO FUTURE YEARS. Point of Contact: Missy Wilson, Assistant City Administrator.

Mayor McDonough opened the public hearing.

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

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

The ordinance was discussed.

Mayor McDonough closed the public hearing.

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

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

NEW BUSINESS

4. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 6301 Raytown Road.

   4a. **FIRST READING: Bill No. 6475-18, Section XIII. AN ORDINANCE** GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A VEHICLE/EQUIPMENT RENTAL ESTABLISHMENT AT 6301 RAYTOWN ROAD IN RAYTOWN, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.

Mayor McDonough opened the public hearing.

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

Ray Haydaripoor, Community Development Director, provided a timeline of working with the applicant and remained available for any discussion.

The ordinance was discussed.

Alderman Van Buskirk made a motion to move the item back to the Planning & Zoning Committee. The motion failed for lack of a second.

Alderman Myers, seconded by Alderman Van Buskirk, made a motion to suspend the rules and hold an immediate second reading.

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

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

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

Alderman Van Buskirk, seconded by Alderman Mims, made a motion to adopt.

Legal council and staff recommended a negative vote.

Mayor McDonough Closed the public hearing.

The motion failed by a vote of 0-9-1

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

5. Public Hearing: A public hearing to consider amendments to the Zoning Map.

   5a. **FIRST READING: Bill No. 6476-18, Section XIII. AN ORDINANCE** APPROVING THE 2018 ZONING MAP AMENDMENT FOR THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.

Mayor McDonough opened the public hearing.

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

Ray Haydaripoor, Community Development Director, remained available for any discussion.

The ordinance was discussed.

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

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

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

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

Mayor McDonough closed the public hearing.

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

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

6. **FIRST READING: Bill No. 6477-18, Section XIII. AN ORDINANCE** APPROVING THE FINAL PLAT OF CRESCENT CREEK, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Ray Haydaripoor, Community Development Director.

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

Ray Haydaripoor, Community Development Director, remained available for any discussion.

The ordinance was discussed.

Alderman Myers disclosed that he has been contacted by the developer with a request that the rules be suspended and to hold an immediate second reading.

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

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

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

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

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

7. **R-3125-18: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH KEY EQUIPMENT FOR THE PURCHASE OF PARTS AND REPAIRS RELATED TO THE MAINTENANCE AND OPERATION OF CITY-OWNED EQUIPMENT IN AN AMOUNT NOT TO EXCEED $26,000.00 FOR FISCAL YEAR 2017-2018. Point of Contact: Damon Hodges, Assistant City Administrator.

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

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

The resolution was discussed.

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

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

8. **R-3126-18: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH DOUBLE CHECK COMPANY, INC. FOR MAINTENANCE AND OPERATION OF THE CITY-OWNED UNDERGROUND STORAGE TANKS AND FUELING EQUIPMENT IN EXCESS OF $15,000.00 BUT WITHIN BUDGETED AMOUNTS FOR FISCAL YEAR 2017-2018. Point of Contact: Damon Hodges, Assistant City Administrator.

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 Hunt, made a motion to adopt. The motion was approved by a vote of 9-0-1.

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

9. **R-3127-18: A RESOLUTION** AUTHORIZING AND APPROVING THE REPAIR SERVICES OF WASTEWATER AND STORM WATER INFRASTRUCTURE IN THE CITY OF RAYTOWN, MISSOURI FROM WIEDENMANN, INC. UTILIZING THE CITY OF LEE'S SUMMIT, MISSOURI COOPERATIVE PURCHASE CONTRACT AND APPROVING PROJECT EXPENSES FOR A SEWER SEGMENT REPLACEMENT BETWEEN 6720 TO 6808 RAYTOWN ROAD, 8923 TO 9007 E. 79TH STREET AND AT 9805 E. 350 HIGHWAY IN AN AMOUNT NOT TO EXCEED $154,650.10. Point of Contact: Damon Hodges, Assistant City Administrator

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

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

The resolution was discussed.

Alderman Myers made a motion to adopt.

Discussion continued regarding the bidding process.

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

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

Mayor McDonough called for a ten-minute recess.

Mayor McDonough reconvened the meeting.

STUDY SESSION

2018-2019 Budget Discussion

Missy Wilson, Assistant City Administrator, and Michael Keenan, Finance Consultant, opened the study session and remained available for any discussion.

Alderman Greene spoke on behalf of the Finance Committee and their work regarding the budget.

Staff presented information regarding the 1% ($85,809) and 2% ($171,618) Cost of Living Adjustments (COLAs), a one-time payment ($87,200) and additional holidays which the Finance Committee had asked staff to consider.

The Board discussed these topics and Police Department step increases, traffic citations and warrant policy. Also discussed were vacant Police Department positions that were fully funded.

Alderman Ward, seconded by Alderman Mims, made a motion to budget a 2% COLA increase and two additional holidays to be determined by Human Resources. The motion was approved by a vote of 8-1-1.

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

Ms. Wilson asked the Board for any final notes and recommendations for staff.

The Parks Fund election budget, Comcast services, Public Works budget and Court's two-month warrant amnesty program were further discussed.

ADJOURNMENT

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

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

The meeting adjourned at 8:47 p.m.

CITY OF RAYTOWN
Request for Board Action

Date: September 13, 2018 **Resolution No.: R-3128-18**
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Department Head Approval: _____

City Administrator Approval: _____

Action Requested: Approve a resolution appointing Tina Cochran to the Planning & Zoning Commission to an unexpired term which will expire on June 1, 2022.

Analysis: The Raytown Zoning Ordinance calls for the City to have a Planning & Zoning Commission that has the following powers to:

1. Prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit and public structures and premises, and of population density; and

2. Make and adopt a comprehensive plan for the physical development of the City.

The Planning & Zoning Commission consists of nine (9) members all of whom must be residents of Raytown. Each of the members of the Planning & Zoning Commission are appointed by the Mayor and approved by the Board of Aldermen. Members serve staggered four-year terms.

Tina Cochran has submitted an application expressing her interest in being appointed to the Planning & Zoning Commission to a term which will expire on June 1, 2022.

Alternatives: Appoint someone else.

RESOLUTION NO.: R-3128-18

A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF TINA COCHRAN TO THE PLANNING & ZONING COMMISSION

WHEREAS, the Raytown Planning & Zoning Commission was established pursuant to Ordinance 139 which provides for the appointment of nine (9) Planning & Zoning Commission members appointed by the Mayor with the approval of the Board of Aldermen; and

WHEREAS, the Mayor desires to appoint Tina Cochran to fulfill the remainder of an unexpired four-year term on the Planning & Zoning Commission, with such term expiring June 1, 2022 or until a successor is duly appointed; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to approve such appointment as proposed by the Mayor;

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

THAT Tina Cochran, 7701 Harris Avenue, Raytown, Missouri, is hereby appointed as a member of the Planning & Zoning Commission to an unexpired 4-year term ending June 1, 2022, or until a successor is duly appointed.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 18th day September, 2018.

_____
Michael McDonough, Mayor

ATTEST:

_____
Teresa M. Henry, City Clerk

Approved as to Form:

_____
George E. Kapke, City Attorney

CITY OF RAYTOWN

City of Raytown

Boards and Commissions Application

Thank you for your interest in serving on one of the City of Raytown Boards and Commissions. Volunteers like you are essential to ensuring that your city government is responsive to the needs of the community.

Please help us place you in the most appropriate Board/Commission by completing this questionnaire.

Date: 8-29-18

Name: Cochran (Last) Tina (First) Joy (Middle)

Address: 7701 Harris Ave (Street) Raytown (City) **MO** 64138 (Zip Code)

Contact Information:

816.258.0089 (Phone: Day / Evening / Cell) tinajoy@swordofjoy.com (Fax / E-Mail Address)

I want to serve on the Planning & Zonning **Board/Commission**

Because: I move both my home + business here to Raytown because I believe it is a hidden jewel for Economic Impact in the KC Metro. I am honored to be invited by the Mayor to apply to serve in this way.

My strength(s) on this Board/Commission will be:

- I have previous City government experience
- I am a successful business owner
- I am an experienced organizational development Consultant.

Education:

High School	City/State	Date
Lake George High	Lake George NY	1983

Trade/College/University	Degree	Date
Paul Smiths College	AAS Business Adminstration	1985
Monmouth University	B.S. Finance	1987

Post Graduate:

College/University	Degree	Date
Webster University	MA Human Resource Development	1997

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Employment (Maximum 10 years):

Current: Sword of Joy Consulting 10109 E 63rd St Raytown MO 64133
Employer **Address** **Position** (Owner)

Past: Alpacas For Autism · 7701 Harris Ave Raytown MO
Employer **Address** **Position** **Dates** Founder (Current)

Past: City of Peculiar - Peculiar, MO · Assistant City Administrator
Employer **Address** **Position** **Dates** 2006-2009

Community Involvement:

Organization	Leadership Position(s)	Membership Date(s)
1. Member Raytown Chamber		Current
2. Raytown Main Street		Current Member.
3. Raytown Christian Church		Current Member.
4.		
5.		

Do you have business or property interests that might place you in a conflict of interest situation should you be appointed to this Board/Commission? If so, please explain.

I own my business property (10109 E 63rd Street, Raytown) and I own a home (7701 Harris Ave, Raytown). I believe this allows me to be more committed to the City rather than be a conflict of interest but would be willing to abstain from voting on neighboring properties if necessary.

Do you anticipate that there will be times when you will not be able to attend the Board/Commission meeting? If yes, how often do you anticipate this would occur?

I am committed to the requirements of meeting attendance, I anticipate being able to attend most, if not all meetings.

Return to: City Clerk's Office, 10000 East 59th Street, Raytown, MO 64133; thenry@raytown.mo.us or FAX to 816-737-6097.

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Tina Joy Cochran

tinajoy@swordofjoy.com
816-258-0089
https://www.linkedin.com/in/tinajoycochran/

Summary of Qualifications

Experienced organizational development consultant and small business owner. Published author, trainer and coach with MA degree in Human Resource Development. Founder of 501c3 non-profit organization. Extensive expertise in all aspects of business operations including, government, church and education.

Professional Experience

Sword of Joy Consulting **Business Consultant - Owner** *Raytown, Missouri*

Owner and Founder of profitable consulting practice. * Business consulting (marketing, administration, business operations, financial processes and Quickbooks). * Individual and group coaching (business, professional development and weight management) * Workshop, training and speaking engagements. Responsible for business development, daily operations, human resources and financial administration.

Alpacas for Autism **Executive Director – Founder** *Adrian, Missouri*

Founder of 501c3 non-profit organization supporting individuals with Autism* Marketing, program and product development * Fundraising, financial reporting, bookkeeping *Volunteer, board and staff management

City of Peculiar **Assistant City Administrator** *Peculiar, Missouri*

Administrator for city suburb of 5,000. Financial transactions; accounts payable, payroll, bank reconciliations, sales tax, permits, fees, bonds, and budgeting.* Preparation of reports for Board of Alderman* Supervision of codes, utility billing, municipal court and administrative support staff * Human resource management and development

Appleton City R-II School District **Bookkeeper** *Appleton City, Missouri*

District wide bookkeeper. Financial Transactions; payroll, accounts receivable, payable, general ledger, bank reconciliation * Reporting to Board of Education & Department of Education * Liaison to CPA for annual Audit

PC University **Director of Operations** *Lenexa, Kansas*

Member of executive management team * Responsible for all financial activities and daily operations for corporate training center and at client sites * Recruiting and supervision of employees, instructors and contractors

Valley View United Methodist Church **Business Manager** *Overland Park, Kansas*

Operations manager for 600-member church. Financial transactions, donor management and reporting * Payroll for Day Care and Preschool *Staff liaison to CPA, Finance, Stewardship Committees and Administrative Board

Certifications

Quickbooks ProAdvisor - QuickBooks User Certification

Publications

“Coming Home to Joy” - “30 Days to Joy”

Education

M.A. Degree	Human Resource Development	Webster University
B.S. Degree	Business Administration – Finance	Monmouth University
A.A.S. Degree	Business Administration	Paul Smith’s College

CITY OF RAYTOWN
Request for Board Action

Date: September 13, 2018 **Resolution No.: R-3129-18**
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Department Head Approval: _____

City Administrator Approval: _____

Action Requested: Approve a resolution appointing David Frazier to the Planning & Zoning Commission to an unexpired term which will expire on July 1, 2021.

Analysis: The Raytown Zoning Ordinance calls for the City to have a Planning & Zoning Commission that has the following powers to:

1. Prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit and public structures and premises, and of population density; and

2. Make and adopt a comprehensive plan for the physical development of the City.

The Planning & Zoning Commission consists of nine (9) members all of whom must be residents of Raytown. Each of the members of the Planning & Zoning Commission are appointed by the Mayor and approved by the Board of Aldermen. Members serve staggered four-year terms.

David Frazier has submitted an application expressing his interest in being appointed to the Planning & Zoning Commission to a term which will expire on July 1, 2021.

Alternatives: Appoint someone else.

RESOLUTION NO.: R-3129-18

A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF DAVID FRAZIER TO THE PLANNING & ZONING COMMISSION

WHEREAS, the Raytown Planning & Zoning Commission was established pursuant to Ordinance 139 which provides for the appointment of nine (9) Planning & Zoning Commission members appointed by the Mayor with the approval of the Board of Aldermen; and

WHEREAS, the Mayor desires to appoint David Frazier to fulfill the remainder of an unexpired four-year term on the Planning & Zoning Commission, with such term expiring July 1, 2021 or until a successor is duly appointed; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to approve such appointment as proposed by the Mayor;

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

THAT David Frazier, 11223 E. 63rd Street, Raytown, Missouri, is hereby appointed as a member of the Planning & Zoning Commission to an unexpired 4-year term ending July 1, 2021, or until a successor is duly appointed.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 18th day September, 2018.

_____
Michael McDonough, Mayor

ATTEST:

_____
Teresa M. Henry, City Clerk

Approved as to Form:

_____
George E. Kapke, City Attorney

From:	Please Do Not Click Reply
To:	Teresa Henry
Subject:	Application for Boards, Committees and Commissions (form) has been filled out on your site.
Date:	Wednesday, July 25, 2018 8:31:45 AM

Your Site has received new information through a form.
Form: Application for Boards, Committees and Commissions
Site URL: www.raytown.mo.us

Date: 7/25/2018
Last Name: Frazier
First Name: Chester
Middle Name: David
Address: 11223 East 63rd Street
Raytown, MO 64133
Phone: Day:
Phone: Evening:
Cell Phone Number: 816-807-0145
Fax No.:
Email Address: frazier.cd24@gmail.com
Which board would you like to serve on?: Planning and Zoning
Because: I have a desire to serve our community and make it a better place to live and raise a family. I grew up here and have raised my family here. I believe the planning and zoning board is one of the major resources for moving this community forward.
My strength(s) on this Board/Commission will be:: I have 18 years experience in City government with Raytown and Belton managing public works projects. I now work in the telecommunication sector as a project manager and believe my experience and knowledge of construction would be beneficial to the board and the citizens of Raytown.
Education:High School/City/State/Date: 1989 Raytown South Graduate
Trade/College/University/Degree/Date: Associates degree in Construction Mgmt from MCC in 2006
Post Graduate/College/Degree/Date: University of Nebraska
1989-1991
Current: Employer/Address/Position: Bluebird Network
800NW Chipman RD
Lee's Summit, MO 64063

Outside Plant Engineer
Past Employer/Address/Position/Dates: City of Belton
May 2008-June 2016

Transportation Superintendent
Past Employer/Address/Position/Dates: City of Raytown
1997-2008

Asst Director of Public Works (last position)
Organization/Leadership Position(s)/Membership Dates (s): MoCGA member 2017-present

President - Raytown Touchdown Club 2014-2016

American Public Works Assoc. member 2005-present
If so, please explain.: no
If yes, how often do you anticipate this would occur?: rarely

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

CITY OF RAYTOWN
Request for Board Action

Date: September 14, 2018 **Bill No.: 6478-18**
To: Mayor and Board of Aldermen **Section No.: XIII**
From: Ray Haydaripoor, Planning & Zoning Coordinator

Department Head Approval: _____

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

City Administrator Approval: _____

Action Requested: Consideration of an amended final plat for Tidal Wave Auto Spa.

Recommendation: Approve the amended and corrected final plat for Tidal Wave Auto Spa.

Analysis: On April 17, 2018, the Board of Aldermen approved Ordinance No. 5569-18, the Final Plat of Tidal Wave Auto Space.

On September 4, 2018, the property owner's legal counsel and representative contacted City staff to advise them the final plat submitted for approval on April 17, 2018 contained an error. The property owner's representatives have submitted an amended and corrected final plat for consideration of approval.

The newly submitted final plat correctly reflects the twenty-five-foot (25 ft.) building setback along Raytown Rd instead of Missouri 350 Highway.

Alternatives: Alternative to approving the amended and corrected final plat would be to deny the request submitted by TW Macon.

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

☒ Not Applicable

Additional Reports Attached:
- Ordinance 5569-18
- Correct Final Plat

BILL NO. 6478-18 ORDINANCE NO._____-18 SECTION NO. XIII

AN ORDINANCE APPROVING THE AMENDED AND CORRECTED FINAL PLAT OF TIDAL WAVE AUTO SPA, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS, Application PZ-2018-03, submitted by Jason Roudebush, Olsson Associates, requesting approval of the Final Plat of Tidal Wave Auto Spa, a subdivision of the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

WHEREAS, the Planning Commission considered the application on April 5, 2018, and by a vote of 6 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 considered the application on April 17, 2018, and found and declared 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 in their use of public right-of-ways and rendered a decision to approve the final plat; and

WHEREAS, TW Macon, LLC., the owner of subject property, identified the final plat approved on April 17, 2018, contains errors regarding identifying the twenty-five foot (25 ft.) building setback along Raytown Road and request the approval of an amended and corrected final plat; and

WHEREAS, the Board of Aldermen considered the amended and corrected final plat on September 18, 2018, and found and declared 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 in their use of public right-of-ways 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 AMENDED AND CORRECTED PLAT. That the Amended and Corrected Final Plat of Tidal Wave Auto Spa, 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 approved, platting the following described property:

All of vacated E. 75th Street as vacated by Ordinance No. 5564-18 on March 20, 2018, Part of Lot 5, T.W. Greene Homestead and all of Tract B, RAYTOWN CROSSING – SECOND PLAT, both begin a subdivision of land in the Southwest Quarter of Section 9 and Northwest Quarter of Section 16, in Township 48 North, Range 32 West of the 5th Principal Meridian in the City of Raytown, Jackson County, Missouri being bounded and described as follows: Beginning at the Northwest corner of said Lot 5, said corner also being the intersection of the East right-of-way line of Raytown Road, as now established and the Southwesterly right-of-way line of Missouri Highway 350, as now established; thence South 45°49'57" East along said Southwesterly right-of-way line, 359.31 feet to the Northeast corner of said Tract B; thence South 44°10'03" West, along the East line of said Tract B, 48.48 feet (49.91' Plat) to the Southeast corner of said Tract B, said corner also being a point on the West line of Lot 2, said RAYTOWN CROSSING – SECOND PLAT, thence South 03°01'07" West, along said West line, 45.00 feet to a point on the South line of said vacated E. 75th Street; thence North 86°42'06" West, along said South line, 232.03 feet to a point on the East right-of-way line of said Raytown Road; thence North 01° 49' 12" East, along said East right-of-way line, 316.88 feet to the Point of Beginning. Containing 50,831 square feet or 1.17 acres, more or less.

SECTION 2 – CONDITIONS OF APPROVAL. That the Amended and Corrected Final Plat of Tidal Wave Auto Spa be approved subject to the following conditions:

1. The City shall receive recorded copies of deeds of transfer showing that the developer owns all of the private drive prior to the signing of the plat.

2. The City shall receive recorded copies of signed access agreements prior to the signing of the plat.

3. All public improvements (up to the "Construction Cap") shall be completed prior to the issuance of a final certificate of occupancy by the City as described in the Development Agreement by and between the City of Raytown, Missouri and TW Macon, LLC dated November 7, 2017.

SECTION 3 – DEDICATION OF RIGHT-OF-WAY. That the dedication to the City of Raytown for street right-of-way as shown on the plat, not heretofore dedicated to the public is hereby accepted for the purpose as therein set out.

SECTION 4 – DEDICATION OF UTILITY EASEMENT. That the dedication to the City of Raytown of an easement or license to locate, construct and maintain or to authorize the location, construction, and maintenance and use of conduits for all or any purpose including but not limited to water, gas, sewer mains, poles and wires or all or any of them, over under and along the strips of land marked "UTILITY EASEMENT" or "U/E" is hereby accepted for the purposes as therein set out.

SECTION 5 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6 – 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 7 – 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 18th day of September, 2018.

_____
Michael McDonough, Mayor

ATTEST:

_____
Teresa M. Henry, City Clerk

Approved as to Form:

_____
George E. Kapke, City Attorney

AMENDED FINAL PLAT OF

TIDAL WAVE AUTO SPA

ALL OF VACATED E. 75TH STREET, A REPLAT OF PART OF LOT 5, T.W. GREENE HOMESTEAD AND TRACT B, RAYTOWN CROSSING EAST SECOND PLAT
SW 1/4, SEC. 9 - Twp. 48 N. - Rge. 32 W. AND
NW 1/4, SEC. 16 - Twp. 48 N. - Rge. 32 W.
RAYTOWN, JACKSON COUNTY, MISSOURI

N

30' 0' 30'
SCALE IN FEET

PROPERTY DESCRIPTION AS RECOMMENDED

ALL OF VACATED E. 75TH STREET AS VACATED BY ORDINANCE NO. 5564–18, PART OF LOT 5, T.W. GREENE HOMESTEAD AND ALL OF TRACT B, RAYTOWN CROSSING – SECOND PLAT, BOTH BEING A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 48 NORTH, RANGE 32 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5, SAID CORNER ALSO BEING THE INTERSECTION OF THE EAST RIGHT–OF–WAY LINE OF RAYTOWN ROAD, AS NOW ESTABLISHED AND THE SOUTHWESTERLY RIGHT–OF–WAY LINE OF MISSOURI HIGHWAY 350, AS NOW ESTABLISHED; THENCE SOUTH 45°49'57" EAST, ALONG SAID SOUTHWESTERLY RIGHT–OF–WAY LINE, 359.31 FEET TO THE NORTHEAST CORNER OF SAID TRACT B; THENCE SOUTH 44°10'03" WEST, ALONG THE EAST LINE OF SAID TRACT B, 48.48 FEET (49.91' PLAT) TO THE SOUTHEAST CORNER OF SAID TRACT B, SAID CORNER ALSO BEING A POINT ON THE WEST LINE OF LOT 2, SAID RAYTOWN CROSSING – SECOND PLAT, THENCE SOUTH 03°01'07" WEST, ALONG SAID WEST LINE, 45.00 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED E. 75TH STREET; THENCE NORTH 86°42'06" WEST, ALONG SAID SOUTH LINE, 232.03 FEET TO A POINT ON THE EAST RIGHT–OF–WAY OF SAID RAYTOWN ROAD; THENCE NORTH 01°49'12" EAST, ALONG SAID EAST RIGHT–OF–WAY LINE, 316.88 FEET TO THE POINT OF BEGINNING. CONTAINING 50,831 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

PLAT DEDICATION: THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS:

"TIDAL WAVE AUTO SPA"

EASEMENT DEDICATION: AN EASEMENT IS HEREBY GRANTED TO THE CITY OF RAYTOWN, MISSOURI AND ITS FRANCHISED UTILITIES, FOR THE PURPOSE OF LOCATING, CONSTRUCTING, OPERATING, AND MAINTAINING FACILITIES FOR WATER, GAS, ELECTRICITY, SEWAGE, TELEPHONE, CABLE TV AND SURFACE DRAINAGE, AND GRADING, INCLUDING, BUT NOT LIMITED TO, UNDERGROUND PIPES AND CONDUITS, PAD MOUNTED TRANSFORMERS, SERVICES PEDESTALS, ANY OR ALL OF THEM UPON, OVER, UNDER AND ALONG THE STRIPS OF LAND DESIGNATED UTILITY EASEMENTS (U.E.), PROVIDED THAT THE EASEMENT GRANTED HEREIN IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS. ANY UTILITIES LOCATED WITHIN THE DESIGNATED UTILITY EASEMENTS, BY VIRTUE OF THEIR EXISTENCE, DO HEREBY COVENANT, CONSENT, AND AGREE THAT THEY SHALL BE SUBORDINATE TO SAID PUBLIC RIGHT OF WAY IN THE EVENT THAT ADDITIONAL PUBLIC RIGHT OF WAY IS DEDICATED OVER THE LOCATION OF THE UTILITY EASEMENT. WHERE OTHER EASEMENTS ARE DESIGNATED FOR A PARTICULAR PURPOSE, THE USE THEREOF SHALL BE LIMITED TO THAT PURPOSE ONLY. ALL OF THE ABOVE EASEMENTS SHALL BE KEPT FREE FROM ANY AND ALL OBSTRUCTIONS WHICH WOULD INTERFERE WITH THE CONSTRUCTION OR RECONSTRUCTION AND PROPER, SAFE AND CONTINUOUS MAINTENANCE OF THE AFORESAID USES AND SPECIFICALLY THERE SHALL NOT BE BUILT THEREON OR THEREOVER ANY STRUCTURE (EXCEPT DRIVEWAYS, PAVED AREAS, GRASS, SHRUBS AND FENCES) NOR SHALL THERE BE ANY OBSTRUCTION TO INTERFERE WITH THE AGENTS AND EMPLOYEES OF THE CITY OF RAYTOWN, MISSOURI, AND ITS FRANCHISED UTILITIES FROM GOING UPON SAID EASEMENT AND AS MUCH OF THE ADJOINING LANDS AS MAY BE REASONABLY NECESSARY IN EXERCISING THE RIGHTS GRANTED BY THE EASEMENT. NO EXCAVATION OF FILL SHALL BE MADE OR OPERATION OF ANY KIND OR NATURE SHALL BE PERFORMED WHICH WILL REDUCE OR INCREASE THE EARTH COVERAGE OVER THE UTILITIES ABOVE STATED OR THE APPURTENCES THERETO WITHOUT A VALID PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS.

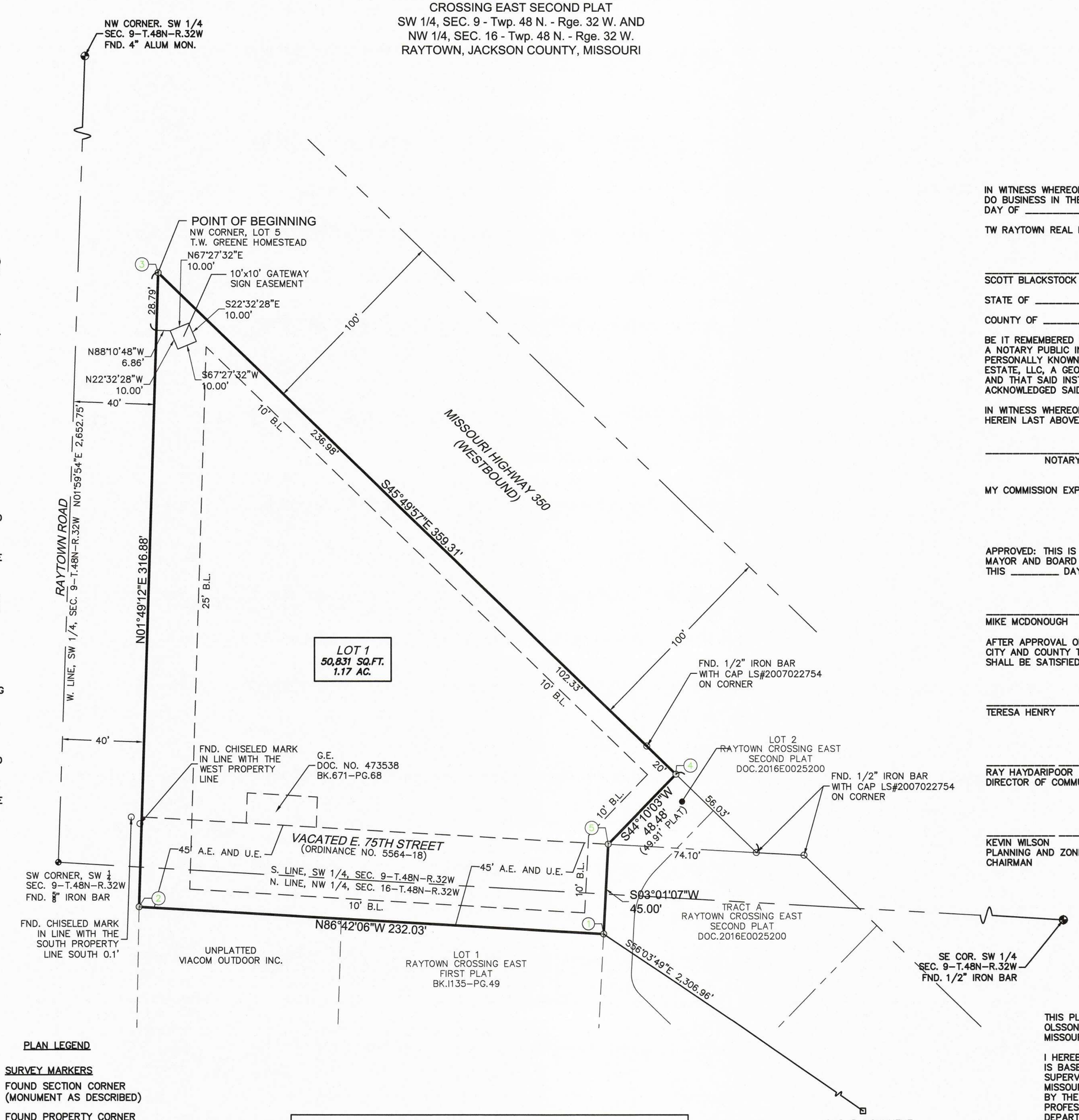
BUILDING LINES: BUILDING LINES (B.L) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDINGS OR PORTION THEREOF SHALL BE BUILT BETWEEN THIS LINE AND THE PROPERTY LINE.

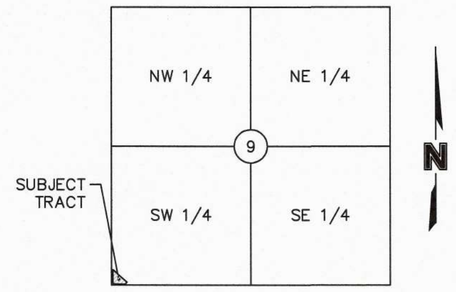
RIGHT OF ENTRANCE: THE RIGHT OF ENTRANCE AND EGRESS IN TRAVEL ALONG ANY STREET OF DRIVE WITHIN THE BOUNDARIES OF THE PROPERTY IS HEREBY GRANTED TO THE CITY OF RAYTOWN, MISSOURI AND ALL UTILITY PROVIDERS FOR THE PURPOSE OF FIRE AND POLICE PROTECTION, MAINTENANCE OF WATER MAINS, SANITARY AND STORM SEWER LINES. COLLECTION OF GARBAGE AND REFUSE AND TO THE UNITED STATES POSTAL SERVICES FOR THE DELIVERY OF MAIL, PROVIDED HOWEVER, SUCH RIGHT OF INGRESS AND EGRESS DOES NOT INCLUDE ANY OBLIGATION TO CONTRIBUTE FOR ANY DAMAGE TO ANY PRIVATE STREET OR DRIVE BY VIRTUE OF THE EXERCISE OF THE RIGHTS STATE HEREON AND SPECIFICALLY, NEITHER THE CITY OF RAYTOWN, MISSOURI, NOR THE U.S. POSTAL SERVICE SHALL INCUR ANY LIABILITY BY VIRTUE OF THE EXERCISE OF SUCH RIGHTS.

FLOODPLAIN: ACCORDING TO "FLOOD INSURANCE RATE MAP" MAP NO. 29095C0402G, DATED 01/20/2017 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X", "AREAS OF 0.02% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD".

AGREEMENTS: THE PROPERTY IS SUBJECT TO A MAINTENANCE AND ACCESS AGREEMENT AS RECORDED BY SEPARATE DOCUMENT.

ACCESS: THE ACCESS AND MAINTENANCE OF PRIVATE DRIVE (FORMERLY E. 75TH STREET) IS DETAILED IN AMENDED BILL NO. 6457–18, ORDINANCE NO. 5564–18 RECORDED WITH THE JACKSON COUNTY RECORDER OF DEEDS.





LOCATION MAP
Sec. 9, Twp. 48 N., Rge. 32 W.
(N.T.S.)

IN WITNESS WHEREOF: TW RAYTOWN REAL ESTATE, LLC, A GEORGIA LIMITED LIABILITY COMPANY, LICENSED TO DO BUSINESS IN THE STATE OF MISSOURI, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2018.

TW RAYTOWN REAL ESTATE, LLC, A GEORGIA LIMITED LIABILITY COMPANY

_____
SCOTT BLACKSTOCK MEMBER

STATE OF _____
SS:
COUNTY OF _____

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME SCOTT BLACKSTOCK, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS MEMBER OF TW RAYTOWN REAL ESTATE, LLC, A GEORGIA LIMITED LIABILITY COMPANY, LICENSED TO DO BUSINESS IN THE STATE OF MISSOURI AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY AND THAT HE ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN THE DATE HEREIN LAST ABOVE WRITTEN.

_____
NOTARY PUBLIC:

MY COMMISSION EXPIRES: _____

APPROVED: THIS IS TO CERTIFY THAT THE WITHIN PLAT WAS DULY SUBMITTED TO AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI DULY AUTHENTICATED AS PASSED THIS _____ DAY OF _____, 2018 BY ORDINANCE NO. _____.

_____
MIKE MCDONOUGH MAYOR

AFTER APPROVAL OF THE FINAL PLAT, BUT PRIOR TO THE SIGNATURE BY THE CITY CLERK, ALL OUTSTANDING CITY AND COUNTY TAX AND SPECIAL ASSESSMENTS ON ALL PROPERTY WITHIN THE PROPOSED SUBDIVISION SHALL BE SATISFIED.

_____
TERESA HENRY CITY CLERK

_____ _____
RAY HAYDARIPOOR JACKSON COUNTY GIS DEPARTMENT
DIRECTOR OF COMMUNITY DEVELOPMENT

_____ _____
KEVIN WILSON DEE ANN STOCK
PLANNING AND ZONING COMMISSION PLANNING AND ZONING COMMISSION
CHAIRMAN SECRETARY

DATE OF SURVEY
01-26-2018
REV. 02-28-2018-CITY COMMENTS
REV. 03-28-2018-CITY COMMENTS
REV. 04-09-2018-Georgia LLC
AMEND 1 09-07-18-BUILDING LINES

drawn by:	JSR
surveyed by:	AH-NZ
checked by:	BAL
approved by:	JSR
project no.:	017-2721
file name:	V_FPT_72721A.DWG

SURVEYORS NOTES:

1. PROPERTY INFORMATION REFERENCING THIS SURVEY WAS TAKEN FROM THE COMMITMENT FOR TITLE INSURANCE REPORT, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY BY ITS AGENT SECURED TITLE OF KANSAS CITY, FILE NO. SKC0042111C, EFFECTIVE AUGUST 7, 2017 AT 8:00 A.M.

2. BEARINGS USED HEREON ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 1983, WEST ZONE FROM GPS OBSERVATION USING THE MODOT VRS GPS NETWORK.

SURVEY PREPARED FOR:

TW RAYTOWN REAL ESTATE, LLC
124 THOMSON STREET
THOMSON, GA 30286

PLAN LEGEND

SURVEY MARKERS

- FOUND SECTION CORNER (MONUMENT AS DESCRIBED)
- FOUND PROPERTY CORNER (MONUMENT AS DESCRIBED)
- SET 1/2" IRON BAR WITH PLASTIC CAP TO BE SET UPON COMPLETION OF CONSTRUCTION. (1/2" BARS WITH CAPS WILL ALSO BE SET ON ALL LOT AND TRACT CORNERS)

EASEMENTS

G.E. GAS EASEMENT
S.E. SANITARY EASEMENT
A.E. ACCESS EASEMENT
U.E. UTILITY EASEMENT
B.L. BUILDING LINE

STATE PLANE COORDINATE TABLE

Point Number	Grid Northing	Grid Easting
1	312994.861	853167.511
2	312998.929	853096.911
3	313095.455	853099.978
4	313019.156	853178.528
5	313008.557	853168.233

THIS PLAT AND SURVEY OF TIDAL WAVE AUTO SPA WERE EXECUTED BY OLSSON ASSOCIATES, 1301 BURLINGTON STREET #100, NORTH KANSAS CITY, MISSOURI 64116.

I HEREBY CERTIFY: THAT THE PLAT OF TIDAL WAVE AUTO SPA SUBDIVISION IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL SURVEYORS AND LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES, AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

STATE OF MISSOURI
JASON S. ROUDEBUSH
NUMBER
PLS-2002014092
PROFESSIONAL LAND SURVEYOR

_____
OLSSON ASSOCIATES, INC. MO CLS 366
JASON S. ROUDEBUSH, MO. PLS 2002014092
SEPTEMBER 7, 2018
JROUDEBUSH@OLSSONASSOCIATES.COM

OLSSON ASSOCIATES
Olsson Associates - Civil Engineering
1301 Burlington, Suite 100
North Kansas City, MO 64116
TEL 816.587.4320
FAX 816.587.1393
www.olssonassociates.com

SHEET
1 of 1

DWG: F:\2017\2501-3000\017-2721\40-Design\Survey\SRVY\Sheets\Final Plat\V_FPT_72721a.dwg USER: jroudebush
DATE: Sep 10, 2018 1:40pm

BILL NO. 6467-18 **ORDINANCE NO. 5569-18** **SECTION NO. XIII**

AN ORDINANCE APPROVING THE FINAL PLAT OF TIDAL WAVE AUTO SPA, A SUBDIVISION OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS, Application PZ-2018-03, submitted by Jason Roudebush, Olsson Associates, requesting approval of the Final Plat of Tidal Wave Auto Spa, a subdivision of the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

WHEREAS, the Planning Commission considered the application on April 5, 2018, and by a vote of 6 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 considered the application on April 17, 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 in their use of public right-of-ways 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 of Tidal Wave Auto Spa, 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 approved, platting the following described property:

All of vacated E. 75th Street as vacated by Ordinance No. 5564-18 on March 20, 2018, Part of Lot 5, T.W. Greene Homestead and all of Tract B, RAYTOWN CROSSING – SECOND PLAT, both begin a subdivision of land in the Southwest Quarter of Section 9 and Northwest Quarter of Section 16, in Township 48 North, Range 32 West of the 5th Principal Meridian in the City of Raytown, Jackson County, Missouri being bounded and described as follows: Beginning at the Northwest corner of said Lot 5, said corner also being the intersection of the East right-of-way line of Raytown Road, as now established and the Southwesterly right-of-way line of Missouri Highway 350, as now established; thence South 45°49'57" East along said Southwesterly right-of-way line, 359.31 feet to the Northeast corner of said Tract B; thence South 44°10'03" West, along the East line of said Tract B, 48.48 feet (49.91' Plat) to the Southeast corner of said Tract B, said corner also being a point on the West line of Lot 2, said RAYTOWN CROSSING – SECOND PLAT, thence South 03°01'07" West, along said West line, 45.00 feet to a point on the South line of said vacated E. 75th Street; thence North 86°42'06" West, along said South line, 232.03 feet to a point on the East right-of-way line, 316.88 feet to the Point of Beginning. Containing 50,831 square feet or 1.17 acres, more or less.

SECTION 2 – CONDITIONS OF APPROVAL. That the Final Plat of Tidal Wave Auto Spa be approved subject to the following conditions:

1. The City shall receive recorded copies of deeds of transfer showing that the developer owns all of the private drive prior to the signing of the plat.

2. The City shall receive recorded copies of signed access agreements prior to the signing of the plat.

3. All public improvements (up to the "Construction Cap") shall be completed prior to the issuance of a final certificate of occupancy by the City as described in the Development Agreement by and between the City of Raytown, Missouri and TW Macon, LLC dated November 7, 2017.

SECTION 3 – DEDICATION OF RIGHT-OF-WAY. That the dedication to the City of Raytown for street right-of-way as shown on the plat, not heretofore dedicated to the public is hereby accepted for the purpose as therein set out.

SECTION 3 – DEDICATION OF UTILITY EASEMENT. That the dedication to the City of Raytown of an easement or license to locate, construct and maintain or to authorize the location, construction, and maintenance and use of conduits for all or any purpose including but not limited to water, gas, sewer mains, poles and wires or all or any of them, over under and along the strips of land marked "UTILITY EASEMENT" or "U/E" is hereby accepted for the purposes as therein set out.

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

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

SECTION 6 – EFFECTIVE DATE. This ordinance shall be in full force and effect 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 17TH day of April, 2018.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

BILL NO. 6479-18 ORDINANCE NO. _____-18 SECTION NO. V-A

AN ORDINANCE AUTHORIZING AND APPROVING AN EMERGENCY MEDICAL SERVICES LICENSE TRANSFER AGREEMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS PERTAINING THERETO

WHEREAS, the City of Raytown, Missouri ("City") and the Raytown Fire Protection District ("Fire") desire to separately and mutually provide the highest quality Emergency Medical Services ("Services") to the Residents of the City of Raytown and to other covered persons; and

WHEREAS, the City and Fire have diligently examined the issued and concluded that certain efficiencies and performance gains are likely to be realized by having a common command and control over Firefighting and Services; and

WHEREAS, the City and Fire have concluded that transferring the provision of Services to be under the command and control of Fire is likely to result in lower (or a decrease in future increases to) Services costs; and

WHEREAS, the City is willing to transfer its Services License to Fire, and Fire is willing to accept the transfer of the City's License subject to certain terms and conditions; and

WHEREAS, the parties desire to enter into an Emergency Medical Services License Transfer Agreement as set forth in Exhibit "A" attached hereto.

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

SECTION 1 - APPROVAL OF AGREEMENT. That execution of an Emergency Medical Services License Transfer Agreement, in substantially the same form as attached hereto, is hereby authorized and approved.

SECTION 2 - EXECUTION OF CONTRACT. That the City Administrator is authorized to execute the Agreement and all documents necessary or incidental to the performance thereof, and the City Clerk is authorized to attest to the same.

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

SECTION 4 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

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

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

_____
Michael McDonough, Mayor

ATTEST:

_____
Teresa M. Henry, City Clerk

APPROVED AS TO FORM:

_____
Joe Willerth, City Attorney

CITY OF RAYTOWN
Request for Board Action

Date: September 14, 2018 **Resolution No.: R-3130-18**
To: Mayor and Board of Aldermen
From: Doug Jonesi, Emergency Medical Services Director

Department Head Approval: _____

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

City Administrator Approval: _____

Action Requested: Authorize and approve the transfer of funds in the sum of $4,500.00 from Public Works account #101-62-00-100-52301 (Fuel) to the EMS account #101-72-00-100-52301 (Fuel).

Recommendation: Approve the request as submitted.

Analysis: Prior to the current fiscal year, the City's motor vehicle fuel expense was budgeted and accounted for within the Public Works Department. For the 2017-2018 fiscal year, this fuel expense was broken out to the various fuel-using departments. The price of gasoline and diesel fuel has risen substantially since mid-2017, and even though EMS fuel consumption is projected to be about 1.5% less, by volume, than last year, the fuel cost is projected to exceed the budgeted amount by approximately $4,500.00.

The Public Works Department projects a $9,864.00 surplus in their fuel budget, and has agreed to this transaction, upon Board approval.

Alternatives: Not approve the request.

Budgetary Impact:

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

Amount Requested:	$4,500.00
Account Number(s):	From 101-62-00-100-52301
	To 101-72-00-100-52301
Fund:	General Fund
Department:	Emergency Services

RESOLUTION NO.: R-3130-18

A RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2017-2018 BUDGET IN THE AMOUNT OF $4,500.00 RELATED TO FUEL AND THE EMERGENCY MEDICAL SERVICES DEPARTMENT

WHEREAS, the EMS Department uses fuel in its day-to-day operation; and

WHEREAS, fuel costs are projected to exceed the budged amount by $4,500.00; and

WHEREAS, it is necessary to reappropriate funds and amend the fiscal year 2017-2018 budget in the amount of $4,500.00 to correct the issue; and

WHEREAS, pursuant to Resolution R-3031-17, the fiscal year 2017-2018 budget was approved; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to reappropriate the funds and amend the fiscal year 2017-2018 budget;

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

THAT the Fiscal Year 2017-2018 Budget approved by Resolution R-3031-17 is hereby amended as follows:

FROM:	TO:
101-62-00-100-52301 $4,500.00	101-72-00-100-52301 $4,500.00

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

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 18th day of September, 2018.

_____
Michael McDonough, Mayor

ATTEST:

_____
Teresa M. Henry, City Clerk

Approved as to Form:

_____
George E. Kapke, City Attorney

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: September 14, 2018

To: Mayor
Board of Aldermen

From: Teresa M. Henry, City Clerk

Re: Discussion Item – Raytown Municipal Code Update – Chapter 2-Administration

From time to time, when going through the Code, items that are outdated, incomplete or no longer applicable to our current operation are identified.

Currently, there is not a provision in Chapter 2 for the Assistant City Administrator position, which was approved by the Board in May of this year. I will be bringing forward a draft ordinance for your consideration in order to add the additional section to the Code.

Additionally, there are items in Chapter 2 which apply to the City Clerk's office that need to be updated, with special attention to agenda publication and meeting notification.

As the Chapter is reviewed further, there may be other suggested changes that may be brought forward for your review and consideration.

Chapter 2 - ADMINISTRATION[1]

ARTICLE I. - IN GENERAL

Sec. 2-1. - Territorial limits of city designated.

The territorial confines of the city shall be and the same are hereby established as all that territory contained in the following legal description:

Beginning at a point in the North line of the NE¼ of the NW¼ of Section 34, Township 49, Range 32, 495 feet East of the Northwest corner thereof; thence South 880 feet; thence West to a point 200 feet East of the easterly right-of-way line of Blue Ridge Boulevard; thence southwesterly on a line 200 feet easterly of and parallel with the easterly right-of-way line of Blue Ridge Boulevard to a point 200 feet East of the West line of said Section 34, Township 49, Range 32 and running thence South to a point 200 feet North of the South line of Section 10, Township 48, Range 32; thence East to a point 200 feet East of the North prolongation of the East line of the Lee's Summit Road (Westridge); thence South to a point 200 feet South of the South line of the NW¼ of Section 22, Township 48, Range 32; thence West to a point 180 feet East of the centerline of Blue Ridge Extension; thence Northeasterly, parallel with and 180 feet from the centerline of Blue Ridge Extension to the South line of Section 8, Township 48, Range 32; thence West to a point 200 feet West of the West right-of-way line of Blue Ridge Boulevard Extension; thence northerly on a line 200 feet West of and parallel with the West right-of-way line of Blue Ridge Boulevard Extension and Blue Ridge Cutoff to a point 200 feet North of the South line of the North ½ of the NE¼ of Section 31, Township 49, Range 32; thence East to a point 200 feet West of the West right-of-way line of Sterling Avenue; thence North to the South line of Section 28, Township 49, Range 32; thence East to the point of beginning.

(Code 1969, § 1-17; Ord. No. 101, 4-30-1963)

State Law reference— Alteration of city limits, RSMo 79.020; required contents of plats of cities, towns and villages, RSMo 445.010.

Sec. 2-2. - Official flag.

(a) The design for the official city flag, including color code of Stoneridge colors, officially adopted by the American Revolutionary Bicentennial Administration, is hereby approved and adopted as the official flag of the city, a copy of which design is available in the office of the city clerk.

(b) The official city flag shall hereafter be flown at the city hall in conjunction with United States and State of Missouri flags.

(Code 1969, § 2-21; Ord. No. 1133-75, §§ 1, 2, 7-15-1975)

Sec. 2-3. - Official supplemental logo.

The symbol, emblem, or logogram (sometimes called logo) depicted in the design available in the office of the city clerk is hereby adopted by the board of aldermen as a supplemental official emblem, symbol or logogram for all official purposes of the city. The adopted logo may be imprinted on city stationery, city licenses, upon city property and may in all other ways be known as an official emblem, symbol or logo of the city.

(Code 1969, § 2-23; Ord. No. 5259-07, §§ 1, 2, 8-21-2007)

State Law reference— Incorporation of fourth class cities, authority for common city seal, RSMo 79.010.

Sec. 2-4. - City hall business hours.

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

Emergency means:

(1) A state of emergency declared by authorized federal, state or city authorities applicable within the city;

(2) A natural or manmade disaster preventing the normal operation of city hall; or

(3) An event which endangers the health or safety of employees and/or visitors to city hall.

Paid holiday means a day specified by ordinance as a paid holiday.

Regular business hours means Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

(b) City hall shall be open during regular business hours, except that it shall be closed on a paid holiday and may be closed by proclamation of the mayor in the event of an emergency or by motion and vote of the board of aldermen.

(Code 1969, § 2-16; Ord. No. 4782-02, § 1, 5-7-2002; Ord. No. 4937-02, § 1, 12-16-2003)

Sec. 2-5. - Newspaper publications.

All matters required to be published shall be published in any newspaper of general circulation in the city.

(Code 1969, § 2-2)

State Law reference— Legal publications, notices and advertisements, RSMo 493.010.

Secs. 2-6—2-28. - Reserved.

ARTICLE II. - MAYOR AND BOARD OF ALDERMEN[2]

DIVISION 1. - GENERALLY

Sec. 2-29. - Ex officio status of offices of mayor, board of aldermen.

By virtue of the authority granted to the board of aldermen under state law as applicable to a city of the fourth class, the offices of mayor and board of aldermen shall have ex officio status on any commission, committee or agency appointed by the board or by the mayor. Such ex officio status shall not include voting privileges on any such commission, committee or agency; provided, however, that the acting president of the board of aldermen shall have voting privileges on any standing committee of the board of aldermen, in the absence of a regularly appointed member of such standing committee.

(Comp. 1963, § IV-A; Code 1969, § 2-25; Ord. No. 103, 4-30-1963; Ord. No. 1714-78, § 1, 5-16-1978; Ord. No. 2826-85, § 1, 7-2-1985)

State Law reference— Acting president to perform duties of mayor, RSMo 79.100.

Secs. 2-30—2-46. - Reserved.

DIVISION 2. - COMPENSATION

Sec. 2-47. - Salary.

The salary of the mayor and of each member of the board of alderman shall be fixed and established by ordinance.

(Code 1969, § 2-26(a), (b); Ord. No. 4237-97, § 1, 1-21-1997; Ord. No. 4397-98, § 1, 6-16-1998)

State Law reference— Salaries of officers to be fixed by ordinance, RSMo 79.270.

Sec. 2-48. - Other compensation.

In addition to the salary established for the mayor and members of the board of aldermen, such elected officials shall be entitled to the following by reason of election to their respective offices:

(1) An allowance, in such amount as may be established from time to time by ordinance, for the use of his personal vehicle in the conduct of municipal business within the eight-county metropolitan area as defined in chapter 1.

(2) A mileage reimbursement, in such amount as is provided for municipal employees, for the use of his personal vehicle in the conduct of municipal business outside the metropolitan area.

(3) Attendance at conferences, seminars, training sessions and similar functions, for which a fee is charged, to the extent that such events are within the appropriations authorized and approved by the board of aldermen in connection with the adoption of the annual budget, and within the limitations established in section 2-49.

(4) Attendance at internal seminars, planning sessions, and retreats which are conducted, supervised or moderated by outside consultants.

(5) An additional allowance, equal to that paid to municipal employees, for overnight travel, accommodations and attendance outside the metropolitan area when such elected official is serving as an elected officer or of representative of the city to an organization of which the city is itself a member (e.g., Missouri Municipal League), provided that and to the extent that funds have been previously authorized and approved by the board of aldermen in connection with the adoption of the annual budget.

(Code 1969, § 2-26(c)(1)—(5); Ord. No. 4237-97, § 1, 1-21-1997; Ord. No. 4397-98, § 1, 6-16-1998)

Sec. 2-49. - Attendance at conferences, seminars, training events, planning sessions and retreats.

(a) The city clerk shall inform the mayor and aldermen of the availability of all conferences, seminars, training events, planning sessions and retreats and shall maintain a list of attendees on a calendar year basis.

(b) In the event that appropriated funds are insufficient to allow more than one elected official to attend a function, that member or those members of the board of aldermen who have previously attended the fewest functions shall be entitled to attend.

(c) Attendees shall prepare and file with the city clerk a written report of the function attended, which reports shall be made available to other members of the board of aldermen and be made accessible to the public during regular business hours.

(d) For events offered by the city through employment of or contract with outside consultants, fees charged by

such consultants shall have been approved by the board of aldermen in connection with the adoption of the annual budget and shall be commensurate with professional rates established and paid by similar size municipalities.

(e) If two or more elected officials or city employees are attending the same event, and a city vehicle is available, as determined by the city clerk, they may use such city vehicle for transportation, in which case no mileage reimbursement shall be paid.

(Code 1969, § 2-26(c)(3), (4), (6); Ord. No. 4237-97, § 1, 1-21-1997; Ord. No. 4397-98, § 1, 6-16-1998)

Secs. 2-50—2-71. - Reserved.

DIVISION 3. - COMMITTEES

Sec. 2-72. - Standing committees.

(a) The mayor may, at his discretion, appoint such other committees as he deems necessary consisting of any number of members as he may require. Appointments to such committee shall be made by the mayor, said appointments to be recorded in the minutes of the meeting in which said members are appointed.

(b) The board of aldermen may, independently of the mayor, appoint such ad hoc committees as the board deems necessary for the good government of the city, consisting of any number of members as the board may require. The establishment of and appointments to such committees shall be accomplished by a motion of any member of the board duly made, seconded, and upon vote approved by the majority of all the members of the board. Such committees and appointments thereto shall be recorded in the minutes of the meeting in which the same are accomplished.

(c) All appointments to boards, commissions and the like which the mayor is entitled to make and which require the approval of the board of aldermen shall be reviewed by the appropriate standing committee of the board of aldermen, the same to be determined by the mayor, unless such review shall be waived by the majority of the members of the board of aldermen. Such review may, at the discretion of the appropriate committee, including personal interviews with the potential appointee.

(Code 1969, § 2-36; Ord. No. 1844-79, §§ 1—3, 2-20-1979; Ord. No. 1889-79, § 3, 6-5-1979; Ord. No. 2227-81, §§ 1, 2, 5-19-1981; Ord. No. 2527-83, § 1, 5-3-1983; Ord. No. 2685-84, § 1, 8-14-1984; Ord. No. 2789-85, § 1, 5-7-1985; Ord. No. 2815-85, 7-2-1985; Ord. No. 4108-95, § 3, 10-17-1995)

Sec. 2-73. - Public participation.

Free and open public participation at the meetings of the committees of the board shall be allowed and encouraged.

Secs. 2-74—2-104. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES[3]

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 ¾ 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 2. - 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.

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 suc 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) *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.

(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.

(n) *Press release.* The city administrator 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.

(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.

(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.

(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.

(d) *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) *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) *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) *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.

(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 3. - CITY CLERK[4]

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.

(Code 1969, § 2-53)

Sec. 2-165. - Responsibility for designated personnel.

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.

(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 DIRECTOR[5]

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.

(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 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.

(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]

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 co 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.

(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.

(c) No person in the municipal service shall, during the hours of his employment, do those things prohibited to class 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]

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]

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 address in an audible tone of voice for the record, state the subject he wishes to discuss, and state whom he is representing if he represents an organization or other persons. All remarks shall be addressed to the board as a whole and not to any member thereof. No person other than members of the board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the board, without the permission of the presiding officer. No question may be asked a board member or a member of the city staff without the permission of the presiding officer.

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

(Code 1969, §§ 2-41—2-43; Ord. No. 2996-86, § 3, 9-2-1986)

Sec. 2-496. - Agenda generally.

(a) Agenda items must be submitted to the city clerk's office before 12:00 noon Friday, 11 days prior to the meeting in which they are to be considered. The city clerk shall make public, on Thursday 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 bills.

(a) The material outlining the scope of a bill shall be presented to the city attorney, who shall prepare all bills to be considered, that the bill shall be in proper legal form and hear his certification as to the bill's legality.
(b) Every proposed 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 bills contemplating payment of money.

All 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 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 crea constitution or statutes of this state under the executive branch, including any department, agency, board, burea commission, committee, board of regents or board of curators of any institution of higher learning supported 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 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.