



*Notes: At 5:30 p.m., a ribbon cutting for the Downtown Entryway Markers will be held near the Train Depot.*

**BOARD OF ALDERMEN**  
Regular Meeting Agenda  
CITY OF PARKVILLE, MISSOURI  
Tuesday, June 7, 2016 7:00 pm  
City Hall Boardroom

**Next numbers: Bill No. 2877 / Ord. No. 2844**

**1. CALL TO ORDER**

- A. Roll Call
- B. Pledge of Allegiance

**2. CITIZEN INPUT**

**3. MAYOR'S REPORT**

**4. CONSENT AGENDA**

- A. Approve the minutes for the May 17, 2016, regular meeting
- B. Receive and file the April sewer report
- C. Approve the second reading of an ordinance to approve the Brush Creek Lot Split – Case No. PZ16-05; Michael E. Pedley, applicant
- D. Approve the second reading of an ordinance to approve the final plat of Lot 9-A and part of Tract O, the National, 1st Plat and part of the southwest quarter of Section 22, Township 51N, Range 34W – Case No. PZ16-10; RP Golf, LLC, applicant/owner
- E. Approve the second reading of an ordinance to approve the Thousand Oaks 20<sup>th</sup> Plat, Final Plat – Case No. PZ16-06; David Barth, Forest Park Development Company of Kansas City LLC, applicant
- F. Approve a three-year agreement with Kansas City Power and Light for the Demand Response Incentive Program (formerly M-Power) for the Wastewater Treatment Plant
- G. Approve sign permit in the “B-4” Planned Business District for Fast Stop gas station located at 9932 Hwy 45 – Case No. SPA16-11; Sam Hendrix, Acme Sign, applicant
- H. Adopt an ordinance to amend Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the American Disability Act
- I. Approve a retail liquor by the drink picnic license for the Main Street Parkville Association for Parkville Days on August 19-21, 2016
- J. Approve accounts payable from May 12 to June 1, 2016

*Please Note: All matters listed under “Consent Agenda” are considered to be routine by the Board of Aldermen and will be enacted upon under one motion without discussion. Any member of the Board of Aldermen may be allowed to request an item be pulled from the Consent Agenda for consideration under the regular agenda if debate and a separate motion are desired. Any member of the Board of Aldermen may be allowed to question or comment on an item on the Consent Agenda without a separate motion under the regular agenda. Items not removed from the Consent Agenda will stand approved upon motion made by any alderman, followed by a second and a roll call vote to “Approve the consent agenda and recommended motions for each item as presented.”*

## **5. ACTION AGENDA**

- A. Adopt an ordinance to approve a professional services agreement with Cunningham, Vogel & Rost, P.C. for special counsel services related to cell phone towers (Administration)
- B. Approve revisions to the damage deposit provisions and insurance provisions in the guidelines for events in Parkville
- C. Items related to the 2016 Street Maintenance Program (Public Works)
  - 1. Approve Change Order No. 1 with Julius Kaaz Construction, Inc. for sidewalk reconstruction on Twilight Place for the 2016 Curb and Sidewalk Program
  - 2. Approve Change Order No. 1 with Tandem Paving Company, Inc. for additional street maintenance in the 2016 Mill and Overlay Program

## **6. STAFF UPDATES ON ACTIVITIES**

- A. Administration
  - 1. Nature Sanctuary Volunteer Activity
- B. Police Department
  - 1. Kansas City Chief's Red Flag Day
- C. Public Works
  - 1. English Landing Park Restroom

## **7. COMMITTEE REPORTS & MISCELLANEOUS ITEMS FROM THE BOARD**

## **8. ADJOURN**

### General Agenda Notes:

The agenda closed at noon on June 2, 2016. With the exception of emergencies or other urgent matters, any item requested after the agenda was closed will be placed on the next Board meeting agenda. Emergencies and urgent matters may be placed on an amended agenda only upon vote of the Board of Aldermen. The deadline to submit your name for Citizen Input is noon on June 7, 2016.

**1. CALL TO ORDER**

A regular meeting of the Board of Aldermen was convened at 7:00 p.m. on Tuesday, May 17, 2016, at City Hall located at 8880 Clark Avenue, Parkville, and was called to order by Mayor Nanette K. Johnston. City Clerk Melissa McChesney called the roll as follows:

Ward 1 Alderman Diane Driver	- present
Ward 1 Alderman Tina Welch	- present
Ward 2 Alderman Jim Werner	- present
Ward 2 Alderman Dave Rittman	- present
Ward 3 Alderman Robert Lock	- present
Ward 3 Alderman Douglas Wylie	- present
Ward 4 Alderman Marc Sportsman	- present
Ward 4 Alderman Greg Plumb	- present

A quorum of the Board of Aldermen was present.

The following staff was also present:

Lauren Palmer, City Administrator
Kevin Chrisman, Police Chief
Alysen Abel, Public Works Director
Stephen Lachky, Community Development Director
Tim Blakeslee, Assistant to the City Administrator
Matthew Chapman, Human Resources/Finance Director
Steve Chinn, City Attorney

Mayor Johnston led the Board in the Pledge of Allegiance to the Flag of the United States of America.

**2. CITIZEN INPUT**

**3. MAYOR'S REPORT**

**A. Proclaim May 15-21, 2016 as National Public Works Week**

The Mayor presented the proclamation to the following Public Works employees: Director Alysen Abel, Operations Director Alan Schank and Operations Superintendent Tom Barnard; and Richard Wilson, Alliance Water Resources.

**4. CONSENT AGENDA**

- A. Approve the minutes for the May 3, 2016, regular meeting
- B. Receive and file the April Municipal Court report
- C. Receive and file the financial report for the month ending April 30, 2016
- D. Receive and file the crime statistics for January through March 2016
- E. Approve a retail liquor by the drink picnic license for The American Legion, Leon A. Robbins Memorial Post 318 for the Rock N Roll Festival on June 17-18, 2016
- F. Approve a retail liquor by the drink picnic license for the Northland Early Education Center for the Pioneer Run on June 11, 2016
- G. Approve Resolution No. 16-007 to approve and endorse an application for a Tree Resource Improvement and Maintenance grant to Missouri Department of Conservation for the removal of hazardous trees in English Landing Park
- H. Approve the second reading of an ordinance to amend Parkville Municipal Code Section 145.250 related to Municipal Court costs payable to Synergy Services, Inc. for convictions in all cases
- I. Approve Resolution No. 16-008 setting Municipal Court costs in the Schedule of Fees
- J. Approve a construction services agreement with Midwest Drain and Sewer LLC for the 2016 closed circuit television and cleaning program

- K. Approve the first reading of an ordinance to approve the Brush Creek lot split – Case No. PZ16-05. applicant, Michael E. Pedley
- L. Approve the first reading of an ordinance to approve the final plat of Lot 9-A and part of Tract O, the National, 1st Plat and part of the southwest quarter of Section 22, Township 51N, Range 34W – Case No. PZ16-10; applicant, RP Golf, LLC, owner
- M. Approve the first reading of an ordinance to approve Thousand Oaks 20th Plat, final plat – Case No. PZ16-06; David Barth, Forest Park Development Company of Kansas City, LLC, applicant
- N. Approve accounts payable from April 28 to May 11, 2016

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN DRIVER TO **APPROVE THE CONSENT AGENDA AND RECOMMENDED MOTION FOR EACH ITEM, AS PRESENTED.** ALL AYES BY ROLL CALL VOTE: PLUMB, WYLIE, WERNER, DRIVER, WELCH, RITTMAN, LOCK AND SPORTSMAN. MOTION PASSED 8-0.

## 5. ACTION AGENDA

### A. Approve a construction, maintenance, and use agreement for the Missouri Riverfront Trail with Riverside and Platte County (postponed from May 3 meeting)

Assistant to the City Administrator Tim Blakeslee provided a brief overview of the trail extension project. He said that to-date, the parties involved had not been able to meet with Burlington Northern Santa Fe (BNSF) to discuss the easement for Phase 2. Both Platte County and Riverside wanted to move forward with Phase 1 of the project and planned to start construction in August. Per the agreement, the City would be responsible for maintenance, security and daily operations for the trail extension and the County would be responsible for the capital improvements. The Community Land and Recreation Board and the Board of Aldermen recommended that staff speak with both parties about maintenance of the trail. Riverside and Platte County were not willing to assume maintenance.

Blakeslee added that staff estimated the City's annual cost for maintenance would be between \$2,500 and \$3,000, with negligible impacts to the parks system, but there were issues with access to the trail. Staff also discussed the option to hire a third party contractor, but bids and quotes had not yet been requested. Staff spoke with Platte County Parks and Recreation Director Brian Nowotny who anticipated that if the agreement was not approved the project would be delayed indefinitely and would affect the Land and Water Conservation Fund grant.

Further discussion focused on the agreement with Magellan for the easements, the lack of the connection to Parkville, security and patrols, public safety concerns and lack of benefit to Parkville residents and park visitors.

City Administrator Lauren Palmer said that staff needed direction from the Board regarding the level of priority of the project and staff's involvement. to obtain the easements from BNSF. The consensus was for staff to assist with the discussions with BNSF regarding the easements needed for Phase 2 to complete the connection to Parkville but to continue to allow Platte County to take the lead on the project.

No action was taken by the Board.

*Clerks note: Since no action was taken, this item will not be acted upon unless it is brought before the Board at a future meeting.*

### B. Approve Resolution No. 16-009 approving and endorsing an application to the Federal Emergency Management Agency for the Hazard Mitigation Grant Program for the reconstruction of the low water crossing at the entrance to English Landing Park

Public Works Director Alysén Abel explained that in 2015 the parks received significant storm damage and by Presidential declaration a pool of money was made available for hazard mitigation

to reduce risks in the future. City staff identified the low water crossing as a potential project. Abel noted that the crossing was the only vehicle access into English Landing Park and the park was closed three times in 2015 because of high water over the crossing.

In March 2016, staff received notification from the Federal Emergency Management Agency (FEMA) that the project was short-listed and was encouraged to submit a grant application. Abel said that staff was working with North Hills Engineering and Olsson Associates for preliminary engineering, water resource modeling and cost estimates. She said that reconstruction was estimated around \$500,000 and the FEMA grant would cover 75 percent and the remaining 25 percent, or approximately \$122,000, would be paid for by the City. Abel added that the City should receive notification in August and if approved the project could be included in the 2017 budget. If the City did not receive the grant FEMA would hold onto the application for two years and the City could receive the grant during that period. The request was for submittal of the grant application and a budget commitment would not be requested until the grant was approved.

Further discussion focused on public safety and access to the park and options for funding the project.

**IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN DRIVER TO APPROVE RESOLUTION NO. 16-009 AND AUTHORIZE STAFF TO PREPARE AND SUBMIT THE FEMA HAZARD MITIGATION GRANT PROGRAM APPLICATION FOR THE LOW WATER CROSSING AT THE ENTRANCE TO ENGLISH LANDING PARK. ALL AYES; MOTION PASSED 8-0.**

**C. Authorize staff to negotiate a collection and treatment service agreement with Platte County Regional Sewer District for sewer service to West Park Lot 5**

Public Works Director Alysen Abel explained that the item was previously presented to the Board on February 16 and March 1 for sewer service to properties along Highway FF not located within the city limits, but within the Platte County Regional Sewer District (PCRS D) boundaries. On March 1, staff recommended a collection agreement but the Board rejected the recommendation and directed staff to prepare an ordinance for an alternate rate structure. Since that time staff was notified by PCRS D that it would not allow the City to serve its customers which meant staff needed direction from the Board. Abel said that staff recommended a collection and treatment services agreement. Similar agreements had been previously approved with Platte County and Kansas City, Missouri and the City benefited from those agreements. She added that staff offered annexation as an option for the property owner that grandfathered rights related to the outdoor storage ordinance, but the owner declined. Abel said that staff intended to negotiate a fee structure that would assist in recouping the expenses and it would be presented to the Board at a future date.

PCRS D Executive Director Dan Koch explained that the property owner requested that PCRS D serve the property and the owner would pay for the cost to build the sewer to connect to the Platte County sewer line. He added it would be a public sewer line that would connect to the City's sewer line.

**IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN DRIVER TO AUTHORIZE STAFF TO NEGOTIATE AN AGREEMENT WITH PLATTE COUNTY REGIONAL SEWER DISTRICT FOR SEWER COLLECTION AND TREATMENT FOR 12350 NW HWY FF. ALL AYES; MOTION PASSED 8-0.**

**6. STAFF UPDATES ON ACTIVITIES**

**A. Administration**

**1. Route 9 Downtown Entryway Markers Ribbon Cutting June 7, 2016; 5:30 p.m.**

City Clerk Melissa McChesney notified the Board that a ribbon cutting would be held on June 7 for the Route 9 Downtown Entryway markers.

Mayor Johnston said that the letters on the markers did not stand out and City Administrator Lauren Palmer responded that the original blue background was removed from the project due to cost. She asked Public Works Director Alysén Abel and the contractor to review options.

**2. Parks Master Plan Update**

Assistant to the City Administrator Tim Blakeslee stated that the steering committee met on May 11 and the consultant team provided an overview of the survey and open house results. Needs for both riverfront parks included nice restrooms, natural use areas and multiuse fields and needs for the community overall park system included a trail and extending the western edge trail, nature areas and multiuse courts. Blakeslee added that the consultants would work on a preliminary concept and another open house would be held in July for the public to review the concepts and provide input.

**B. Police Department**

**1. Tow Ordinance Review**

Police Chief Kevin Chrisman provided a summary of issues with cars that were towed at Brewfest on April 30. Staff reviewed the City's ordinance, along with peer communities, and was working to create an ordinance with more structure that mirrored the State statutes. Chrisman said he wanted to be sure the City could protect itself against the issue in the future.

**C. Community Development**

**1. Zoning Code and Subdivision Regulations Update Open House May 23, 2016; 5:30 p.m.**

Community Development Director Stephen Lachky said that an open house would be held on May 23 to receive a high level of summaries of updates to the zoning code and subdivision regulations. He added that a second open house would be scheduled later in the year.

**D. Public Works**

**1. Platte County Stormwater Grant**

Public Works Director Alysén Abel stated that in March staff submitted an application to Platte County to reconstruct the Parkville Athletic Complex detention pond. The Board approved an agreement with QuikTrip to reconfigure the pond and improve the outlet structure and the grant application was submitted to help fund the City's portion. Abel added that staff received notification that it did not receive grant money. The grant was not intended to fund maintenance or developer projects. Staff received notice that Platte County Parks and Recreation might be interested in helping out and staff was waiting on confirmation and an amount.

**7. COMMITTEE REPORTS AND MISCELLANEOUS ITEMS FROM THE BOARD**

Alderman Plumb notified the Board that Charles Pike passed away and Chief Chrisman noted that Dick Fickle also passed away. Assistant to the City Administrator Tim Blakeslee reminded the Board of the volunteer recognition event on May 18.

**8. EXECUTIVE SESSION**

**A. Attorney-client matters pursuant to RSMo 610.021(1)**

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN DRIVER TO **ENTER INTO EXECUTIVE TO DISCUSS ATTORNEY-CLIENT MATTERS PURSUANT TO RSMO 610.021(1)**. ALL AYES BY ROLL CALL VOTE: PLUMB, WYLIE, WERNER, DRIVER, WELCH, RITTMAN, LOCK AND SPORTSMAN. MOTION PASSED 8-0.

The Board entered the executive session at 8:21 p.m. At 8:38 p.m., the Board reconvened in open session.

*Clerks Note: The minutes from the executive session are on file with the City Clerk.*

Mayor Johnston announced no action was taken as a result of the executive session.

## **9. ADJOURN**

Mayor Johnston declared the meeting adjourned at 8:38 p.m.

The minutes for Tuesday, May 17, 2016, having been read and considered by the Board of Aldermen, and having been found to be correct as written, were approved on this the seventh day of June 2016.

Submitted by:

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City Clerk Melissa McChesney

## OPERATIONS REPORT – PARKVILLE DIVISION

April 2016

### **OPERATING DIVISIONS**

#### *MISSOURI*

Atchison County  
Wholesale Water  
Commission

Bonne Terre  
Boonville  
Bowling Green  
Buchanan County #1  
Cameron  
Cape Girardeau  
Craig  
Carroll County #1  
Clay County #6  
East Central Missouri  
Water & Sewer  
Authority

Elsberry  
Fayette

Franklin County #1  
Franklin County #3  
Henry County  
Water Company

Henry County #3  
Lake Ozark/  
Osage Beach

Lincoln County #1  
Neosho  
Nevada  
Parkville  
Phelps County #2  
Platte County #C-1  
Ralls County #1  
Russellville

St. Charles County #2  
Ste. Genevieve  
Sedalia  
Versailles

*IOWA*  
Maquoketa  
Tipton

*TENNESSEE*  
Dyersburg Welcome  
Center

### **Waste Water Treatment Plant Operations**

- 5.71” of precipitation fell during the month.
- The plant performed well this month with 99.3% removal efficiency for B.O.D. and 95.6% for TSS.
- An average of 564,833 gallons of wastewater was treated each day.

### **Waste Water Laboratory Analysis**

- Staff performed 393 recorded lab tests.
- The following samples were delivered to Keystone Labs for analysis: Oil & Grease (4), NH<sub>3</sub>-N (4).
- Monthly and daily laboratory equipment maintenance and calibrations were performed according to manufacturers’ guidelines.

### **Waste Water Treatment Plant Maintenance**

- Staff cleaned east and west clarifiers.
- LDO basins probes 1a, 1b, 2a, and 2b were cleaned.
- Routine preventative maintenance was done in accordance with all manufacturer recommendations.
- Ball Power Equipment installed new mower deck spindle to the mower.
- Capital Electric had to make some adjustments to the coding of the PLC #2 to accommodate the new transducers that were installed at the end of March.
- Due to the high amount of rain on April 26, the field that is leased to the local farmer was flooded which was caused by a levee breach north of the RR track by Vikings Field. City staff is working to have the levee repaired.

### **Collection System Operations**

- Robin 4000 odor control chemical continues to be fed from the Riss Lake site at approximately 25 gallons per day.
- Staff continues to monitor for H<sub>2</sub>S at manhole B-16 on a weekly basis.
- Staff continues to monitor pressure gauge on force main at River Chase subdivision three times per week.
- Staff performed 1 sewer inspection on Limestone Rd. in Nationals subdivision.

## **OPERATIONS REPORT – PARKVILLE DIVISION**

### **Collection System Maintenance**

- Each pump station was checked on Mondays, Wednesdays, and Fridays.
- Staff assisted the Parks Department with a possible sewer leak in the service line for the restrooms in the park. A dye test was performed, which indicted no leak.
- Staff and the City Engineer preformed smoke testing and CCTV on sewer mains in the downtown area to help with determining were to install new manholes.
- Brenntag delivered 3,800 gallons of Robin 4000 for odor control in Riss Lake.
- Staff responded to an alarm at Nationals PS due to high wet well level, upon arrival it was determined that there was no high wet well level and the float was bad. Capital Electric made repairs the next morning.
- Ace Pipe Cleaning did warranty repairs on several cracks in Pinecrest PS wet well.

### **Bio-solids**

- Staff did not apply sludge during the month.

### **Safety**

- 4/28/16: Vehicle Safety/Defensive Driving.

### **Recommendations**

- Nothing at this time.

## OPERATIONS REPORT – PARKVILLE DIVISION

### Loading

Hydraulic	564,833 gallons per day
Organic	417 mg/L of BOD <sub>5</sub> per day

### NPDES Effluent Permit Parameters

Parameter	Monthly Average	Permit Limit
pH	6.7 Min. and 7.1 Max	6.5 - 9.0
TSS	7.25 mg/L	30 mg/L
BOD <sub>5</sub>	1 mg/L	25 mg/L
NH <sub>3</sub> -N	0.32 mg/L	3.5 mg/L
O & G	4 mg/L	10.0 mg/L
Fecal Coliform	9.01 #/100mL	400 #/100mL

### Removal Efficiency

Parameter	Monthly Average	Permit Limit
Organic	99.3%	85 %
Solids	95.6 %	85 %

### Biosolids

	Report Period	Year to Date
Quantity Applied	0 dry tons	0 dry tons
Acres Applied	0 acres	56 acres



OPERATIONAL CONTROL PARAMETERS												
DATE	AB #1					AB#2					SLUDGE DRY TONS	WEATHER
	PH UNITS	TEMP. °C	DO mg/l	MLSS mg/l	Settled Solids	PH UNITS	TEMP. °C	DO mg/l	MLSS mg/l	Settled Solids		
1	6.5	15.8	0.1	3900	650	6.5	16.1	1.0	3760	480		O
2	6.5	15.5	0.2	3940	640	6.5	15.9	1.4	3670	460		C
3	6.6	16.0	0.1	4180	720	6.5	16.3	1.3	3930	500		C
4	6.6	16.9	0.1	4190	690	6.5	16.5	1.2	4050	560		C
5	6.5	16.3	0.1	4150	510	6.5	16.9	1.3	4080	690		PC
6	6.6	16.9	0.1	4340	800	6.5	17.1	1.4	4040	500		O
7	6.6	16.2	0.1	4060	650	6.6	16.8	1.4	4130	470		C
8	6.6	15.9	0.1	3910	660	6.6	16.2	1.4	3820	480		C
9	6.7	15.8	0.1	4010	610	6.5	16.2	1.5	4900	470		PC
10	6.7	16.6	0.1	4140	640	6.6	17.0	1.4	4080	470		O
11	6.7	16.7	0.1	4140	590	6.6	17.0	1.5	4010	530		O
12	6.6	16.2	0.1	3920	570	6.7	15.7	1.2	3920	450		C
13	6.5	16.4	0.1	4080	690	6.6	16.8	1.3	4220	450		C
14	6.2	17.4	0.1	4060	560	6.2	17.5	1.8	4090	450		C
15	6.4	17.6	0.1	4180	600	6.4	17.4	1.7	3720	430		C
16	6.3	17.5	0.1	4030	630	6.5	17.3	1.6	3730	450		PC
17	6.4	18.0	0.1	4440	650	6.5	17.5	1.7	3920	430		C
18	6.4	17.9	0.1	4020	590	6.3	18.0	1.4	4110	430		R
19	5.8	18.5	0.1	4660	580	5.9	18.6	1.7	4300	450		PC
20	6.5	18.0	0.1	4470	750	6.5	17.9	1.0	4280	430		R
21	6.5	17.7	0.1	4130	570	6.3	17.8	1.2	4160	470		O
22	6.3	17.9	0.1	4340	570	6.4	17.7	1.6	4190	460		O
23	6.4	17.7	0.1	4420	580	6.3	17.8	1.2	4150	450		C
24	6.5	18.5	0.1	4220	500	6.5	19.1	1.3	4240	450		C
25	6.7	19.0	0.7	4340	630	6.6	19.7	1.2	4260	490		C
26	6.6	19.4	0.1	4120	610	6.6	19.5	1.3	4250	580		R
27	6.7	18.3	0.1	3070	430	6.7	17.6	3.1	3300	420		PC
28	6.8	17.5	0.1	4670	300	6.9	18.1	1.9	4880	270		O
29	6.8	17.4	0.1	5150	340	6.7	17.7	1.3	5600	320		O
30	6.7	17.6	0.1	5700	400	6.6	18.1	1.5	5530	330		O
31												

1. Fill out one copy of report each month and mail in monthly for each treatment facility.
2. Mail one copy of report to the appropriate DNR regional office as noted in your permit and keep one copy in your files.
3. Reports must be signed by whoever performed tests and by an appropriate official.
4. In the weather column, use the following symbols: R-rain, S-snow, C-clear, P.C.-partly cloudy and O-overcast.
5. Use grab sample for pH, Temp. and D.O. Use grab samples for all operational control test.
6. Use 24 hr. composite (proportional) samples for B.O.D. 5, and Suspended Solids tests unless NPDES permit indicates otherwise. Use "Standard Methods" or an approved equal for all parameters.
7. Treatment plant flow measurements may be made on either influent or effluent. Lagoon influent flow measurements need be only at the time of composite sampling of the influent. All tests must be performed in accordance with NPDES Permit Conditions and Operational Control Regulation 10.CSR.20-9.010. Review your permit for specific requirements.
8. Unusual conditions, significantly affecting operations must be reported immediately to the Department of Natural Resources.
9. Representative sludge samples should be taken either before entering digesters and/or holding tanks or after removal from digesters or holding tanks.

Tests Performed by: Michael Taylor <i>Michael Taylor</i>	Title: Operator 1	Phone #: 816-891-0003	Date: 05-19-16
Report Approved by: C. Richard Wilson <i>C. Richard Wilson</i>	Title: Local Manager	Phone #: 816-891-0003	Date: 5/19/16

## **CITY OF PARKVILLE**

### **Policy Report**

Date: Friday, May 27, 2016

Prepared By:  
Stephen Lachky, AICP  
Community Development Director

Reviewed By:  
Tim Blakeslee  
Assistant to the City Administrator

ISSUE:

Approve the second reading of an ordinance to approve the Brush Creek Lot Split. Case No. PZ16-05. Applicant, Michael E. Pedley.

BACKGROUND:

Michael E. Pedley and Regina M. & Charles K. Moore own approximately 30.82 acres of land, more or less, located approximately 3/4 mile north of 45 Highway on NW 76th Street and abutting I-435. The owners submitted application PZ16-05, proposing the Brush Creek Lot Split, a Subdivision in the City of Parkville, Platte County, Missouri. The lot split creates Lot 1 (788,516 square ft.) and Lot 2 (418,771 square ft.) on their property (see Attachment 3). The owners' desire is to construct a farm building and single-family home on the property in the future.

The application was reviewed against Parkville Municipal Code Chapter 410: "R-1" Single-Family District Regulations, and Chapter 467: Height Area and Bulk Requirements, and meets all applicable requirements. The proposed lot split divides / partitions the land into two (2) lots of more than five (5) acres not involving any new streets or easements of access; therefore, the Brush Creek Lot Split is exempt from the plat requirements of the Parkville Subdivision Regulations as per Parkville Municipal Code Section 505.010 (1.). The proposed lot split does not affect existing utilities and no new public improvements are proposed or required.

BUDGET IMPACT:

There is no budget impact associated with this item.

ALTERNATIVES:

1. Approve the second reading of the ordinance approving the lot split as submitted.
2. Approve the second reading, subject to changes directed by the Board of Aldermen
3. Deny the Lot Split.
4. Postpone the item.

STAFF RECOMMENDATION:

Staff recommends the Board of Aldermen approve the second reading of the ordinance for the lot split as submitted.

POLICY:

Per Missouri Revised Statutes, Chapter 445, Section 445.030.1, all maps or plats shall be acknowledged by the proprietor before some official authorized by law to take acknowledgements of conveyances of real estate, and recorded in the office of the recorder of deeds of the county in which the land platted is situated; provided, however, that if such map or plat be land situated within the corporate limits of any incorporated city, town or village, it shall not be placed on record until it has been submitted to and approved by the common council of such city, town or village, by ordinance, duly passed and approved by the mayor, and such approval endorsed upon such map or plat under the hand of the clerk and the seal of such city,

**ITEM 4C**  
*For 06-07-16*  
**Board of Aldermen Meeting**

town, or village. The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting.*"

**SUGGESTED MOTIONS:**

I move to approve Bill No. 2874, an ordinance approving the Brush Creek Lot Split, a Subdivision in the City of Parkville, Platte County, Missouri, on second reading to become Ordinance No. \_\_\_\_\_.

**ATTACHMENTS:**

1. Ordinance – Brush Creek Lot Split
2. Application PZ16-05
3. Brush Creek Lot Split

**AN ORDINANCE APPROVING THE BRUSH CREEK LOT SPLIT, A SUBDIVISION IN THE CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI**

WHEREAS, an ordinance to rezone two parcels containing 30.82 acres, more or less, located approximately 3/4 mile north of 45 Highway on NW 76<sup>th</sup> Street and abutting I-435, from County "RMD" Residential Multiple Dwelling District to City "R-1" Single-Family District (Case No. PZ16-04) was approved by the Board of Aldermen on second reading on May 3, 2016.

WHEREAS, by application Case No. PZ16-05, the applicant and owners, Michael E. Pedley and Regina M. & Charles K. Moore, propose the Brush Creek Lot Split, a Subdivision in the City of Parkville, Platte County, Missouri, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the Brush Creek Lot Split creates Lot 1 (788,516 square ft.) and Lot 2 (418,771 square ft.) on said property referenced as Exhibit A; and

WHEREAS, the Brush Creek Lot Split was reviewed against Parkville Municipal Code Title IV, Chapter 410: "R-1" Single-Family District Regulations and Chapter 467: Height, Area, and Bulk Requirements, and meets all applicable requirements.

WHEREAS, the Brush Creek Lot Split divides / partitions the land on said property into two (2) lots of more than five (5) acres not involving any new streets or easements of access.

WHEREAS, the Brush Creek Lot Split does not affect existing utilities and no new public improvements are proposed or required.

WHEREAS, the Brush Creek Lot Split is exempt from the plat requirements of the Parkville Subdivision Regulations as per Parkville Municipal Code Title V, Section 505.010 (1.)

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

SECTION 1. The Brush Creek Lot Split, a Subdivision in the City of Parkville, Platte County, Missouri, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

SECTION 2. The applicant is hereby directed to have the plat recorded in the office of the Platte County Recorder of Deeds following execution, and is responsible for paying all recording fees.

SECTION 3. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 7<sup>th</sup> day of June 2016.

\_\_\_\_\_  
Mayor Nanette K. Johnston

ATTESTED:

\_\_\_\_\_  
City Clerk Melissa McChesney



Application #: P216-05  
 Date Submitted: 3-4-16  
 Public Hearing: 4-12-16  
 Date Approved: \_\_\_\_\_

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

**Application for Final Plat**

**1. Applicant / Contact Information**

**Applicant(s)**  
 Name: MIKE PEDLEY  
 Address: P.O. Box 29006  
 City, State: PARKVILLE MO 64152  
 Phone: 816-289-0196 Fax: \_\_\_\_\_  
 E-mail: MIKE.PEDLEY@ATT.NET  
**Engineer and/or surveyor(s) preparing plat**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Owner(s), if different from applicant**  
 Name: MIKE PEDLEY  
 Address: P.O. Box 29006  
 City, State: PARKVILLE MO 64152  
 Phone: 816-289-0196 Fax: \_\_\_\_\_  
 E-mail: MIKE.PEDLEY@ATT.NET  
**Contact Person**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

**Applicant's Signature** (Required) [Signature] Date: 03/04/16  
**Property Owner's Signature** (Required) [Signature] Date: 03/04/16

**2. Property Information**

Name and phase of plat: Brush Creek  
 Final plat in substantial conformance with approved preliminary plat? \_\_\_\_\_  
 If not, explain: \_\_\_\_\_  
 Zoning district: R-1 Single family Anticipated uses: 2 Family homes  
 Acreage of this phase: 30.82 Number of lots: 2  
 Minimum lot size: \_\_\_\_\_ Density of development: 2

**3. Additional Factors affecting the project**

Please include other comments or factors relating to the proposed subdivision in an attached narrative.

Application #: P216-05

**4. Public Improvements**

All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.

Improvement plans submitted and approved for:

Streets and access: \_\_\_\_\_  
Date approved

Length of new streets: \_\_\_\_\_

Surface material: \_\_\_\_\_ Maximum grade: \_\_\_\_\_

Sanitary sewer: \_\_\_\_\_  
Entity and date approved

Missouri Department of Natural Resources approval: \_\_\_\_\_  
Date approved

Water: \_\_\_\_\_  
Entity and date approved

Erosion and sediment control as per NPDES II: \_\_\_\_\_  
Date approved

Flood plain development permit (if required): \_\_\_\_\_  
Date approved

**5. Checklist of required submittals**

- Completed application, including plat with all required details and supporting data.
- Nonrefundable application fee of \$300.00 and \$5.00 per lot (minimum \$305.00).
- Submit twelve (12) copies of the final plat (24" x 36" or larger) and any supporting documentation, and one electronic copy (pdf) of the same for initial review by city staff and utility and service providers. Note that prior to Planning Commission and Board of Aldermen consideration additional copies will be required.
- Authorization signature of the owner of record of the property to be platted.
- Copy of any covenants and/or deed restrictions to be recorded with the Plat.
- Executed deed of release for any right-of-way dedicated to the city.
- Guarantees in the form of performance bonds or other city approved instrument ensuring the satisfactory completion of public improvements. The maintenance period for public improvements is two (2) years.

**For City Use Only**

Application accepted as complete by: Kelly Welch COASSISTANT \_\_\_\_\_  
Name Title Date 3/4/16

Application fee payment:  Check # 1306  M.O. \_\_\_\_\_  Cash  
 Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

Planning Commission Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_

Board of Aldermen Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_



## **CITY OF PARKVILLE**

### **Policy Report**

Date: Friday, May 27, 2016

Prepared By:  
Stephen Lachky, AICP  
Community Development Director

Reviewed By:  
Tim Blakeslee  
Assistant to the City Administrator

#### ISSUE:

Approve the second reading of an ordinance to approve the final plat of Lot 9-A and part of Tract O, the National, 1st Plat and part of the southwest quarter of Section 22, Township 51N, Range 34W. Case No. PZ16-10. Applicant, RP Golf, LLC, owner.

#### BACKGROUND:

Lot 9-A at the National 1st Plat is located directly south of the intersection of Muirfield Street and North National Drive. The Final Plat of The National – First Plat, Lots 1-89 & Tracts A-Z, a Subdivision in Parkville, Platte County, Missouri, Sec. 22 & 27, TWP. 51N., Rge. 34W, was considered and approved by the Board of Aldermen on May 25, 1999 and created 89 lots (See Attachment 4). RP Golf, LLC, the owner of lot 9, submitted application PZ16-10 requesting approval of the Final Plat of Lot 9-A, The National – 1st Plat, and part of Tract O, the National – 1st Plat and part of the southwest quarter of Section 22, Township 51N, Range 34W. The purpose is to add 2,002 square feet (0.05 acres) of land to the existing Lot 9, creating Lot-A containing 12,544 square feet (0.29 acres) for the construction of a future single-family home.

The application was reviewed against the Parkville Municipal Code, including the subdivision regulations and the “R-2” Single-Family District Regulations. The application was also reviewed against the previously approved plat (The National – First Plat, Lots 1-89 & Tracts A-Z, A Subdivision in Parkville, Platte County, Missouri, Sec. 22 & 27, TWP. 51N., Rge. 34W). The proposed final plat adds 2,002 square feet (0.05 acres) of land to Lot 9-A, space previously within Tract “O” and space previously dedicated as golf course / private open space. 632.97 acres of land was previously dedicated as golf course / private open space for the National Golf Club’s Community Unit Plan and is maintained by the National Golf Club. The proposed final plat adds less than 0.01 percent of this previously dedicated golf course / private open space to Lot 9-A; staff does not view this as a significant change from the previously approved plat. Approval of the final plat does not require Planning and Zoning Commission consideration and recommendation so long as no significant changes to the plat are proposed.

The proposed plat meets all applicable requirements and is consistent with previously approved plans and plats. The ten (10) foot utility easement along the side of the lot abutting North National Drive will continue into new space added to Lot 9-A. No other easements or right-of-ways have changed from the previously approved plat. The plat does not affect existing utilities and no new public improvements are required or proposed.

#### BUDGET IMPACT:

With the exception of application and permit fees and any incremental increases from real estate and personal property taxes, there is no budgetary impact.

#### ALTERNATIVES:

1. Approve the second reading of the ordinance approving the Final Plat as submitted.
2. Approve the second reading, subject to changes directed by the Board of Aldermen
3. Deny the Final Plat.

4. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends the Board of Aldermen approve the second reading of the ordinance for the final plat as submitted.

**POLICY:**

Per Parkville Municipal Code Section 505.030, all plats must be approved by the Board of Aldermen prior to recording. Approval of the final plat does not require Planning and Zoning Commission consideration and recommendation so long as no significant changes to the plat are proposed. The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting.*"

**SUGGESTED MOTIONS:**

I move to approve Bill No. 2875, an ordinance approving the Final Plat of Lot 9-A, The National – 1st Plat, and part of Tract O, the National – 1st Plat, a Subdivision in Parkville, Platte County, Missouri, and part of the southwest quarter of Section 22, Township 51N, Range 34W, on second reading to become Ordinance No. \_\_\_\_.

**ATTACHMENTS:**

1. Ordinance – Final Plat of Lot 9-A, The National, 1st Plat
2. Application PZ16-10
3. Final Plat of Lot 9-A, The National – 1st Plat, and part of Tract O, the National – 1st Plat, a Subdivision in Parkville, Platte County, Missouri and Part of the Southwest Quarter of Section 22, Township 51N, Range 34W
4. Final Plat, The National – First Plat, Lots 1-89 & Tracts A-Z, A Subdivision in Parkville, Platte County, Missouri, Sec. 22 & 27, TWP. 51N., Rge. 34W (Sheets 1 and 4)

**AN ORDINANCE APPROVING THE FINAL PLAT OF LOT 9-A, THE NATIONAL – 1ST PLAT, AND PART OF TRACT O, THE NATIONAL – 1ST PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI AND PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 51, RANGE 34W**

WHEREAS, the Final Plat of The National – First Plat, Lots 1-89 & Tracts A-Z, A Subdivision in Parkville, Platte County, Missouri, Sec. 22 & 27, TWP. 51N., Rge. 34W, was considered and approved by the Board of Aldermen on May 25, 1999 by Ordinance No. 1808 and created 89 lots, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, by application PZ16-10, RP Golf, LLC, the owner of Lot 9, petitioned to Final Plat of Lot 9-A, The National – 1st Plat, and part of Tract O, the National – 1st Plat and part of the southwest quarter of Section 22, Township 51N, Range 34W, attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, Lot 9-A adds 2,002 square feet (0.05 acres) of land to Lot 9-A from land previously dedicated as golf course / private open space (632.97 acres) according to the National Golf Club's Community Unit Plan; and

WHEREAS, application PZ16-10 was reviewed against the Parkville Municipal Code, including the subdivision regulations and the "R-2" Single-Family District Regulations, and the proposed plat meets all applicable requirements and is consistent with previously approved plans and plats; and

WHEREAS, the proposed plat does not affect existing utilities and no new public improvements are required or proposed.

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

SECTION 1. The Final Plat of Lot 9-A, The National – 1st Plat, and part of Tract O, the National – 1st Plat, a Subdivision in Parkville, Platte County, Missouri and art of the southwest quarter of Section 22, Township 51N, Range 34W, attached hereto and incorporated herein by reference as Exhibit B, is hereby approved.

SECTION 2. The City hereby accepts and agrees to maintain City improvements in easements and public rights-of-ways, which are designated on the plat.

SECTION 3. The applicant is hereby directed to have the plat recorded in the office of the Platte County Recorder of Deeds following execution, and is responsible for paying all recording fees.

SECTION 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 7<sup>th</sup> day of June 2016.

---

Mayor Nanette K. Johnston

ATTESTED:

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City Clerk Melissa McChesney



Application #: 2016-10  
Date Submitted: 5/10/16  
Public Hearing: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

CITY OF PARKVILLE • 8860 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0018

Application for Final Plat

1. Applicant / Contact Information

Applicant(s)

Name: RP GOLF  
Address: PO BOX 14146  
City, State: PARKVILLE, MO 64152  
Phone: 816-505-4797 Fax: 816-741-1462  
E-mail: DALEG@PVESTAFFESTYLE.COM

Engineer and/or surveyor(s) preparing plat

Name: RL BURRO (ROB YOUNG)  
Address: PO BOX 14069  
City, State: PARKVILLE, MO 64152  
Phone: 816-741-6152 Fax: \_\_\_\_\_  
E-mail: ROB@RLBURRO.COM

Owner(s), if different from applicant

Name: SAME  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Contact Person

Name: SAME  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) [Signature] Date: 5/10/16  
Property Owner's Signature (Required) [Signature] Date: 5/10/16

2. Property Information

Name and phase of plat: LOT 9-A, THE NATIONAL, 1ST PLAT  
Final plat in substantial conformance with approved preliminary plat? YES  
If not, explain: \_\_\_\_\_

Zoning district: RESIDENTIAL Anticipated uses: \_\_\_\_\_  
Acreage of this phase: 12,544 SQ FT Number of lots: 1  
Minimum lot size: N/A Density of development: \_\_\_\_\_

3. Additional Factors affecting the project

Please include other comments or factors relating to the proposed subdivision in an attached narrative.

**4. Public Improvements**

All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.

Improvement plans submitted and approved for:

Streets and access: \_\_\_\_\_  
Date approved

Length of new streets: \_\_\_\_\_

Surface material: \_\_\_\_\_ Maximum grade: \_\_\_\_\_

Sanitary sewer: \_\_\_\_\_  
Entity and date approved

Missouri Department of Natural Resources approval: \_\_\_\_\_  
Date approved

Water: \_\_\_\_\_  
Entity and date approved

Erosion and sediment control as per NPDES II: \_\_\_\_\_  
Date approved

Flood plain development permit (if required): \_\_\_\_\_  
Date approved

**5. Checklist of required submittals**

- Completed application, including plat with all required details and supporting data.
- Nonrefundable application fee of \$300.00 and \$5.00 per lot (minimum \$305.00).
- Submit twelve (12) copies of the final plat (24" x 36" or larger) and any supporting documentation, and one electronic copy (pdf) of the same for initial review by city staff and utility and service providers. Note that prior to Planning Commission and Board of Aldermen consideration additional copies will be required.
- Authorization signature of the owner of record of the property to be platted.
- Copy of any covenants and/or deed restrictions to be recorded with the Plat.
- Executed deed of release for any right-of-way dedicated to the city.
- Guarantees in the form of performance bonds or other city approved instrument ensuring the satisfactory completion of public improvements. The maintenance period for public improvements is two (2) years.

→ SUBMITTED 1 MYLAR, 2 PAPER COPIES

**For City Use Only**

Application accepted as complete by:  Kelly Gulich CD Ass't \_\_\_\_\_ 5/10/16 \_\_\_\_\_  
Name Title Date

Application fee payment:  Check # 1587  M.O. \_\_\_\_\_  Cash  
 Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

Planning Commission Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_

Board of Aldermen Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_

FINAL PLAT  
**LOT 9-A, THE NATIONAL - 1ST PLAT,**  
 AND PART OF TRACT 0, THE NATIONAL - 1ST PLAT, A SUBDIVISION IN  
 PARKVILLE, PLATTE COUNTY, MISSOURI AND PART  
 OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 51N, RANGE 34W

**PROPERTY DESCRIPTION**

CONTAINING 12,544 SQUARE FEET OR 0.29 ACRES

ALL OF LOT 9 AND PART OF TRACT "0", THE NATIONAL - FIRST PLAT, AND PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 51 NORTH, RANGE 34 WEST, ALL IN PARKVILLE, PLATTE COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTLY CORNER OF SAID LOT 9; THENCE S36°56'52"E, ALONG THE NORTHEASTLY LINE OF SAID LOT 9, A DISTANCE OF 243.89 FEET TO THE SOUTHEASTLY CORNER OF SAID LOT 9; THENCE N85°11'03"W, ALONG THE SOUTHERLY LINE OF SAID LOT 9 AND ITS WESTERLY EXTENSION, A DISTANCE OF 236.65 FEET; THENCE N43°43'29"W, ALONG A LINE PARALLEL WITH AND 25.00 FEET WESTERLY OF THE WESTERLY LINE OF SAID LOT 9, A DISTANCE OF 65.96 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT "0", SAID POINT ALSO BEING ON THE SOUTHEASTLY RIGHT-OF-WAY LINE OF NORTH NATIONAL DRIVE; THENCE N46°16'31"E, ALONG SAID LINE AND ALONG THE NORTHWESTERLY LINE OF SAID LOT 9, A DISTANCE OF 152.79 FEET; THENCE NORTHEASTERLY, CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 9, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 475.00 FEET, AN ARC DISTANCE OF 32.70 FEET TO THE POINT OF BEGINNING.

**SURVEY NOTES:**

1. THE FOLLOWING STANDARD MONUMENTATION HAS BEEN SET AT THE NOTED LOCATION UNLESS INDICATED OTHERWISE ON THIS DRAWING:

- SEMI-PERMANENT MONUMENTATION:  
 CHISELED CROSS AT ALL CORNERS MARKED "X"  
 1/2" IRON BAR WITH PLASTIC CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED "●"  
 PERMANENT MONUMENTATION:  
 5/8" IRON BAR WITH ALUMINUM CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED "▲"

2. THE POSITION OF EXISTING MONUMENTATION AS INDICATED BY AN "X", "●", "○" OR "▲", IF NOT THE TRUE CORNER, IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
3. THE SOURCE OF THE DESCRIPTION USED FOR THIS SURVEY WAS DERIVED FROM THE PLAT OF THE NATIONAL - FIRST PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI.
4. THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF THE NATIONAL - FIRST PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI.
5. THIS SURVEY DOES NOT REFLECT ANY OF THE FOLLOWING WHICH WERE EITHER NOT REQUESTED OR FURNISHED BY THE CLIENT OR ARE NOT WITHIN THE SCOPE OF THE SERVICES PROVIDED BY A PROFESSIONAL SURVEYOR. THEREFORE, THIS SURVEYOR DOES NOT ACCEPT ANY LIABILITY SHOULD ANY OF THEM BE APPLICABLE TO THE SUBJECT REAL ESTATE: SUBSURFACE CONDITIONS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, AND ZONING OR OTHER LAND USE REGULATIONS.
6. NO TITLE REPORT WAS PROVIDED BY THE CLIENT FOR THIS SURVEY.
7. THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.
8. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN PROPERTY SURVEY AS DEFINED BY THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

**DEDICATION:**

THE UNDERSIGNED PROPRIETORS OF THE PROPERTY DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT AND SAID PROPERTY SHALL HEREAFTER BE KNOWN AS:

FINAL PLAT, LOT 9-A, THE NATIONAL - FIRST PLAT

**EASEMENTS:**

ALL EASEMENTS SHOWN HEREON HAVE BEEN PREVIOUSLY DEDICATED ON THE PLAT OF THE TOWNHOMES AT THE NATIONAL - 3RD PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI.

**STREETS:**

THE STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

**COVENANTS AND RESTRICTIONS:**

THE COVENANTS AND RESTRICTIONS RECORDED WITH THE TOWNHOMES AT THE NATIONAL - 3RD PLAT APPLY TO THIS PLAT.

IN WITNESS WHEREOF, DOUBLE EAGLE, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.

OWNERS LOT 9  
 OWNERS PART NW 1/4 SECTION 22 & PART OF TRACT "0"  
 (NATIONAL RESIDENTIAL DEV. CO.)

EDWARD STEVENS      KIMBERLY STEVENS      DALE BROOK, MANAGING MEMBER

STATE OF MISSOURI )  
 ) SS:  
 COUNTY OF \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME DALE BROOK, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE CO-MANAGER OF THE NATIONAL RESIDENTIAL DEVELOPMENT COMPANY AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID NATIONAL RESIDENTIAL DEVELOPMENT COMPANY; AND EDWARD AND KIMBERLY STEVENS, INDIVIDUAL OWNERS OF LOT 9, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID COMPANY AND SAID INDIVIDUALS.

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

NOTARY PUBLIC      MY COMMISSION EXPIRES: \_\_\_\_\_

CITY OF PARKVILLE, MISSOURI  
 THIS IS TO CERTIFY THAT THIS FINAL PLAT, LOT 9-A, THE NATIONAL - FIRST PLAT WAS SUBMITTED TO, CONSIDERED AND APPROVED BY THE PARKVILLE BOARD OF ALDERMAN THIS DAY OF \_\_\_\_\_ 2016 VIA ORDINANCE # \_\_\_\_\_

NANNETTE K. JOHNSTON, MAYOR      MELISSA McCHESNEY, CITY CLERK

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

*Robert G. Young*  
 ROBERT G. YOUNG, PLAT # 2007000089  
 DATE 04/05/2016

IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.

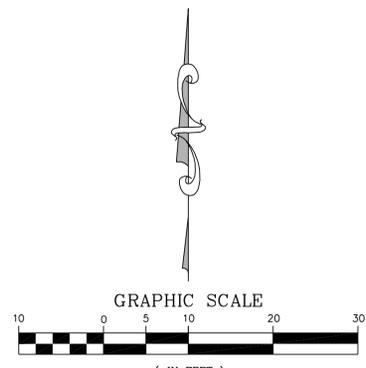
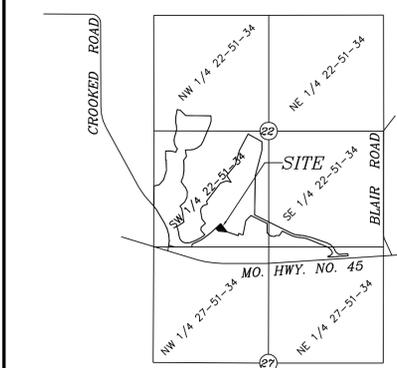
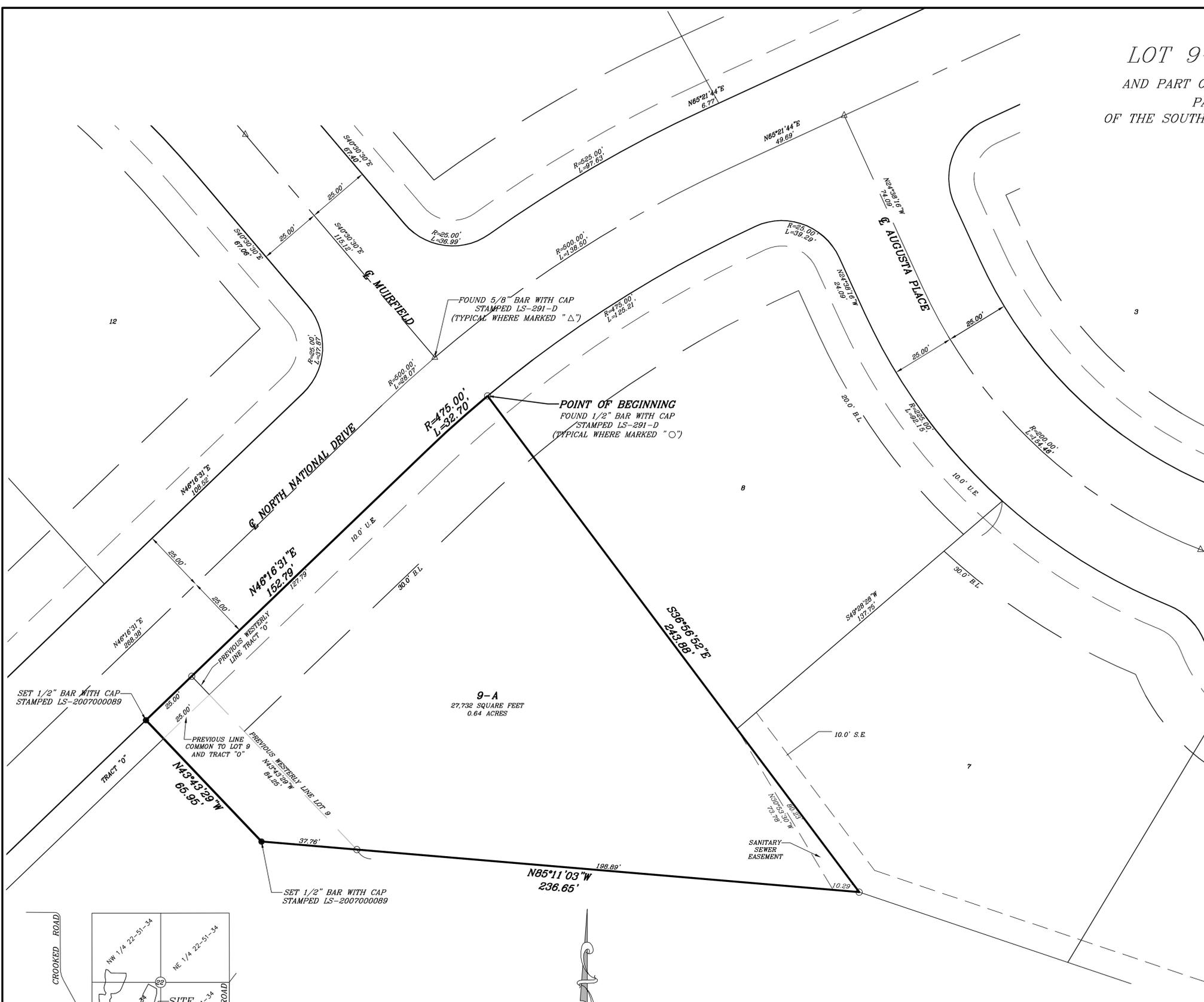
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**R.L. Buford & Associates, LLC**  
 LAND SURVEYING - DEVELOPMENT CONSULTANTS

P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152

FOR	THE NATIONAL	SEC.-TWP.-RGE.	COUNTY	JOB NO.
		22-51-34	PLATTE	P-16069
		DATE	FIELD BOOK & PAGE	
		04/28/2016	LOOSE LEAF	

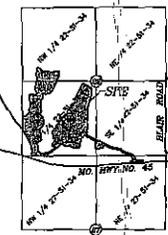
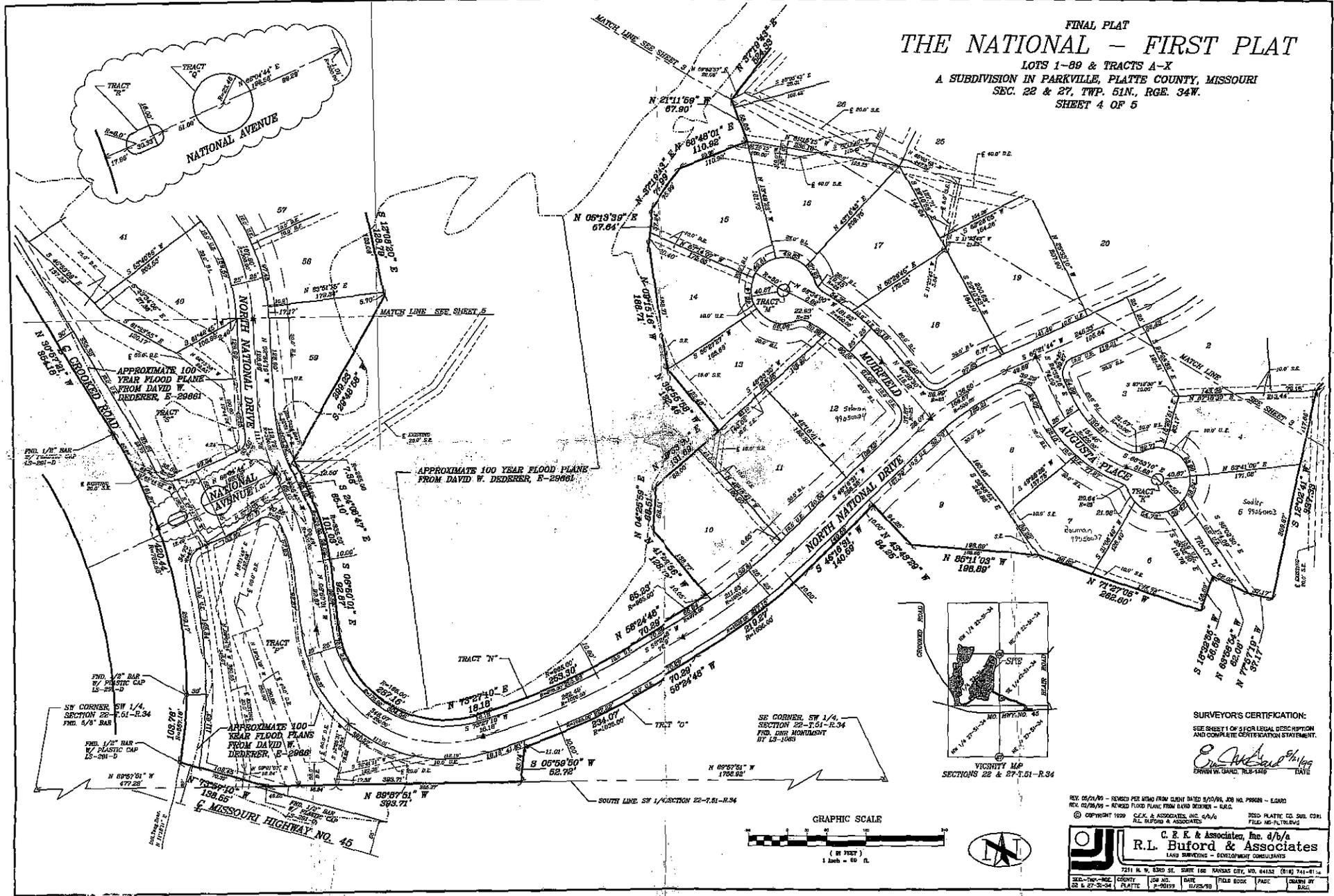
LOT SPLIT      DRAWN BY ABH



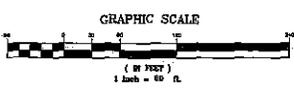
VICINITY MAP  
 SECTIONS 22 & 27 - T.51 - R.34



FINAL PLAT  
**THE NATIONAL - FIRST PLAT**  
 LOTS 1-89 & TRACTS A-X  
 A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI  
 SEC. 22 & 27, TWP. 51N., RGE. 34W.  
 SHEET 4 OF 5



**SURVEYOR'S CERTIFICATION:**  
 SEE SHEET 1 OF 5 FOR LEGAL DESCRIPTION  
 AND COMPLETE CERTIFICATION STATEMENT.  
*E. R. K. & Associates, Inc.*  
 EDWIN W. SAUNDERS, L.S. 1242



REV. 05/21/90 - ROUNDED PER MEAS FROM CLIENT DATED 8/10/94. JOB NO. P9898 - LEARD  
 REV. 02/08/99 - REVISED FLOOD PLANS FROM HANS DEDERER - L.S. 1242  
 © COPYRIGHT 1999 C.E.K. & ASSOCIATES, INC. 04/99  
 R.L. BUFORD & ASSOCIATES, INC. 04/99  
 3000 PLATTE CO. S.W. CORN.  
 FILED NO. PLTR 014/04

**C. E. K. & Associates, Inc. d/b/a**  
**R.L. Buford & Associates**  
 LAND SURVEYING - DEVELOPMENT CONSULTANTS

2211 N. W. 53RD ST. SUITE 100 HANCOCK CITY, MO. 64116 (816) 741-4111

SEC. 22-27-34-04	COUNTY	JOB NO.	DATE	FIELD BOOK	PAGE	DRAWN BY
PLATTE		P-98199	11/25/99			ELC

## **CITY OF PARKVILLE**

### **Policy Report**

DATE: Friday, May 27, 2016

PREPARED BY:  
Stephen Lachky, AICP  
Community Development Director

REVIEWED BY:  
Tim Blakeslee  
Assistant to the City Administrator

ISSUE:

Approve the second reading of an ordinance to approve the Thousand Oaks 20<sup>th</sup> Plat – Final Plat. Case No. PZ16-06; David Barth, Forest Park Development Company of Kansas City, LLC applicant.

BACKGROUND:

The application (Case No. PZ16-06) proposes a final plat for 32 single-family lots and additional open space tracts consisting of 14.56 acres, more or less within 28.33 acres, more or less (see Attachment 3). The property is located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment). The property is bound by the Thousand Oaks 12<sup>th</sup> Plat to the south and the Thousand Oaks 10<sup>th</sup> Plat and Thousand Oaks 11<sup>th</sup> Plat on the east. The final plat proposes new lots on extensions of two existing cul-de-sacs – Meyers Circle in the Thousand Oaks 10<sup>th</sup> Plat and NW 66<sup>th</sup> Terrace in Thousand Oaks 11<sup>th</sup> Plat. The preliminary plat for Thousand Oaks West (Case No. PZ15-14) was approved by the Planning and Zoning Commission, subject to conditions recommended by staff on June 9, 2015. The final plat includes only minor changes from the approved preliminary plat.

Staff reviewed the final plat application against the Parkville Municipal Code, including the subdivision regulations, R-3 district regulations, adequate utilities, grading and drainage, park land dedication, and public improvements. The application was also reviewed against the previously approved preliminary plat for Thousand Oaks West, to be platted as the Thousand Oaks 20<sup>th</sup> Plat and Thousand Oaks 21<sup>st</sup> Plat, and final plat documents submitted by the applicant. Staff's analysis presented to the Planning and Zoning Commission on May 10, 2016, is included as Attachment 5. Staff concluded the final plat meets all applicable zoning standards, subdivision regulations and requirements; with the exception of the drainage, stormwater and engineering standards (pending final review of engineering drawings), and is consistent with prior approvals.

Parkville Municipal Code Section 505.220 requires the dedication of park land or acceptance of cash in lieu of a park land dedication (with approval by the Board of Aldermen). The Code requires 0.0222 acres (967.03 square feet) of park land per single-family residential lot, or an amount equal to the required park land dedication multiplied by seven thousand dollars (\$7,000) per acre. The final plat includes 32 single-family lots, requiring a dedication of 0.7104 acres (30,945.02 square feet) of park land or \$4,972.80 in lieu of dedication. Primary considerations for acceptance of park land will be whether the park land provides a public benefit and whether adequate resources exist to maintain the land and any associated improvements. Staff determined maintenance of the park land and any associated improvements on the land would strain existing City resources — specifically funding for maintenance and the Public Works Department and operations staff — due to the location of the park land within city limits and distance from operations facilities. Furthermore, the Planning and Zoning Commission determined dedication of park land was not appropriate for this area since the City's

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comprehensive plan does not identify this area for parks and open space system expansion, and the existing topography of the area is not conducive for a future park. Additionally, Platte County Parks & Recreation said the park land area had the potential to be a trailhead for its county system in the future, but identified higher priorities for the county parks and trails system to the west along the Brush Creek corridor. The applicant acknowledged he would prefer and be willing to pay the cash in lieu of dedication.

Parkville Municipal Code Section 505.090 requires four (4) foot sidewalks along one side of all collector streets, including Brink-Myers Road. In conversations with staff, the applicant indicated difficulty of doing so on the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat due to existing topography. The applicant's preference is to construct a trail as part of Phase 21, west of the 20th Plat, as a reasonable alternative to accomplish the intent of the Code. This request was approved by the Planning and Zoning Commission (by a vote of 8-0) as a modification of the requirements, variance or waiver in accordance with the procedures listed in Parkville Municipal Code sections 505.310 and 505.320.

**BUDGET IMPACT:**

With the exception of application and permit fees and any incremental increases from real estate and personal property taxes, there is no budgetary impact.

**ALTERNATIVES:**

1. Approve second reading of the ordinance approving the final plat as submitted.
2. Approve second reading, subject to changes directed by the Board of Aldermen.
3. Deny the final plat.
4. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Aldermen approve second reading of the ordinance, subject to the following conditions, prior to the final plat being recorded:

- Confirmation of final plan approval, with or without conditions, from the following utility service providers: Platte County Regional Sewer District (PCRSD), Missouri American Water (MoAM), Southern Platte Fire Protection District (SPFPD) and Kansas City Power & Light (KCP&L).
  - Developer provides the City \$4,972.80 in lieu of parkland dedication as required by Parkville Municipal Code Section 505.220.
  - Developer provides the City \$12,846.62 for public improvement permit fee as required by Parkville Municipal Code Section 850.200.
  - Developer enters into a Right-of-Way Maintenance Agreement with the City that outlines the maintenance responsibilities for private improvements (e.g., street trees, monuments, sprinklers) within public right-of-way, including but not limited to Tract "B" within Myers Circle.
  - Construction of the trail as part of Phase 21 west of the 20<sup>th</sup> Plat.
  - Approval of a Final Storm Water Management Study by the Public Works Director, prior to the issuance of public improvement permits.
  - Approval of detailed drawings and engineering calculations associated with the street and storm sewer improvements by the Public Works Director, prior to the issuance of public improvement permits.
  - Approval of additional utility improvement plans (as required) by the Public Works Director.
-

- Any additional agreements, easements, and bonds associated with the construction of storm water detention and storm water treatment facilities as required by the Public Works Director, prior to the issuance of public improvement permits.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission considered the application at the May 10, 2016, meeting. Staff notified members of the public who attended the meeting or provided comments for the rezoning and preliminary plat on June 9, 2015. One member of the public attended and provided comments regarding this application on May 10, specifically the landscaping amenities to be provided around Myers Circle and NW 66<sup>th</sup> Terrace. The Commission approved (by a vote of 8-0) a modification of the requirements, variance or waiver in accordance with the procedures listed in Parkville Municipal Code sections 505.310 and 505.320 for the construction of a trail as part of Phase 21, west of the 20<sup>th</sup> Plat, as a reasonable alternative to accomplish the intent of Section 505.090, specifically the requirement of four (4) foot sidewalks along one side of all collector streets, including Brink-Myer Road.

The Planning and Zoning Commission concurred with staff conclusions and recommendations. The Commission recommended approval of the final plat (by a vote of 8-0), subject to conditions recommended by staff, with the removal of the condition that the developer provide the City Tract "A" (2.55 acres) as park land dedication, and the addition of the condition that the developer provide the City \$4,972.80 in lieu of park land dedication. Items considered by the Commission for their recommendation are attached.

**POLICY:**

Parkville Municipal Code Section 505.220: Park Land Dedication requires the dedication of park land or acceptance of cash in lieu of a park land dedication (with approval by the Board of Aldermen). The code requires 0.0222 acres (967.03 square feet) of park land per single-family residential lot, or an amount equal to the required park land dedication multiplied by seven thousand dollars (\$7,000) per acre, less a credit that any land actually dedicated for park purposes bears to the Required Park Land Dedication. Per the Municipal Code, the Board of Aldermen must accept the park land or cash in lieu of park land prior to approval of the final plat.

Parkville Municipal Code Section 850.200: Subdivision Fees requires an improvement permit fee necessary to offset City services provided and shall be used to offset expenses including, but not limited to, software, mapping of improvements, consulting services, standards guides, plan review, guiding utilities, improvement inspections, third (3rd) party testing, staffing and other expenses related to provision of adequate infrastructure services. The improvement fee shall be paid as follows: Twenty-six dollars forty-nine cents (\$26.49) per one thousand (1,000) square feet of platted residential lot area and nineteen dollars sixty-eight cents (\$19.68) per one thousand (1,000) square feet of platted non-residential lot area. This fee is based on one and one-half percent (1.5%) of the estimated value of improvements, including public and private streets, public storm sewers and public sanitary sewers, per one thousand (1,000) square feet of lot area in the City of Parkville as of the effective date of this Section (August 19, 2006).

Parkville Municipal Code Section 505.310: Modifications states where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the subdivision regulations would result in extraordinary hardship to the subdivider because of unusual topography or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of the subdivision regulations, the Board of Aldermen may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with

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carrying out the Comprehensive Plan of the City of Parkville. Furthermore, Parkville Municipal Code Section 505.320: Variance and Waivers states that such variance and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the City Planning Commission.

Per Parkville Municipal Code Section 505.030, all plats must be approved by the Board of Aldermen prior to recording. The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting. If authorized by the City Administrator, the first reading of an ordinance may be included as part of the consent agenda.*"

**SUGGESTED MOTION:**

I move to approve Bill No. 2876, an ordinance approving the Thousand Oaks 20<sup>th</sup> Plat – Final Plat, a subdivision in the City of Parkville, Platte County, Missouri, on second reading to become Ordinance No. \_\_\_\_.

**ATTACHMENTS:**

1. Ordinance – Thousand Oaks – 20<sup>th</sup> Plat, Final Plat
2. Application PZ16-06
3. Thousand Oaks – 20<sup>th</sup> Plat, Final Plat (3 sheets) prepared by Aylett Survey & Engineering Company dated April 28, 2016.
4. Concept Plan for landscaping amenities to be provided around Myers Circle and NW 66<sup>th</sup> Terrace.
5. May 10, 2015 Staff Analysis to the Planning and Zoning Commission
6. April 29, 2016 Staff Analysis from Public Works Director, Alysen Abel
7. April 29, 2016 Correspondence to Interested Parties

**ADDITIONAL EXHIBITS BY REFERENCE:\***

1. Minutes of the May 10, 2016 Planning and Zoning Commission meeting (by reference)
2. Parkville Zoning Code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>
3. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>

\*Copies on file at Parkville City Hall and available on request

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**AN ORDINANCE APPROVING THOUSAND OAKS – 20TH PLAT, FINAL PLAT, A SUBDIVISION IN THE CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI**

WHEREAS, David Barth of Forest Park Development Company of Kansas City, LLC submitted an application for a preliminary plat of Thousand Oaks West, 34 single-family units on 43.29 acres (Case No. PZ15-14); and

WHEREAS, following a public hearing on June 9, 2015, at Parkville City Hall, the Planning and Zoning Commission recommended unanimous approval of the preliminary plat application of Thousand Oaks West (Case No. PZ15-14), subject to conditions, by a vote of 7-0; and

WHEREAS, by application PZ16-06, David Barth of Forest Park Development Company of Kansas City, LLC, petitioned to final plat of the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat, a Subdivision in the City of Parkville, Platte County, Missouri, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the final plat of the Thousand Oaks – 20<sup>th</sup> Plat proposes 32 single-family lots and additional open space tracts (14.56 acres), more or less, within 28.33 acres of land; and

WHEREAS, the final plat of the Thousand Oaks – 20<sup>th</sup> Plat was reviewed against the Parkville Municipal Code, including the subdivision regulations and the “R-3” Single-Family Residential District Regulations, and the proposed plat meets all applicable requirements and is consistent with previously approved plans and plats; and

WHEREAS, on May 10, 2016, the Planning and Zoning Commission recommended unanimous approval of the final plat application for the Thousand Oaks – 20<sup>th</sup> Plat (Case No. PZ16-06), subject to conditions, by a vote of 8-0; and

WHEREAS, additional City review and approval of drainage, stormwater and detention, and engineering standards and other considerations need to be met prior to the final plat being recorded by the Platte County, MO Recorder’s Office; and

WHEREAS, the applicant agrees to the Board of Aldermen’s conditions of approval, prior to the final plat being recorded, including but not limited to, providing the City of Parkville \$4,972.80 in lieu of park land dedication requirements and \$12,846.62 for improvement permit fee requirements.

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

**SECTION 1.** The Thousand Oaks – 20th Plat, Final Plat, a Subdivision in the City of Parkville, Platte County, Missouri, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, subject to conditions by the Board of Aldermen prior to the final plat being recorded, including but not limited to final review and approval of drainage, stormwater and detention, engineering standards and other considerations by the Public Works Director; the applicant providing the City of Parkville \$4,972.80 in lieu of park land dedication requirements; and the applicant providing the City of Parkville \$12,846.62 for public improvement permit fee requirements.

SECTION 2. The applicant accepts and agrees to enter into a Right-of-Way Maintenance Agreement with the City that outlines the maintenance responsibilities for private improvements within public right-of-way.

SECTION 3. The City hereby accepts and agrees to maintain City improvements in easements and public rights-of-ways, which are designated on the plat.

SECTION 4. The applicant, once all conditions by the Board of Aldermen have been met and acknowledged by the City of Parkville, is hereby directed to have the plat recorded in the office of the Platte County Recorder of Deeds following execution and is responsible for paying all recording fees.

SECTION 5. This ordinance shall be effective immediately upon its passage.

PASSED and APPROVED this 7<sup>th</sup> day of June 2016.

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Mayor Nanette K. Johnston

ATTESTED:

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City Clerk Melissa McChesney



COMMUNITY DEVELOPMENT  
 8880 Clark Avenue  
 Parkville, MO 64152  
 (816) 741-7676  
 (816) 741-0013 FAX

Application #: P216-06  
 Date Submitted: 3-4-16  
 Public Hearing: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_

**Application for Final Plat**

**1. Applicant / Contact Information**

**Applicant(s)**  
 Name: FOREST PARK DEVELOPMENT  
 Address: 6019 N. 9 HWY.  
 City, State: PARKVILLE, MO 64152  
 Phone: 816-591-2550 Fax: \_\_\_\_\_  
 E-mail: dparth@kc.rr.com  
**Engineer and/or surveyor(s) preparing plat**  
 Name: AYLETT SURVEY CO.  
 Address: 201 NW. 72nd ST.  
 City, State: GLADSTONE, MO 64118  
 Phone: 816-436-0732 Fax: 816-436-0767  
 E-mail: jason@sams-survey.com

**Owner(s), if different from applicant**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
**Contact Person**  
 Name: JASON ROBBINS  
 Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

**Applicant's Signature (Required)** [Signature] <sup>FOREST PARK</sup> Date: 2/29/16  
**Property Owner's Signature (Required)** [Signature] <sup>FOREST PARK</sup> Date: 2/29/16

**2. Property Information**

Name and phase of plat: THOUSAND OAKS 20TH PLAT  
 Final plat in substantial conformance with approved preliminary plat? YES  
 If not, explain: \_\_\_\_\_

Zoning district: R-3 Anticipated uses: SINGLE FAMILY RES.  
 Acreage of this phase: 28.33 Number of lots: 33  
 Minimum lot size: 11,840 S.F. Density of development: 1.16 LOTS/ACRE

**3. Additional Factors affecting the project**

Please include other comments or factors relating to the proposed subdivision in an attached narrative.

**4. Public Improvements**

All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.

Improvement plans submitted and approved for:

Streets and access: \_\_\_\_\_  
Date approved

Length of new streets: \_\_\_\_\_

Surface material: \_\_\_\_\_ Maximum grade: \_\_\_\_\_

Sanitary sewer: \_\_\_\_\_  
Entity and date approved

Missouri Department of Natural Resources approval: \_\_\_\_\_  
Date approved

Water: \_\_\_\_\_  
Entity and date approved

Erosion and sediment control as per NPDES II: \_\_\_\_\_  
Date approved

Flood plain development permit (if required): \_\_\_\_\_  
Date approved

**5. Checklist of required submittals**

- Completed application, including plat with all required details and supporting data.
- Nonrefundable application fee of \$300.00 and \$5.00 per lot (minimum \$305.00). **\$465.00**
- Submit twelve (12) copies of the final plat (24" x 36" or larger) and any supporting documentation, and one electronic copy (pdf) of the same for initial review by city staff and utility and service providers. Note that prior to Planning Commission and Board of Aldermen consideration additional copies will be required.
- Authorization signature of the owner of record of the property to be platted.
- Copy of any covenants and/or deed restrictions to be recorded with the Plat.
- Executed deed of release for any right-of-way dedicated to the city.
- Guarantees in the form of performance bonds or other city approved instrument ensuring the satisfactory completion of public improvements. The maintenance period for public improvements is two (2) years.

**For City Use Only**

Application accepted as complete by: Kelly Yulich CO ASST. \_\_\_\_\_ 3/4/16  
Name/Title Date

Application fee payment:  Check # 3707  M.O. \_\_\_\_\_  Cash  
 Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

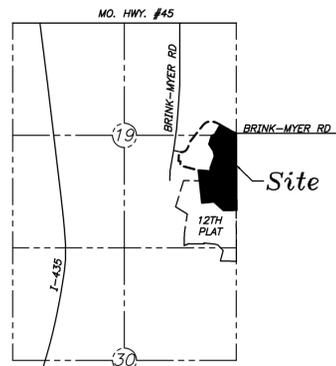
Planning Commission Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_

Board of Aldermen Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
Conditions if any: \_\_\_\_\_

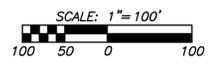
# THOUSAND OAKS – 20TH PLAT

## FINAL PLAT

### A Subdivision in the City of Parkville, Platte County, Missouri



SEC. 19-51-34  
Location Map

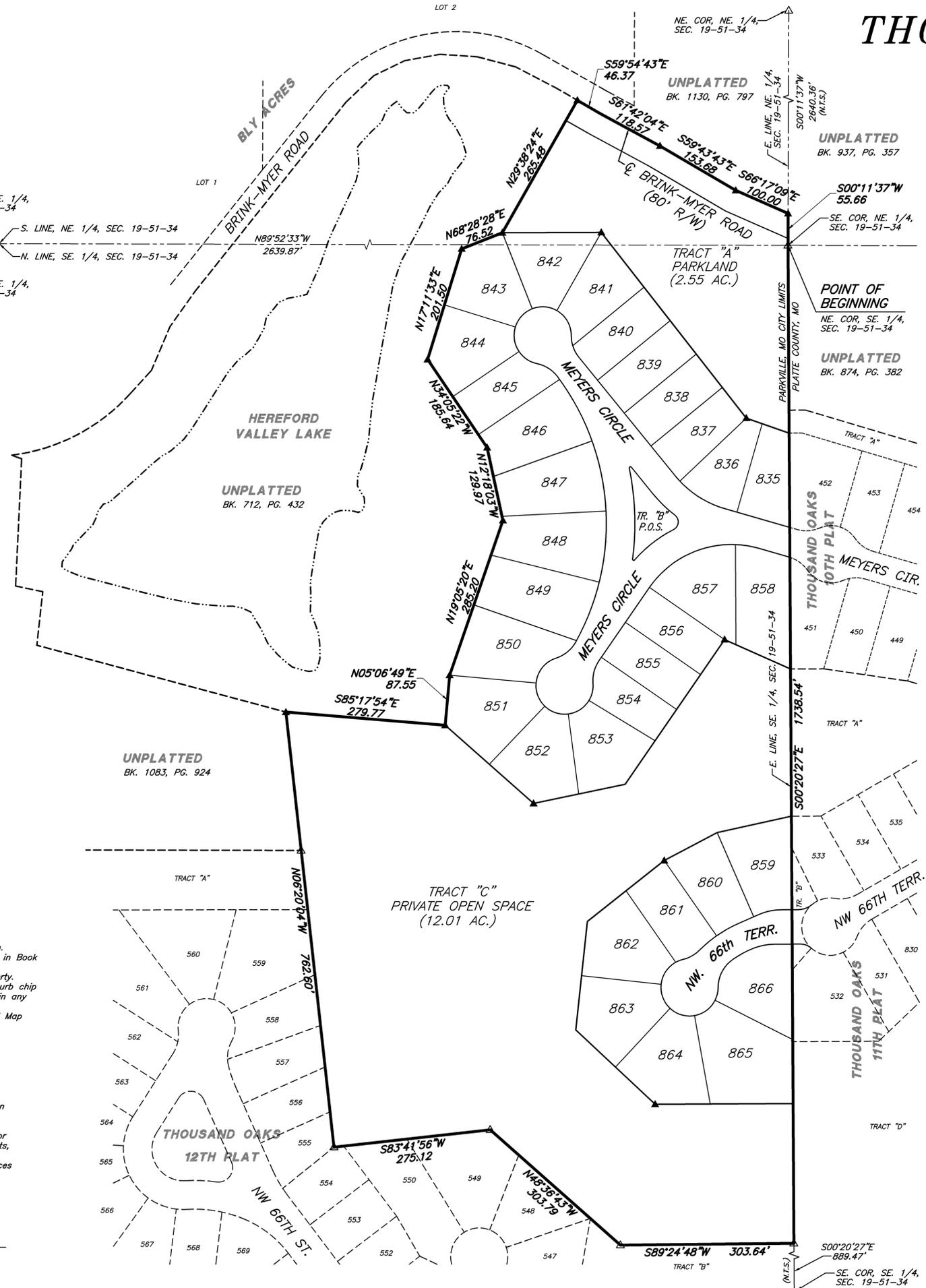


- LEGEND:**
- R/W = Right of Way
  - R = Radius
  - I.T.B. = Initial Tangent Bearing
  - DA = Delta Angle
  - N.T.S. = Not to Scale
  - BK. = Book
  - PG. = Page
  - P.O.S. = Private Open Space
  - △ Denotes Existing Monument
  - ▲ Denotes Permanent Monument

- NOTES:**
1. Bearing System is based on the Missouri State Plane Coordinate System.
  2. Parent tract is recorded at the Platte County Recorder of Deeds office in Book 712, Page 432 & Book 429, Page 76.
  3. This plat meets the accuracy requirements for an urban class of property.
  4. Permanent reference monument and semi-permanent lot corners and curb chip at lot line projections will be placed upon completion of construction but in any event, within twelve months after the plat has been recorded.
  5. This tract of land does not lie within a Regulatory Floodplain, per FIRM Map No. 29165C0360E, Panel 360 of 425, dated April 2, 2015.

I hereby state that the plat of THOUSAND OAKS – 20TH PLAT 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 Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Land Survey Division, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the plotting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074



**DESCRIPTION:**  
All that part of the East Half of Section 19, Township 51, Range 34 in the City of Parkville, Platte County, Missouri, described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section 19; thence South 00 degrees 20 minutes 27 seconds East, along the East line of the Southeast Quarter of said Section 19, also being the West line of THOUSAND OAKS 10TH PLAT, a subdivision of land in Platte County, Missouri and its Northern prolongation thereof, also being the West line of THOUSAND OAKS 11TH PLAT, a subdivision of land in Platte County, Missouri, a distance of 1738.54 feet to the Northeast corner of THOUSAND OAKS 12TH PLAT, a subdivision of land in the City of Parkville, Platte County, Missouri; thence South 89 degrees 24 minutes 48 seconds West, along the North line of said THOUSAND OAKS 12TH PLAT, a distance of 303.64 feet; thence, continuing along said line, North 48 degrees 36 minutes 43 seconds West, a distance of 303.79 feet; thence, continuing along said line, South 83 degrees 41 minutes 56 seconds West, a distance of 275.12 feet; thence, continuing along said line and its Northern prolongation thereof, North 06 degrees 20 minutes 04 seconds West, a distance of 762.60 feet; thence South 85 degrees 17 minutes 54 seconds East, a distance of 279.77 feet; thence North 05 degrees 06 minutes 49 seconds East, a distance of 87.55 feet; thence North 19 degrees 05 minutes 20 seconds East, a distance of 285.20 feet; thence North 12 degrees 18 minutes 03 seconds West, a distance of 129.97 feet; thence North 34 degrees 05 minutes 22 seconds West, a distance of 185.64 feet; thence North 17 degrees 11 minutes 33 seconds East, a distance of 201.50 feet; thence North 68 degrees 28 minutes 28 seconds East, a distance of 76.52 feet; thence North 29 degrees 38 minutes 24 seconds East, a distance of 265.48 feet to a point in the centerline of Brink-Myer Road; thence South 59 degrees 54 minutes 43 seconds East, along said centerline, a distance of 46.37 feet; thence, continuing along said centerline, South 61 degrees 42 minutes 04 seconds East, a distance of 118.57 feet; thence, continuing along said centerline, South 59 degrees 43 minutes 43 seconds East, a distance of 153.68 feet; thence, continuing along said centerline, South 66 degrees 17 minutes 09 seconds East, a distance of 100.00 feet to a point on the East line of the Northeast Quarter of said Section 19; thence South 00 degrees 11 minutes 37 seconds West, along the East line of the Northeast Quarter of said Section 19, a distance of 55.66 feet to the Point of Beginning. Said tract of land contains 28.33 acres more or less.

**DEDICATION:** The undersigned proprietors of the tract of land described herein have caused the same to be subdivided in the manner as shown on the accompanying plat which subdivision shall hereafter be known as "THOUSAND OAKS – 20TH PLAT".

**STREETS:** Streets and Right of Ways shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

**BUILDING LINES:** Building lines or setback lines are hereby so established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line. Variance case number BZA04-35 was approved on October 20, 2004, which allowed a reduction of the side-yard setbacks in an R-3 District from 10 feet to 6.5 feet for the Thousand Oaks Estates development with the condition that there would be a 10 foot side yard setback requirement for any property abutting non Thousand Oaks property.

**EASEMENTS DEDICATION:** An easement is hereby granted to Parkville, Missouri, and to the utility companies franchised to operate in Parkville, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along the strips of land designated "Utility Easement" or "U/E". Where other easements are designed for a particular purpose, the use thereof shall be limited to that purpose only. All 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 Parkville, 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 easements. No excavation or 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 appurtenances thereto without the written approval of the Director of Public Works, as to utility easements.

**DRAINAGE EASEMENTS:** An easement is hereby granted to Parkville, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for stormwater drainage including, but not limited to, underground pipes and conduits, any or all of them upon, over, under and along the strips of land designated "Drainage Easement" or "D/E".

**SEWER EASEMENTS:** An easement or license is hereby granted to Platte County Regional Sewer District to locate, construct and maintain or authorize the location, construction and maintenance and use of sanitary sewer mains under and along the strips designated "Sewer Easement" or "S/E".

**RESTRICTIONS:** Covenants and restrictions have been filed simultaneously with this plat.

**PRIVATE OPEN SPACE:** Tracts B and C are reserved for Private Open space and are to be owned and maintained by the Homeowners Association.

**PARKLAND:** Tract A is hereby dedicated to the City of Parkville, Missouri for public use forever to be used for parks, trails or other recreational purposes and any and all purposes reasonably related thereof.

**IN TESTIMONY WHEREOF:** FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC, a Missouri Limited Liability Company, has by the authority of its Members caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC

David Barth, Member

STATE OF MISSOURI } s.s.  
COUNTY OF \_\_\_\_\_

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public in and for the County and State above mentioned, came David Barth, Member of FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC, a Missouri Limited Liability Company, who is personally known to me and duly sworn did say that he executed this instrument as the free act and deed of said FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC and was signed by its authority, in testimony whereof.

**IN TESTIMONY WHEREOF:** I have hereunto set my hand and affixed my notarial seal at my office in \_\_\_\_\_ County, Missouri, on the day and year last written.

My Commission Expires: \_\_\_\_\_ NOTARY PUBLIC

**BOARD OF ALDERMEN**  
City of Parkville, Missouri: This is to Certify that this plat of THOUSAND OAKS – 20TH PLAT, was duly submitted to and considered by and approved by the Board of Aldermen of Parkville, Missouri, by Ordinance No. \_\_\_\_\_, duly authenticated as passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MAYOR: Nanette K. Johnston CITY CLERK: Melissa McChesney

<p>FINAL PLAT <b>THOUSAND OAKS – 20TH PLAT</b> PARKVILLE, PLATTE COUNTY, MISSOURI</p>		<p>Developer: <b>FOREST PARK DEVELOPMENT OF KANSAS CITY, LLC</b> 6014 N. HWY. 9 PARKVILLE, MO 64152</p>
<p><b>AYLETT SURVEY &amp; ENGINEERING COMPANY</b> LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING 201 NW 72ND ST. ~ GLADSTONE, MO 64118 PH. (816) 436-0732 ~ FAX (816) 436-0767</p>		<p><b>SHEET 1 OF 3</b></p>
<p>Drawn By: JKR</p>	<p>File Name: 49881FPA</p>	<p>SEC: 19-51-34 Date: April 28, 2016 Job No: 49881</p>

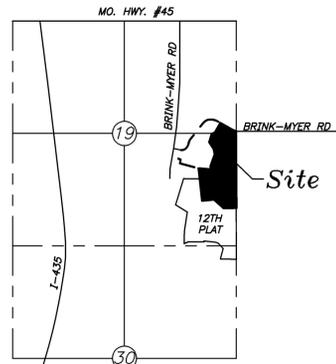


# THOUSAND OAKS - 20TH PLAT

## FINAL PLAT

A Subdivision in the City of Parkville,  
Platte County, Missouri

REFER TO SHEET 2 FOR CONTINUATION



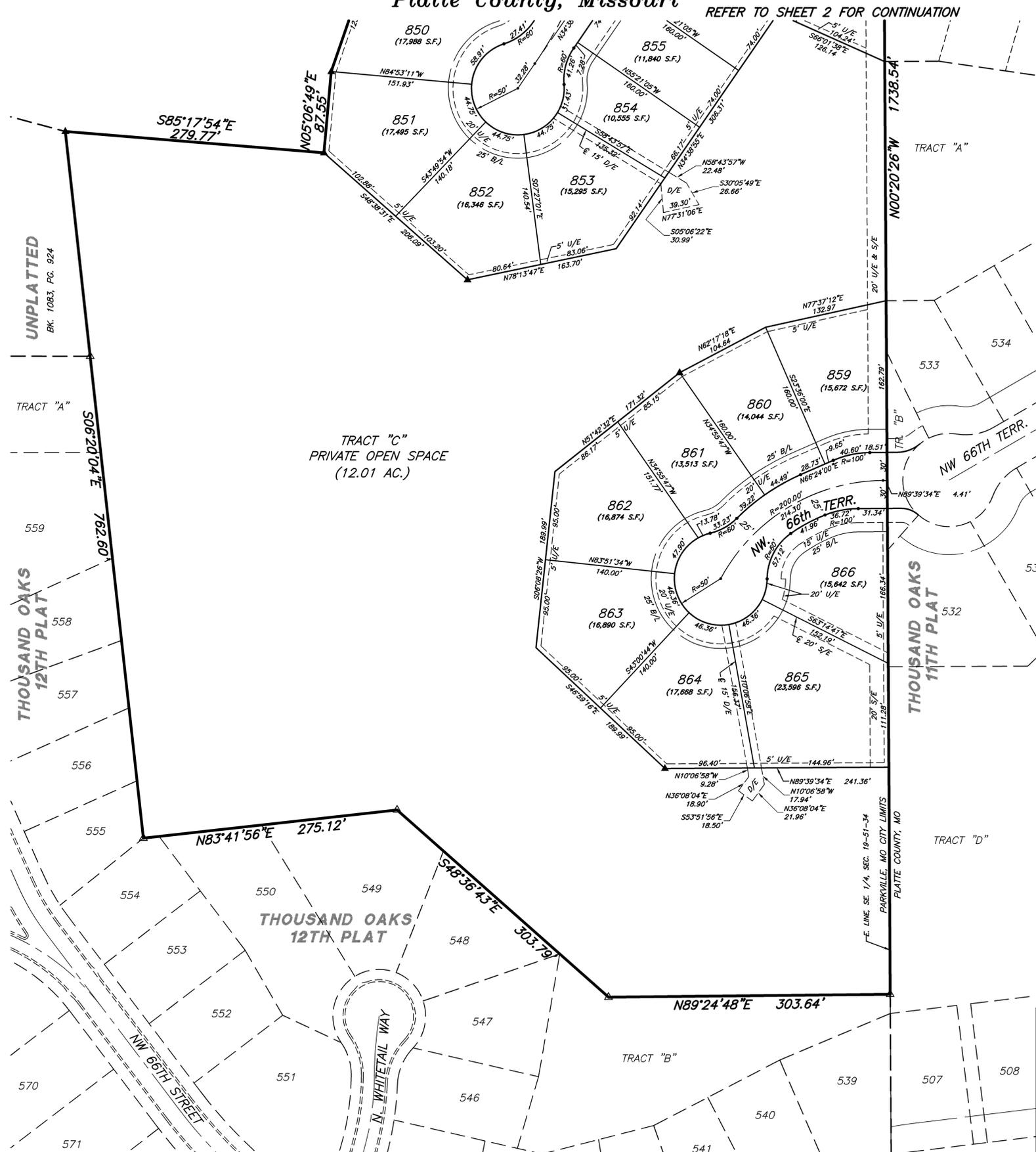
SEC. 19-51-34  
Location Map



SCALE: 1" = 60'  
60 30 0 60

**LEGEND:**

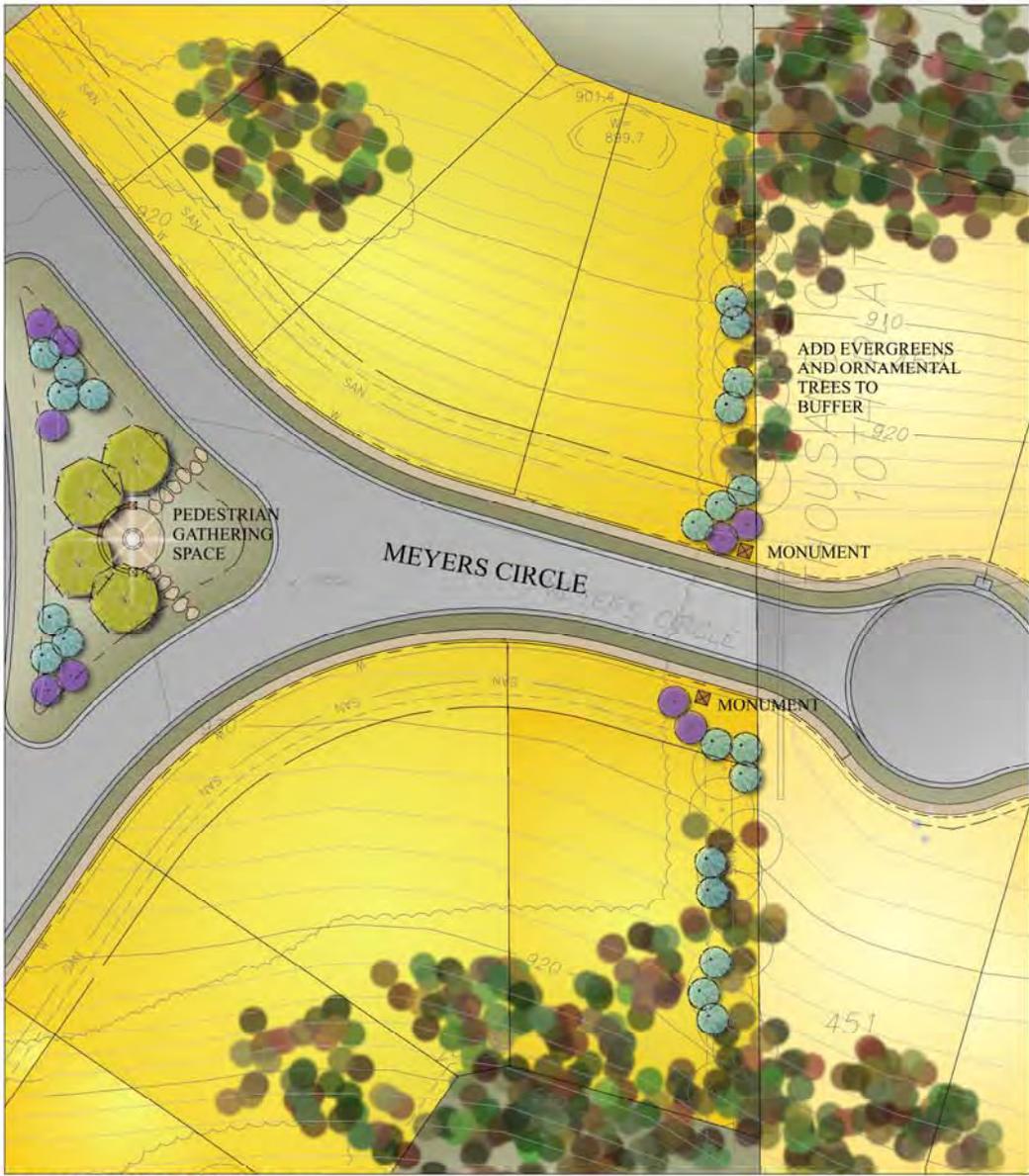
- R/W = Right of Way
- U/E = Utility Easement
- B/L = Building Line
- L/E = Landscape Easement
- D/E = Drainage Easement
- W/E = Water Line Easement
- R = Radius
- I.T.B. = Initial Tangent Bearing
- DA = Delta Angle
- N.T.S. = Not to Scale
- BK. = Book
- PG. = Page
- P.O.S. = Private Open Space
- △ Denotes Existing Monument
- ▲ Denotes Permanent Monument



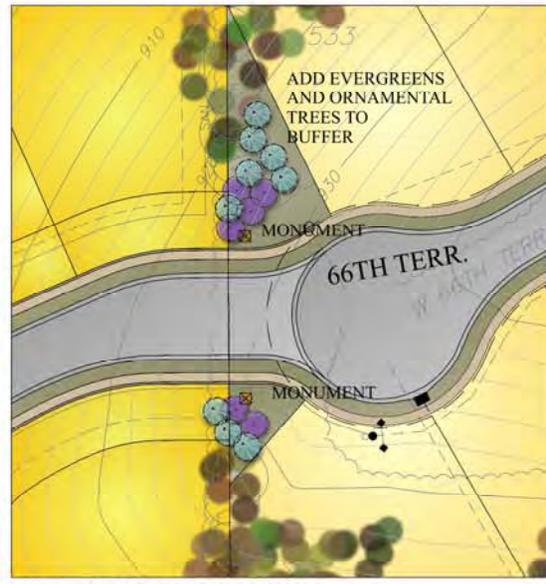
I hereby state that the plat of THOUSAND OAKS - 20TH PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Land Survey Division, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074

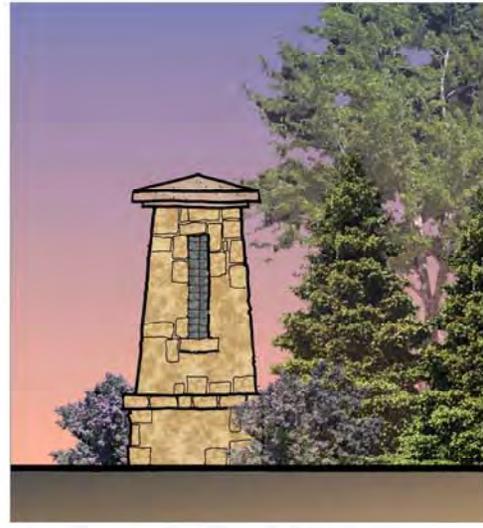
FINAL PLAT <b>THOUSAND OAKS - 20TH PLAT</b> PARKVILLE, PLATTE COUNTY, MISSOURI	
AYLETT SURVEY & ENGINEERING COMPANY LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING 201 NW 72ND ST. ~ GLADSTONE, MO 64118 PH. (816) 436-0732 ~ FAX (816) 436-0767	Developer: FOREST PARK DEVELOPMENT OF KANSAS CITY, LLC 6014 N. HWY. 9 PARKVILLE, MO 64152
<b>SHEET 3 OF 3</b>	
Drawn By: JKR    File Name: 49081FPB    SEC. 19-51-34	Date: April 28, 2016    Job No: 49881



**1 MEYERS CIRCLE CONCEPT PLAN**  
SCALE: 1"=20'-0"



**2 66TH TERRACE CONCEPT PLAN**  
SCALE: 1"=20'-0"

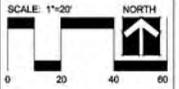


**3 CONCEPTUAL COLUMN ELEVATION DESIGN**  
SCALE: 1"=10'-0"

**MEIER**  
CONSULTING  
Landscape Architecture  
Real Estate Consulting  
3652 W. 179th Terr.  
Shawnee, KS 66265  
913.787.2817

**CLIENT**  
Barth Development  
Group  
6014 MO-9  
Parkville, MO 64152

**PROJECT**  
SITE RENDERING  
Thousand Oaks  
Community  
Parkville, MO



Date: 3.20.16  
Concept Plan

**L1**



## Staff Analysis

Agenda Item: **5.A**

Proposal: Application for Thousand Oaks – 20<sup>th</sup> Plat, Final Plat, a Subdivision in the City of Parkville, Platte County, Missouri.

Case No: PZ16-06

Applicant: Forest Park Development Company LLC of Kansas City

Owner: Forest Park Development Company LLC of Kansas City

Location: East half of Section 19, Township 51, Range 34; in the City of Parkville, Platte County, Missouri generally located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment), west of Thousand Oaks 10th and 11th Plats and north of Thousand Oaks 12th Plat.

Zoning: “R-3” Single Family District

Parcel #: All of parcels 20-4.0-19-000-000-005.000, and part of parcel 20-4.0-19-000-000-006.000

## Exhibits:

- A. This staff report
- B. Application for Final Plat
- C. April 29, 2016 memo from Public Works Director Alysen Abel
- D. Thousand Oaks – 20<sup>th</sup> Plat, Final Plat (3 sheets) prepared by Aylett Survey & Engineering Co. dated March 17, 2016.
- E. Rendering / concept plan showing the landscaping “amenity” that’ll be provided around Myers Circle and NW 66<sup>th</sup> Terrace.
- F. Thousand Oaks West Preliminary Plat (now 20<sup>th</sup> plat) summary letter from Wilbur Souders, PE, dated April 28, 1015
- G. Thousand Oaks West Preliminary ( now 20<sup>th</sup> plat) Storm Evaluation letter from Wilbur Souders, PE, dated April 28, 1015
- H. June 2, 2015 memo from Public Works Director Alysen Abel
- I. Utility service confirmation letters or signatures from: Platte County Regional Sewer District (4-14-15 Kansas City Power and Light (4-15-15); Missouri American Water (4-15-15 & 4-29-16; Missouri Gas Energy (4-16-15); Southern Platte Fire Protection District (4-29-15); and Park Hill School District (4-30-15).
- J. The Thousand Oaks Tenth Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 010266 in Book 20 Page 88 on June 10, 2005.
- K. The Thousand Oaks Eleventh Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 001110 in Book 20, Page 134 on January 20, 2006.
- L. Case No. BZA04-35 (Request for approval of a proposed side-yard setback variance Thousand Oaks Estates)
- M. Case No. PZ15-14 (An application for a preliminary plat of Thousand Oaks West, 34 single-family units on 43.29 acres)
- N. June 16, 2015 Meeting Minutes of the Board of Aldermen, Item 5C (Approve an ordinance to amend Parkville Municipal Code Chapter 405 to rezone approximately 43.3 acres from County “AG” Agricultural District to City “R-3” Single-Family Residential District – Case PZ15-18; David Barth, Forest Park Development Company of Kansas City, LLC, applicant)
- O. Ordinance 2813 approving rezoning Thousand Oaks 20<sup>th</sup> plat.
- P. Aylett Survey Revised Plat 4-28-2016
- Q. Thousand Oaks 11<sup>th</sup> replat of Tract B.

## By Reference:

- A. Parkville Municipal Code in its entirety - <http://www.ecode360.com/PA3395>, including but not limited to:
  - 1. Title IV, Zoning Code, Chapter 420, “R-3” Single-Family District Regulations - <http://www.ecode360.com/27901234>
  - 2. Title IV, Zoning Code, Chapter 467, Height, Area, and Bulk Requirements - <http://www.ecode360.com/27902586>
  - 3. Title V, Building and Construction, Chapter 505, Subdivisions - <http://www.ecode360.com/27903031>
- B. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>

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## Overview

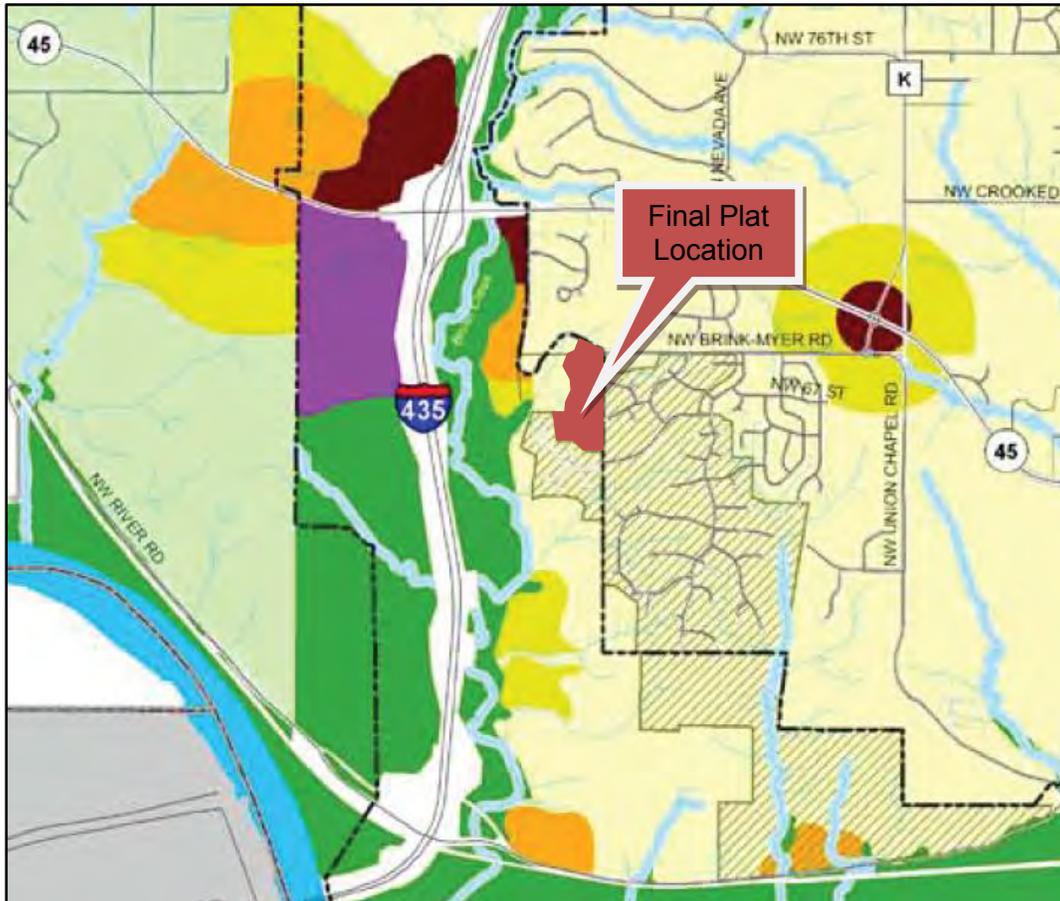
The applicant, Forest Park Development Company LLC of Kansas City, proposes the Thousand Oaks – 20<sup>th</sup> Plat, a final plat for 32 single-family lots and additional open space tracts consisting of 14.56 acres, more or less within 28.33 acres, more or less. The property is located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment). The property is bound by the Thousand Oaks 12<sup>th</sup> Plat to the south and the Thousand Oaks 10<sup>th</sup> Plat and Thousand Oaks 11<sup>th</sup> Plat on the east.

The final plat proposes new lots on extensions of two existing cul-de-sacs – Meyers Circle in the Thousand Oaks 10<sup>th</sup> Plat and NW 66<sup>th</sup> Terrace in Thousand Oaks 11<sup>th</sup> Plat. The preliminary plat for Thousand Oaks 20<sup>th</sup> (Case PZ15-14) was approved by the Planning & Zoning Commission on June 9, 2015. The preliminary plat was approved subject to staff conditions, including:

1. Approval of the proposed rezoning to “R-3” Single-Family Residential District;
2. Approval of utility improvements plans and associated easements from each of the subject utility providers prior to final plat approval;
3. Approval of a final stormwater management study concurrent with the submittal of the Public Improvement Plans and prior to the approval of the final Plat, including final design calculations and details for the stormwater detention and stormwater treatment facilities;
4. Approval of grading and erosion control plans prior to issuance of a grading permit;
5. Approval of detailed street and storm sewer improvement plans and engineering calculations prior to issuance of a public improvement permit;
6. Approval of additional agreements, easements, and bonds associated with the construction of the existing pond, stormwater detention, and stormwater treatment facilities at the time of construction plan review;
7. Board of Aldermen acceptance of the proposed parkland or cash in lieu of parkland prior to approval of the final plat;
8. Approval of the sidewalk along Brink-Myer Road or an alternative improvement prior to or in conjunction with the final plat; and
9. Vacation of the existing WSD #1 blanket easement and dedication of a new water easement (if required) prior to or in conjunction with the final plat.

The preliminary plat was also approved subject to a condition from the Planning & Zoning Commission to include an amenity to offset the loss of the cul-de-sac.

The final plat includes no substantial changes, only minor changes, from the approved preliminary plat. The final plat proposes 32 lots which is two (2) less than shown on the preliminary plat. Tract “A” along the north side has lower elevation compared to the rest of the property, and includes a 10 ft. KCP&L easement. This easement will be vacated and Tract “A” will be dedicated to the City of Parkville for public uses. Tract “B” on Myers Circle and Tract “C” on the southern half of the plat are reserved for private open space to be owned and maintained by the Homeowners Association. Most of the public improvements including public streets, utilities and stormwater treatment are projected to be completed with the construction of the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat.



Excerpt from the adopted *Parkville Master Plan, Land Use Map*. The are of the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat is outlined in red. The tan color represents a *Residential Neighborhood* land use projection consistent with uses to the north, south and east.

## Review and Analysis

The primary consideration for approval of the plat is the ability to meet the minimum applicable subdivision regulations and standards for permitted uses, area, width, depth, setbacks, adequate utilities, grading and drainage and parkland donation. The application has been reviewed against the City of Parkville's Municipal Codes, including the subdivision regulations, R-3 district regulations, height, area and bulk requirements and the parking regulations. The application has also been reviewed against the previously approved Preliminary Plat for Thousand Oaks West., to be platted as the Thousand Oaks 20<sup>th</sup> Plat and Thousand Oaks 21<sup>st</sup> Plat, and Final Plat documents submitted by the applicant. The following is a summary of our staff review:

- 1. Permitted Uses** – The subject area is zoned “R-3” Single-Family District. The purpose of the district is to, “provide for single-family residential development of moderately spacious character together with such public buildings, schools, churches, public recreational facilities, and accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.” All applicable standards of the district have been met. The district allows for single-family residential development, and the primary use proposed by the final plat is single-family homes.
- 2. Area, Width, Depth and Setbacks** – The “R-3” Single-Family District requires a minimum lot area of 7,500 square feet, a minimum lot width of 60 ft., a minimum lot depth of 100 ft., a minimum front yard depth of 25 ft., a minimum rear yard depth of 25 ft., and a minimum side yard width of 10 ft. The applicant, Forest Park Development, LLC, was granted approval of a uniform variance via Case No. BZA04-35 (approved October 20, 2004) for the reduction of the side yard setbacks in the “R-3” Single-Family District from 10 ft. to 6.5 ft. This variance applies to the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat; however, the variance was approved with the condition that there would be a 10 foot side yard setback requirement for any property abutting non-Thousand Oaks property.
- 3. Adequate Utilities** – Parkville's Municipal Code requires the applicant to submit written and signed statements from the appropriate officials confirming the availability of gas, electricity and water to the proposed subdivision. In addition, the City requires the applicant to confirm that adequate sewer and storm drainage improvements exist or can be provided, and that the proposed development can be served by the Southern Platte Fire Protect District and Park Hill School District. The applicant submitted the required confirmation from each of these organizations as part of their preliminary plat application, Case No. PZ15-14 [See Exhibit H – Utility service confirmation letters or signatures from: Platte County Regional Sewer District (4-14-15 Kansas City Power and Light (4-15-15); Missouri American Water (4-15-15); Missouri Gas Energy (4-16-15); Southern Platte Fire Protection District (4-29-15); and Park Hill School District (4-30-15)]. The utility companies responded that each has the ability to provide services, pending further review and final plan approval, with or without conditions. Staff recommends confirmation from the utility service providers prior to the final plat being recorded.
- 4. Grading and Drainage** – Final grading and drainage plans have been received by staff. Staff recommends a condition of approval being approval of the final grading and drainage plans by the Public Works Director.
- 5. Parkland Dedication** – Parkville Municipal Code, Section 505.220 requires the dedication of parkland or acceptance of cash in lieu of a parkland dedication (with approval by the Board of Aldermen). The code requires 0.0222 acres (967.03 square feet) of parkland per

single-family residential lot, requiring a dedication of 0.7104 acres (30,945.02 square feet) of parkland or \$4,972.80 in lieu of dedication. The final plat proposes to dedicate Tract “A” in the northeastern portion of the site, approximately 2.55 acres (111,078 square feet) to meet this requirement. Per the Municipal Code, the Board of Aldermen must accept the parkland or cash in lieu of parkland prior to approval of the final plat. A condition of approval will be acceptance of parkland or cash in lieu of parkland by the Board of Aldermen. Primary considerations for acceptance of parkland will be whether the parkland provides a public benefit, and whether adequate resources exist to maintain the land and any associated improvements. Staff recommends the developer enter into an agreement with the City for the maintenance of Tract “A” Parkland.

6. **Sidewalk on Brink-Myer Road** – Parkville Municipal Code, Section 505.090 requires four (4) foot sidewalks along one side of all collector streets, including Brink-Myer Road. During the preliminary plat review, staff recommended a sidewalk or trail constructed to meet this intent (The potential for a trail along the lake was discussed with the applicant as a reasonable alternative, while accomplishing the intent of the code). It was indicated that this sidewalk or trail construction will be deferred to Phase 21 west of the 20<sup>th</sup> Plat; however, to-date there’s been no clear date, development benchmark/timeline or other clear trigger for construction that’s been established. Establishment of a reasonable timeline for the Phase 21 construction of a sidewalk or trail, or cash in-lieu for the value of these improvements (such as through an escrow), will be a condition for staff approval. Additionally, if an alternative is approved, it must be approved as a modification of the requirements, variance or waiver in accordance with the procedures listed in Parkville Municipal Code Sections 505.310 and 505.320.
7. **Public Improvements** – The Final Plat proposes the extension of Meyers Circle and NW 66<sup>th</sup> Terrace, sidewalks, sewer improvements and other public improvements. These improvements have been reviewed against the City’s improvement requirements in Title V, Building and Construction, Chapter 505, *Subdivisions*. The City’s Public Works Director, Alysen Abel, has reviewed the street layout and concluded that the right-of-way and pavement widths are consistent to the City’s proposed standards. She has recommended approval subject to the following conditions:
  - a. The developer presenting correspondence from all utility companies serving this area, as well as the Southern Platte Fire Protection District (SPFPD), that their requirements have been met, prior to the final plat being recorded.
  - b. The developer enter into a Right-of-Way Maintenance Agreement with the City that outlines the maintenance responsibilities of private improvements (e.g., street trees, monuments, sprinklers) within public right-of-way, including but not limited to Tract “B” within Myers Circle.
  - c. Approval of a Final Storm Water Management Study from the developer’s engineer that addresses the design calculations of the storm water detention and storm water treatment facilities, prior to the issuance of public improvement permits and the final plat being recorded.
  - d. Any additional agreements, easements and bonds associated with storm water detention and storm water treatment facilities, prior to the issuance of public improvement permits and the final plat being recorded.
8. **Consistency with Prior Approvals** – The final plat has been reviewed for consistency with the adopted Parkville Master Plan and its future land use projections. The Parkville Master

Plan projects Residential Neighborhood land use for the subject area. Residential Neighborhood is, *“Primarily intended for single-family detached residential development, but also may include a variety of supporting residential building types such as clustered or attached single-family units, and townhomes designed to function as a neighborhood, master planned in accordance with the Neighborhood Design Policies and Design Expectations. This category is appropriate for planned public and semi-public uses designed to be compatible with residential uses, such as schools, religious institutions, and civic uses. Residential density in this category may be up to four units per acre.”* The proposed land use for single-family residential development on the final plat is consistent with the City’s land use projection of Residential Neighborhood.

The final plat has also been reviewed for consistency with the previously approved Preliminary Plat (*Exhibit K – Case No. PZ15-14 [An application for a preliminary plat of Thousand Oaks West, 34 single-family units on 43.29 acres]*). The final plat no substantial changes, only minor changes, from the approved preliminary plat. The final plat proposes 32 lots which is two (2) less than shown on the preliminary plat.

- 9. Covenants and Restrictions** – The final plat identifies that covenants and restrictions have been filed simultaneously with the plat. A copy of the covenants and restrictions need to be provided to the City for review prior to the Final Plat being recorded.

**Staff Conclusion and Recommendation**

Based on review and analysis of the final plat application, with supporting information submitted to date and with the exceptions noted above or stated during the Planning & Zoning Commission meeting, staff concludes the final plat meets all applicable zoning standards, subdivision regulations and requirements; with the exception of the drainage, stormwater and engineering standards (pending final review of engineering drawings). Accordingly, staff recommends approval of the Thousand Oaks – 20<sup>th</sup> Plat, Final Plat subject to the following conditions:

- Confirmation of final plan approval, with or without conditions, from the following utility service providers: Platte County Regional Sewer District (PCRS), Missouri American Water (MoAM), Southern Platte Fire Protection District (SPFPD) and Kansas City Power & Light (KCP&L).
- The developer enters into a development agreement with the City for the maintenance of Tract “A” Parkland.
- The developer enter into a Right-of-Way Maintenance Agreement with the City that outlines the maintenance responsibilities for private improvements (e.g., street trees, monuments, sprinklers) within public right-of-way, including but not limited to Tract “B” within Myers Circle.
- A reasonable timeline be established for the construction of a sidewalk or reasonable alternative — such as a trail (approved as a modification of the requirements, variance or waiver in accordance with the procedures listed in Parkville Municipal Code Sections 505.310 and 505.320) — as part of Phase 21 west of the 20<sup>th</sup> Plat, or cash in-lieu for the value of these improvements (through an escrow).
- Approval of a Final Storm Water Management Study by the Public Works Director, prior to the issuance of public improvement permits and the final plat being recorded.
- Approval of detailed drawings and engineering calculations associated with the street and storm sewer improvements by the Public Works Director, prior to the issuance of public improvement permits and the final plat being recorded.
- Approval of additional utility improvement plans (as required) by the Public Works Director, prior to the final plat being recorded.

- Any additional agreements, easements, and bonds associated with the construction of storm water detention and storm water treatment facilities by the Public Works Director, prior to the issuance of public improvement permits and the final plat being recorded.
- Any other conditions deemed necessary by the Planning & Zoning Commission.

**Necessary Action**

Following consideration of the application, the factors discussed above and any testimony presented during the meeting, the Planning Commission must recommend approval or denial of the application (with or without conditions) unless otherwise postponed. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen along with any explanation thereof for final action.

*End of Memorandum*

---

May 3, 2016

Stephen Lachky, AICP  
Community Development Director

Cc: Aysen Abel, PE  
Public Works Director

Paul Giarratana Jr., CBO, CBI, CFM  
Building Official



## Staff Analysis

Date: April 29, 2016

To: Planning and Zoning Commission

From: Alysen Abel, P.E. – Public Works Director

CC: Stephen Lachky, AICP – Community Development Director  
Paul Giarratana, CBO, CBI, CFM – Building Official  
Kelly Yulich – Assistant to the Community Development Director

**RE: Thousand Oaks 20<sup>th</sup> Plat – Final Plat**

The development plan includes the extension of two cul-de-sacs in the Thousand Oaks subdivision: Meyers Circle from Thousand Oaks 10<sup>th</sup> Plat and NW 66<sup>th</sup> Terrace from Thousand Oaks 11<sup>th</sup> Plat will be extended. An area within Meyers Circle (Tract B) will be maintained by the home owners association.

The developer will need to execute a Right-of-Way Maintenance Agreement with the City of Parkville; this agreement places the responsibility of maintenance of private improvements within the public right-of-way onto the developer and the home owners association. The agreement will need to be executed prior to recording of the final plat.

With the submittal of the preliminary plat, the developer's engineer submitted a stormwater letter that included their preliminary plan for the stormwater detention and stormwater treatment for the new improvements. A large pond currently exists on the tract of land adjacent to the proposed residential development. A small detention basin may be necessary in conjunction with the existing pond to meet the stormwater detention and stormwater treatment requirements. Additional information will be needed for the preliminary design of the stormwater detention and stormwater treatment. The developer's engineer will need to submit a stormwater management study that includes the design calculations of the stormwater detention and stormwater treatment facilities. The study will need to be reviewed and approved prior to issuance of a public improvement permit.

The developer may apply for two permits. A Grading and Land Disturbance Permit and a Public Improvement Permit, the first permit being the Grading and Land Disturbance permit. The developer's engineer has submitted grading and erosion control plans and once they have completed the permit process, they will be able to obtain a Grading and Land Disturbance Permit to start the grading operation. The second permit, a Public Improvement Permit- once the design requirements have been satisfied the City will issue the permit for public improvements. The developer's engineer has submitted plans for the street and storm sewer improvements and the plans are currently under review. With the storm water detention and storm water treatment improvements, additional agreements, easements, and bonds may be necessary. These are administrative items that will be necessary prior to issuance of a Public Improvement Permit.

The sanitary sewer is not within the City's service boundary, this development is served by Platte County Regional Sewer District (PCRS D).

The City will release the plat for final recording after all of the utilities have approved their utility design.

Public Works recommends approval of the Final Plat, with the following conditions:

1. Prior to recording of the Final Plat, the developer shall present correspondence from all utility companies serving this area, as well as Southern Platte Fire Protection District (SPFPD), that their requirements have been met.
  2. Concurrent with the recording of the Final Plat, the City and Developer shall enter into a Right-of-Way Maintenance Agreement that outlines the maintenance responsibilities for the private improvements in the public right-of-way.
  3. Prior to issuance of a Public Improvement Permit, the developer's engineer shall submit Storm Water Management Study that addresses the design calculations of the storm water detention and storm water treatment facilities.
  4. Prior to issuance of a Public Improvement Permit, the developer shall submit any additional agreements, easements, and bonds associated with the storm water detention and storm water treatment facilities.
-



Tuesday, April 26, 2016

**Re: Update – Application for Thousand Oaks – 20<sup>th</sup> Plat, Final Plat.** Case PZ16-06; David Barth, Forest Park Development Company of Kansas City, LLC

**To: Interested Parties**

Our records indicate you were present during a public hearing on June 9, 2015 at 5:30 p.m. in the Boardroom at Parkville City Hall (880 Clark Ave, Parkville, MO 64152), or had submitted written comments regarding:

- An application to rezone two parcels containing 43.3 acres, more or less, located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment) from County "AG" Agricultural District to Parkville "R-3" Single-Family Residential District. Case PZ15-18; David Barth, Forest Park Development Company of Kansas City, LLC.
- An application for a preliminary plat of Thousand Oaks West, 34 single-family units on 43.29 acres. Case PZ15-14; David Barth, Forest Park Development Company of Kansas City, LLC.

The Planning & Zoning Commission of Parkville, Mo. will be meeting on May 10, 2016 at 5:30 p.m. in the Boardroom at Parkville City Hall (880 Clark Ave, Parkville, MO 64152) to discuss a related application:

- Application for Thousand Oaks – 20<sup>th</sup> Plat, Final Plat. Case PZ16-06; David Barth, Forest Park Development Company of Kansas City, LLC

Staff review is underway as of the date of this letter. Although this item is scheduled under Regular Business and does **NOT** require a Public Hearing, we are providing you with an update since the City has received several inquiries following last year's public hearing. You are welcome to submit written comments to be distributed to the Planning & Zoning Commission prior to the meeting. Written comments must be received by the Community Development Department on or before 5:00 p.m. Monday, May 2, 2016 to be included in the Commission's materials for consideration prior to the meeting. Comments may be mailed to 8880 Clark Avenue, Parkville, MO, 64152, faxed to 816-741-0013 or emailed to [slachky@parkvillemo.gov](mailto:slachky@parkvillemo.gov) or [kyulich@parkvillemo.gov](mailto:kyulich@parkvillemo.gov). Comments received after May 2nd will be handed out the night of the meeting.

Following consideration of the final plat, the Planning & Zoning Commission will recommend action to the Board of Aldermen or postpone the application for further consideration. Unless postponed or withdrawn by the applicant, the Board of Aldermen will consider final action on this application at their regularly scheduled meeting on Tuesday, May 17, 2016 at 7:00 p.m.

For questions, please call the Community Development Department at 816-741-7676.

Sincerely,

**CITY OF PARKVILLE**

Stephen Lachky, AICP  
Community Development Director

CC: Kelly Yulich, Department Assistant/Code Enforcement Official

## CITY OF PARKVILLE Policy Report

Date: May 26, 2016

Prepared By:  
 Alysen Abel  
 Public Works Director

Reviewed By:  
 Tim Blakeslee  
 Assistant to the City Administrator

**ISSUE:**

Request to approve the agreement with Kansas City Power and Light (KCP&L) for the Demand Response Incentive Program (formerly M-Power) for a three-year term.

**BACKGROUND:**

The KCP&L Demand Response Incentive Program (formerly M-Power) offers customers a financial incentive to reduce electrical usage during periods of peak demand from June 1 through September 30. The City has previously contracted with KCP&L to participate in this program at the Wastewater Treatment Plant (WWTP). During the summer peak demand days, also known as curtailment events, the City will reduce the electrical consumption by transferring to generator power. There will be at least one, but no more than 10 curtailment events during each season, lasting between two and eight consecutive hours. Based on past experiences, there are typically 3 to 4 curtailment events during the summer peak demand, each lasting about 6 hours each.

The City has participated in this program since 2010. After the curtailment event, the City will receive a credit on its electrical bill. This year the curtailment rate is split between two ranges: (1) a rate of \$0.75 per KW-Hour for the first 30 hours and (2) a rate of \$0.25 per KW-Hour for the remaining 50 hours. In addition, the City receives an overall participation payment of \$32.50 per kilowatt of curtailable load. When the WWTP uses its generator during curtailment events, the power demand from KCP&L drops to zero, since the sewer plant relies entirely on the back-up generator for power.

In previous years, the City has entered into a one-year term agreement with KCP&L. Over the past year, the City discovered that there would be an opportunity to enter into a three-year term agreement. The agreement is structured with a base amount for participation with curtailment credits for the service hours used.

	<u>2015 Rates</u>	<u>2016 Rates</u>
Kilowatt Used	41 KW	41 KW
Unit Base Fee	\$45.00 per KW	\$32.50 per KW
Base Fee	\$1,845.00	\$1,332.50
Curtailment Rate (0 to 30 hours)	\$0.35 per KW-hour	\$0.75 per KW-hour
Curtailment Rate (31 to 50 hours)	\$0.35 per KW-hour	\$0.25 per KW-hour
Minimum Rebate (0 hours)	\$1,845.00	\$1,332.50
Maximum Rebate (50 hours)	\$2,562.50	\$2,460.00

**BUDGET IMPACT:**

The approximate fuel cost to run the generator with maximum load at the sewer plant is \$31.36 per hour. Assuming no events, KCP&L will credit the City with the base rebate amount of \$1,332.50. Assuming the maximum of 50 hours of total time with curtailment events, the fuel cost would be \$1,568.00, which would be offset by curtailment credits of \$2,460.00. There is some limited risk that the generator operation costs will outweigh the curtailment credits, however the city does perform regular preventative maintenance on the generator.

**ALTERNATIVES:**

1. Approve the Demand Response Incentive agreement with KCP&L.
2. Direct staff to negotiate changes to meet the desires of the Board.
3. Do not approve the agreement.
4. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Aldermen approve the Demand Response Incentive agreement with KCP&L for a three-year term, ending May 31, 2019.

**POLICY:**

Although it is anticipated that the City will benefit financially from this arrangement with KCP&L, approval is requested from the Board of Aldermen because the number of curtailment events is uncertain.

**SUGGESTED MOTION:**

I move to approve the Demand Response Incentive agreement with Kansas City Power and Light for a three-year term at the Wastewater Treatment Plant.

**ATTACHMENT:**

1. Demand Response Incentive Agreement

**DEMAND RESPONSE INCENTIVE (MPOWER)  
Schedule MP**

**KANSAS CITY POWER & LIGHT COMPANY  
KCP&L GREATER MISSOURI OPERATIONS COMPANY  
MPOWER RIDER  
FORM OF AGREEMENT (MISSOURI)**

This AGREEMENT, made this the 7<sup>th</sup> day of June, 2016, by and between KCP&L GREATER MISSOURI OPERATIONS COMPANY, hereinafter referred to as the "Company" and

<b>Customer Name:</b>	City of Parkville	<b>Account Number:</b>	3363473538
<b>Street Address:</b>	12301 NW Hwy FF	<b>SAID:</b>	7604758916
<b>City:</b>	Parkville	<b>Meter #</b>	4642102737310
<b>State:</b>	MO	<b>SPID:</b>	0206645896
<b>Zip:</b>	64152-5337	<b>Rate:</b>	1MGAE

**Customer Contact: Richard Wilson**

**Fax:**(816) 741-0013 **Telephone:** (816) 891-0003 **Mobile Telephone:**( ) **Email:** rwilson@alliancewater.com

hereinafter referred to as the "Customer."

WITNESSETH:

Whereas, the Company has on file with the Public Service Commission of the State of Missouri ("Commission") a certain MPower Rider, Schedule MP (Rider); and

Whereas, the Customer has furnished sufficient information to the Company to demonstrate that its facilities satisfy the Availability provisions of the Rider; and

Whereas, the Customer wishes to take electric service from the Company, and the Company agrees to furnish electric service to the Customer under this Rider and pursuant to all other applicable tariffs of the Company;

The Company and Customer agree as follows:

1. The Company shall provide electric service to the Customer's facility, which is located at 12301 NW Hwy FF, Parkville, Missouri 64152, pursuant to this Agreement, the Rider, all other applicable tariffs, and the Company's General Rules and Regulations Applying to Electric Service, as may be in effect from time to time and filed with the Commission.
2. The Customer acknowledges that the Firm Power Level (FPL), which is the maximum demand level to be drawn during a Curtailment Event, shall be set at least 25 kW less than the Customer's Estimated Peak Demand as established by the Company from time to time pursuant to the Rider. The FPL is set at **0 kW** resulting in a payment/bill credit for a Curtailable Load of **41 kW**, with an Estimated Peak Demand of **41 kW**. The Customer further acknowledges that any equipment required, except metering equipment necessary to ensure compliance under the Rider, shall be the obligation of the Customer.

Initial Here: \_\_\_\_\_

3. The Company may review and, if necessary, adjust the Customer's Estimated Peak Demand based on evidence that the Customer's actual peak demand has changed, or will change, significantly from the Estimated Peak Demand currently being used to calculate the Customer's Curtailable Load. If a change in the Customer's Estimated Peak Demand results in a change in its Curtailable Load, the Customer shall lose and/or repay its curtailment compensation proportional to the number of days curtailment was not available and the change in the Curtailable Load.

4. The FPL may be modified to reflect significant change in Customer load, subject to verification and approval by the Company. Any change in FPL made known to the Company that decreases Curtailable Load for the Customer shall result in re-evaluation of all curtailment compensation to the Customer. The Customer shall repay the company prior payments/credits made in excess of the curtailment compensation due based on the decreased level of Curtailable Load.
5. Service under this Agreement shall commence on \_\_\_\_\_. Program Participation Payments shall begin with the first billing period following the first month of participation during the Curtailment Season. Agreements shall remain in effect for a minimum of one (1) year, up to a maximum of three (3) years, with all agreements ending by May 31, 2019.

This Agreement shall be for a term of **three (3)** year(s).

Initial Here: \_\_\_\_\_

6. The allowable Curtailment Season during which a Curtailment Event may be requested shall extend from June 1 through September 30 of each year, Monday through Friday during the hours of 12:00 noon through 8:00pm during the term of this Agreement. The Company may call on the Customer to participate in at least one (1), but no more than 10 Curtailment Events during each Curtailment Season lasting between two and eight consecutive hours. The Company may call no more than one Curtailment Event per day and no more than three consecutive days per calendar week. The Company reserves the right to request participation by the Customer in Additional Voluntary Events throughout the term of this Agreement.

The Company reserves the right to request a Test Curtailment once each year and/or within three months after a Customer's failure to effect load reduction to its Firm Power Level or lower upon any Company request for curtailment. Test Curtailments do not count toward the Maximum Number of Curtailment Events. Customers will not be compensated for Test Curtailments.

7. The Company shall notify the Customer of a Curtailment Event no less than four (4) hours before the start time of each Curtailment Event using the agreed upon communication method (see Exhibit A). The Customer may change the notification method at any time by providing a new Exhibit A to the Company.

The Company reserves the right to cancel a scheduled Curtailment Event prior to the start time of such Curtailment Event. However, if cancellation occurs with less than two hours of the notification period remaining prior to commencement of a Curtailment Event, the canceled Curtailment Event shall be counted as a separate occurrence with a zero-hour duration.

8. As consideration for participation in the MPower program, Customer shall receive from the Company a Program Participation Payment of **\$32.50 per kilowatt** of Curtailable Load per Curtailment Season payable either at the end of each Curtailment Season or with a bill credit in equal payments each month over the course of the Curtailment Season. Customer will also receive a Curtailment Occurrence Payment for each Curtailment Hour during which the Customer's metered demand is less than or equal to the Customer's FPL. The energy payment is **\$0.075/kW for the first 30 hours** of dispatch and **\$0.25/kW for the remaining 50 hours** of dispatch. Curtailment Occurrence Payments will be paid in the form of either a payment or a bill credit. If the Program Participation Payment, or an Initial Payment, as defined by the Rider, is made as a bill credit, the credit shall be applied before any applicable taxes. If the Program Participation Payment, or an Initial Payment, as defined by the Rider, is made as a payment by check, there are no applicable tax benefits. All other billing, operational, and related provisions of other applicable rate schedules shall remain in effect. A decrease in Curtailable Load will require the Customer to refund to the Company part or all of payments received. With a multi-year contract, a decrease in Curtailable Load, or early termination of the Agreement, will require the Customer to refund to the Company, the difference between payments received in the multi-year contract and the amount that would have been paid in the shorter-term contract. Refunds for a fractional year will be prorated.

Customer's preferred incentive payment method:

- Bill Credit
- Check

Initial Here: \_\_\_\_\_

9. At the Company's option and the Customer's request, during a Curtailment Event called for economic reasons, the Customer may purchase energy above its Firm Power Level from the Company at a price per kilowatt-hour determined at the beginning of a Curtailment Event. A Curtailment Event Payment will not be paid to Customers for Curtailment Events where this option is used. Customer will not have the option to purchase energy during a Curtailment Event called for operational reasons.
10. Failure of the Customer to effect load reduction to its Firm Power Level or lower in response to any Company request for curtailment shall result in the following reduction or refund of Program Participation Payments and Curtailment Occurrence Payments for each such failure as follows:

Reduction of Program Participation Payment: Customer will receive reduced future Program Participation Payments or a bill debit, in an amount equal to 150% of the Program Participation Payment divided by the Maximum Number of Curtailment Events, the result of which is multiplied by the percentage by which the Customer underperformed during a Curtailment Event.

Any Customer who fails to reduce load to its Firm Power Level on three or more days within any Curtailment Season may be ineligible for this program for a period of two years from the date of the third failure.

11. Self-generation as a curtailment method is restricted to customers who can provide documentation validating compliance pursuant to Environmental Protection Agency ("EPA") regulations (summarized at [www.epa.gov/ttn/atw/icengines/comply.html](http://www.epa.gov/ttn/atw/icengines/comply.html)) that affect the use of reciprocating internal combustion engines. By executing this Agreement, the Customer certifies that it has reviewed the EPA regulations pertaining to its specific generating equipment and it hereby represents and warrants that it is in compliance with all of the currently-applicable regulations. **Documentation of EPA compliance must be attached to this application for the agreement to go into effect.**

Customer's preferred method of curtailment:

- Load Reduction
- Self Generation

Initial Here: \_\_\_\_\_

12. The Customer further acknowledges that this Agreement is not assignable voluntarily by Customer, but shall nevertheless inure to the benefit of and be binding upon the Customer's successors by operation of law.
13. The Customer acknowledges that all information provided to the Company for the purpose of determining whether the Customer is eligible for service under the Rider shall be retained by the Company, and shall be subject to inspection and disclosure under Chapters 386 and 393, RSMo, as amended from time to time. Should the Customer designate any such information as proprietary or confidential, Company shall notify Customer of any request for inspection or disclosure, and shall use good faith efforts to secure an agreement or Commission order protecting the proprietary or confidential nature of such information.
14. This Agreement shall be governed in all respects by the laws of the State of Missouri, without regard to its conflict of laws provisions, and by the orders, rules and regulations of the Commission, as they may exist from time to time. Nothing contained herein shall be construed as divesting, or attempting to divest, the Commission of any rights, jurisdiction, power or authority vested in it by law.
15. Any regulation or law prohibiting the execution of this Agreement or its continuing execution will cancel the Agreement in place without penalty to either party.
16. This Agreement is subject to the Customer gaining the necessary permits, and to the Commission approving the required tariff and/or this Agreement.
17. In the event of modifications to the Rider, the parties will meet and discuss such changes. This Agreement may be replaced by a new agreement with full-term under the Rider with at least the same Curtailable Load.

In witness whereof, the parties have signed this Agreement as of the date first written above.

Kansas City Power & Light Company or  
KCP&L Greater Missouri Operations Company

City of Parkville

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Brian File

Name: Nanette K. Johnston

Title: Sr. Manager, Products & Services

Title: Mayor

**Exhibit A**

The Company will notify the Customer of a Curtailment Event per each of the following methods. (Customer should only provide information for those channels by which he or she wishes to be contacted.)

<p>Contact #1</p> <p>Name: _____</p> <p>Title: _____</p> <p>Phone: _____</p> <p>Call to Cell: _____</p> <p>Email: _____</p>
<p>Contact #2</p> <p>Name: _____</p> <p>Title: _____</p> <p>Phone: _____</p> <p>Call to Cell: _____</p> <p>Email: _____</p>
<p>Contact #3</p> <p>Name: _____</p> <p>Title: _____</p> <p>Phone: _____</p> <p>Call to Cell: _____</p> <p>Email: _____</p>

## **CITY OF PARKVILLE**

### **Policy Report**

Date: Friday, May 27, 2016

Prepared By:  
Stephen Lachky  
Community Development Director

Reviewed By:  
Tim Blakeslee  
Assistant to the City Administrator

ISSUE:

Approve sign permit in the "B-4" Planned Business District for Fast Stop gas station located at 9932 Hwy 45; SPA16-11, Sam Hendrix, Acme Sign, applicant.

BACKGROUND:

Fast Stop gas station at 9932 Hwy 45 is proposing to re-face cabinets on their existing pole sign with a new logo and internally illuminate the pole sign. The approximate location of the pole sign can be found in Attachment 1. The property is zoned "B-4" Planned Business District which requires Board approval of signage prior to installation. There are no sign code standards for the B-4 district. However, in the past staff has reviewed the sign permit applications in the B-4 district against sign code regulations for the "B-1" Neighborhood Business and "B-2" General Business Districts as a benchmark (Parkville Municipal Code Section 463.130).

The "B-1" and "B-2" district standards permit one free standing (monument) sign per separately leased or owned freestanding building, not within a shopping center over five (5) acres. Pole signs in these districts are limited to a maximum height of thirty-five (35) feet to the top of the sign. Additionally, the maximum width of all freestanding signs in these districts is twelve (12) feet. The proposed re-facing of the existing cabinets with a new logo and internally illuminated pole sign meets these requirements. The sign is to be lit internally with LED lights. Per Board policy, staff recommends permitting illumination between the hours of 5:00 am and midnight. Staff also recommends installing a timer or other automatic shut off to ensure that these hours are adhered to.

BUDGET IMPACT:

With the exception of application fees to be collected, there is no budget impact.

ALTERNATIVES:

1. Approve the sign, subject to staff recommended conditions.
2. Approve the sign with other specified conditions.
3. Postpone consideration.

STAFF RECOMMENDATION:

Staff recommends approving the sign as proposed, subject to maximum hours of illumination between 5:00 am and midnight, and installation of a timer or other automatic shutoff.

POLICY:

Per Parkville Municipal Code Section 463.140, approval must be given by the Board of Aldermen for any sign to be erected in the "B-4" Planned Business District.

SUGGESTED MOTION:

I move to approve the sign permit for Fast Stop gas station subject to staff recommended conditions and to grant administrative authority for the Community Development Director to approve minor modifications and field changes, if necessary.

ATTACHMENTS:

1. SPA16-11 – Application for Sign Permit
2. Approximate Sign Location

ADDITIONAL EXHIBITS BY REFERENCE:\*

1. Parkville Municipal Code Section 463.130 (<http://www.ecode360.com/27902484>)

\*Copies on file at Parkville City Hall and available on request



Date Submitted: 5-20-16  
 Application #: SPA16-11  
 Date Approved: \_\_\_\_\_  
 Permit #: SPA16-11

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

**Application for Sign Permit**

**1. Property Information**

Name of business/entity for which the sign is requested: Fast Stop  
 Property Address and/or general location: 9932 Hwy 45

Zoning District: B-4 Current Use: Gas Station

Do any covenants and/or deed restrictions apply to this site:  Yes  No  
 Note: If yes, this application must be accompanied by signed approval of the association/entity enforcing such.

**2. Contact Information**

**Applicant(s):**  
 Name: Acme Sign / Sam Hendrix  
 Address: 1313 VERNON ST.  
KE MO 64116  
 Phone: 816 694 3127  
 Fax number: 816 842-5308  
 Email: shendrix@acmesigninc.com

**Property owner(s), if other than applicant:**  
 Name: Fast Stop  
 Address: 9932 Hwy 45  
Parkville MO, 64152  
 Phone: \_\_\_\_\_  
 Fax number: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Company designing the sign:**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax number: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Company installing the sign:**  
 Name: Acme Sign  
 Address: 1313 VERNON KE MO 64116  
 Phone: \_\_\_\_\_  
 Fax number: \_\_\_\_\_  
 Email: \_\_\_\_\_

Contact(s) for correspondence:  applicant  owner  designer  installer  other \_\_\_\_\_

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that no sign shall hereafter be erected, re-erected, constructed, altered or maintained except in conformance with the Parkville City Code. We acknowledge that the design, materials, and methods of construction of signs, shall comply with the applicable sections of the International Building Code and Electrical Code as adopted by the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for the retraction of this permit. We acknowledge that this permit is invalid if work is not completed within 180 days from the date of issuance, unless otherwise approved by the Community Development Director.

Applicant's Signature (Required) Sam Hendrix Date: 5-20-16  
 Property Owner's Signature (Required) [Signature] Date: 5-24-16

Application #: SPA16-11

**3. Sign Information**

Sign Type: awning building directory door directional menu monument  
projecting sandwich board wall (painted) wall (mounted) window

Other: New Cabinet/Existing Pole sign.

Proposed location: Existing Pole sign - changing out cabinets only

Sign face dimensions/area: Height 9' 8" Width 8' Projection \_\_\_\_\_ Area: 77.33 sq ft

Sign face material: white Plex

Sign structure dimen./area: Height 116" Width 96" Projection \_\_\_\_\_ Area: 77.33 sq ft.

Sign structure material: Plex & Aluminium - LED Price sign.

Text height: 5' est. (1:000) 24" pricing

If attached to or painted on a building: area of façade to which the sign is attached: \_\_\_\_\_

And percent of façade covered by sign: \_\_\_\_\_

If attached to or painted on a window or door, area of such: \_\_\_\_\_

And percent of surface covered by sign: \_\_\_\_\_

If attached to or painted on a building, the sign height above grade: Top \_\_\_\_\_ Bottom \_\_\_\_\_

Is the sign proposed to be lit? Yes No If yes, how? Internally Illuminated

If yes, business hours and hours of illumination? \_\_\_\_\_

**4. Checklist of required submittals**

- Completed application.
- A drawn elevation or photo of the building showing the proposed sign face and sign structure, with dimensions, text and graphics, lettering heights, colors, materials, and method of attachment and/or construction. If attached to or painted on a building (including window or door signs), show the façade with dimensions and sign location. If the sign is free standing, include a site plan showing the sign location, building footprint, property lines, and abutting street rights-of-way and centerlines.
- Authorization signature of the applicant and property owner.
- If subject to covenants and/or deed restrictions, signed approval of the association/entity enforcing such.

**For City Use Only**

Application accepted as complete by: Kelly Yulich CO Ass't 5/25/14  
Name / Title Date

Action Taken:  Approved  Approved with Conditions  Denied

Date of Action: \_\_\_\_\_ Name / Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Special conditions if any: max illumination between 5:00am & Midnight. • Installation of a timer or other automatic Shutoff.

Permit Fee: \$100.00 + 20.00 for illumination = \$120.00

Payment:  Check # \_\_\_\_\_  M.O. \_\_\_\_\_  Cash Amt. \_\_\_\_\_



635 Metcalf  
El Dorado,  
KS. 67042

**Location**

Name: Fast Stop  
Address: 9932 Hwy 45  
City, State, Zip: Parkville, MO 64152



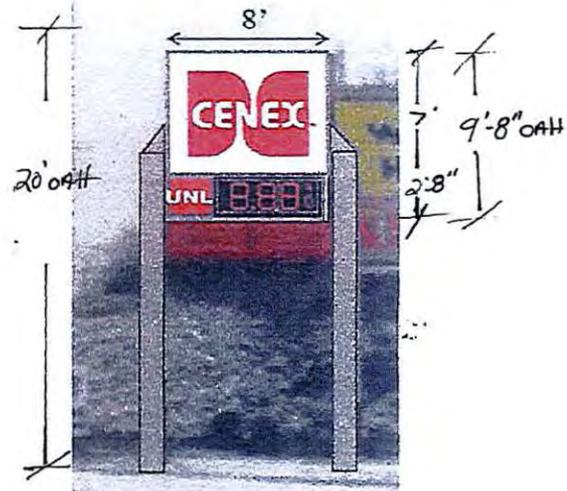
OCI Job #: 30625  
Site #: P3009914  
Date: 01/27/16  
Drawing By: Thad White  
Approved By:

**SIGN RENDERING**

Existing



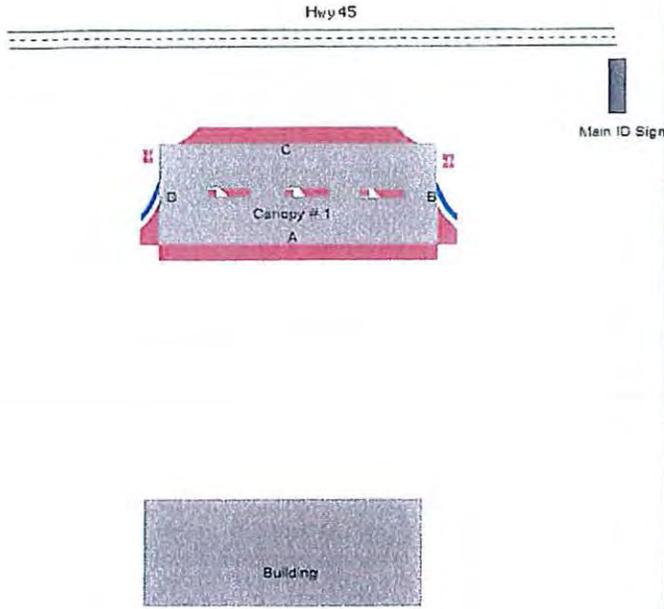
Option  
All LED Sign



Site: P3009914 (Fast Stop)  
Address: 9932 Hwy



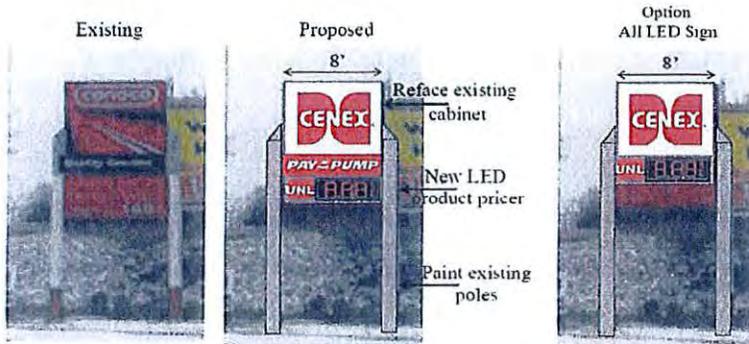
OVERALL LAYOUT SHEET



Canopy # 1 Graphics	
36in ACM	36in  37036" Logo 9 Sq Ft.
Square	Canopy # 1 Corner Treatment
2	Canopy # 1 Logo Quantity
Canopy # 1 Width	69.00
Canopy # 1 Length	29.00
Elevation A	69
Elevation B	29
Elevation C	69
Elevation D	29
Canopy # 2 Graphics	
0	0  37036" Logo 0
	Canopy # 2 Corner Treatment
	Canopy # 2 Logo Quantity
Canopy # 2 Width	0.00
Canopy # 2 Length	0.00
Elevation A	0
Elevation B	0
Elevation C	0
Elevation D	0
Fasola Brackets (Outriggers) will be supplied by OCI if needed Bottom I rim will be supplied by ULI if needed	
Building	
0	0
0	
0	
Building Width	0.00
Building Length	0.00
Elevation 1	0
Elevation 2	0
Elevation 3	0
Elevation 4	0
Fasola Brackets (Outriggers) will be supplied by OCI if needed Bottom I rim will be supplied by ULI if needed	
RFP#	
	OCI Job # 30625 Site # P3005914 Date 01/27/16 Drawn By Thad White Approved By

	635 Metcalf El Dorado, KS. 67042	Location	
		Name Fast Stop Address 9932 Hwy 45 City/State/Zip Parkville, MO 64152	

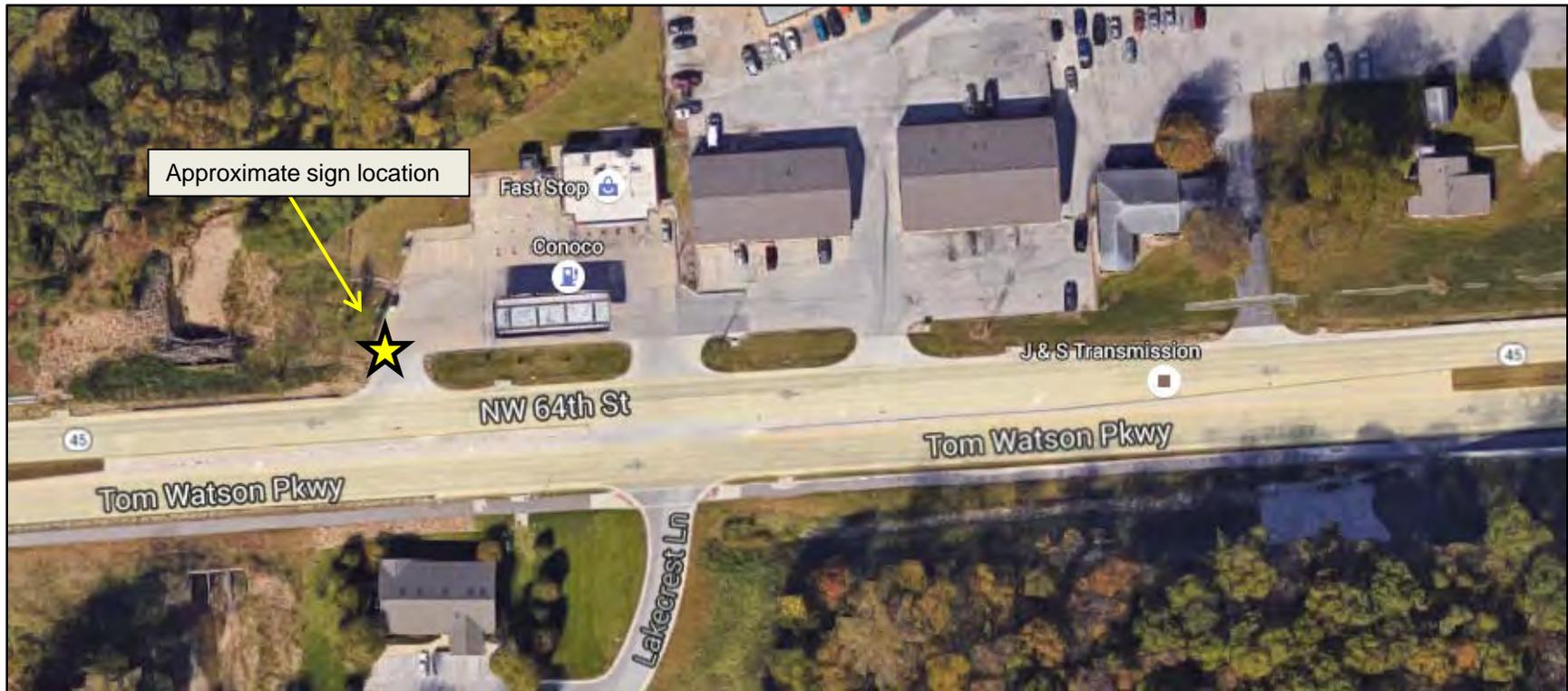
SIGN RENDERING



Site: P3005914 Fast Stop  
Address: 9932 Hwy 45  
City/State: Parkville, MO 64152



# 9932 Hwy 45, Parkville, MO



Sign Permit Application – “B-4” Planned Business District

## **CITY OF PARKVILLE**

### **Policy Report**

Date: Wednesday, May 25, 2016

Prepared By:  
Logan Sloniker  
Public Works Engineering Intern

Reviewed By:  
Tim Blakeslee  
Assistant to the City Administrator

ISSUE:

Adopt an ordinance to amend Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the Americans with Disabilities Act (ADA).

BACKGROUND:

The Parkville Residential Construction Guidelines require that concrete sidewalk and driveway approaches within city limits must be designed to meet construction requirements such as grade, cross slope, width, and surface type. Section Five: Flat Work of the Parkville Residential Construction Guidelines includes the cross slope requirements for sidewalks and driveway approaches. The cross slope is a measure of the vertical drop with respect to a level plane. When the cross slope of a sidewalk or driveway is properly regulated, it allows for sufficient water to drain off of the surface while not being too steep of a slope that would make the sidewalk or driveway features difficult to use. In 2009, the U.S. Department of Justice released new ADA cross slope requirements (Attachment 2).

For new construction, contractors are required to request an inspection of the driveway approach and sidewalk from the City staff, both prior to pouring and after pouring concrete. Prior to pouring, the inspector checks the placement of rock/gravel base, the cross slope of the forms, the running slope of the forms, and the placement of rebar. Once the contractor has satisfactorily completed the inspection, the contractor is allowed to begin pouring. After the pouring is complete, the contractor requests another inspection of the completed driveway approach and sidewalk, to make sure the cross slope and running slope are within ADA requirements.

An issue with the current City standards was brought to staff's attention by contractors performing flat work in the City of Parkville. Upon investigation, staff discovered that the Parkville Municipal Code and the construction drawings in Section Five of the Parkville Residential Construction Guidelines are out of date and state information that is inconsistent with current ADA requirements

Municipal Code Section 505.090, Minimum Standards for Streets, Sidewalks and Storm Sewers, includes requirements for sidewalk construction. Section 505.090.G the construction of the driveway approaches shall conform to APWA Standard Detail D-1. APWA Standard Detail D-1 states that the cross slope of the sidewalk shall be one-quarter (1/4) inch per foot minimum. However, this is different than the text included in Section 505.090.G.1 of the Parkville Municipal Code, which states that the approaches must conform to one-quarter (1/4) inch to one-half (1/2) inch max slope within the right-of-way. Additionally, Section Five: Flat Work of the Parkville

Residential Construction Guidelines under City Sidewalks, states that Sidewalk slopes must be one-quarter (1/4) per foot minimum (Attachment 3).

ADA requires a minimum of 1% cross slope to a maximum of 2%. As it is currently stated in the Municipal Code and Residential Construction Guidelines, contractors interpret that one-quarter (1/4) inch per foot minimum (2.083%) is acceptable when it is actually over the maximum that is acceptable by ADA. This error is also found in the construction drawings in the Residential Construction Guidelines, which are what many contractors primarily review (Attachment 5 and 6). As many contractors failed city inspections after pouring concrete and being told they needed to replace, staff realized the need to make a change to the requirements to reflect what was being told to them verbally by inspectors, and to follow ADA requirements.

Staff recommends that the Board of Aldermen implement an ordinance to update the Parkville Municipal Code (Attachment 1) and update Section Five: Flat Work of the Parkville Residential Construction Guidelines and construction drawings (Attachment 4) to reflect proposed changes to the current text to be consistent with ADA requirements that the cross slope of the sidewalk shall be 1% (minimum) to 2% (maximum).

**BUDGET IMPACT:**

There will be no impacts to the budget with this amendment.

**ALTERNATIVES:**

1. Adopt an ordinance to amend Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the Americans with Disabilities Act (ADA)
2. Adopt an ordinance to amend Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the ADA, with changes recommended by the Board of Alderman.
3. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Aldermen adopt an ordinance to amend Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the Americans with Disabilities Act (ADA).

**POLICY:**

The Board of Aldermen must approve all changes to the City's Municipal Code by ordinance. The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting. If authorized by the City Administrator, the first reading of an ordinance may be included as part of the consent agenda.*"

**SUGGESTED MOTION:**

I move to approve Bill No. 2877, an ordinance amending Parkville Municipal Code Section 505.090 and Section Five of the Parkville Residential Construction Guidelines regarding the

**ITEM 4H**  
*For 06-07-16*  
**Board of Alderman Meeting**

cross slope requirements for driveways and sidewalks in order to be compliant with requirements set forth by the American Disability Act, on first reading.

I move to approve Bill No. 2877 on second reading by title only to become Ordinance No. \_\_\_\_.

**ATTACHMENTS:**

1. Ordinance
2. U.S. Department of Justice – ADA Requirements
3. Current Version of the Parkville Residential Construction Guidelines
4. Proposed Version of the Parkville Residential Construction Guidelines
5. Type 1 Curb Construction Drawing
6. Type 2 Curb Construction Drawing

**AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 505, SECTION 505.090 AND SECTION FIVE OF THE PARKVILLE RESIDENTIAL CONSTRUCTION GUIDELINES REGARDING THE CROSS SLOPE REQUIREMENTS FOR DRIVEWAYS AND SIDEWALKS IN ORDER TO BE COMPLIANT WITH REQUIREMENTS SET FORTH BY THE AMERICANS WITH DISABILITIES ACT**

WHEREAS, in 2009, President Obama launched “The Year of Community Living”, that directed federal agencies to vigorously enforce rights of Americans with disabilities; and

WHEREAS, the Americans with Disabilities Act (ADA) has implemented numerous building requirements for construction projects in order to make them as accessible as possible for those disabled and with limited/restricted mobility; and

WHEREAS, Parkville Municipal Code Section 505.090 includes requirements for sidewalk construction, which includes cross slope; and

WHEREAS, Parkville Residential Construction Guidelines require that concrete sidewalk and drive approaches within city limits must be designed to meet construction requirements such as grade, cross slope, width, and surface type; and

WHEREAS, for new construction, contractors are required to request an inspection of the driveway approach and sidewalk from the City staff, both prior to pouring and after pouring concrete; and

WHEREAS, staff realized inconsistencies with the construction requirements listed in Parkville Municipal Code Section 505.090, the Parkville Residential Construction Guidelines, and American Public Works Association standard details with ADA.

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

SECTION 1. Parkville Municipal Code Section 505.090 shall be amended to add the following:

- H. The cross slopes of driveway approaches and sidewalks must measure a one percent (1%) minimum to a 2 percent (2%) maximum.

SECTION 2. Parkville Municipal Code Section 505.090, subsection G.1 is hereby repealed.

SECTION 3. Section 5 of the Parkville Residential Construction Guidelines shall be amended to read as follows:

- Sidewalks across private and commercial approaches will be the same thickness as the paved approach and will maintain less than two (2.0%) cross slope. Accessible routes across side streets and alleys will be less than two (2.0%) on new construction and reconstruction projects. Less than two (2.0%) cross slope will be maintained across streets and alleys where feasible on all alteration projects.

SECTION 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 7<sup>th</sup> day of June 2016.

---

Mayor Nanette K. Johnston

ATTESTED:

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City Clerk Melissa McChesney



U.S. Department of Justice

Civil Rights Division

Department of Justice Seal

## Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.

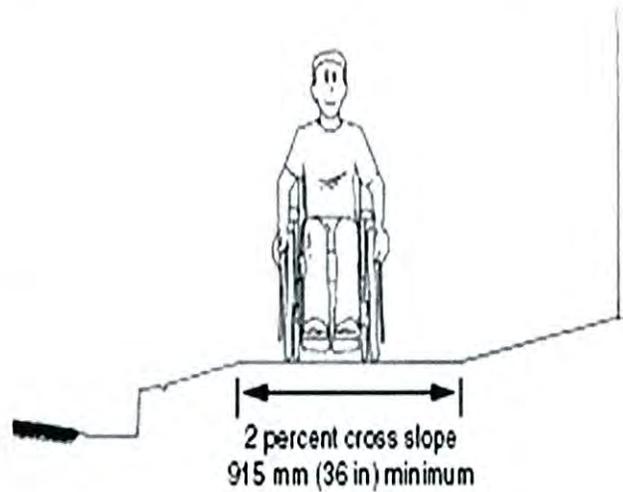
In the years since the Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), the goal of the integration mandate in title II of the Americans with Disabilities Act – to provide individuals with disabilities opportunities to live their lives like individuals without disabilities – has yet to be fully realized. Some state and local governments have begun providing more integrated community alternatives to individuals in or at risk of segregation in institutions or other segregated settings. Yet many people who could and want to live, work, and receive services in integrated settings are still waiting for the promise of *Olmstead* to be fulfilled.

In 2009, on the tenth anniversary of the Supreme Court's decision in *Olmstead*, President Obama launched "The Year of Community Living" and directed federal agencies to vigorously enforce the civil rights of Americans with disabilities. Since then, the Department of Justice has made enforcement of *Olmstead* a top priority. As we commemorate the 12th anniversary of the *Olmstead* decision, the Department of Justice reaffirms its commitment to vindicate the right of individuals with disabilities to live integrated lives under the ADA and *Olmstead*. To assist individuals in understanding their rights under title II of the ADA and its integration mandate, and to assist state and local governments in complying with the ADA, the Department of Justice has created this technical assistance guide.

A sidewalk is designed to meet a variety of characteristics that have a direct impact on usability, such as grade, cross slope, width, surface type, etc. Even mildly difficult features in combination can make a sidewalk hard to access for someone with a disability. Sidewalk design criteria are based on providing access to all pedestrian users to the maximum extent feasible. This policy is in accordance with federal standards set out by the US Department of Justice, based on recommendations of the US Access Board. Refer to [Pedestrian Facilities and the Americans with Disabilities Act](#) for further discussion.

- Sidewalks or pedestrian paths will be accessible to the maximum extent feasible to all people according to the Americans with Disabilities Act of 1990 (ADA).
- In rural areas where it is necessary to accommodate pedestrian movements, a paved shoulder at least 6 ft. wide may be used. The cross slope must be 1.0% (minimum) to 2.0%.
- A sidewalk located at least 2 ft. from a curb should be a minimum of 5 ft. wide. Exceptions may be made for local conditions, but ADA requirements must be met.
- A sidewalk proposed within 2 ft. of a curb will be placed adjacent to the curb and be a minimum of 6 ft. wide. Exceptions may be made, but ADA requirements must be met.
- For sidewalk widths less than 5 ft., a 5 ft. by 5 ft. passing space is to be provided at intervals no greater than 200 ft.
- The cross slope on all accessible routes must be 1.0% minimum to 2.0% maximum.

- The running slope should be as flat as possible, up to a maximum of 5%. However, sidewalks may follow the slope of the adjacent roadway if less than 5% is technically infeasible.
- Sidewalks across private and commercial approaches will be the same thickness as the paved approach and will maintain less than 2.0% cross slope. Accessible routes across side streets and alleys will be less than 2.0% on new construction and reconstruction projects. Less than 2.0% cross slope will be maintained across streets and alleys where feasible on all alteration projects.
- A clear airspace of 80 in. above the sidewalk will be maintained free of tree limbs, signs, fountains, poles or planters. Protrusions into the area of the sidewalk must not exceed 4 in. Where the curb is separated from the parallel sidewalk by a parkway (border), all house walks will be extended across the parkway (see [Standard Plan 608.10](#)). House walks will be 4 in. thick and at least 3 ft. wide.
- Additional guidance regarding sidewalk design can be found in the AASHTO publication *Guide for the Planning, Design, and Operation of Pedestrian Facilities*, the FHWA publication





## Section Five

### Flat Work

#### Driveways and Sidewalks

##### City Sidewalks

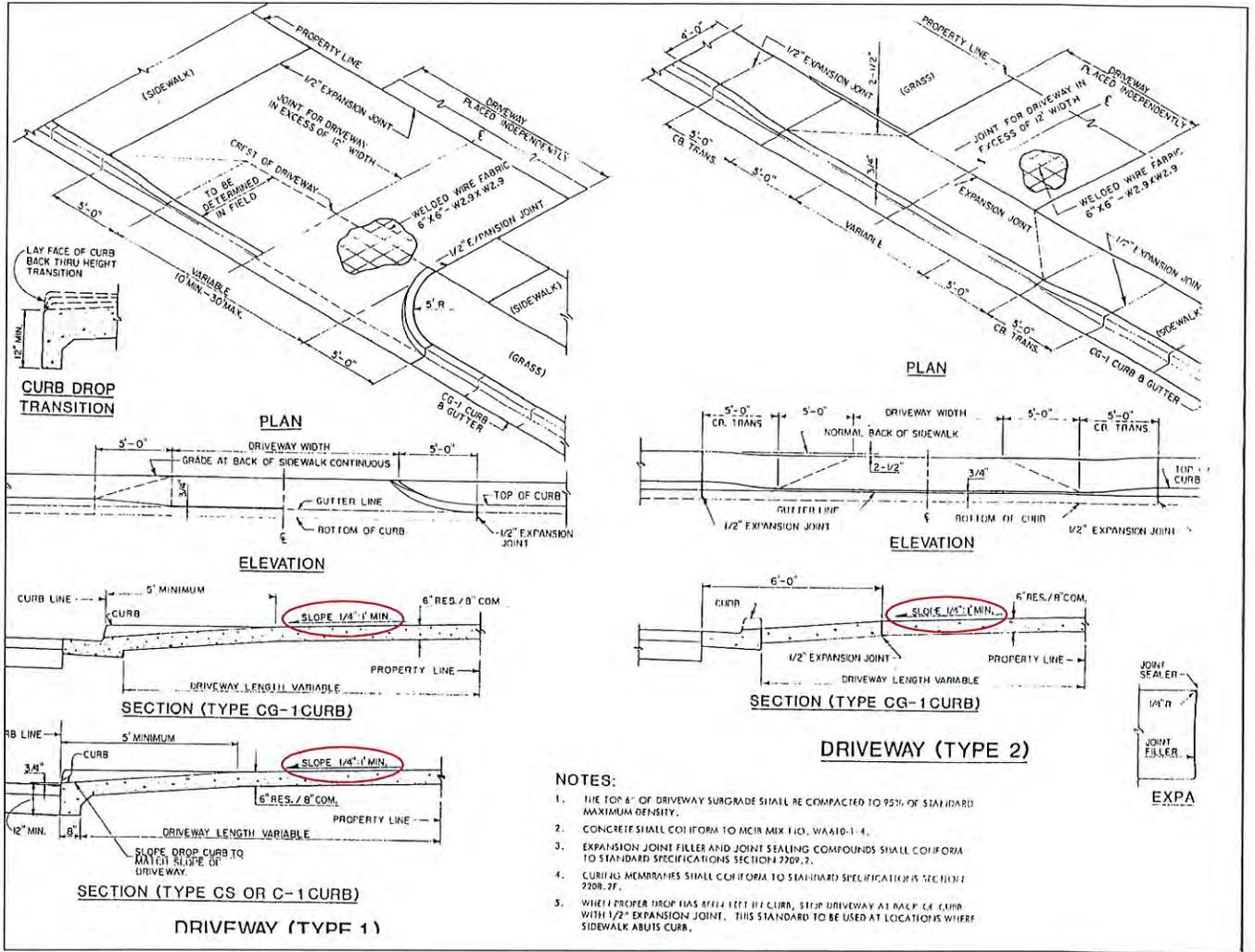
- All city sidewalks must be inspected.
- No less than 4,000 lb. air entrained concrete, or other appropriate mix, such as W-8610 may be used. 4" concrete depth minimum.
- Sidewalks will be poured on gravel base with two #4 rebar parallel throughout the length of the sidewalk, with an 18" overlap. Rebar must be chaired.
- Sidewalk slopes  $\frac{1}{4}$ " per foot minimum.
- Transverse contraction joints will be cut at a maximum interval of four feet.
- Expansion joints will be placed at all locations where sidewalk construction abuts existing sidewalks, structures and concrete driveways or at 50 feet, whichever is less.
- Sidewalks should be located no less that one foot (1') from the property line or the edge of the right-of-way within the right-of-way.
- All sidewalks will be installed according to the approved construction drawings for the project or plat.

##### Driveways

- All driveways on over-dig must be inspected.
- All driveways on over-dig must have a minimum of #4 bars, one foot on center each way, a minimum of ten (10) foot into over-dig, with a 50% tie. Rebar must be chaired.
- No less than 4,000 lb. air entrained concrete or other appropriate mix, may be used for concrete exposed to weather.

##### Driveway Approaches

- All driveway approaches must be inspected.
- All Type I, II, and Type III drives must conform to APWA specifications
- No less than 4,000 lb. air entrained concrete or other appropriate mix, may be used for concrete exposed to weather.
- Driveway approaches require 5' wings.



### Approach Detail

### Stamped Concrete

- Stamped concrete is permitted on private drives, walks and patios.
- Stamped concrete on driveway approaches and city sidewalks are prohibited unless approved by the Public Works Director.

### Concrete Slabs

### Garage Floors

- All garage floors on over-dig must be inspected
- All garage floors on fill will have a minimum of #4 rebar, 1-foot on center each way, doweled to foundation walls and tied to J bars, with 50% tie. Rebar must be chaired.



## Section Five

### Flat Work

#### Driveways and Sidewalks

##### City Sidewalks

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- All sidewalks will be installed according to the approved construction drawings for the project or plat.

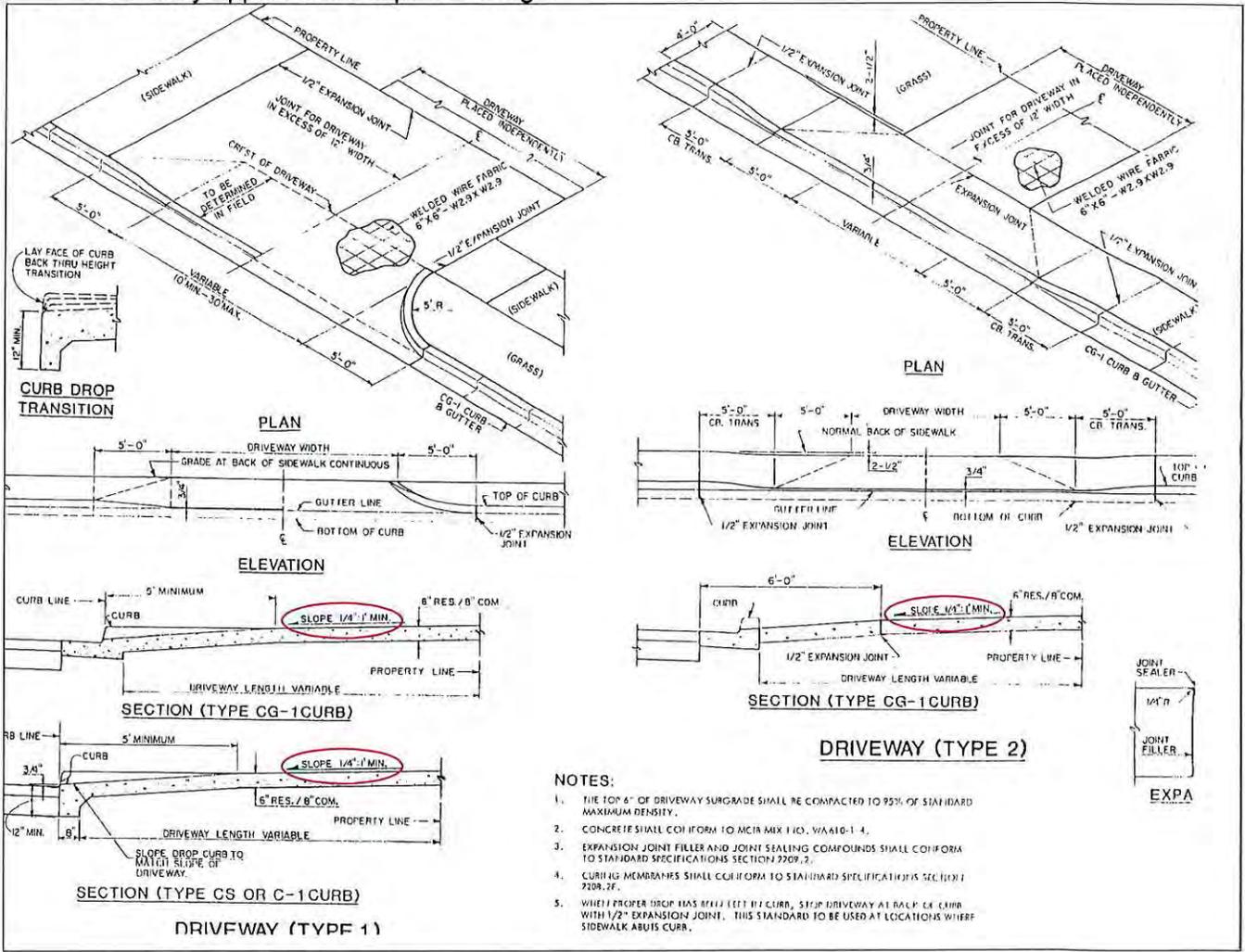
##### Driveways

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##### Driveway Approaches

- All driveway approaches must be inspected.
- All Type I, II, and Type III drives must conform to ADA specifications

- No less than 4,000 lb. air entrained concrete or other appropriate mix, may be used for concrete exposed to weather.
- Driveway approaches require 5' wings.



**Approach Detail**

**Stamped Concrete**

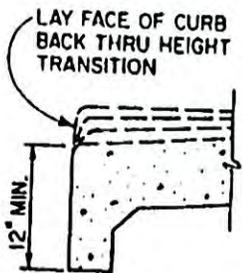
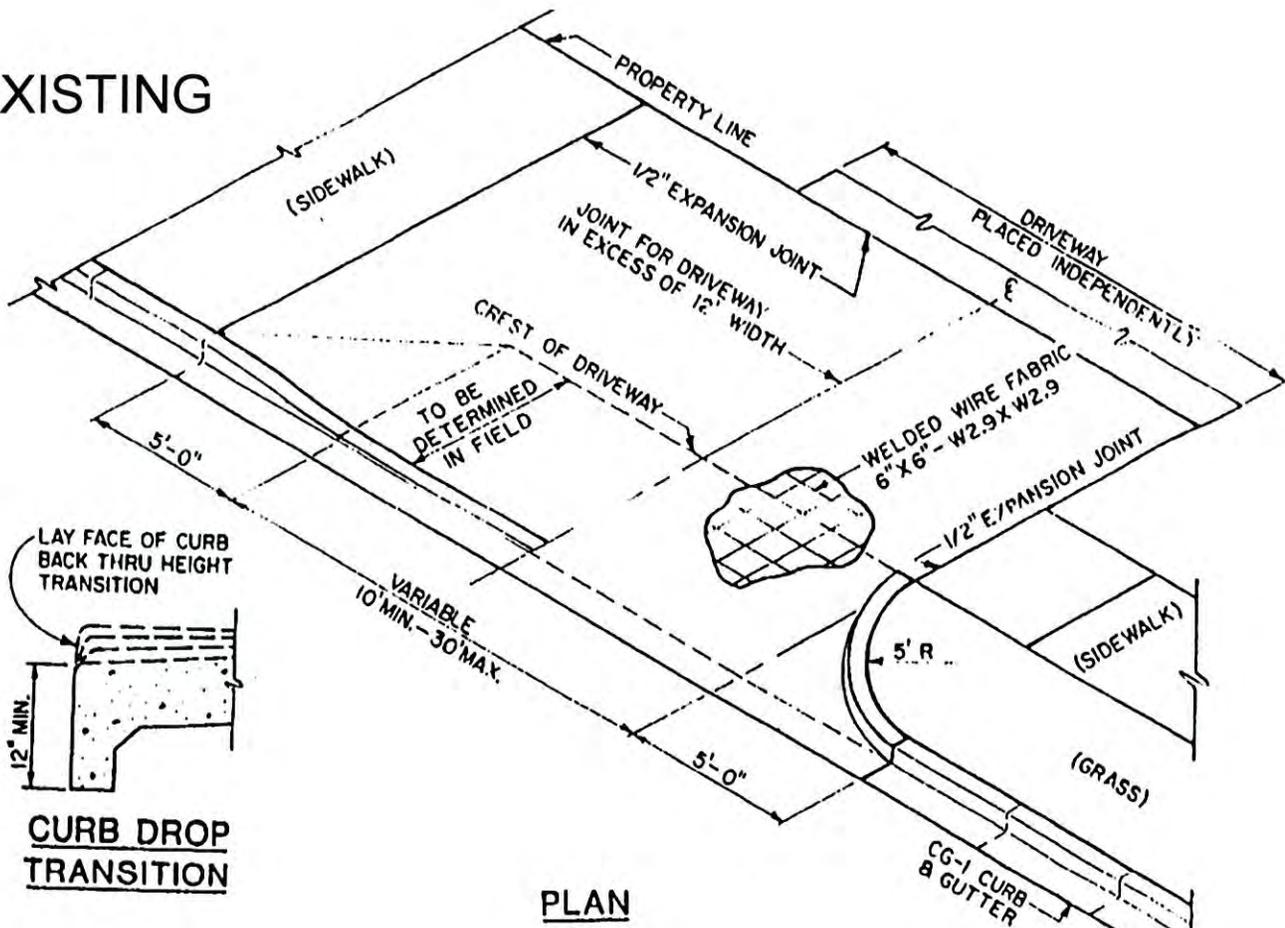
- Stamped concrete is permitted on private drives, walks and patios.
- Stamped concrete on driveway approaches and city sidewalks are prohibited unless approved by the Public Works Director.

**Concrete Slabs**

**Garage Floors**

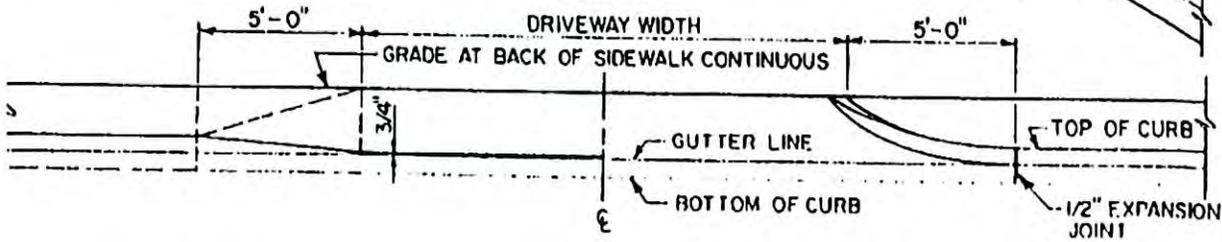
- All garage floors on over-dig must be inspected
- All garage floors on fill will have a minimum of #4 rebar, 1-foot on center each way, doweled to foundation walls and tied to J bars, with 50% tie. Rebar must be chaired.

# EXISTING

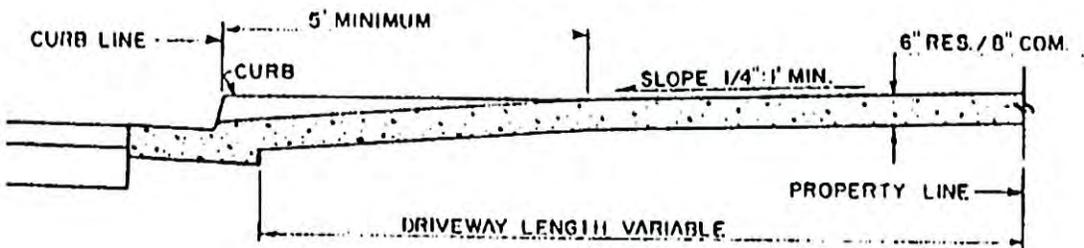


**CURB DROP TRANSITION**

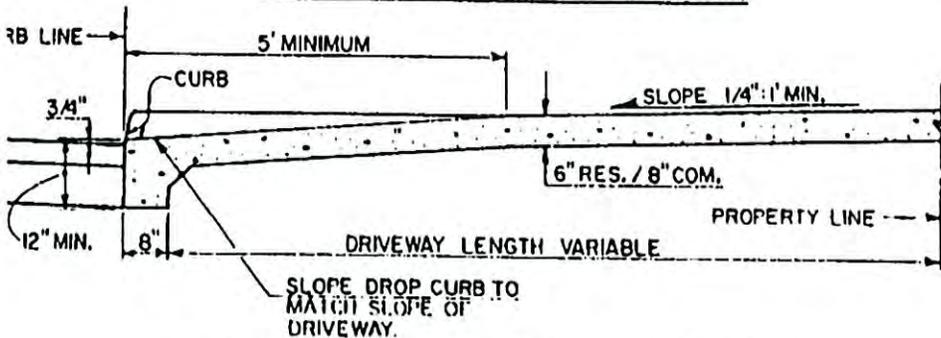
## PLAN



## ELEVATION



**SECTION (TYPE CG-1 CURB)**

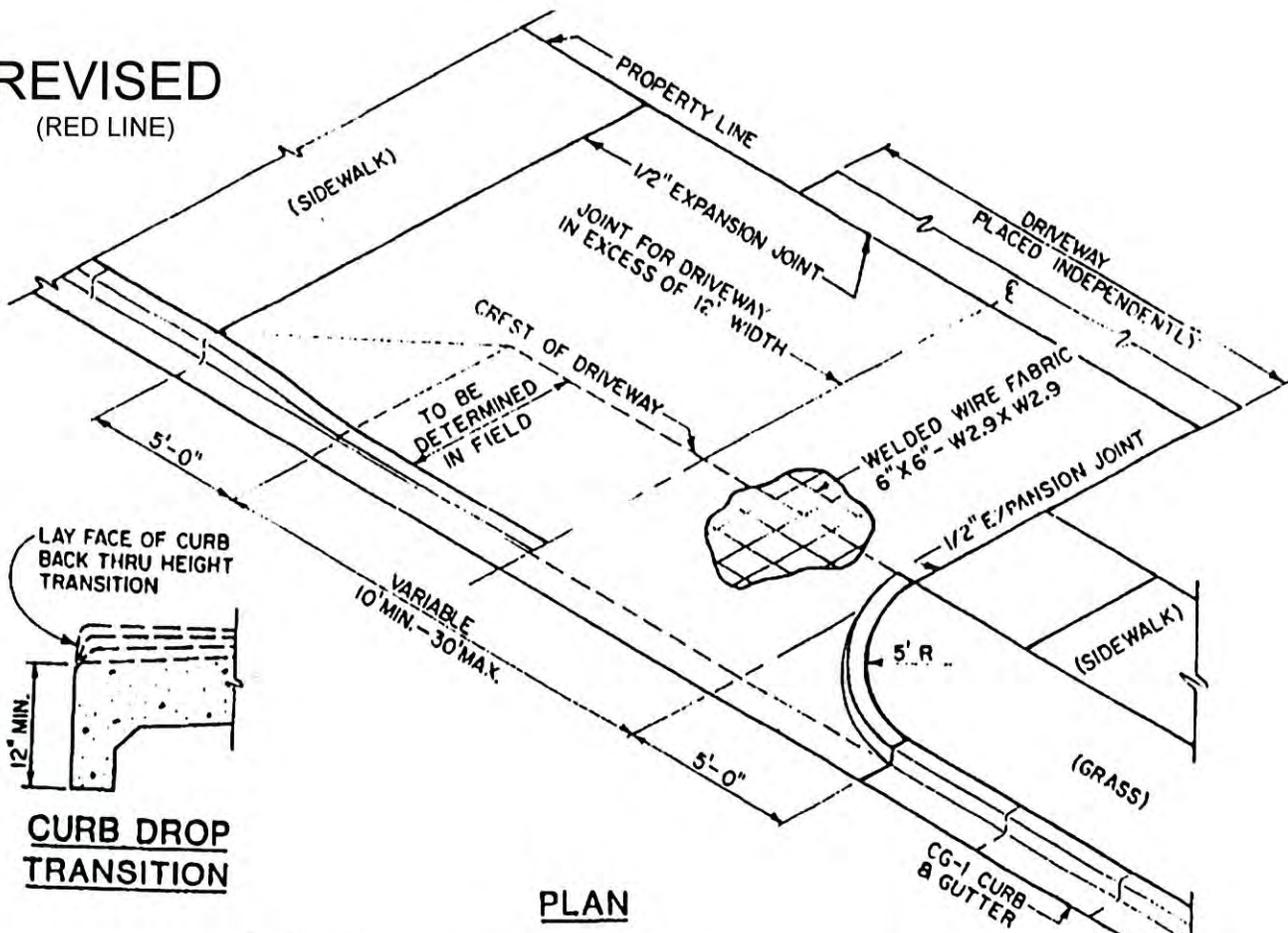


**SECTION (TYPE CS OR C-1 CURB)**

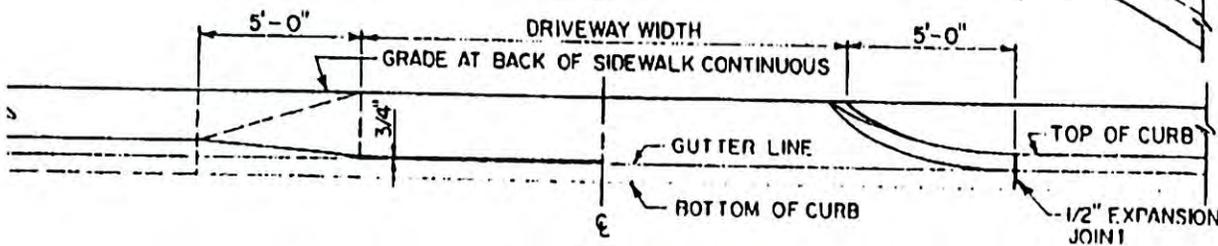
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# REVISED

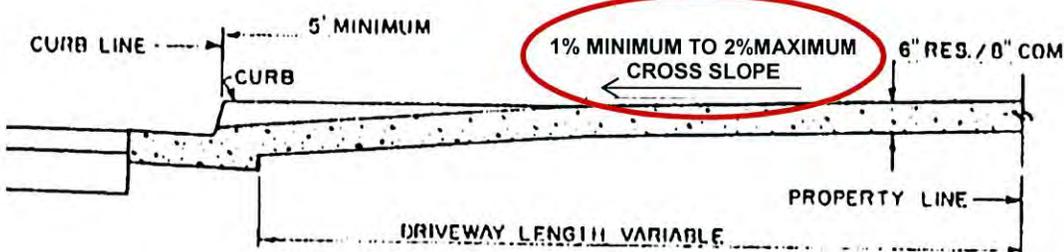
(RED LINE)



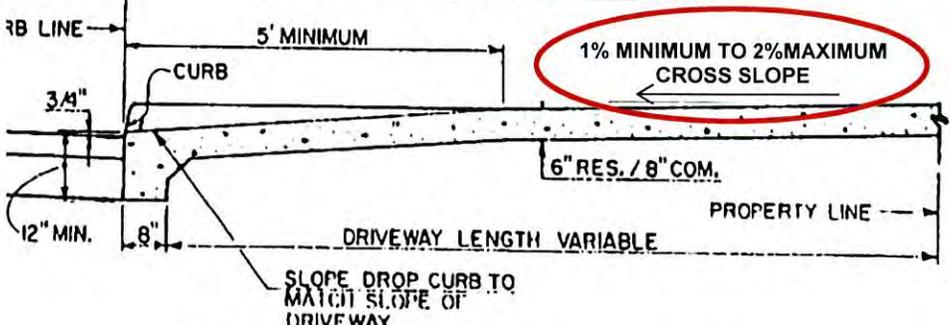
**PLAN**



**ELEVATION**



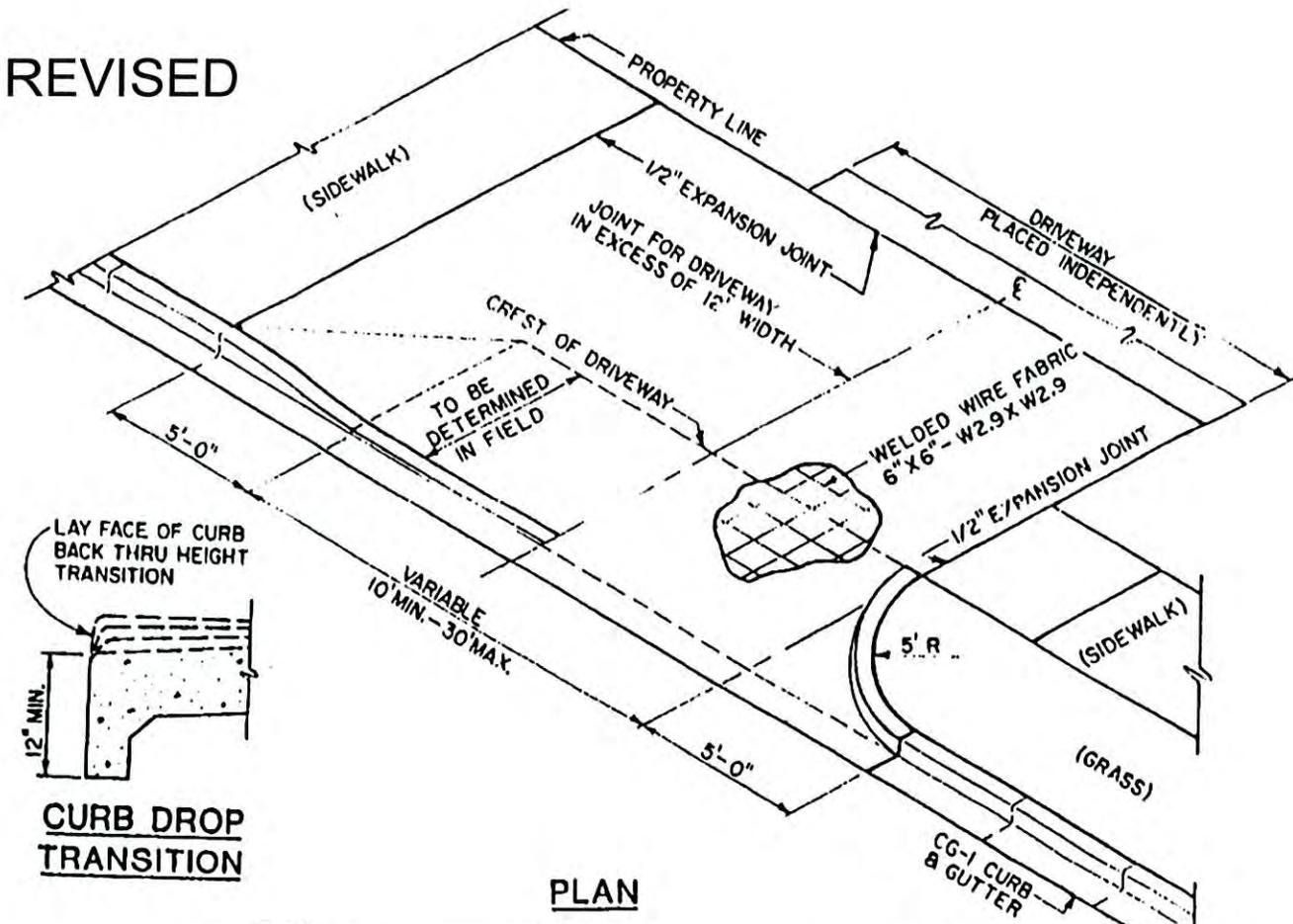
**SECTION (TYPE CG-1 CURB)**



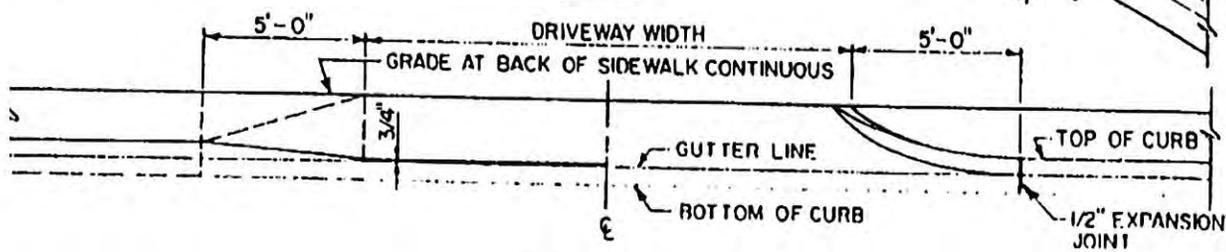
**SECTION (TYPE CS OR C-1 CURB)**

## DRIVEWAY (TYPE I)

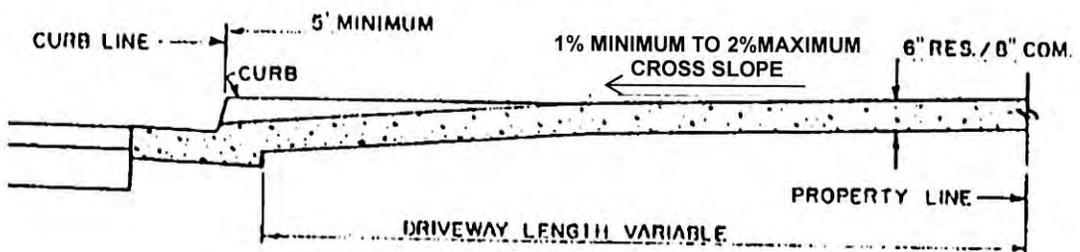
# REVISED



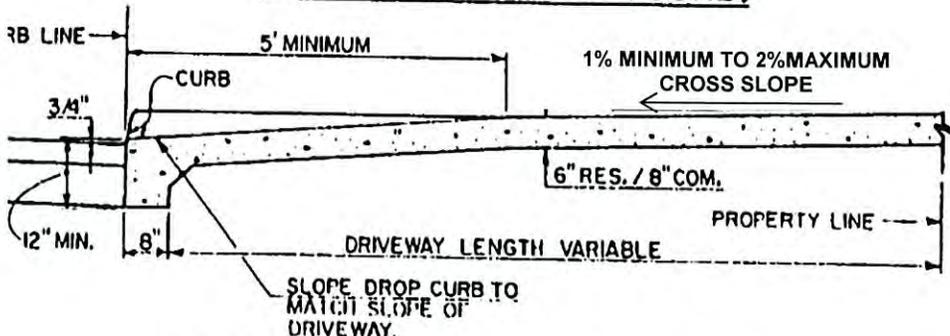
**PLAN**



**ELEVATION**



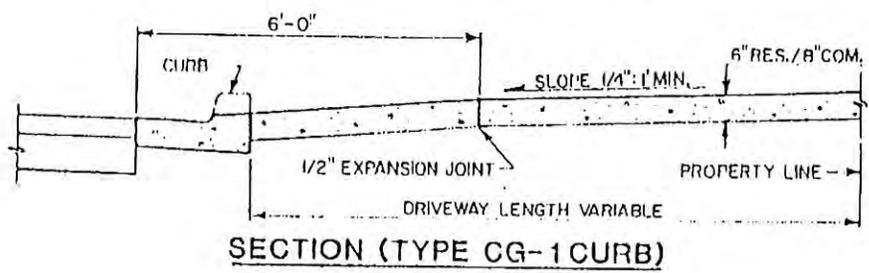
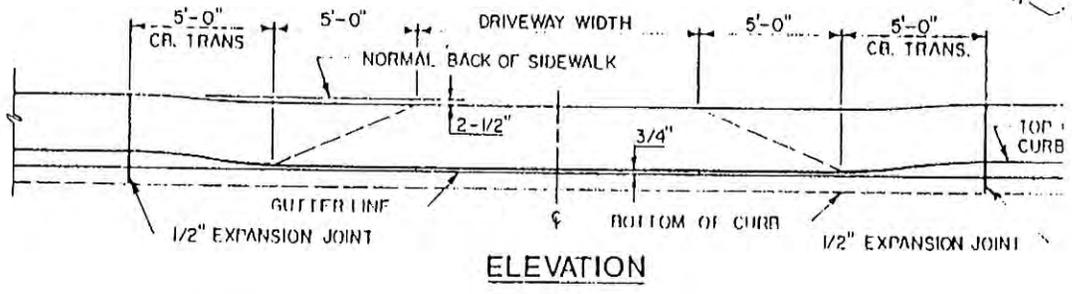
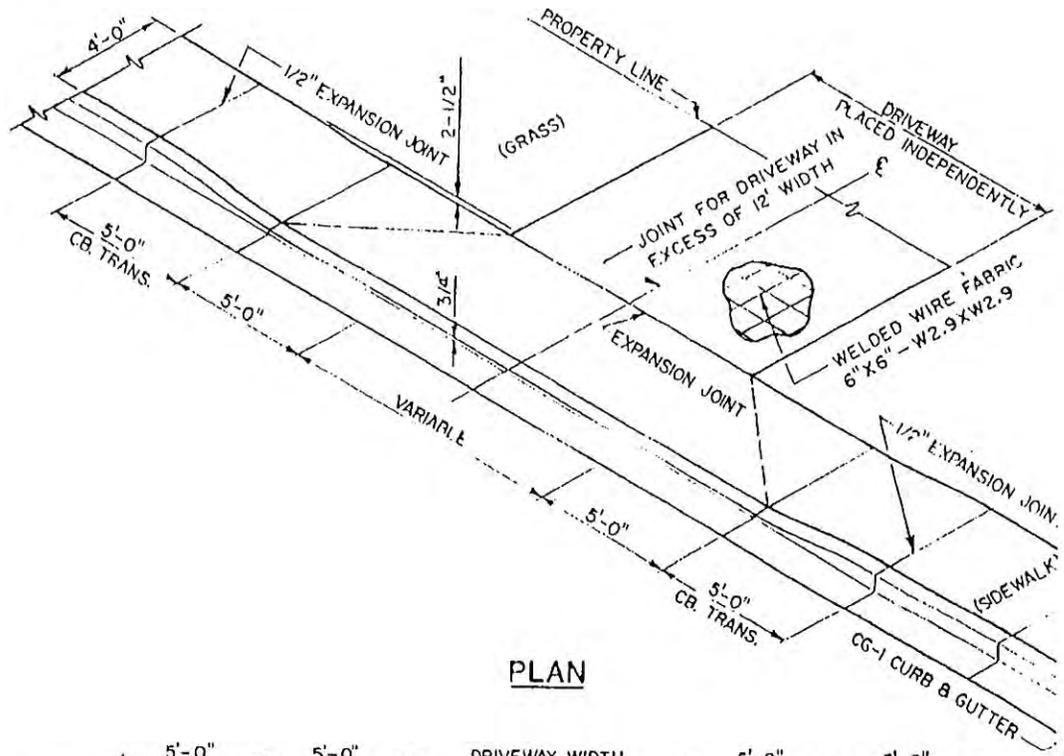
**SECTION (TYPE CG-1 CURB)**



**SECTION (TYPE CS OR C-1 CURB)**

## DRIVEWAY (TYPE I)

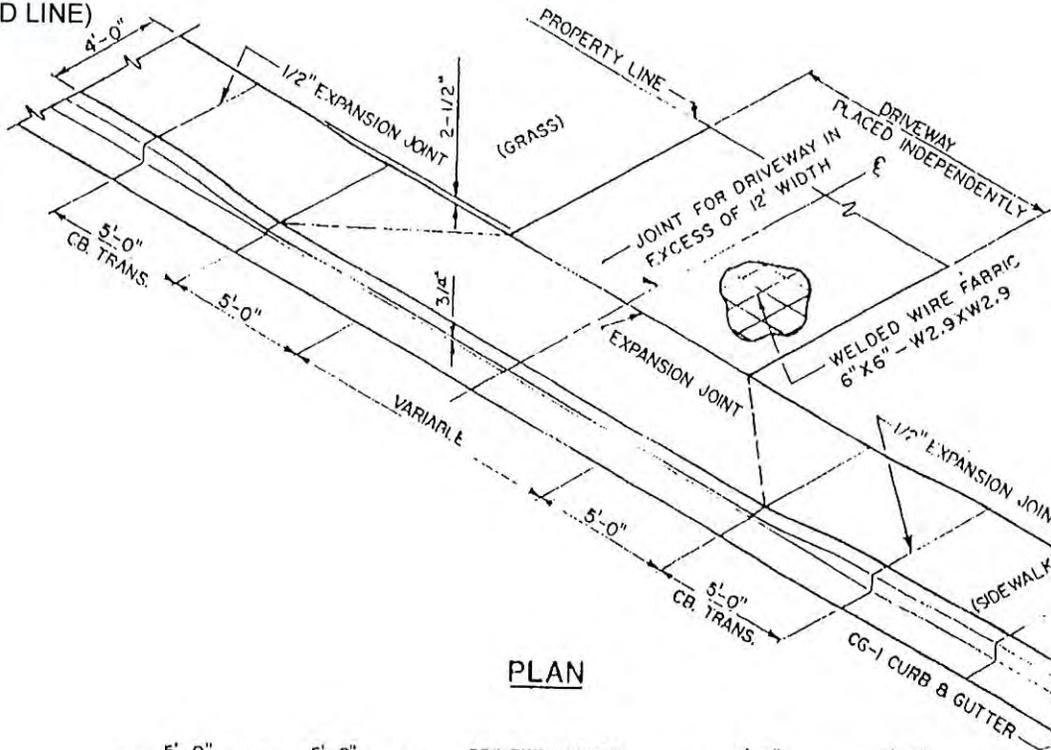
# EXISTING



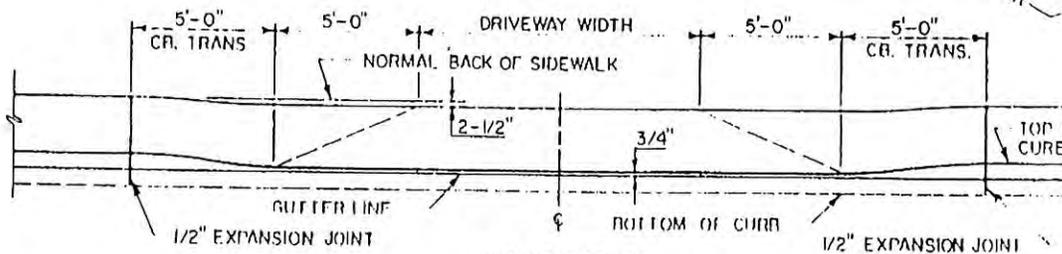
## DRIVEWAY (TYPE 2)



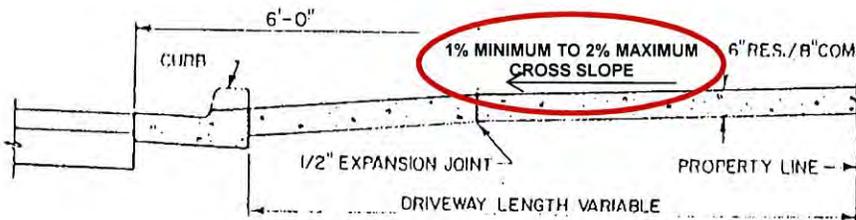
**REVISED**  
(RED LINE)



**PLAN**



**ELEVATION**

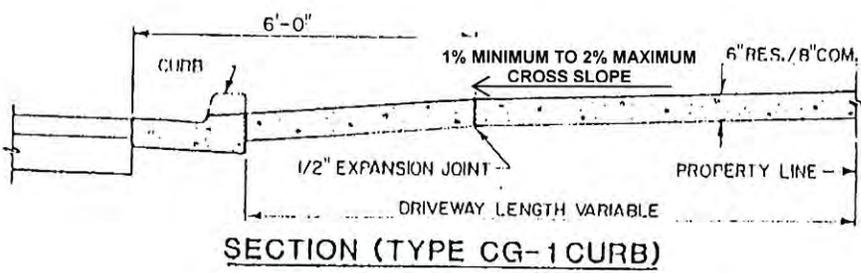
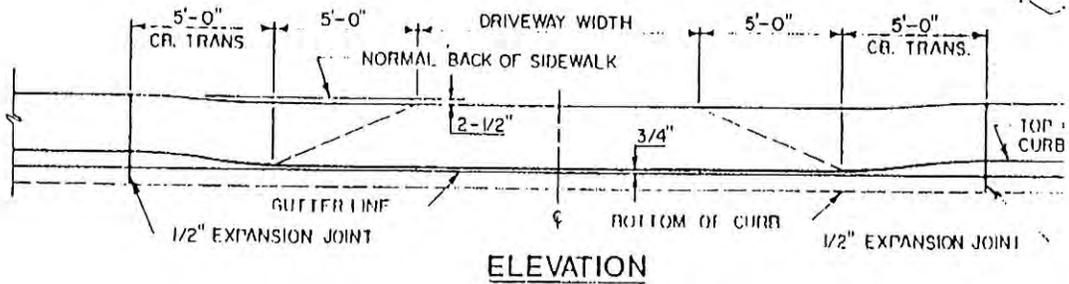
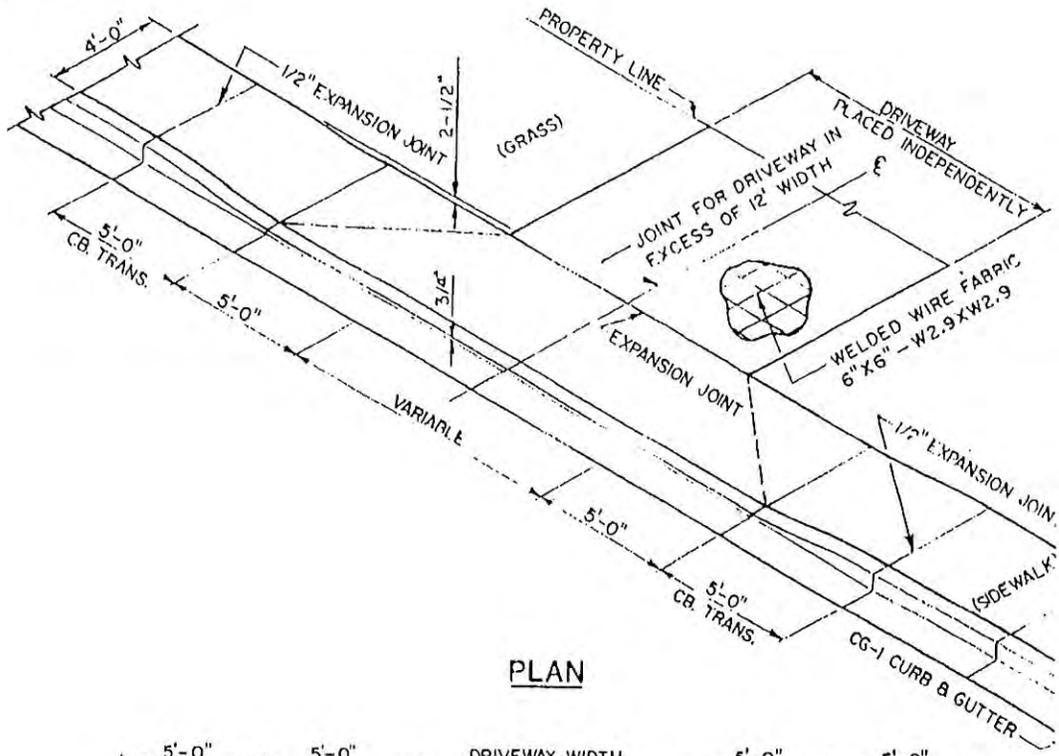


**SECTION (TYPE CG-1 CURB)**

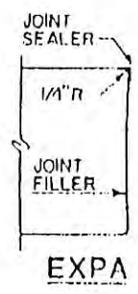
**DRIVEWAY (TYPE 2)**



REVISED



DRIVEWAY (TYPE 2)



## **CITY OF PARKVILLE**

### **Policy Report**

Date: Friday, June 2, 2016

Prepared By:  
Tim Blakeslee  
Assistant to the City Administrator

Reviewed By:  
Melissa McChesney  
City Clerk

ISSUE:

Approve a retail liquor by the drink picnic license for the Main Street Parkville Association for Parkville Days Event on August 19-21, 2016.

BACKGROUND:

The Main Street Parkville Association is a non-profit organization that will be selling liquor at the Parkville Days Event on August 19 through August 21, 2016. In order for a non-profit organization to sell intoxicating liquor at an event (picnic, bazaar, fair or similar gathering), the State of Missouri requires an approval letter from the City of Parkville for a retail by the drink picnic license for up to seven days.

Following approval of the picnic license, the City Clerk will provide the Main Street Parkville Association the City's approval letter which the organization will then submit to the Missouri Division of Alcohol and Tobacco Control. A copy of the City's approval letter will be on file in the City Clerk's Office.

BUDGET IMPACT:

There is no fee associated with a picnic license and therefore there is no impact to the budget.

ALTERNATIVES:

1. Approve the picnic license for the Main Street Parkville Association for the days requested.
2. Deny the picnic license.
3. Postpone the item.

STAFF RECOMMENDATION:

Staff recommends approving a retail liquor by the drink picnic license for the Main Street Parkville Association for the Parkville Days event on August 19, 2016 to August 21, 2016

POLICY:

RSMo 311.482 and Parkville Municipal Code Section 600.070(8) authorize the sale of liquor by the drink at retail for consumption on premises limited non-profit organizations.

SUGGESTED MOTION:

I move to approve a retail liquor by the drink picnic license for the Main Street Parkville Association for the Parkville Days Event on August 19-21, 2016

ATTACHMENT:

1. Request Letter



Board of Aldermen  
City of Parkville  
8880 Clark Avenue  
Parkville, Missouri 64152

Friday, June 2, 2016

Dear Board of Aldermen,

Main Street Parkville Association and the volunteer festival committee are finalizing our plans for the Parkville Days to be held in downtown Parkville, English Landing Park, Friday, August 19, 6:00 – 10:00 p.m., Saturday, August 20, 10:00 a.m. – 10:00 p.m. and Sunday, August 21, 10:00 a.m. – 6:00 p.m. The festival offers something for everyone – music, carnival rides, more than 100 craft and art booths, a Saturday parade, good eats, games and fun for the whole family!

We are requesting permission from the City of Parkville to obtain retail liquor by the drink picnic license from the State of Missouri. MSPA event staff and Parkville, Missouri, police will carefully monitor the festival. Thank you for your assistance and support of this event.

Sincerely,  
David Leader, Executive Director  
Main Street Parkville Association  
106 ½ Main Street  
Parkville, Missouri 64152  
816-505-2227

**CITY OF PARKVILLE**  
**Policy Report**

Date: Wednesday, June 1, 2016

Prepared By:  
Emily Crook  
Billing Clerk

Reviewed By:  
Tim Blakeslee  
Assistant to the City Administrator

ISSUE:

Approval of Accounts Payable Invoices, 1<sup>st</sup> of the Month Checks, Electronic Funds Transfer (EFT) Payments, Credit and Debit Card Processing Fees, and Payroll Expenditures from 05/12/2016 through 06/01/2016.

BACKGROUND:

Attached are the statements of approved payments, per the City's Purchasing Policy, for the period from May 12, 2016 through June 01, 2016. All disbursements must be reviewed and approved by the Board of Aldermen prior to the release of city funds.

BUDGET IMPACT:

Accounts Payable	\$117,801.98
Insurance Payments	\$45,838.68
1 <sup>st</sup> of the Month	\$0.00
EFT Payments	\$0.00
Processing Fees	\$0.00
Payroll	\$53,635.96
<b>TOTAL</b>	<b>\$217,276.62</b>

ALTERNATIVES:

1. Approve the release of funds.
2. Deny the release of funds and provide further direction to City Administration.
3. Deny any portion of the release of funds and provide further direction to City Administration.

STAFF RECOMMENDATION:

Staff recommends the release of funds as summarized in the attached statements.

SUGGESTED MOTION:

I move to appropriate \$250,363.68 of city funds to pay salaries and accounts.

ATTACHMENTS:

1. Accounts Payable
2. Insurance Payments
3. 1<sup>st</sup> of the Month
4. EFT Payments
5. Processing Fees
6. Payroll
7. Commerce Card Purchases
8. P & G Purchases

5/12/2016 9:26 AM  
 PACKET: 05624 Regular Payments-05-12-2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
02057	Lowe's Accounts Receivable							
	I-Stmt 05/20/2016	Stmt 05/20/2016	D	5/12/2016		99.16CR	000000	99.16

* * T O T A L S * *				
	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	0	0.00	0.00	0.00
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	0.00	99.16	99.16
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	1	0.00	99.16	99.16

TOTAL ERRORS: 0                      TOTAL WARNINGS: 0

PACKET: 05629 Federal Withholdings - 5/27/16

VENDOR SET: 01

BANK : PY Pooled Cash PY Related AP

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
00044	Park Bank							
	I-T1 201605264157	Federal Withholding	D	5/27/2016		8,211.00CR	000000	
	I-T3 201605264157	FICA W/H	D	5/27/2016		9,145.12CR	000000	
	I-T4 201605264157	Medicare W/H	D	5/27/2016		2,138.66CR	000000	19,494.78

\* \* T O T A L S \* \*

	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	0	0.00	0.00	0.00
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	0.00	19,494.78	19,494.78
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	1	0.00	19,494.78	19,494.78

TOTAL ERRORS: 0

TOTAL WARNINGS: 0

PACKET: 05635 Regular Payments-05/27/2016

VENDOR SET: 01

BANK : AP Pooled Cash Regular AP

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
00159	Missouri American Water							
	C-Due 04/08/2016	Water	R	5/27/2016		15.00	035357	
	I-Due 04-06-2016	Water-SW	R	5/27/2016		32.94CR	035357	
	I-Due 04/08/2016	Water	R	5/27/2016		455.77CR	035357	
	I-Due 04/11/2016	Water	R	5/27/2016		65.88CR	035357	539.59

\* \* T O T A L S \* \*

	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	1	0.00	539.59	539.59
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	1	0.00	539.59	539.59

TOTAL ERRORS: 0

TOTAL WARNINGS: 0

5/27/2016 11:00 AM  
 PACKET: 05640 Regular Payments-05/12/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
00159	Missouri American Water	I-Due 06/03/2016	R	5/27/2016		21.37CR	035373

* * T O T A L S * *		NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:		1	0.00	21.37	21.37
HANDWRITTEN CHECKS:		0	0.00	0.00	0.00
PRE-WRITE CHECKS:		0	0.00	0.00	0.00
DRAFTS:		0	0.00	0.00	0.00
VOID CHECKS:		0	0.00	0.00	0.00
NON CHECKS:		0	0.00	0.00	0.00
CORRECTIONS:		0	0.00	0.00	0.00
REGISTER TOTALS:		1	0.00	21.37	21.37

TOTAL ERRORS: 0                      TOTAL WARNINGS: 0

5/27/2016 11:06 AM  
 PACKET: 05641 Regular Payments-05/27/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
01200	Digital Ally Inc. I-PARMO05172016DB1	2 In-Car Vid System Replace-PD	R	5/27/2016		6,990.00CR	035374
01390	Riss Lake Homes Association I-May 2016	May 2016 GP Transfer-SW	R	5/27/2016		26,097.06CR	035375

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	2	0.00	33,087.06	33,087.06
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	2	0.00	33,087.06	33,087.06

TOTAL ERRORS: 0                      TOTAL WARNINGS: 0

6/01/2016 12:27 PM  
 PACKET: 05641 Regular Payments-05/27/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
01518	Taser International I-SI1438023	TASER Replacement-PD	R	6/08/2016		1,193.61CR	035423
01967	The Waldinger Corporation I-5621598	HVAC Maintenance Call-AD	R	6/08/2016		276.66CR	035424
01262	Thomson Reuters I-833987684	Court Rules Subscription-CT	R	6/08/2016		287.75CR	035425
02180	Timothy Blakeslee I-05/16/2016 Exp Rpt	Blakeslee MCMA Conf-AD	R	6/08/2016		23.00CR	035426
00062	Tyler Techonologies, Inc I-025-156173	Ann Maintenance Agreement-AD	R	6/08/2016		10,696.65CR	035427
02409	UniFirst Corporation I-0436242	Mat Cleaning/Rental-AD	R	6/08/2016		54.46CR	035428
02438	Vireo I-p15126-2	Parks Master Plan Task 1-3-CIP	R	6/08/2016		21,000.00CR	035429

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	56	0.00	86,731.15	86,731.15
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	4	0.00	10,916.13	10,916.13
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	60	0.00	97,647.28	97,647.28

TOTAL ERRORS: 0                      TOTAL WARNINGS: 0

6/01/2016 12:27 PM  
 PACKET: 05641 Regular Payments-05/27/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

Duplicate,  
 Voided  
 Duplicate,  
 Voided

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
01200	Digital Ally Inc. I-PARMO05172016DB1	2 In-Car Vid System Replace-PD	R	5/27/2016		6,990.00CR	035374
01390	Riss Lake Homes Association I-May 2016	May 2016 GP Transfer-SW	R	5/27/2016		26,097.06CR	035375
00103	Pitney Bowes, Inc. I-605688	Machine Rental-AD	D	6/07/2016		208.50CR	000000
00160	Missouri Gas Energy I-Due 06/08/2016	Gas Due 06/08/2016	D	6/07/2016		82.31CR	000000
01614	KCPL I-Due 06/01/2016 I-Due 06/02/2016 I-Due 06/07/2016	Energy Due 06/01/2016 Energy Due 06/02/2016 Energy Due 06/07/2016	D D D	6/07/2016 6/07/2016 6/07/2016		2,867.96CR 45.75CR 2,516.57CR	000000 000000 000000
02140	Commerce Bank - Commercial Cards I-Stmt 05/18/2016	Stmt 05/18/2016	D	6/07/2016		5,195.04CR	000000
00002	A & M Printing I-57424 I-57461 I-57481	Plat Scans-CD Langdon Plans-AD RFP Document Scans-CD	R R R	6/08/2016 6/08/2016 6/08/2016		4.00CR 88.00CR 30.00CR	035376 035376 035376
02053	ABC Tire LLC I-53946	40 Tires Recycle Extrava-ST	R	6/08/2016		84.00CR	035377
02018	Ace ImageWear I-0528033 I-525276	Rags, Towels, Soap, Etc-ST Shop Towels-PK	R R	6/08/2016 6/08/2016		61.38CR 29.00CR	035378 035378
00181	American Public Works Assoc. I-617147	Abel APWA Annual Membership-PW	R	6/08/2016		199.00CR	035379
02227	BagSpot Pet Waste Solutions I-2322	Dog Waste Bags-PK	R	6/08/2016		411.30CR	035380
02439	Bessine Walterbach, LLC I-Apr-May 2016	[REDACTED]	R	6/08/2016		334.86CR	035381
00145	Black Gold Rubber Recyclers, LLC I-9586138	50 Car Tires Spring Clean-ST	R	6/08/2016		87.50CR	035382

6/01/2016 12:27 PM

A / P CHECK REGISTER

PACKET: 05641 Regular Payments-05/27/2016

VENDOR SET: 01

BANK : AP Pooled Cash Regular AP

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
00258	Carter Waters Constructio I-10028962-1	Stone Sealer/Spray Tank-95	R	6/08/2016		242.76CR	035383
00288	CarterEnergy Corporation I-3020472	Diesel Fuel-PK	R	6/08/2016		541.36CR	035384
00620	City of Riverside, MO I-MML 05/26/2016	Mayor/Driver/Chrisman MML-AD	R	6/08/2016		102.00CR	035385
01306	Creative Services of New England I-D16-11419	Police Stickers-PD	R	6/08/2016		248.95CR	035386
00378	Damon Pursell Const. I-196399	Yard Waste Drop-Off-ST	R	6/08/2016		218.00CR	035387
	I-196400	Brush Disposal Drop-Off-ST	R	6/08/2016		156.00CR	035387
00156	Dave's Foreign Car Repair LLC I-134,110	V605 Oil Change-PD	R	6/08/2016		35.00CR	035388
	I-134,155	V604 Oil Change/Balance-PD	R	6/08/2016		135.00CR	035388
	I-134,180	Oil Change V606-PD	R	6/08/2016		35.00CR	035388
01372	E. Edwards I-KCK-T-66561	Rubber Boots/Rain Gear(2)-ST	R	6/08/2016		109.76CR	035389
02211	Eaton Corporation I-44335132	Pedestal Covers-PK	R	6/08/2016		126.08CR	035390
01181	Four Star Electric I-29629	Streetlight Repair-TP	R	6/08/2016		111.75CR	035391
01421	Full Nelson Plumbing, Inc I-13390	Pocket Park Water Leak-PK	R	6/08/2016		140.00CR	035392
01914	Gomer's Northland I-3019	Volunteer Rec Drinks, Etc-AD	R	6/08/2016		681.00CR	035393
00053	Grass Pad Warehouse I-405892	ELP Flowers-PK	R	6/08/2016		146.70CR	035394
	I-496119	City Hall Pots-AD	R	6/08/2016		168.35CR	035394
00496	Gunter Pest Management, Inc. I-1182723	Pest Control-AD	R	6/08/2016		50.00CR	035395

6/01/2016 12:27 PM  
 PACKET: 05641 Regular Payments-05/27/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
02131	Heritage Tractor, Inc. I-1598412	997 Parts-PK	R	6/08/2016		491.13CR	035396
02248	Hi-Genes Janitorial Service I-49346	Janitorial Service-AD	R	6/08/2016		757.50CR	035397
00494	Holliday Sand & Gravel Co I-342850	Sand-Tire Swing-PK	R	6/08/2016		38.16CR	035398
01432	Jamar Technologies Inc I-30795	Replace Equip/Traffic Read-PD	R	6/08/2016		107.53CR	035399
01398	Linda Eckerle I-May-16	MACA Conf Goody Bags-CT	R	6/08/2016		27.14CR	035400
00232	Martin Marietta I-17617714	Trail Maintenance-PK	R	6/08/2016		21.83CR	035401
02054	Matthew Chapman I-05/24/2016 Exp Rpt	Chapman Exp Rpt-AD	R	6/08/2016		390.76CR	035402
00159	Missouri American Water I-Due 06/08/2016	Water Due 06/08/2016	R	6/08/2016		1,050.83CR	035403
01373	Missouri Division of Employment Security I-56321	Jordan 1Q 2016 Unemploy Ben-PK	R	6/08/2016		1,949.04CR	035404
01569	MOCCFOA I-MOCCFOA 2016-17	McChesney MOCCFOA Dues-AD	R	6/08/2016		25.00CR	035405
01582	Northland Sign & Decal Company I-876	Signs for HHW/Recycle Event-ST	R	6/08/2016		180.00CR	035406
02440	Overland Park Awards I-22646	Staff/Elect Off Name Badges-AD	R	6/08/2016		185.50CR	035407
00097	P & G Hardware I-Stmt 05/16/2016	Stmt 05/16/2016	R	6/08/2016		189.50CR	035408
00899	Parkville Municipal Court I-05/12/2016	Page Mis-allocated Payment-SW	R	6/08/2016		78.00CR	035409

6/01/2016 12:27 PM  
 PACKET: 05641 Regular Payments-05/27/2016  
 VENDOR SET: 01  
 BANK : AP Pooled Cash Regular AP

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
02243	Pest Management Supply I-ORD0173726	Mosquito Spray/Cleaner-ST	R	6/08/2016		410.47CR	035410
02441	Pin Depot I-215933	Volunteer Parkville Pins-AD	R	6/08/2016		501.00CR	035411
00107	Platte Rental & Supply I-26637 I-26885 I-W 2845 I-W 2908	Trimmer String/Oil/Spools-PK Blower/Oil-PK Trimmer Repair1-PK Trimmer Head-PK	R R R R	6/08/2016 6/08/2016 6/08/2016 6/08/2016		76.56CR 148.79CR 142.24CR 19.99CR	035412 035412 035412 035412
01739	Print Time I-90449514-in	Mailing/Window Envelopes-AD	R	6/08/2016		93.40CR	035413
01138	R.L. Buford & Associates, LLC I-16067	Plat Legal Desc SW Corner-AD	R	6/08/2016		562.50CR	035414
00117	Reeves Wiedeman Company I-4818785	Pocket Park Pressure Valve-PK	R	6/08/2016		102.50CR	035415
01982	Rejis Commission I-INV0048249	REJIS-PD	R	6/08/2016		65.07CR	035416
00274	Ricoh USA, Inc. I-5042141463	Police Copier Maintenance-PD	R	6/08/2016		118.83CR	035417
00395	River City T's I-E 50455	Logo Shirts Alderman/Staff-AD	R	6/08/2016		165.94CR	035418
00123	Sam's Club I-05/17/16	Food/Supplies Volunteer Rec-AD	R	6/08/2016		188.68CR	035419
01911	Sean Ackerson I-5/16	Ackerson Check Re-issue-CD	R	6/08/2016		311.02CR	035420
01087	Stinson Leonard Street LLP I-40001078	April Base Legal Services-AD	R	6/08/2016		6,450.00CR	035421
00154	T-Ray Specialties Inc. I-28234 I-28275 I-28279	Trash Bags-PK ELP Restroom Supplies-PK Stick-ups ELP Restroom-PK	R R R	6/08/2016 6/08/2016 6/08/2016		359.82CR 238.08CR 88.40CR	035422 035422 035422

PACKET: 05636 EOM Benefits - 5/27/16

VENDOR SET: 01

BANK : PY Pooled Cash PY Related AP

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
00005	AFLAC							
	I-AFP201605094156	AFLAC PRETAX	R	5/27/2016		105.92CR	035358	
	I-AFP201605264157	AFLAC PRETAX	R	5/27/2016		105.92CR	035358	211.84
00136	State of Missouri							
	I-T2 201605094156	State Withholdings	R	5/27/2016		2,429.66CR	035359	
	I-T2 201605264157	State Withholdings	R	5/27/2016		2,472.66CR	035359	4,902.32
00137	Kansas City Life Insuranc							
	I-LTD201605094156	Long Term Disability	R	5/27/2016		201.09CR	035360	
	I-LTD201605264157	Long Term Disability	R	5/27/2016		201.09CR	035360	402.18
00794	Delta Dental							
	C-1851.1029	Delta Dental	R	5/27/2016		746.60	035361	
	I-DNC201605094156	Delta Dental Insurance	R	5/27/2016		205.36CR	035361	
	I-DNC201605264157	Delta Dental Insurance	R	5/27/2016		205.36CR	035361	
	I-DNF201605094156	Delta Dental Insurance	R	5/27/2016		222.42CR	035361	
	I-DNF201605264157	Delta Dental Insurance	R	5/27/2016		222.42CR	035361	
	I-DNP201605094156	DENTAL PRETAX	R	5/27/2016		508.64CR	035361	
	I-DNP201605264157	DENTAL PRETAX	R	5/27/2016		508.64CR	035361	
	I-DNS201605094156	Delta Dental Insurance	R	5/27/2016		231.30CR	035361	
	I-DNS201605264157	Delta Dental Insurance	R	5/27/2016		231.30CR	035361	1,588.84
01322	Richard V. Fink, Trustee							
	[REDACTED]		R	5/27/2016		150.00CR	035362	
	[REDACTED]		R	5/27/2016		150.00CR	035362	300.00
01711	BCBSKC							
	I-ADD201605094156	ADD on BCBS Bill	R	5/27/2016		26.12CR	035363	
	I-ADD201605264157	ADD on BCBS Bill	R	5/27/2016		26.12CR	035363	
	I-BCC201605094156	BCBS Insurance	R	5/27/2016		892.00CR	035363	
	I-BCC201605264157	BCBS Insurance	R	5/27/2016		892.00CR	035363	
	I-BCE201605094156	BCKSKC Insurance	R	5/27/2016		1,641.50CR	035363	
	I-BCE201605264157	BCKSKC Insurance	R	5/27/2016		1,641.50CR	035363	
	I-BCF201605094156	BCBS Insurance	R	5/27/2016		1,452.00CR	035363	
	I-BCF201605264157	BCBS Insurance	R	5/27/2016		1,452.00CR	035363	
	I-BCS201605094156	BCBS Insurance	R	5/27/2016		492.00CR	035363	
	I-BCS201605264157	BCBS Insurance	R	5/27/2016		492.00CR	035363	
	I-HDC201605094156	BCBS Insurance	R	5/27/2016		1,520.00CR	035363	
	I-HDC201605264157	BCBS Insurance	R	5/27/2016		1,520.00CR	035363	
	I-HDE201605094156	BCBS Insurance	R	5/27/2016		1,400.00CR	035363	
	I-HDE201605264157	BCBS Insurance	R	5/27/2016		1,400.00CR	035363	
	I-HDF201605094156	BCBS Insurance	R	5/27/2016		1,857.00CR	035363	
	I-HDF201605264157	BCBS Insurance	R	5/27/2016		1,857.00CR	035363	
	I-HDS201605094156	BCBS Insurance	R	5/27/2016		840.00CR	035363	
	I-HDS201605264157	BCBS Insurance	R	5/27/2016		840.00CR	035363	
	I-HSE201605094156	BCBS Insurance	R	5/27/2016		1,330.00CR	035363	
	I-HSE201605264157	BCBS Insurance	R	5/27/2016		1,330.00CR	035363	
	I-HSF201605094156	BCBS Insurance	R	5/27/2016		588.00CR	035363	
	I-HSF201605264157	BCBS Insurance	R	5/27/2016		588.00CR	035363	
	I-LID201605094156	BC/BS Dependent Life Ins	R	5/27/2016		12.92CR	035363	
	I-LID201605264157	BC/BS Dependent Life Ins	R	5/27/2016		12.92CR	035363	

PACKET: 05636 EOM Benefits - 5/27/16  
 VENDOR SET: 01  
 BANK : PY Pooled Cash PY Related AP

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
	I-LIF201605094156	BC/BS Life Insurance	R	5/27/2016		172.60CR	035363	
	I-LIF201605264157	BC/BS Life Insurance	R	5/27/2016		172.60CR	035363	24,448.28
*VOID*	VOID CHECK		V	5/27/2016			035364	**VOID**
*VOID*	VOID CHECK		V	5/27/2016			035365	**VOID**
01718	VSP							
	I-VSP201605094156	Vision Care Employee Premiums	R	5/27/2016		126.49CR	035366	
	I-VSP201605264157	Vision Care Employee Premiums	R	5/27/2016		126.49CR	035366	252.98
01730	LAGERS							
	I-CSR201605094156	LAGERS RETIREMENT	R	5/27/2016		3,458.34CR	035367	
	I-CSR201605264157	LAGERS RETIREMENT	R	5/27/2016		3,398.81CR	035367	
	I-R&P201605094156	City/PD Ret Contribution	R	5/27/2016		2,756.91CR	035367	
	I-R&P201605264157	City/PD Ret Contribution	R	5/27/2016		2,860.90CR	035367	12,474.96
01807	City of Parkville/Flex Plan							
	I-FLX201605094156	Flex Plan	R	5/27/2016		382.26CR	035368	
	I-FLX201605264157	Flex Plan	R	5/27/2016		382.26CR	035368	764.52
02290	Colonial Life							
	I-COA201605094156	Colonial Life After Tax	R	5/27/2016		124.93CR	035369	
	I-COA201605264157	Colonial Life After Tax	R	5/27/2016		124.93CR	035369	
	I-COP201605094156	Colonial Life PreTax	R	5/27/2016		121.45CR	035369	
	I-COP201605264157	Colonial Life PreTax	R	5/27/2016		121.45CR	035369	492.76

* * T O T A L S * *		NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:		10	0.00	45,838.68	45,838.68
HANDWRITTEN CHECKS:		0	0.00	0.00	0.00
PRE-WRITE CHECKS:		0	0.00	0.00	0.00
DRAFTS:		0	0.00	0.00	0.00
VOID CHECKS:		2	0.00	0.00	0.00
NON CHECKS:		0	0.00	0.00	0.00
CORRECTIONS:		0	0.00	0.00	0.00
REGISTER TOTALS:		12	0.00	45,838.68	45,838.68

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

6/01/2016 12:51 PM

A/P HISTORY CHECK REPORT

VENDOR SET: 01 City of Parkville  
 BANK: AP Pooled Cash Regular AP  
 DATE RANGE: 5/23/2016 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO
02140	Commerce Bank - Commercial Car					
I-Stmt 05/18/2016	Stmt 05/18/2016	D	6/07/2016			000000
10 505.05-01-00	Office Supplies & Consumables	Office Supplies-PD		183.60		
10 501.01-41-02	Professional Dev - Staff	Palmer MCMA Hotel-AD		289.80		
10 501.01-41-02	Professional Dev - Staff	Blakeslee MCMA Hotel		289.80		
10 501.01-41-00	Membership Fees & Dues - Staff	Blakeslee ICMA Membe		200.00		
10 518.09-21-00	Miscellaneous	Brewster Background		13.25		
10 20070	Vol. Employee Fund W/H	Birthday Cards/Frame		18.03		
10 501.06-01-00	Building Maint & Repair	Utility Payment Drop		356.00		
10 20070	Vol. Employee Fund W/H	Pizza Lunch w/Lauren		21.82		
10 525.09-21-00	Miscellaneous	Parks Bacground Chec		25.25		
10 525.07-51-01	Landscaping	ELP/Farmer's Market		145.67		
10 520.07-43-00	Spring/Fall Cleanup	Spring Clean Pizza-S		85.88		
10 515.05-01-00	Office Supplies & Consumables	Buckmaster Notary-PW		84.90		
10 515.05-01-00	Office Supplies & Consumables	Jimmy Johns Aldermen		40.62		
10 555.02-04-00	Domain Registrations	2016 Parkvillemo Dom		125.00		
10 501.09-21-00	Misc-Other	Volunteer Reception		501.00		
30 501.05-06-00	Delinquencies	Delinquent Postage-S		537.60		
10 535.05-42-00	Program Expenses	Volunteer Work Crew		13.10		
10 535.05-01-00	Office Supplies & Consumables	Assorted Office Supp		42.78		
10 518.01-41-00	Membership Fees & Dues	Lachky MfSMA Members		35.00		
10 520.03-04-00	Water	Water-ST		18.78		
10 510.03-01-00	Telephone	Consolidated Phone-A		497.45		
10 525.03-05-00	Mobile Phones & Pagers	Sprint Phone-PW		82.37		
10 518.03-05-00	Mobile Phones & Pagers	Sprint Phone-CD		132.08		
10 515.03-05-00	Mobile Phones & Pagers	Sprint Phone-PW		20.59		
10 520.03-05-00	Mobile Phones & Pagers	Sprint Phone-ST		199.89		
10 505.03-05-00	Mobile Phone & Pagers	Sprint Phone-PD		231.67		
30 501.03-06-00	Wi-Fi	Sprint Hotspot-SW		39.99		
10 520.03-01-00	Telephone & Voicemail	ATT Uverse-ST		50.30		
10 505.03-01-00	Telephone & Voicemail	ATT-PD		60.13		
10 525.03-01-00	Telephone & Voicemail	ATT-PK		145.37		
10 520.03-01-00	Telephone & Voicemail	ATT-ST		69.99		
30 501.03-01-00	Telephone & Voicemail	ATT-SW		135.26		
30 501.09-21-00	Miscellaneous	Google Sewer Account		5.00		
10 501.03-08-00	Cable	Time Warner Cable-AD		174.77		
10 525.03-04-00	Water	Water-PK		43.31		
10 501.05-01-00	Office Supplies & Consumables	Files, Paper, Pens,		105.10		
10 510.05-01-00	Office Supplies & Consumables	Labelwriter & Pens-C		93.78		
10 518.05-01-00	Office Supplies & Consumables	Shredder-CD		34.99		
10 520.03-04-00	Water	Water-ST		45.12		

6/01/2016 12:51 PM  
 VENDOR SET: 01 City of Parkville  
 BANK: AP Pooled Cash Regular AP  
 DATE RANGE: 5/23/2016 THRU 99/99/9999

A/P HISTORY CHECK REPORT

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO
* * T O T A L S * *						
	REGULAR CHECKS:			0.00		0.00
	HAND CHECKS:			0.00		0.00
	DRAFTS:	1		5,195.04		0.00
	EFT:	0		0.00		0.00
	NON CHECKS:	0		0.00		0.00
	VOID CHECKS:	0	VOID DEBITS	0.00		
			VOID CREDITS	0.00	0.00	0.00
TOTAL ERRORS: 0						

\*\* G/L ACCOUNT TOTALS \*\*

G/L ACCOUNT	NAME	AMOUNT
10 20070	Vol. Employee Fund W/H	39.85
10 501.01-41-00	Membership Fees & Dues - Staff	200.00
10 501.01-41-02	Professional Dev - Staff	579.60
10 501.03-08-00	Cable	174.77
10 501.05-01-00	Office Supplies & Consumables	105.10
10 501.06-01-00	Building Maint & Repair	356.00
10 501.09-21-00	Misc-Other	501.00
10 505.03-01-00	Telephone & Voicemail	60.13
10 505.03-05-00	Mobile Phone & Pagers	231.67
10 505.05-01-00	Office Supplies & Consumables	183.60
10 510.03-01-00	Telephone	497.45
10 510.05-01-00	Office Supplies & Consumables	93.78
10 515.03-05-00	Mobile Phones & Pagers	20.59
10 515.05-01-00	Office Supplies & Consumables	125.52
10 518.01-41-00	Membership Fees & Dues	35.00
10 518.03-05-00	Mobile Phones & Pagers	132.08
10 518.05-01-00	Office Supplies & Consumables	34.99
10 518.09-21-00	Miscellaneous	13.25
10 520.03-01-00	Telephone & Voicemail	120.29
10 520.03-04-00	Water	63.90
10 520.03-05-00	Mobile Phones & Pagers	199.89
10 520.07-43-00	Spring/Fall Cleanup	85.88
10 525.03-01-00	Telephone & Voicemail	145.37
10 525.03-04-00	Water	43.31
10 525.03-05-00	Mobile Phones & Pagers	82.37
10 525.07-51-01	Landscaping	145.67
10 525.09-21-00	Miscellaneous	25.25
10 535.05-01-00	Office Supplies & Consumables	42.78
10 535.05-42-00	Program Expenses	13.10

6/01/2016 12:51 PM  
 VENDOR SET: 01 City of Parkville  
 BANK: AP Pooled Cash Regular AP  
 DATE RANGE: 5/23/2016 THRU 99/99/9999

A/P HISTORY CHECK REPORT

\*\* G/L ACCOUNT TOTALS \*\*

G/L ACCOUNT	NAME	AMOUNT
10 555.02-04-00	Domain Registrations	125.00
	*** FUND TOTAL ***	4,477.19
30 501.03-01-00	Telephone & Voicemail	135.26
30 501.03-06-00	Wi-Fi	39.99
30 501.05-06-00	Delinquencies	537.60
30 501.09-21-00	Miscellaneous	5.00
	*** FUND TOTAL ***	717.85

VENDOR SET: 01	BANK: AP	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS
			1	5,195.04	0.00
BANK: AP	TOTALS:		1	5,195.04	0.00
REPORT TOTALS:			1	5,195.04	0.00

6/01/2016 12:52 PM

A/P HISTORY CHECK REPORT

VENDOR SET: 01 City of Parkville  
BANK: AP Pooled Cash Regular AP  
DATE RANGE: 5/23/2016 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO
00097	P & G Hardware					
I-Stmt 05/16/2016	Stmt 05/16/2016	R	6/08/2016			035408
40 520.07-32-00	Storm Sewers - General Repair		Mortar Mix-TP	25.96		
40 520.07-32-00	Storm Sewers - General Repair		Concrete Mix-TP	39.12		
10 520.05-21-00	Handtools		6 Keys for Trash Con	11.34		
10 520.05-21-00	Handtools		Bug Traps-ST	12.66		
40 520.07-44-00	Street Signs		Shims-TP	7.96		
10 520.05-21-00	Handtools		Carriage Bolts-ST	13.20		
10 520.05-21-00	Handtools		Aerosols & Spray Pai	45.94		
10 525.05-21-00	Equipment & Handtools		Trim Line & Keys-PK	22.14		
10 525.05-21-00	Equipment & Handtools		Blades & Hardware-PK	11.18		

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS
REGULAR CHECKS:	1	189.50	0.00
HAND CHECKS:	0	0.00	0.00
DRAFTS:	0	0.00	0.00
EFT:	0	0.00	0.00
NON CHECKS:	0	0.00	0.00
VOID CHECKS:	0	0.00	0.00
	VOID DEBITS	0.00	
	VOID CREDITS	0.00	0.00

TOTAL ERRORS: 0

\*\* G/L ACCOUNT TOTALS \*\*

G/L ACCOUNT	NAME	AMOUNT
10 520.05-21-00	Handtools	83.14
10 525.05-21-00	Equipment & Handtools	33.32
	*** FUND TOTAL ***	116.46
40 520.07-32-00	Storm Sewers - General Repair	65.08
40 520.07-44-00	Street Signs	7.96
	*** FUND TOTAL ***	73.04

VENDOR SET: 01	BANK: AP	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS
			1	189.50	0.00
BANK: AP	TOTALS:		1	189.50	0.00
REPORT TOTALS:			1	189.50	0.00

## **CITY OF PARKVILLE**

### **Policy Report**

Date: Tuesday, May 31, 2016

Prepared By:  
Lauren Palmer  
City Administrator

Reviewed By:  
Melissa McChesney  
City Clerk

ISSUE:

Adopt an ordinance to approve a professional services agreement with Cunningham, Vogel & Rost, P.C. for special legal counsel services related to telecommunications and cell phone towers.

BACKGROUND:

On October 18, 1994, by Ordinance No. 1470, the City of Parkville entered into a 20-year lease agreement with Kansas City SMSA Limited Partnership (an affiliate of American Tower Corporation) for the cellular tower site generally located behind the Parkville street maintenance facility at 6407 NW Graden Road. The original lease term expired in 2014, but the agreement continues under the same terms and conditions on a year-to-year basis unless either party terminates by giving at least six months' notice.

American Tower Corporation recently approached city staff about negotiating a new lease with an extended term. Staff found documentation dating back to May 2011 of discussions with the Finance Committee regarding options for a long-term renewal of the lease. There is no record that either the Finance Committee or Board of Aldermen took action to direct staff at that time. This project lost momentum following the departure of the former Assistant City Administrator/Community Development Director, but American Tower Corporation contacted staff again this month to renew the request to begin lease negotiations.

Staff requested assistance from the city attorney to facilitate negotiations. The city attorney law firm of Stinson Leonard Street declared a conflict in this matter because it represents VZW (Verizon Wireless) and American Tower Company. Efforts were unsuccessful to secure representation waivers from both clients. Therefore, the city attorney, Steve Chinn, recommended engaging Dan Vogel of Cunningham, Vogel & Rost, P.C. as special counsel to assist with this process. Mr. Vogel is considered an expert on telecommunications in Missouri. His firm exclusively represents local governments and has negotiated numerous leases of this nature on behalf of municipalities, including numerous leases with American Tower Company.

BUDGET IMPACT:

Mr. Vogel's billing rate is \$325 per hour, and he will be assisted as needed by associates with rates of \$160 and \$195 per hour. Costs will be billed on an hourly basis in a maximum not to exceed amount of \$10,000 without prior authorization. There are adequate funds budgeted in the legal services line of the General Fund – Administration Department (10-501-08-01-00) for special legal services to supplement city attorney services. Staff will seek to negotiate reimbursement of legal expenses in the form of a signing bonus as part of the lease renewal with American Tower Corporation.

ALTERNATIVES:

1. Adopt an ordinance to approve a professional services agreement with Cunningham, Vogel & Rost, P.C. for special legal counsel services related to cell phone towers.
  2. Approve the agreement subject to requested changes.
-

3. Direct staff to conduct a formal RFQ/P process to identify special counsel.
4. Do not approve the agreement and provide alternative direction to staff.
5. Postpone the item to June 21, 2016, pending action by the Finance Committee on June 13, 2016.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Aldermen approve a professional services agreement with Cunningham, Vogel & Rost, P.C. for special legal counsel services related to cell phone towers.

**FINANCE COMMITTEE RECOMMENDATION:**

The second Finance Committee meeting in May was cancelled due to the Memorial Day holiday. Therefore, the Finance Committee did not review or take action on this agreement. In the interest of time, staff recommends that the Board of Aldermen take action without a recommendation from the Finance Committee. Alternatively, the Board may defer the item to June 21, 2016, to allow the Finance Committee to consider the matter at its next meeting on June 13, 2016.

**POLICY:**

The Purchasing Policy, Resolution No. 10-02-14, requires the Board of Aldermen to approve all purchases above \$10,000. Ordinarily the Finance Committee would review this purchase above \$10,000 and make a recommendation to the Board of Aldermen. Because this project is already delayed, action is requested by the Board of Aldermen without a Finance Committee recommendation. State statute (RSMo 79.230) requires that special legal counsel must be engaged by the Board of Aldermen by approval of an ordinance.

**SUGGESTED MOTION:**

I move to approve Bill No. 2878, an ordinance approving a professional services agreement with Cunningham, Vogel & Rost, P.C. for special legal counsel services related to cell phone towers, on first reading.

I move to approve Bill No. 2878 on second reading by title only to become Ordinance No. \_\_\_\_.

**ATTACHMENTS:**

1. Ordinance
  2. Legal Services Agreement
  3. Firm Summary
-

**AN ORDINANCE APPROVING A LEGAL SERVICES AGREEMENT WITH CUNNINGHAM, VOGEL & ROST, P.C. FOR SPECIAL LEGAL COUNSEL SERVICES RELATED TO CELL PHONE TOWERS**

WHEREAS, due to a declared conflict by the City Attorney law firm of Stinson Leonard Street, LLP, the City requires professional services for legal assistance related to cell phone towers and leases ("Project"); and

WHEREAS, Cunningham, Vogel & Rost, P.C. has demonstrated the necessary expertise, experience, availability and personnel to complete the Project; and

WHEREAS, RSMo §79.230 allows the Mayor and Board of Aldermen of fourth class municipalities in Missouri, by ordinance, to employ special counsel to represent the city, either in the case of a vacancy in the office of city attorney or to assist the city attorney.

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

SECTION 1. The City of Parkville, Missouri hereby approves the Legal Services Agreement with Cunningham, Vogel & Rost, P.C., attached hereto and incorporated herein as Exhibit A.

SECTION 2. Billings for fees, expenses, and client disbursements related to this engagement shall not exceed ten thousand dollars (\$10,000) without prior written authorization from the City of Parkville in accordance with the Purchasing Policy (Resolution No. 10-02-14).

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to execute said Legal Services Agreement.

SECTION 3. This ordinance shall become effective upon adoption.

PASSED and APPROVED this 7<sup>th</sup> day of June 2016.

\_\_\_\_\_  
Mayor Nanette K. Johnston

ATTESTED:

\_\_\_\_\_  
City Clerk Melissa McChesney

**CUNNINGHAM, VOGEL & ROST, P.C.**

*legal counselors to local government*  
333 S. KIRKWOOD ROAD, SUITE 300  
ST. LOUIS, MISSOURI 63122  
TEL: 314.446.0800  
FAX: 314.446.0801  
*www.municipalfirm.com*

May 25, 2016

City of Parkville, Missouri  
Lauren Palmer, City Administrator  
8880 Clark Avenue  
Parkville, MO 64152

Re: Agreement to Provide Legal Services

Dear Ms. Palmer:

Thank you for the opportunity to provide legal counsel to the City of Parkville, Missouri. This letter will confirm discussions regarding our engagement and will describe the basis for providing these services.

**1. Client; Scope of Representation.** The client in this matter will be the City of Parkville, Missouri (the "City"). We will provide special legal services and consultation relating to telecommunications matters and such other special counsel legal work as may be requested by the City from time to time. The City Administrator shall be authorized to provide direction and communication to special counsel to fulfill the purposes of the engagement, in coordination with the City Attorney or other officials as may be appropriate. Other supplementary terms of our engagement in this matter are set forth below and are attached to this letter as ADDITIONAL TERMS OF ENGAGEMENT.

**2. Fees and Expenses; Billing.** Actual fees for professional services are based upon the amount of time expended in accomplishing the work and the regular hourly billing rates for each attorney or legal assistant devoting time to this matter, which may be changed by the firm from time to time. Our billing rates for attorneys currently range from \$145 to \$190 for associates, \$195 to \$335 for principals, and \$80 to \$135 for legal assistants. Any bond counsel services requested will be charged based on such fee arrangement as is agreed to with the City and approved by separate City action. Consistent with our policy, we will bill the City on a monthly basis for professional fees and expenses incurred on your behalf and bills will be addressed to the City for payment. We will include in our statements separate charges for photocopying, messenger and delivery service, computerized research, travel, long distance telephone, and telecopy expenses. Other fees and expenses (such as accountants, consultants, or other professionals, if required) generally will not be paid by us, but will be billed directly to the City.

**3. Conflicts.** As you may know, Cunningham, Vogel & Rost, P.C. represents many governmental entities throughout the region, including municipalities and other governmental clients in Missouri, Illinois, and elsewhere, and you agree we may share public information among clients or others to promote municipal client interests. In the event a conflict exists that is deemed

City of Parkville, MO  
May 25, 2016

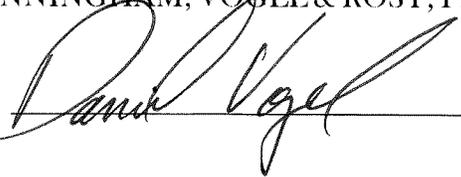
Page 2 of 4

not to be subject to any waiver by applicable ethical rules, we shall withdraw as counsel for the City. Although we are not aware of any current representation in which we would be adverse to your interests in this matter, it is possible that some of our present or future clients may have disputes with you during the time we are representing you. We ask, then, that you agree that our firm may continue to represent or undertake to represent existing or new clients in those matters which are not substantively related to our work for you, even if the interest of such clients in those matters is directly adverse to you. Except as provided herein, we agree that your prospective consent to conflicting representation as set forth above shall not apply where, as a result of our representation of you, we have obtained sensitive, proprietary or other confidential information of a non-public nature that, if known to any such other client of our firm, could be used in any such other matter by such client to your material disadvantage.

If you are in agreement with the above, please sign the enclosed copy of this letter and return an executed copy to. Once again, we are pleased to have this opportunity to work with you. Please feel free to call me if you have any questions or concerns during the course of our representation.

Very truly yours,

CUNNINGHAM, VOGEL & ROST, P.C.

By: 

Attachment

AGREED TO AND ACCEPTED:  
CITY OF PARKVILLE, MISSOURI

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2016

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## ADDITIONAL TERMS OF ENGAGEMENT

**Our Client.** The person(s) or entity(ies) who are the client in this engagement are limited to those specifically stated in the accompanying engagement letter. In order to avoid misunderstandings and/or inadvertent conflicts of interest in the future, it is understood that, in the absence of written agreement to the contrary, neither this engagement nor our work in connection with this engagement shall be understood or taken to create an attorney-client relationship with other, including related or affiliated (*e.g.*, parent, subsidiary, shareholder, partner, joint venture, etc.), persons or entities.

**Provision of Legal Services, Generally.** This engagement is for the provision of professional legal services and not for the provision of business, personal, accounting, technical, financial, or other advice not constituting legal services. It is agreed that the client is not relying upon counsel in this engagement for advice in areas other than professional legal services, even if such matters should be discussed in connection with the engagement.

**Bond Counsel Services.** If legal services involve bond/note counsel services, including the rendering of an approving opinion of bond or note counsel: except as expressly provided in the foregoing letter, such services do not include assisting in the preparation or review of an official statement, private placement memorandum or other form of offering or disclosure document to be disseminated in connection with the sale of the obligations or any other disclosure document with respect to the obligations, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice regarding the official statement or other disclosure document. Other than preparation and delivery of transcripts, such services do not include providing continuing advice to you or to or any other party after closing on the obligations. Customarily, an approving opinion is delivered on the date the obligations are exchanged for their purchase price. An approving opinion will be based on and issued subject to facts and law existing as of its date. In rendering our approving opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and will assume continuing compliance by the issuer of the obligations with applicable laws relating to the obligations. During the course of this engagement, we will rely on you or other applicable parties to provide us with complete and timely information on all developments pertaining to any aspect of the obligations and their security. It is hereby acknowledged that the various legal opinions delivered concurrently with the delivery of bonds or notes express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. By rendering a legal opinion, the opinion giver does not become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or of the future performance of parties to such transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

**Entire Agreement.** The accompanying engagement letter, together with these Additional Terms of Engagement, shall constitute the entire agreement between us concerning the engagement and shall not be modified or supplemented, except in a subsequent writing signed by the parties.

**Periodic Billings for Legal Services.** Unless other arrangements have been made, it is our policy to render periodic statements for legal services on a monthly basis. We normally base these interim statements on hourly rates of lawyers and legal assistants working on the matter. Statements will be due upon presentation and are to be paid no later than thirty (30) days following the invoice date. The amounts paid on our interim billings are applied to the total final fee. If any statement amount remains unpaid sixty (60) days after the invoice date, the firm reserves the right to terminate its services, consistent with applicable Rules of Professional Conduct.

**Determining the Fee.** Generally, fees are primarily based on hourly rates for the respective lawyer or legal assistant involved. These rates vary depending on expertise and experience. We adjust these rates from time to time, as lawyers gain experience and expertise, and with economic conditions. When agreed to by engagement letter, fees are sometimes fixed irrespective of the hours involved. Circumstances, including those set out below may require departure from the application of hourly rates. Determination of the total final fee may await conclusion of each specified case or matter so that all relevant factors may be considered.

The firm has clients in multiple states. Our lawyers are subject to rules governing the professional conduct of lawyers in those states. In addition to time spent, these rules list other factors that can be considered in determining a reasonable fee. These include: reputation, the skill and experience required to complete the services properly; the extent to which the acceptance of the particular matter will preclude other employment; the amount involved; the

results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; and whether the fee is fixed or contingent. In the absence of agreement with you, those factors will not be used to increase our billings for fees above the charge resulting from application of hourly rates.

**Paralegals/Legal Assistants/Document Clerks.** Certain work will be done by paralegals, sometimes called “legal assistants.” Such persons, although not lawyers, have undergone training to perform certain kinds of services at lower rates. In matters involving significant quantities of document management, document clerks may be used to perform tasks at lower rates than those of legal assistants. All such work is supervised by lawyers. The use of such persons allows us to deliver legal services to you at a lower cost.

**Client Disbursements.** Matters may require, from time to time, certain monetary advances to be made on your behalf by the firm. Some “client disbursements” represent out of pocket charges we advance, others represent internal costs (including costs such as fees for service of process, court filing fees, deliveries, copying charges, travel expenses, computer assisted legal research, etc.). It is understood that while acting as your lawyers, we have the authority to use our best judgment in making such expenditures on your behalf. Unless we have made prior arrangements with you, we will send you monthly billings for client disbursements incurred during the preceding month. If the nature of the matter is such that we anticipate substantial advances, we may require a separate deposit for such purpose. Substantial individual items in excess of \$250, such as expert witness fees, the costs of deposition transcripts, printing costs, etc., may be billed directly to you by the vendor of such services. In many matters when lawyers must examine legal authorities, it is more economical to accomplish the task using computer databases of legal precedents (instead of the traditional method of manual retrieval). In such instances, the special charges assessed by the provider of these services are shown on client disbursement billings as “Electronic Research.”

**Client Files.** During the course of client representation, this firm retains electronic and paper records relating to the professional legal services we provide so that we are better able to assist you with your legal needs and, in certain situations, to comply with professional guidelines. We employ physical, electronic, and procedural safeguards to preserve client confidentiality and to protect your non-public information. This firm agrees to retain and securely store your client files (which include documents generated by this firm, by the client, and by others) for a period of six (6) months after completion or termination of the representation, absent other written agreement between this firm and you regarding disposition of your files. You may request, in writing, the return of your client files at any time within such six (6) month period. Absent such a written request, your files will be deemed abandoned. In such case, you hereby authorize this firm to destroy your files at any time after expiration of such six-month period. All such client files will be destroyed unless this firm is otherwise required to retain same pursuant to the Code of Professional Responsibility or the Ethical Rules promulgated thereunder.

**E-mail Confidentiality.** This firm often communicates using e-mail. Any attorney or legal assistant e-mail could contain attorney-client, confidential, or other privileged communications. While the firm endeavors to ensure that our e-mail and server are secure, Missouri lawyers are required by the Missouri Bar Disciplinary Counsel to notify prospective recipients of e-mail that (1) e-mail communication is not a secure method of communication, (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from the firm to you or vice versa, and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or the firm’s computer or even some computer unconnected to either you or the firm that the e-mail passes through. Unless you otherwise instruct us in writing, this firm will assume you have consented to receive communications via e-mail. If in the future you change your mind and want future communications to be sent by a different method, please contact the firm in writing immediately.

**Public Information.** The firm represents many governmental entities throughout the region and undertakes pro bono and other actions in order to protect the interests of our municipal clients. By this engagement you agree we may share public information among our municipal clients in furtherance of your interests, for educational purposes, to establish qualifications or experience, or otherwise to allow our lawyers to provide service to local governments or otherwise promote municipal interests, provided that the firm’s sharing of public information does not authorize disclosure of confidential information unless deemed impliedly or expressly authorized in furtherance of your specific representation.

CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*

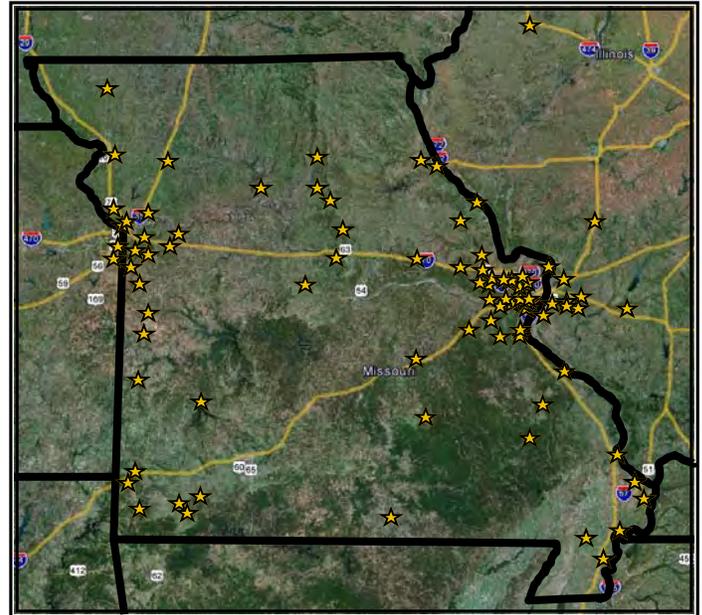
# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*

## FIRM RÉSUMÉ

Cunningham, Vogel & Rost, P.C. (“CVR”) is a regional law firm formed in 2002 to provide quality legal representation *exclusively* to local governments and related public-oriented interests. As the first law firm in the region established to fulfill this important function, CVR remains the only full-service and municipal bond counsel law firm in Missouri exclusively representing municipalities and their public interests. With more than a dozen attorneys and support personnel committed solely to public sector municipal interests, CVR provides a depth of municipal experience and a unique approach that avoids the inherent conflicts-of-interest arising from representation of municipal clients along with private clients that are adverse or potentially adverse to the municipal interests. In short, CVR’s approach is fundamental to its core mission – to provide the highest quality experienced legal representation and educational resources to local governments while aggressively maintaining loyalty to such municipal interests.

The firm currently represents more than 100 local governments including cities, villages, counties, and related municipal taxing districts in Missouri, Illinois and Kansas as City Attorney or special legal counsel. Lawyers in the firm have also served the interests of our municipal clients through pro-bono and other special counsel representation of public-oriented organizations such as the Missouri Municipal League, Municipal League of Metro St. Louis, St. Louis Regional Arts Commission, National Association of Telecommunications Officers and Advisors, Mid-America Regional Council, and numerous other local public entities and organizations.



*Illustration of CVR’s regional municipal representations*

Consistent with the firm’s mission, CVR also commits substantial resources to providing free or low-cost training and education resources for elected and appointed officials and municipal employees through seminars, educational materials, and individual training programs. For example, in 2012 CVR co-founded the Missouri Municipal Officials’ Training Academy which has been attended by officials and staff from more than 100 municipalities.

As a full-service municipal law firm, CVR has represented local governments in virtually every area of municipal law,

- General municipal / City Attorney representation
- Local government litigation, condemnation and arbitrations
- Municipal bonds, taxation, and economic development financing
- Zoning, land use, and code drafting
- Utilities, telecommunications, franchises, and right-of way
- Police Department and public employment matters
- Public official training and seminars

this includes:

CVR is committed to providing creative and professional solutions to the complex issues that confront public officials and local governments. Like the public officials and local governments that we represent, we take great pride in working directly for our communities and have therefore established our law firm to provide a legal resource that is committed to the interests of the public sector.

# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*

## HISTORY OF THE FIRM

### Missouri's First Municipal Law Firm

Cunningham, Vogel & Rost, P.C. was founded in 2002 by Tom Cunningham, Dan Vogel, and Paul Rost as the first law firm in Missouri and the region formed to represent only municipalities and related public-sector interests. In the years since, CVR has grown to represent over 100 local governments and related financing districts and entities throughout Missouri, Illinois, and elsewhere. The firm now includes nearly a dozen attorneys, along with paralegal and support staff, exclusively practicing municipal law to provide legal representation and public official training in all aspects of municipal law. CVR remains the only firm in Missouri listed in the nationally-recognized "Red Book" of Bond and Finance attorneys that serves only public-sector municipal clients.

### Genesis of Firm

This unique public-sector law firm began in part with Mr. Vogel's role in community efforts leading to the formation of the City of Wildwood. After years of litigation and citizen involvement, this effort and legal work led to the 1994 Missouri Supreme Court ruling, *City of Ellisville v. Board of Election Commissioners*, 877 S.W.2d 620 (Mo. 1994), striking down the Missouri law blocking new municipal incorporations and allowing for the Incorporation of the City of Wildwood. After being appointed as City Attorney for the new City of Wildwood in 1995, Mr. Vogel focused his practice on municipal law at Gallop, Johnson & Neuman, L.C., where he and Mr. Rost led that firm's first concerted municipal practice. Meanwhile, Mr. Cunningham had since 1990 served as the City Attorney of Olivette as a lawyer with Husch & Eppenberger, L.L.C. where he represented private and public entities relating to redevelopment, bond, and finance law and served as a member of that firm's Municipal and Real Estate department.

In 1998 and 1999, all three lawyers came together to form the Public Law Group of the St. Louis office of Stinson, Mag & Fizzell, P.C., a large Kansas City-based law firm. There the practice expanded both in size and geographic reach. However, like all area law firms existing at the time, the Public Law Group continued to face the inherent conflicts of interests of such multi-focus law firms in that many other clients of the firm were private sector entities either adverse to local government, litigating against local governments, or seeking approvals from municipalities as to zoning, economic development requests, and other matters. While a large law firm had vast resources in many areas of the law, those resources were not committed (or priced) to address the unique problems and issues of local governments. In short, the founding lawyers struggled to resolve two problems inherent with law firms existing at the time: (1) conflicts of interests between municipal clients and a firm's representation of private clients and (2) insufficient legal staffing and resources committed to municipal needs.

### Mission and Formation of Firm

Necessity being the mother of invention, these two fundamental issues led to the formation of CVR - a firm believed to be the first to represent only local governments and related interests so as to eliminate or greatly reduce the conflicts of interests faced by attorneys in existing firms and—by necessity—create a resource of cost-effective municipal experience in one firm committed exclusively to representation of municipalities.

With this mission in mind, Cunningham, Vogel & Rost, P.C. was established in 2002, with its first offices located in Historic Downtown Webster Groves. The firm began with its three founding shareholders and part-time associate attorneys and staff, serving approximately 25+ initial municipal clients. Among the original clients were the Cities of Green Park, Pacific, Wildwood, Olivette, and Warson Woods, for whom CVR served as City Attorney, along with numerous other cities in Missouri, Illinois, and Kansas represented in "special counsel" roles. From its inception, the firm has also provided counsel to the Missouri Municipal League and Municipal League of Metro St. Louis and has taken an active role in public official training throughout Missouri and Illinois for the benefit of other public officials of all kinds.



*First CVR Offices in Downtown Webster Groves, Missouri*



*Current CVR Offices in Downtown Kirkwood, Missouri*

### Today

The firm's unique practice was immediately well-received as a new type of resource for municipalities and the firm's founding adherence to its public mission has resulted in its continued growth and success. By 2011, the firm had outgrown its initial offices and moved into its present location in Historic Downtown Kirkwood, Missouri. CVR is now believed to be the largest full-service municipal law firm in Missouri representing local governments in both traditional municipal law matters and municipal bond and finance, and remains the only such firm committed to representing municipal clients. We now can point to at least two other firms in the Kansas City area that have adopted aspects of CVR's exclusive commitment to municipal sector representation and we are proud to have paved the way and supported adoption of this new public-sector approach. Consistent with our founding principles, we continue to work with lawyers and other professionals throughout the Midwest to encourage and promote new resources that put loyalty and responsiveness to local governments and municipal public policy before the financial benefits inherent in also serving private clients.

# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*



**DANIEL G. VOGEL**  
*Founding Principal*

**PRACTICE AREAS**  
Municipal Law  
Land Use and Zoning  
Utility and Franchise Law  
Governmental Litigation

**BAR ADMISSIONS**  
Missouri  
Illinois

**EDUCATION**  
University of Missouri—Columbia  
B.A., *summa cum laude*, 1986  
  
University of Virginia  
J.D., Order of the Coif, 1989

## LOCATION

333 S. Kirkwood Road, #300  
St. Louis, Missouri 63122  
[www.municipalfirm.com](http://www.municipalfirm.com)

## CONTACT INFORMATION

314.446.0800 (phone) 314.446.0801 (fax)  
[dan@municipalfirm.com](mailto:dan@municipalfirm.com)

Daniel G. Vogel is a founding principal of Cunningham, Vogel & Rost, P.C. He represents municipalities and local government interests throughout the Midwest relating to municipal land use, franchises and telecommunications, litigation, and general municipal issues.

Dan has represented dozens of municipalities in Missouri, Illinois and elsewhere relating to zoning and development code drafting, specialized development ordinances, land use litigation, condemnation, and related issues. He has served as special counsel on behalf of municipal associations such as the Missouri, St. Louis County, and St. Charles County Municipal Leagues and the National Association of Telecommunications Officers and Advisors. He has served as the appointed City Attorney for Wildwood, Green Park, and Pacific, Missouri. Dan is also a founder and organizer of the *Municipal Officials Training Academy* providing statewide training to hundreds of municipal officials.

Dan received his B.A. degree, *summa cum laude*, from the University of Missouri-Columbia, and was awarded membership in Phi Beta Kappa. He received his J.D. degree from the University of Virginia, where he was elected to the Order of the Coif and served on the Editorial and Article Review Boards of the *University of Virginia Law Review*. After earning his law degree, he clerked for the Honorable Jerome Farris, U.S. Court of Appeals for the Ninth Circuit in Seattle, Washington.

## **PROFESSIONAL AFFILIATIONS**

The Missouri Bar  
Illinois State Bar Association  
Missouri Municipal Attorneys Association  
American Planning Association, Missouri and St. Louis Chapters

## **COURT ADMISSIONS**

United States Supreme Court  
United States Court of Appeals for the Eighth and Ninth Circuits  
United States District Court for the Eastern and Western Districts of Missouri

## **AWARDS**

Recipient of the 2007 Lou Czech Award, Missouri Municipal Attorneys Association

## **SELECTED LECTURES AND PRESENTATIONS**

- *Wireless Telecommunications Facilities & New Mandates on Cities*, Missouri Municipal Attorneys Association, 2015
- Municipal Officials Training Academy, co-founder and presenter of Academy, *Planning and Zoning*, 2014; *Municipal Contracts and Purchasing*, 2013
- *Urban Development, Zoning and Planning, Subdivisions & Annexations*, MoBar CLE Guidebook, 2012
- *New Developments in Wireless Communications Facilities Siting and Leases*, MMAA, 2012
- *Intergovernmental Conflicts; Zoning Disputes & Beyond*, Missouri Municipal Attorneys Association, 2012
- *Legal Aspects of Planning and Zoning*, Southern Illinois University's Masters Program, 2010 - 2011
- *Legal Aspects of Planning and Zoning*, Chancellor's Certificate Program, 2004-2014
- APA, National Conference - *Practical Application of Takings Law in Local Land Use Decisions*, 2009-10
- *Legal Aspects of City and County Planning & Zoning*, Mid-Missouri APA, 2008
- *Citizen Planner Workshop*, Metropolitan Planning Commission (Illinois Chapter), 2006
- *Legal Aspects of Updating your Master Plan*, St. Louis County Municipal League, 2006
- *Planning, Zoning & Subdivisions*, American Planning Association (Illinois Chapter), 2005
- *Everything You Always Wanted to Know from Your City Attorney, but Were Afraid to Ask*, Missouri City Clerks and Finance Officers Association, Spring Institute, 2005
- *Emerging Right-of-Way Issues*, Missouri Municipal Attorneys Association, 2004
- *Subdivision Escrow Ordinances*, Missouri Municipal Attorneys Association, 2003
- *Res Judicata and Temporary Takings in Zoning Cases*, Missouri Municipal Attorneys Association, 2002
- *Traditional Neighborhood Development*, APA Four-State Conference, St. Louis, Missouri, 2001
- *Telecommunications & Land Use Law Seminar*, The Seminar Group, St. Louis, Missouri, 2001
- *Telecommunications & The Rights of Way*, Land Use Law Seminar, 2001
- *Telecommunications Franchising*, NATOA Conference, Seattle, Washington, 2001
- *Rights-of-Way Management*, American Public Works Association (APWA), Missouri Chapter, 2000

## **ARTICLES AND PUBLICATIONS**

- *Urban Dev., Zoning and Planning, Subdivision and Annexation Guidebook*, Co-Author, MoBar CLE, 2011
- *Conservation Subdivision Design Handbook*, Southwestern Ill. Resource Cons.& Dev., Inc., 2006.
- *How Cities Deal with New Telecommunications*, Intl. Mun. Law. Association. ("IMLA") 65<sup>th</sup> Annual Conf., 2000.
- *Holding Your Ground: The Role of Environmentally Friendly Redevelopment Regulations*, D. Vogel & P. Rost, Missouri Municipal Review, February/March 1999.

# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*



**ERIN P. SEELE**  
*Principal*

#### **PRACTICE AREAS**

Municipal Law  
Land Use and Zoning  
Public Utility  
Governmental Litigation  
Environmental Law  
Employment Law

#### **BAR ADMISSIONS**

Missouri  
Illinois

#### **EDUCATION**

Missouri State University  
B.S., *summa cum laude*, 2005  
M.P.A. 2007

University of Missouri—Columbia  
J.D., *cum laude*, 2010

#### **LOCATION**

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[erin@municipalfirm.com](mailto:erin@municipalfirm.com)

Erin P. Seele is a principal attorney with Cunningham, Vogel & Rost, P.C. She represents the firm's clients in general municipal law matters, land use and zoning, public utility issues, employment law, environmental law, and governmental litigation, among other areas of municipal practice. Erin serves as the City Attorney for the cities of Fenton and Ladue, Missouri. Erin also serves as the coordinator for the Municipal Officials Training Academy and as counsel for the St. Louis—Jefferson Waste Management District.

Erin received her B.S. degree, *summa cum laude*, and her Master of Public Administration (M.P.A.) from Missouri State University in Springfield, Missouri. As a graduate student, Erin worked within the Missouri Local Government Program, in conjunction with the Missouri City Clerks and Finance Officers Association, administering educational conferences and certifications for Missouri city clerks. Erin received her M.P.A. with an emphasis on local government management and interned with the City Administrator of the City of Maryland Heights working on projections of the City's general fund and creating an economic development website.

Erin received her J.D. degree with honors from the University of Missouri—Columbia, having received numerous awards, including the Order of Barristers, the 2008 Shughart Thomson & Kilroy Best 2L Oral Advocate, and the Fred L. Howard Prize for Excellence in the advancement of advocacy. Erin also served as the Editor-in-Chief for the *Missouri Environmental Law & Policy Review* and Judging Director for the Board of Advocates.

#### **PROFESSIONAL AFFILIATIONS**

The Missouri Bar  
Illinois State Bar Association  
Missouri Municipal Attorneys Association

#### **SELECTED LECTURES AND PRESENTATIONS**

- *Selected Best Practices for Municipal Attorneys*, Missouri Municipal Attorneys Association, 2013-2015
- Planning and Zoning and Board of Adjustment Training (Meramec Regional Planning Commission at the Centre of Rolla), Jan. 2015
- *50 Ways to Stay out of Trouble: Ethics and Mandates for Public Officials*, Municipal Officials Training Academy, 2014
- *Sunshine Law: Understanding the Nuances and Developing Best Practices*, Municipal Officials Training Academy, 2013
- *A City Clerk's Life: Surviving after the End of the Mayan Calendar*, Missouri City Clerks and Finance Officers, 2013 Spring Institute
- *Intergovernmental Conflicts: Zoning Disputes and Beyond*, Missouri Municipal Attorneys Association, 2012 Summer Seminar
- *An Olympic Day in the Life of a City Clerk*, Missouri City Clerks and Finance Officers Association, 2012 Spring Institute
- *Code Enforcement*, Local Government Law Committee, MoBar, panelist, 2012
- *Another Day in the Life of a City Clerk*, Missouri City Clerks and Finance Officers Association, 2011 Spring Institute

#### **ARTICLES AND PUBLICATIONS**

- *Greater Protection: Missouri Says No to Possible Asbestos Contamination due to NESHAP Violations and RCRA Violations*, Missouri Env. Law & Policy Rev. Vol. 16:3, 2009
- *The Door Finally Opens to Challenge Agency Decisions that Affect the Environment*, Missouri Environmental Law & Policy Review, Volume 16:2, 2009

# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*



**MARGARET C. EVEKER**  
*Associate Attorney*

**PRACTICE AREAS**  
Municipal Law  
Governmental Litigation

**BAR ADMISSIONS**  
Missouri  
Illinois

**EDUCATION**  
University of Missouri—Columbia  
B.A., *magna cum laude*, 2009

Saint Louis University  
J.D., *cum laude*, 2012

Margaret C. Eveker is an associate attorney with Cunningham, Vogel & Rost, P.C. She represents the firm's municipal clients in governmental litigation and general municipal issues. Maggie serves as Assistant Village Attorney for the Village of Twin Oaks.

Maggie received her B.A. degree, *magna cum laude*, from the University of Missouri-Columbia, where she was a member of the Honors College. She received her J.D. degree, *cum laude*, from Saint Louis University School of Law, where she served as managing editor of the Saint Louis University Public Law Review. During law school, Maggie received multiple Academic Excellence Awards and was a member of the Public Interest Law Group. Additionally, Maggie worked as a judicial extern for the Missouri Court of Appeals and a faculty research fellow in the areas of Constitutional Law, Criminal Law, and Legal History. Prior to joining the firm, Maggie clerked for the Honorable Kathianne Knaup Crane, Missouri Court of Appeals, Eastern District.

#### **PROFESSIONAL AFFILIATIONS**

The Missouri Bar  
The Illinois Bar  
Missouri Municipal Attorneys Association

#### **COURT ADMISSIONS**

United States Court of Appeals for the Eighth Circuit  
United States District Court for the Eastern District of Missouri

#### **SELECTED LECTURES AND PRESENTATIONS**

- Annual Update of Supreme Court and Missouri Land Use Cases, Missouri Municipal Attorneys Association, July 2014
- *50 Ways to Stay out of Trouble: Ethics and Mandates for Public Officials*, Municipal Officials Training Academy, 2014
- *Municipal Contracting & Purchasing Best Practices*, Municipal Officials Training Academy, 2015

#### **ARTICLES AND PUBLICATIONS**

- The Fourth Amendment and Unwarranted GPS Surveillance: An Analysis of *United States v. Maynard*, 31 ST. LOUIS U. PUB. L. REV. 193 (2011)

#### **LOCATION**

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# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*

## UTILITIES, TELECOMMUNICATIONS, AND FRANCHISES

Changes in federal and state law have made dealing with cable, telecommunications, and utilities an increasingly complicated task. Preserving revenue sources and protecting rights-of-way require new and creative approaches to franchising and regulation.

Our attorneys have represented cities, counties, public authorities, and a large consortia of cities sponsored by the St. Louis County Municipal League, the Mid-America Regional Council, and others, relating to telecommunications, cable and right-of-way issues. We have assisted our clients in the drafting of model cable and telecommunications codes, wireless antenna siting regulations, and forms and procedures for telecommunications and cable franchises and right-of-way management. Current and recent projects in those areas include:

### RIGHT-OF-WAY REGULATION

- Development of right-of-way forms, applications, and procedures
- Drafting of right-of-way codes
- Negotiations of right-of-way use agreements
- Representation relating to right-of-way disputes

### TAXATION AND REVENUE

- Consultation regarding franchise, utility, and gross receipts taxes
- Development of revenue sources relating to public or other property
- Drafting and implementing telecommunications and antenna taxes
- Litigation regarding tax enforcement

### MUNICIPAL UTILITIES

- Franchise negotiation and regulation
- Municipal rate setting
- Municipal utility financing and acquisition
- Municipal utility territorial issues
- Pole attachment regulation and agreements
- Sewer and storm water utility regulation

### WIRELESS TELECOMMUNICATIONS

- Drafting of model tower-siting codes
- Consultation regarding development of municipal broadband and wireless services
- Consultation regarding telecommunication tower sites and regulations
- Negotiation of telecommunication leases

### CABLE FRANCHISES

- Drafting of cable codes
- Negotiation of cable franchises
- Negotiation of electric, gas, water, sign, and other utility franchises

### LITIGATION

Utilities and Rights-of-way litigation has included:

- Successful invalidation of state statutes restricting city rights
- Enforcement of franchise and compensation to cities
- Defense of permit denials
- Enforcement of pole attachment requirements
- Gross receipts tax enforcement

8.1.2015

# CUNNINGHAM, VOGEL & ROST, P.C.

*legal counselors to local government*

## PUBLIC FINANCE AND BOND COUNSEL SERVICES

Cunningham, Vogel & Rost, P.C. has served as bond and finance counsel since the firm's inception and remains the only Missouri firm listed in the nationally-recognized Bond Buyer's Municipal Marketplace (the "Red Book") directory of Bond and finance attorneys that represents only public-sector municipal clients. Our attorneys have decades of combined experience in municipal and public finance law. We have served cities, counties, public authorities, special taxing districts and other public entities as special public finance counsel, bond counsel and issuer's counsel in numerous public offerings, private placements, and short-term and interim financings. We also have experience in preparation of capital improvements programs, facilities expansions, and comprehensive public infrastructure financing strategies for cities and counties. We have assisted client communities in the evaluation and use of public incentive mechanisms, economic development programs, and strategic plans. This experience is enhanced by our acknowledged expertise in land use, development and local government law, real estate law, and state and local taxation.

Because we limit our engagements to representation of public entities exclusively, we avoid conflicts of interest inherent with counsel that also represent underwriters, developers, lenders or bond purchasers, allowing us to offer advice uniquely tailored to local government concerns. As such, we counsel public sector clients in all phases of financing transactions from initial structuring consultations through final offerings and closings. We are recognized for the creativity of our approaches which frequently involve combinations of innovative financing techniques. Since our firm's founding, our attorneys have participated in financings totaling over one-half billion dollars. Additionally, our attorneys have assisted in numerous short-term borrowings for operating funds for cities and special purpose taxing districts.

### BOND COUNSEL SERVICES

- General obligation bonds
- Municipal refinancings
- Public offerings/private placements
- Revenue bonds
- Tax anticipation notes and short-term borrowings

### PUBLIC INFRASTRUCTURE FINANCING

- Public buildings, streets, utilities, and other infrastructure financing
- Special assessments
- State and local taxation
- Strategic plans and infrastructure and financing strategies

### ECONOMIC DEVELOPMENT FINANCING

- Chapter 100 bonds
- Enterprise zones
- Municipal leasing
- Neighborhood / community improvement districts
- Public-private partnerships
- Sales tax rebates
- State tax credits
- Special business districts
- Special services areas (Illinois)
- Tax abatement (Ch 353, 99, 100 RSMo.)
- Transportation corporation financings
- Transportation development districts
- Tax increment financing

# CUNNINGHAM, VOGEL & ROST, P.C.

legal counselors to local government

## REPRESENTATIVE MUNICIPAL LITIGATION EXPERIENCE

***Moberly Area Economic Development Corporation v. Philadelphia Indemnity Insurance Co.***, Case No. 4:15-cv-1037 (E.D.Mo. 2015) - Obtained settlement of claims that insurer owed costs of defense, including payment for past costs and agreement to pay future defense costs.

***City of Webster Groves v. New Cingular Wireless PCS, LLC***, Case No. 14SL-CC03646 (St. Louis County Cir. Ct. 2014) - Represented City in filing suit against wireless carrier for breach of lease; obtained \$375,000.00 settlement payment to the City for unpaid rent, interest and attorney fees relating to tower lease with the City.

***Gillette v. City of Lee's Summit***, Case No. 1316-CV29175 (Jackson County Cir. Ct. 2014) - Obtained voluntary dismissal of petition alleging Sunshine Law violations against City.

***City of Aurora, et al. v. CenturyLink, et al.***, Case No. 12SL-CC02896 (St. L. County Cir. Ct. 2014) - Obtained partial summary judgments against telecommunications companies for "willful" violation of city license tax and rights-of-way management ordinances, including award of delinquent taxes, attorneys fees, and interest; litigation pending.

***City of Columbia, et al. v. Spectra Communications Group, LLC, et al.***, Case No. 14SL-CC04026 (St. L. County Cir. Ct. 2014) - Represented Cities against telecommunications companies for "willful" violation of city license tax and rights-of-way management ordinances; litigation pending.

***James Fencing LLC v. City of Moberly, et al.***, Case No. 13RA-CV00870 (Randolph County Cir. Ct. 2014) - Obtained dismissal of conversion and bailment claims against City.

***Kenneth R. Midkiff, et al. v. City of Columbia***, Case No. 14BA-CV01839 (Boone County Cir. Ct. 2014) - Defended City in obtaining voluntary dismissal of petition for declaratory and injunctive relief and application for temporary restraining order, alleging City approved an illegal ordinance that granted construction of development.

***Spectra Communications Group, LLC v. City of Cameron***, Case No. 5:13-cv-6008 (W.D.Mo. 2013), *affirmed*, 806 F.3d 1113. (8th Cir. 2015) - Obtained dismissal of claims under Federal Telecommunications Act of 1996 relating to City rights-of-way requirements; first decision in 8th Circuit holding that damages claim against City is unavailable.

***City of Liberty, et al. v. State of Missouri***, Case No. 13AC-CC00505 (Cole County Cir. Ct. 2013) - Obtained final judgment enjoining and striking down HB 331 and HB 345 (statutes limiting municipal authority) due to violations of the Missouri Constitution; State's appeal dismissed by Missouri Supreme Court as moot (2014).

***Engelage v. City of Warrenton***, 378 S.W.3d 410 (Mo. App. E.D. 2012) - Obtained trial and appellate judgments for the City in an action brought by a County seeking exemption from compliance with city building and construction codes and fees.

***Septagon Construction Co., Inc.—Columbia, et al. v. Mantek U.S., Inc., et al.***, Case No. 11RA-CV01520 (Randolph County Cir. Ct. 2011) - Obtained summary judgment in 2015 on multimillion dollar claims by contractors that city and its officials failed to obtain payment bond for construction project; now on appeal.

***City of Cape Girardeau, Missouri v. CPAC, Inc.***, Case No. SD31684 (Mo. App. S.D. 2011) - Represented the City in obtaining unlawful detainer judgment and eviction from public property; appeal dismissed.

***New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. City of Liberty***, Case No. 04:10-CV-00533 (W.D.Mo. 2010) - Represented City in action defending City's denial of application for Special Use Permit; all claims voluntarily dismissed.

***Double Six Saloon v. City of Pacific***, Case No. 4:10-CV-00556 (E.D.Mo. 2010) - Represented City in obtaining federal court dismissal of action alleging constitutional violations and seeking injunctive relief and damages relating to Plaintiffs' liquor license.

***State ex rel. Jackson v. City of Joplin***, 300 S.W.3d 531 (Mo. App. S.D. 2009) - Represented City in obtaining judgment and appellate ruling in favor of the City in a challenge to the City's application of zoning ordinance and grant of a special use permit.

***Friedrich v. City of Joplin***, Case No. 09AO-CC00267 (Jasper County Cir. Ct. 2009), *et al.* - Represented various cities in separate but related lawsuits challenging the cities' general city sales taxes under federal civil rights statute; all cases dismissed.

***O'Neil's Markets Inc., v. Jefferson County***, Case No. 06JE-CC00681 (Jefferson County Cir. Ct. 2009) - Represented Jefferson County, Missouri in a jury trial against claim of inverse condemnation by a grocery store related to road construction project.

***USCOC of Greater Missouri, L.L.C. v. Village of Marlborough***, 618 F.Supp.2d 1055 (E.D.Mo. 2009) - Defended Village in suit under Federal Telecommunications Act of 1996 and Civil Rights Act by national telephone company for denial of a cell tower application; obtained dismissal of all counts by court ruling and Plaintiff dismissal.

***Essex Contracting, et al. v. Jefferson County, Missouri, et al.***, 277 S.W.3d 647 (Mo. 2009) - Obtained judgment in favor of County and homeowners in action on subdivision improvement bonds; Missouri Supreme Court, ruling resulted in forfeiture of bonds to County and homeowners and payment of attorney's fees.

***United States of America, et al. v. J.H. Berra Construction Co., Inc., et al.***, Case No. 4:07-CV-01268 (E.D.Mo. 2007) - Represented City in State and U.S. Justice Dept. Clean Water Act action enforcing grading regulations; obtained Consent Decree constituting the largest penalty for land disturbance violations in Missouri history.

***Home Builders Association of Greater St. Louis v. City of Wildwood***, 107 S.W.3d 235 (Mo. 2003) - Represented City in establishing the right of cities to require (1) subdivision maintenance bonds, and (2) subdivision construction escrows that account for inflation, prevailing wage and any unexpected conditions.

***Illinois ex rel. Demond Signs, Inc. v. City of O'Fallon***, Case No. 01-CH-929 (St. Clair County, Illinois Cir. Ct. 2003) - Obtained summary judgment in favor of City on challenge to involuntary annexation; appeal dismissed in favor of the City.

### Representative Amici Curiae Matters

***Arbor Investment, Co., LLC, v. City of Hermann***, 341 S.W.3d 673 (Mo. 2010) - Represented Missouri Municipal League as *Amicus Curiae* before the Missouri Supreme Court in support of City's successful reversal of Court of Appeals' ruling that the Hancock Amendment prohibited generation of revenue from utility user charges.

***City of Springfield v. Board of Education of the School District of Springfield***, 174 S.W.3d 653 (Mo. App. S.D. 2005) - Represented *Amicus Curiae* Missouri Municipal League in supporting application of planning statute to other governmental entities.

***Missouri Municipal League v. FCC***, 299 F.3d 949 (8<sup>th</sup> Cir. 2002), *rev'd* 541 U.S. 125 (2004) - Represented NATOA in filing its brief as *Amicus Curiae* in support of the Missouri Municipal League's successful request for reversal of *In re Missouri Municipal League, et al.*, FCC 00-443, 2001 WL 28068 (rel. January 12, 2001).

***Chesterfield Village, Inc. v. City of Chesterfield***, 64 S.W.3d 315 (Mo. 2002) - Represented Missouri and St. Louis County Municipal League seeking reversal of the Court of Appeals' ruling authorizing zoning damages against the City of Chesterfield. Missouri Supreme Court ruled in favor of City based on *Amici Curiae* arguments.

4.14.2016

**PUBLIC SECTOR SUPPLEMENTAL ETHICAL POLICIES**

Cunningham, Vogel & Rost, P.C. has implemented its own supplemental ethical policies for its lawyers – in addition to the general disciplinary rules applicable to all attorneys – to address the special duties involved in representing the public and/or serving as public officials for local governments as its appointed attorney. These policies fundamental to our core mission in representing local governments include:

**Exclusively Municipal Clients** – CVR is believed to be the only full-service law firm in the region that accepts only municipal government clients and related interests to ensure unambiguous loyalty to municipalities free of typical law firm conflicts of interests. The firm declines all other proposed engagements.

**Advertising Prohibited** – firm policy prohibits paid advertisements and all use of the firms’ name and its attorneys are cautiously monitored to avoid any appearance of payment for advertising name or services (i.e. MML ads, yellow pages, Martindale-Hubbell, etc.) other than paid directory listings required for effective client representation (e.g., Bond Attorney “Red Book” listing; MML membership, etc.).

**Strict Avoidance of “Pay to Play”** – donations to political office holders or candidates of any current or prospective municipal client are prohibited; any donation or payment that could even appear to be an effort to secure legal services work is strictly prohibited by firm policy. Donations or pro-bono work for purely public or charitable causes is encouraged and not prohibited provided that decisions are carefully reviewed to ensure no appearance of financial motive could be reasonably suggested.

**Pro Bono/Educational Efforts** – educational and speaking efforts are directed to non-profit and public entities only and not for-profit educational services; honoraria and/or fees for speaking are declined or donated if not part of a professional teaching position. Pro bono efforts should be consistent with firm mission to promote local government interests. The firm’s mission includes annual commitment of substantial resources and subsidies to its local public official education efforts including the co-founding of the Municipal Officials Training Academy, various law school and university program teaching, authorship of local government CLE materials and articles, and various other seminar programs.

**No “Contingent Fees”** – contingent fees are strictly prohibited given the concern that they create an appearance of attorney financial gain that could affect client advice. This policy is consistent with public-sector rules, such as the GFOA Best Practices applicable to local governments, discouraging contingent fees in bond transactions.

**Ethical Standards** – ethical standards observed by each attorney must exceed the minimum set by attorney applicable Rules of Professional Responsibility, must incorporate the firm's supplemental requirements, and must reflect the special context of representation of the public sector.

**Municipal Court Integrity** – firm attorneys are generally prohibited from entry of appearance in any municipal court on behalf of any defendant in a municipal court, or assuming a prosecutor, city attorney or municipal judge positions in any geographic, jurisdictional or other context that may create an appearance of conflict, irrespective of whether the ethical rules permit holding of such dual or simultaneous positions.

## **CITY OF PARKVILLE**

### **Policy Report**

Date: Monday, May 31, 2016

Prepared By:  
Tim Blakeslee  
Assistant to the City Administrator

Reviewed By:  
Lauren Palmer  
City Administrator

ISSUE:

Approve Resolution No. 16-010 adopting revisions to the damage deposit provisions and insurance provisions in the guidelines for events in Parkville.

BACKGROUND:

Special events held on public property, or with an impact on public resources, are only permitted in Parkville through the issuance of a special event permit from the City. The Municipal Code states that the Board of Aldermen will adopt guidelines for events in Parkville to provide a comprehensive overview to event organizers regarding the requirements and regulations for having an event within city limits. The guidelines are the basis for evaluating special event permit applications. On December 2, 2014, the Board of Aldermen approved revised guidelines for events in Parkville. On July 2, 2015, the Board of Aldermen adopted a number of small revisions to these special event guidelines via resolution No. 07-03-15.

The current guidelines have been in effect since the beginning of 2015. Overall, the implementation process has gone relatively smoothly. However, the guidelines are intended to be fluid and the document can be changed as new and/or previously unrecognized issues arise. Staff recognized two issues that need to be addressed in the event guidelines. These issues relate to the insurance provisions and to the damage deposit provisions.

**Insurance Provisions:**

The primary person in charge of an event is known as the event organizer. For smaller events (such as new 5K events, weddings, or companies parties) an event organizer often handles all aspects of an event's logistics. However, for large events, an event organizer often sub-contracts portions of the event out to other organizations known as vendors. These vendors often supply food, drinks, fireworks, carnival rides, and miscellaneous item sales for an event. The city requires single limit bodily and property damage (CSL) and general aggregate insurance from the event organizer that lists the city as additionally insured. The city also requires higher insurance limits for specific uses such as fireworks, petting zoos, and food and beverage vendors.

The current language in the event guidelines is unclear and has caused confusion among event organizers and vendors as to who needs to be covered by what insurance policy. One understanding of the current insurance guidelines is that event vendors each must separately list the city as additionally insured. This understanding caused frustration amongst event organizers who struggled to get event vendors to list both the event organizer and the city as additionally insured. It was also cumbersome for staff to track paperwork for multiple additionally insured parties from, in many cases, dozens of vendors.

As a result, the proposed change in this section is to clarify that event vendors do not need to list the city as additionally insured, but instead can be covered by the event organizers with slightly broader policy language outlined below. An event vendor will only need to list the City as additionally insured if the event organizer chooses not to cover the vendor via the organizer's

policy. For other vendors, the city remains covered because event organizers are still required to list the city as additionally insured for all event activities. The new language will read:

*Food and Beverage Vendors: In addition to standard permit insurance requirements - \$1,000,000 Combined Single Limit Bodily and Property Damage (CSL) each occurrence, \$1,000,000 General Aggregate are required per each vendor. If insurance is supplied by a vendor, they must list the event organizer as additionally insured. \*\*\**

*\*\*\* Evidence of coverage may be submitted by an event vendor as an alternative to it being supplied by the event organizer.*

It is important to note that the insurance requirements as a whole are vital to have in place to protect the best interests of the City. In at least one instance last year, the city was protected by the additionally insured requirement. The additional requirements take a little more time to explain, but event organizers often just need to reach back out to their insurers and receive an updated policy document.

**Damage Deposit:**

The event deposit currently is calculated by city staff based on an event’s perceived impact to city property. The major problem with the current system is that it has not been consistently applied across all events. As a result, staff proposes a system that calculates a damage deposit based primarily on areas of usage (i.e. ball fields, green space, etc.) and event tier. The intention of the system is to ensure consistency and fairness in the process and to make costs more predictable for event organizers. As a result, staff recommends the following update to the event guidelines:

**Proposed Structure:**

Deposit Area	New Tier 1	Repeat Tier 1	New Tier 2	Repeat Tier 2	Tier 3
Per Event	\$0	\$0 unless other damage from previous year	\$250	\$0 unless other damage from previous year	Staff Determination
Ball Field 1 Parking	\$500	\$500	\$500	\$500	\$500
Field Parking Lot 2	\$500	\$500	\$500	\$500	\$500
Soccer Field	\$0	\$0 unless damage from previous year	\$500	\$500	\$500
Other Areas of Open Field Space (Per Area)	\$0	\$0 unless damage from previous year	\$500	\$500	\$500
An event is responsible for any damage expenses caused regardless of the deposit amount. The city may choose contract with an outside company to make repairs.					

The proposed structure is anticipated to help cover the costs to repair minor to moderate damage caused by events to specific areas of the park or other public property. Following an event, the area is evaluated by City staff. If no damage is found, a deposit refund is issued. A deposit refund typically takes between 7 and 14 days, but may take longer based on the complexity of the damage. Regardless of the deposit amount, the event guidelines make clear that the organizer is responsible for any damage expenses caused by the event. This is intended

to protect the city against extreme incidents that cause damage but were not anticipated prior to the event.

**BUDGET IMPACT:**

With the exception of damage deposit fees to be collected, there is no immediate budget impact. A deposit refund typically takes between 7 and 14 days, but may take longer based on the complexity of the damage.

**ALTERNATIVES:**

1. Approve Resolution No. 16-010 to adopt revisions to the damage deposit provisions and insurance provisions related to the revised special event permit process.
2. Approve Resolution No. 16-010 subject to revisions requested by the Board of Aldermen.
3. Do not approve Resolution No. 16-010 related to the revised special event permit process and provide other direction to staff.
4. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends the Board of Aldermen approve Resolution No. 16-010 to adopt revisions to the damage deposit provisions and insurance provisions related to the revised special event permit process.

**COMMUNITY LAND AND RECREATION BOARD (CLARB) RECOMMENDATION:**

On April 14, 2016, on a vote of 6-0, CLARB approved the proposed revisions to the insurance provisions in the special event guidelines. On May 11, 2016, on a vote of 7-0, CLARB approved the proposed revisions to the damage deposit.

**POLICY:**

Section 140.345 of the Parkville Municipal Code establishes the guidelines for events in Parkville and states that they may be amended from time to time by a majority vote of CLARB and by a resolution adopted by the Board of Aldermen.

**SUGGESTED MOTION:**

I move to approve Resolution No. 16-010 adopting revisions to the damage deposit and insurance provisions in the Guidelines for Events in Parkville.

**ATTACHMENT:**

1. Resolution No. 16-010



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CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

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***CITY OF PARKVILLE, MO.  
RESOLUTION NO. 16-010***

**A RESOLUTION ADOPTING REVISIONS TO THE GUIDELINES FOR EVENTS IN  
PARKVILLE**

WHEREAS, on December 2, 2014, the City adopted revisions to the guidelines for events in Parkville associated with city parks and special events; and,

WHEREAS, Chapter 140 of the Parkville Municipal Code states that the event guidelines may be amended from time to time by a majority vote of the Community Land and Recreation Board and by a resolution adopted by the Board of Aldermen; and

WHEREAS, the revisions to the guidelines for events in Parkville was considered and recommended for Board of Aldermen approval by the Community Land and Recreation Board on April 14, 2016, and May 11, 2016, respectively.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby adopts revisions to the guidelines for events in Parkville with regard to the insurance provisions and damage deposit provisions as attached hereto to this original Resolution and incorporated herein by reference.

IN TESTIMONY WHEREOF, I have hereunto set my hand, in the City of Parkville this 7<sup>th</sup> day of June 2016.

\_\_\_\_\_  
Mayor Nanette K. Johnston

ATTESTED:

\_\_\_\_\_  
City Clerk Melissa McChesney

## **CITY OF PARKVILLE**

### **Policy Report**

Date: May 31, 2016

Prepared By:  
Alysen Abel  
Public Works Director

Reviewed By:  
Lauren Palmer  
City Administrator

#### ISSUE:

Items related to the 2016 Street Maintenance Program:

1. Approve Change Order No. 1 with Tandem Paving Company, Inc. for additional street maintenance in the 2016 Mill and Overlay Program
2. Approve Change Order No. 1 with Julius Kaaz Construction, Inc. for sidewalk reconstruction on Twilight Place for the 2016 Curb and Sidewalk Program

#### BACKGROUND:

On December 15, 2015, the Board of Aldermen approved Ordinance No. 2829 to adopt the 2016 budget. The approved 2016 Capital Improvement Program (CIP) includes funding for the two major street maintenance programs: mill and overlay (\$225,000) and curb and sidewalk repair (\$100,000). In addition, the City has a balance of \$8,883 in an escrow account that was established for street maintenance for Waters Edge Drive when the road was accepted as a public street. Therefore, the original budgeted amount available for these street maintenance programs in 2016 was \$333,883.

Based on the available budget, on April 19, 2016, the Board of Aldermen approved contracts for three street maintenance programs:

1. Asphalt Mill and Overlay –Tandem Paving Company, Inc. in the amount of \$206,165 for mill and overlay of streets in five areas including Riss Lake, Kelly Industrial Park, Crooked Road, Mill Street, and Brink-Myers Road.
2. Curb and Sidewalk Repair –Julius Kaaz Construction, Inc. in the amount of \$103,924 for 3,000 feet of curb repairs, primarily on streets slated for asphalt overlay and for a sidewalk repair on 4<sup>th</sup> Street between Main and East streets.
3. Microsurfacing – Vance Brothers in the amount of \$18,648 for microsurfacing on Main Street from 7<sup>th</sup> Street to 2<sup>nd</sup> Street and on Waters Edge Drive.

The approved contracts totaled \$328,737, or \$5,146 under the budgeted amount of \$333,883.

The budget ordinance states that staff will monitor expenses and revenues for the first half of the 2016 fiscal year. Any savings generated due to personnel vacancies or other known cost reductions or exceptional revenues will be redirected to increase the funding available for the 2016 mill and asphalt overlay program. Staff calculated additional available funding for street maintenance of \$51,400 based on known savings at this time. Transfers from the Transportation Fund to the General Fund will be reduced by \$51,400 in the second half of the 2016 fiscal year to affect the change.

Staff re-evaluated street maintenance priorities and determined additional scopes of work based on the additional funding. Two change orders are recommended with existing contractors based on established unit prices for each type of work, as follows:

1. **Change Order No. 1 with Tandem Paving Company, Inc. in the amount of \$49,000 for additional asphalt overlay work** – Staff reviewed the condition of several streets that were programmed into the long-range CIP. After reviewing several different combinations of

streets, staff decided it would be best to cluster the streets in a single area. Vista Circle North, Vista Circle South, Harbour Place and Lakeview Court are clustered on the east side of the Riss Lake Dam. Based on the dimensions of the streets, staff estimates that the cost will be approximately \$49,000 for the mill and overlay improvements. Based on inspection of the curb, staff anticipates that there will be little curb repair necessary in this area. Some of the curb was repaired in previous years. The curb improvements that are necessary in this area can be completed under the existing contract with Julius Kaaz Construction, Inc.

2. **Change Order No. 1 with Julius Kaaz Construction, Inc. in the amount of \$2,400 for sidewalk reconstruction on Twilight Place for the 2016 Curb and Sidewalk Program** - In spring 2016, the City received a call from the homeowner at 7816 N. Twilight Place. The homeowner alerted staff to an issue with the sidewalk along Twilight Place. Based on further investigation, the City found that the sidewalk had settled around the sanitary sewer manhole located within the sidewalk. Pictures are included in Attachment 5. Staff determined that the settlement represented an imminent safety threat and that the repair is the City's responsibility due to the presence of the sewer manhole.

Staff worked with Julius Kaaz Construction to obtain a cost estimate for the sidewalk reconstruction on Twilight Place, replacing approximately 50 feet of sidewalk. Staff drafted Change Order No. 1 based on the contractor's estimate and sent it to the contractor for review and signature. The contractor was instructed not to perform the work until the change order was reviewed and approved in accordance with the City's Purchasing Policy, but the field crew proceeded with the work without authorization and without informing staff that the work was underway.

Staff requests retroactive approval for the change order since the sidewalk work is already complete. The contractor was informed that the work was not previously authorized and, therefore, completed at the contractor's risk. However, staff intended to recommend this repair as a safety priority, and therefore requests approval for the change order.

With these recommended change orders, there is a small balance of \$5,146 available in the revised budget. This will provide a contingency in case of any overages based on field measurements or any unforeseen curb work. If needed, and if expenses exceed staff purchasing authority, an as-built change order may be presented to the Finance Committee at a later date based on unit prices and final measurements.

**BUDGET IMPACT:**

	2016 CIP Budget	Original Contracts	Proposed Change Orders	% Change	Revised Budget
Asphalt Mill and Overlay	\$225,000	\$206,165	\$49,000	24%	\$255,165
Curb and Sidewalk Repair	\$100,000	\$103,924	\$2,400	2%	\$106,324
Microsurfacing	\$8,883*	\$18,648	\$0	n/a	\$18,648
Contingency	\$0	\$5,146	\$0	n/a	\$5,146
<b>TOTAL</b>	<b>\$333,883</b>	<b>\$333,883</b>	<b>\$51,400</b>	<b>15%</b>	<b>\$385,283</b>

*\*Waters Edge escrow funds available*

**ALTERNATIVES:**

1. Approve change orders for street maintenance work as proposed by staff.
2. Approve the change orders subject to revisions directed by the Board.

3. Do not approve the change orders and provide further direction to staff.
4. Postpone the item.

**STAFF RECOMMENDATION:**

Staff recommends approval of the following:

1. Change Order No. 1 with Tandem Paving Company, Inc. in the amount of \$49,000 for additional asphalt overlay work.
2. Change Order No. 1 with Julius Kaaz Construction, Inc. in the amount of \$2,400 for the sidewalk reconstruction on Twilight Place.

**FINANCE COMMITTEE RECOMMENDATION:**

Due to the cancellation of the meeting on May 30, 2016, this item was not acted on by the Finance Committee. Staff explained the general financing strategy to the Finance Committee on May 9, 2016, and the Committee gave staff direction by consensus to advance the recommendations for consideration by the Board of Aldermen on June 7, 2016.

**POLICY:**

The Purchasing Policy, Resolution No. 10-02-14, requires the Board of Aldermen to approve all purchases above \$10,000 upon recommendation of the Finance Committee.

**SUGGESTED MOTION:**

I move to approve:

1. Change Order No. 1 with Tandem Paving Company, Inc. in the amount of \$49,000 for additional asphalt overlay work; and
2. Change Order No. 1 with Julius Kaaz Construction, Inc. in the amount of \$2,400 for the sidewalk reconstruction on Twilight Place.

**ATTACHMENTS:**

1. Ordinance No. 2829 – 2016 Budget
2. Change Order No. 1 – Tandem Paving Company
3. Map of additional asphalt work
4. Change Order No. 1 – Julius Kaaz Construction
5. Twilight Place sidewalk photos

**AN ORDINANCE APPROVING AND ADOPTING THE OPERATING BUDGET FOR THE PERIOD FROM JANUARY 1 THROUGH DECEMBER 31, 2016, AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2016 THROUGH 2021, FOR THE CITY OF PARKVILLE, MISSOURI**

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

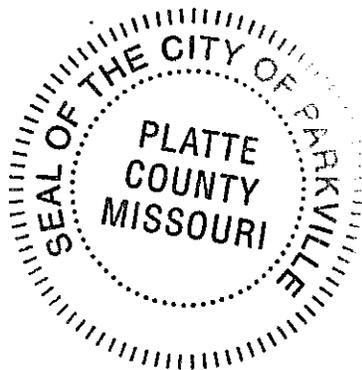
Section 1. The Board of Aldermen does hereby approve and adopt the 2016 Operating Budget for the City of Parkville, said budget attached hereto and incorporated herein by reference.

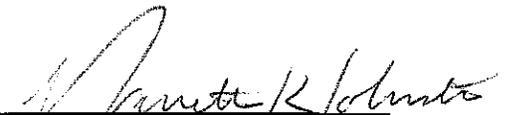
Section 2. The Board of Aldermen does hereby approve the 2016 - 2021 Capital Improvement Program (CIP), said CIP attached hereto and incorporated herein by reference.

Section 3. The Board of Aldermen directs staff to monitor expenses and revenues for the first half of the 2016 fiscal year. Any savings generated due to personnel vacancies or other known cost reductions or exceptional revenues will be redirected to increase the funding available for the 2016 mill and asphalt overlay program. This change will be accomplished by reducing budgeted monthly transfers from the Transportation Fund to the General Fund in the second half of the 2016 fiscal year.

Section 4. This ordinance shall become effective as of January 1, 2016.

PASSED and APPROVED this 15<sup>th</sup> day of December 2015.



  
Mayor Nanette K. Johnston

ATTESTED:

  
City Clerk Melissa McChesney

## CHANGE ORDER

**PROJECT** (*Name and address*):  
2016 Mill and Overlay

**CHANGE ORDER NUMBER:** (1)  
**DATE:** 6/7/2016

**TO CONTRACTOR** (*Name and Address*):

**PROJECT NO.:** 2016 Mill/Overlay

**Tandem Paving**  
**617 SE Industrial Drive**  
**Blue Springs, MO 64014**

**CONTRACT DATE:** 4/19/2016

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**THE CONTRACTOR IS CHANGED AS FOLLOWS:**

The original Contract Sum was	\$ 206,165.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 206,165.00
The Contract Sum will be increased/ <del>decreased</del> by the Change Order in the amount of	\$ 49,000.00
The new Contract Sum including this Change Order will be	\$ 255,165.00

**ADD THE FOLLOWING WORK:**

Add Mill & Overlay of Vista Circle North, Vista Circle South, Harbour Place and Lakeview Circle, with the unit prices as listed in the contract. To clarify substantial completion date: ninety (90) calendar days from Notice to Proceed.

The Contract Time will be increased by zero (0) calendar days.  
The date of Substantial Completion as of the date of this Change Order therefore is July 26, 2016.

This Change Order represents a complete and final resolution of all matters concerning or arising out of the work described in the Change Order, including any impact, delay, disruption and/or acceleration of work unless specifically identified herein. **NOT VALID UNTIL SIGNED BY THE CONTRACTOR AND OWNER.**

Tandem Paving Company, Inc.  
**CONTRACTOR** (*Firm name*)  
617 SE Industrial Drive  
Blue Springs, MO 64014

City of Parkville  
**OWNER** (*Firm Name*)  
8880 Clark Avenue  
Parkville, MO 64152

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**ADDRESS**

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**ADDRESS**

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**BY** C. K. Smith

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**BY** Nanette K. Johnston, Mayor

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**DATE**

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**DATE**

Rates taken from Page 2 of Agreement between City of Parkville and Tandem Paving Co., Inc. dated 4/19/16

<u>Description</u>	<u>Unit Price</u>
1 ½" Edge Mill	\$2.05 per square yard
1 ½" Full Width Mill	\$2.68 per square yard
2" Asphalt Overlay	\$58.00 per ton



**CHANGE ORDER**

**PROJECT**  
2016 Curb and Sidewalk Removal  
And Replacement

**CHANGE ORDER NUMBER:** (1)  
**DATE:** 5/6/2016

**TO CONTRACTOR**  
Julius Kaaz Const. Co., Inc.  
716 Cherokee  
P.O. Box 168  
Leavenworth, KS 66048

**PROJECT NO.:**  
2016 Curb/Sidewalk

**CONTRACT DATE:** 4/19/16

**THE CONTRACTOR IS CHANGED AS FOLLOWS:**

The original Contract Sum was	\$ 103,924.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 103,924.00
The Contract Sum will be increased/ <del>decreased</del> by this Change Order in the amount of	\$ 2,400.00
The new Contract Sum including this Change Order will be	\$ 106,324.00

**ADD THE FOLLOWING WORK:**

**Reconstruct sidewalk along Twilight Place - 4 ft. sidewalk repair - \$96.00/sq.yd. Approx. 25 sq.yd's @ \$96.00/sq.yd. = \$2,400.00**

The Contract Time will be increased by zero ( 0 ) days.  
The date of Substantial Completion as of the date of this Change Order therefore is 07/18/16.

This Change Order represents a complete and final resolution of all matters concerning or arising out of the work described in the Change Order, including any impact, delay, disruption and/or acceleration of work unless specifically identified herein. **NOT VALID UNTIL SIGNED BY THE CONTRACTOR AND OWNER.**

Julius Kaaz Const. Co., Inc.  
**CONTRACTOR** (*Firm name*)  
716 Cherokee P.O. Box 168  
Leavenworth, KS 66048

City of Parkville  
**OWNER** (*Firm Name*)  
8880 Clark Avenue  
Parkville, MO 64152

**ADDRESS**  
  
**BY** (*Signature*)

**ADDRESS**  
  
**BY** (*Signature*)

Tim Elliott  
**(Typed name)**

Lauren Palmer  
**(Typed name)**

5-9-2016  
**DATE**

**DATE**

**Sidewalk Photo #1**



**Sidewalk Photo #2**

