



**City Council Meeting Agenda**  
**Monday, November 15, 2021 – 6:30 p.m.**  
**City Hall, 200 South Osage, Sedalia MO**

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**MAYOR: JOHN KEHDE**

**MAYOR PRO-TEM: JEFF LEEMAN**

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- A. **CALL TO ORDER** – Mayor Kehde – Council Chambers
- B. **PRAYER & PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **SERVICE AWARDS** – None
- E. **SPECIAL AWARDS** – None
- F. **RETIREMENT AWARDS** – None
- I. **APPROVAL OF PREVIOUS SESSION MINUTES**
  - A. Council Meeting – November 1, 2021
- II. **REPORT OF SPECIAL BOARDS, COMMISSIONS AND COMMITTEES**
  - A. Acceptance of Planning & Zoning Commission minutes dated July 28, 2021
  - B. Acceptance of Citizen’s Traffic Advisory Commission minutes dated October 13, 2021
- III. **ROLL CALL OF STANDING COMMITTEES**
  - A. **FINANCE / ADMINISTRATION** - Chairman Steve Bloess; Vice Chairwoman Rhiannon Foster
    - 1. Presentation – Oats: Annual Report (Tracy Walkup, Presenter)
    - 2. Presentation – Financial Update (Dawn Jennings, Presenter)
    - 3. Personnel Policies Manual amendment
      - Council Discussion led by Chairman Bloess
      - O** Call for Ordinance amending the Personnel Regulations Manual of the City of Sedalia, Missouri by removing Section 8.3 (Disciplinary Hearing) and Appendix B (City Ward Map) and adding Section 6.3 B (Victims of Domestic and Sexual Violence Policy) – Mayor Kehde
    - 4. Bid – Audit Services – Fiscal Years ending 2022-2024
      - Council Discussion led by Chairman Bloess
      - Motion and Second to award bid for audit services for fiscal years ending 2022, 2023 and 2024 to Williams Keepers LLC.
  - B. **PUBLIC SAFETY** – Chairwoman Tina Boggess; Vice Chairman Bob Cross
    - 1. Agreement – Flooring & Kennel Walls – Sedalia Animal Shelter – Epoxy Coating Specialists - \$53,800.00
      - Council Discussion led by Chairwoman Boggess
      - O** Call for Ordinance authorizing an agreement for wall and floor resurfacing at the Sedalia Animal Shelter – Mayor Kehde
    - 2. Grant Acceptance – Sedalia Police Department – Thermal Imaging Monocular - \$4,999.00
      - Council Discussion led by Chairwoman Boggess
      - R** Call for Resolution of the City Council of the City of Sedalia, Missouri authorizing the acceptance of a grant by the Sedalia Police Department from the Missouri Department of Public Safety and Homeland Security for a thermal imaging monocular – Mayor Kehde

**C. PUBLIC WORKS** – Chairman Thomas Oldham; Vice Chairman Lucas Richardson

1. Strategic Planning Presentation – Airport Department (Derrick Dodson, Presenter)

2. Right of Way Conveyance – Autumn Avenue Extension

Council Discussion led by Chairman Oldham

○ Call for Ordinance authorizing the acceptance of a permanent right-of-way conveyance for the extension of Autumn Avenue – Mayor Kehde

3. Bid & Agreement – Generator Maintenance Plan – Martin Energy Group - \$22,220.00

Council Discussion led by Chairman Oldham

○ Call for Ordinance authorizing an agreement for on-site generator maintenance, inspection and repair services – Mayor Kehde

4. Sidewalk Design Engineering – West Main between Osage and Kentucky - \$13,700.00

Council Discussion led by Chairman Oldham

○ Call for Ordinance authorizing a scope of services for engineering services related to sidewalk replacement on Main Street between Osage and Kentucky – Mayor Kehde

**D. COMMUNITY DEVELOPMENT** – Chairman Andrew Dawson; Vice Chairman Jeff Leeman

1. Strategic Planning Presentation – Community Development (John Simmons & Devin Lake, Presenters)

2. Presentation – Retail Strategies

3. Special Use Permit – KGI Wireless – 150' Monopole Tower

Council Discussion led by Chairman Dawson

○ Call for Ordinance granting a special use permit to KGI Wireless, on behalf of Verizon Wireless, for the installation of a monopole tower located at 1807 West Broadway in the City of Sedalia, Missouri – Mayor Kehde

4. Rezoning – East 24<sup>th</sup> Property – R-1 to R-3

Council Discussion led by Chairman Dawson

○ Call for Ordinance granting a change in zoning classification from R-1 (Single Family Residential) to R-3 (Apartment House) on certain property located on a section of parcel on East 24<sup>th</sup> Street in the City of Sedalia, Missouri, in accordance with Chapter 64, Zoning, of the City Code of the City of Sedalia, Missouri – Mayor Kehde

5. 353 Tax Abatement Guidelines

Council Discussion led by Chairman Dawson

R Call for Resolution of the City Council of the City of Sedalia, Missouri accepting and supporting the adoption of the Chapter 353 Property Tax Abatement Midtown Residential Area Program Guidelines – Mayor Kehde

**IV. OTHER BUSINESS**

**A. APPOINTMENTS** – None

**B. LIQUOR LICENSES**

New:

\*Herschel Whited dba VFW Post #2591, 121 S Ohio, Picnic License, \$37.50

Renewal:

\*Cathy Geotz dba Break Time #3084, 318 W Broadway, Packaged Liquor, \$150

**V. MISCELLANEOUS ITEMS FROM MAYOR, CITY COUNCIL AND CITY ADMINISTRATOR**

**VI. GOOD AND WELFARE**

**VII. Closed Door Meeting** – Motion and Second to move into closed door meeting in the upstairs conference room pursuant to Subsections 1 (Legal Advice) and 2 (Real Estate) of Section 610.021 RSMo.

**A.** Roll Call Vote for Closed Door Meeting

**B.** Discussion of closed items

**C.** Vote on matters, if necessary (require a Roll Call Vote)

**D.** Motion and Second with Roll Call Vote to adjourn closed door meeting and return to open meeting

**VIII. BUSINESS RELATED TO CLOSED DOOR MEETING**

**A.** Motion and Second to reopen regular meeting

**B.** Roll Call

**C.** Ordinance to approve a Right of First Refusal

**IX. ADJOURN MEETING**

**A.** Motion and second to adjourn meeting

**NOTE: Due to the COVID-19 pandemic emergency, which constitutes good cause, the Mayor and City Council may choose to participate in this meeting by videoconferencing, telephone or other voice or electronic means.**

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- One-touch: <tel:+16692243318,,578973061#>

*The City Council reserves the right to discuss any other topics that are broached during the course of this meeting.*

[Click on any agenda item to view the related documentation](#)

**IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY THE CITY CLERK'S OFFICE AT 827-3000. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.**

**POSTED ON NOVEMBER 12, 2021 AT 3:00 P.M. AT THE SEDALIA MUNICIPAL BUILDING, BOONSLICK REGIONAL LIBRARY, SEDALIA PUBLIC LIBRARY AND ON THE CITY'S WEBSITE AT [WWW.CITYOFSEDALIA.COM](http://WWW.CITYOFSEDALIA.COM)**



# OFFICE OF THE CITY ADMINISTRATOR

**To:** Honorable Mayor John Kehde & City Council Members  
**From:** Kelvin Shaw, City Administrator *KS*  
**Re:** Agenda items for City Council meeting on Monday, November 15, 2021, 6:30 p.m.

**Finance/Administration Committee** - There are four items for consideration through the Finance / Administration Committee.

1. As part of our strategic planning process, we ask that our outside service contractors make a presentation. The contract requires such presentation and essentially, we ask that they report on how the funds were used this fiscal year, and then what services and costs they propose for the next fiscal year. This is an important function for these contracts from a legal standpoint, as we must show the general public purpose for the expenditure of these funds. In addition, from an overall resource allocation standpoint, we must review these services to determine how they stack up against all other priorities. The first of such service contract presentations this year is from OATS. They provide transit services to the community, and as per the current contract, we help offset the costs with \$25,000.00 so that affordable transportation services are provided to more individuals.
2. Dawn Jennings, Finance Director will give a brief update on the tax revenue collections.
3. A new law passed in Missouri became effective in August requiring certain benefits be given to employees that are victims of domestic violence. Shannon Ramey-Trull, Human Resources Director has reviewed these requirements with our City Attorney and has pulled together a proposed amendment to our personnel policies to ensure that we comply with this new law. In addition, on legal advice, we have proposed some modifications to the disciplinary process of removal of a requirement for a hearing for terminations.
4. Prudent business practice includes bidding out audit services every few years. It is typical in the industry to include a three-year engagement. This levels the field for auditors to bid against the incumbent firm, since there is always more work in the first year of the engagement to get familiar with the City and to get their audit systems loaded with beginning balances. A three-year engagement allows them to spread these extra costs in the first year across three years. Additionally, best practices in engaging audit firms give preferences to changing auditors periodically. Auditors and staff can get too accustomed to seeing the same procedures year after year and get complacent, or worse, facilitates an easier path around internal controls. To be clear, we do not have any reason to believe there are any problems of this nature, but still something we should consider.

The City last bid out its audit services in 2017 and had two firms bid. Gerding, Korte & Chitwood, which has performed the audit for the City for several years, was the low bidder and continued to provide these services through fiscal year 2021 that was just completed. Staff prepared and issued a request for proposals (RFP) to solicit bids for the next three years and received four proposals. The lowest bid is from Williams Keepers LLC, a regional firm out of Columbia. This firm has performed the specialized audits of the pension plans since the requirements were put in place, a few years ago, for these funds to have a separate audit. Staff

has been pleased with their work on these audits and is comfortable recommending them to conduct the audit for the City as a whole, including the pensions.

**Public Safety Committee** – There are two items for consideration through the Public Safety Committee.

1. As part of the strategic planning process for animal control services, we discussed the need to upgrade the finish on the floors and walls in the dog kennels. The current concrete floor and painted block wall finish is difficult to maintain in accordance with the standards prescribed by the Department of Agriculture for animal shelters. The paint will not hold up to the dogs scratching, which leaves a porous surface that can hold germs and is difficult to disinfect. The inspectors have recommended, what they have seen used in other shelters, applying an epoxy coating on the floors and walls where the dogs are housed. The epoxy is a much more durable surface that will stand up to the dogs' scratching while covering the porous building materials to facilitate a much more effective and efficient disinfection.

Staff has issued a request for proposals (RFP) and received one bid from Epoxy Coating Specialists. With the original bid being over the budgeted amount of \$50,000.00, staff worked with the vendor to reduce the amount of area coated to the most critical areas where dogs are housed regularly. Staff recommends approval of the agreement for epoxy coating at the animal shelter for \$53,800.00.

2. The Sedalia police department participates in a counter terrorism program with the Missouri Office of Homeland Security. Through this program, local officers are trained and equipped in the highly specialized areas of terrorism prevention, response, and mitigation. Through this program, we have been awarded a grant to purchase a thermal imaging monocular for \$4,999.00. Staff recommends acceptance of this grant to purchase this equipment to assist in keeping us all safe.

**Public Works Committee** – There are four items for consideration through the Public Works Committee.

1. Derrick Dodson, our Airport Director, will continue this year's presentations of strategic planning for each department. Derrick will present at this meeting an overview of the plans for the airport.

As a reminder, I ask that in each of the individual presentations that they address the following four questions:

- a) Why is the service needed?
- b) Why should the City be doing it?
- c) What level of service are we providing now?
- d) How are we going to accomplish it? In other words, strategies going forward for services including any major budget requests related to new or expanded initiatives.

These presentations will all lead up to and set the stage for the Council strategic planning session on January 8<sup>th</sup> (the second Saturday in January). During this session, we review the highlights of each of these individual department strategic plans to bring them together into an overall plan for the City, to include setting relative priorities. This high-level direction from

Council then becomes the basis for the budget development to match that strategy. We will then have budget work sessions February through March, culminating with a budget adoption the last meeting in March.

2. With the building of the new Heckart Community Center, we anticipate more traffic in the area. To help move this traffic more smoothly and safely, we propose to extend Autumn Avenue from Liberty Park Boulevard to Main Street. Engineering Surveys and Services has agreed to grant the City a right of way necessary to make this connection. Staff recommends acceptance of this right of way.
3. The City has several generators to keep essential services operational in times of power outages. A few years ago, the City contracted with a vendor to provide ongoing preventive maintenance and checks of this equipment to help ensure it works when it is needed in emergency situations. Staff has issued an invitation for bid (IFB) to solicit updated proposals for these services and received three responses. The low bidder was Martin Energy Group and after checking their references, staff recommends award of the contract to them for \$22,200.00 to provide generator maintenance services.
4. As part of our efforts to update and repair our sidewalks, we identified a project around the new Katy Trails Community Health facility being built at Main and Kentucky, as well as, along Main Street from Kentucky Avenue to Osage Avenue. In reviewing the block between Kentucky and Osage, staff found several voids under the current sidewalk and extending under some of the buildings. Staff recommends employing an engineer to review the situation and design a solution to prevent damage to the buildings while upgrading the sidewalk and curbing. The City has a contract with Wilson & Company to provide on call engineering services such as this. Staff recommends adding a scope of work to this contract to engineer this project for \$13,700.00.

**Community Development Committee** – There are five items for consideration through the Community Development Committee.

1. John Simmons, Community Development Director and Devin Lake, Chief Building Official will continue the strategic plan presentations for the Community Development Department.
2. During the Missouri Municipal League (MML) conference a few of our Council Members and I met with Retail Strategies at their booth. After the conference, we followed up with them to get more information about their services. As part of the strategic planning, we invited them to make a presentation to Council for your consideration of inclusion in the plan.
3. KGI Wireless made application for a special use permit to allow them to build a 150' monopole tower at 1807 West Broadway. This tower will be used to enhance cellular and broadband services through Verizon Wireless. As Staff reported to the Planning and Zoning Commission, the proposed project would be consistent with the surrounding land use and is similar to other towers that have been previously approved. After reviewing the application and conducting a public hearing, the Commission voted to recommend approval to Council.
4. The owner of the property east of 1300 East 24<sup>th</sup> Street made application to have their property rezoned from R-1 Single Family to R-3 Apartment House. The majority of this property is already zoned for R-3 but a relatively small triangle at one corner of the property overlaps into R-1 zoning. After reviewing the application and conducting a public hearing, the Planning and Zoning Commission voted to recommend approval to Council.

5. The Chapter 353 redevelopment plan approved by Council includes the opportunity to provide tax abatement incentives to remove the blight on properties within the redevelopment area. Staff has worked with the Sedalia Redevelopment Corporation (SRC) board of directors to develop guidelines to apply this tool. I will give a presentation of what the SRC and staff have developed and recommend to Council for approval.





CITY OF SEDALIA, MISSOURI
CITY COUNCIL MEETING
NOVEMBER 1, 2021

"In light of the current COVID-19 Pandemic and the concern among the public about attending public functions, the City has an on-line broadcast of Council Meetings available both live and recorded by going to https://global.gotomeeting.com/join/578973061"

The Council of the City of Sedalia, Missouri duly met on Monday, November 1, 2021 at 6:30 p.m. at the Municipal Building in the Council Chambers with Mayor John Kehde presiding. Mayor Kehde called the meeting to order and asked for a moment of prayer led by Chaplain Byron Matson followed by the Pledge of Allegiance.

ROLL CALL:

Table with 4 columns: Name, Status, Name, Status. Rows include Jeff Leeman, Thomas Oldham, Andrew Dawson, Tina Boggess, Lucas Richardson, Bob Cross, Rhiannon Foster, Steve Bloess.

SERVICE AWARDS:

5 Year Certificate/Pin Amy Epple Park Director Park Department

Mrs. Epple started with the Park Department in 2008. In 2012, she went back to Warrensburg to oversee their Community Center and Recreation Division. In 2016, Mrs. Epple returned to Sedalia and was hired as the new Parks & Recreation Director.

SPECIAL/RETIREMENT AWARDS: None

MINUTES: The Council Meeting minutes of October 18, 2021 were approved on motion by Leeman, seconded by Oldham. All present in favor. Foster was absent.

REPORTS OF SPECIAL BOARDS, COMMISSIONS & COMMITTEES: None

ROLL CALL OF STANDING COMMITTEES:

PUBLIC SAFETY – Tina Boggess, Chairwoman; Bob Cross, Vice Chairman

Presentation: Pettis County Joint Communications Budget

Pettis County Joint Communications Director Dannelle Lauder stated that Sedalia Police Communications and Pettis County Sheriff's Communications have successfully merged. 3 to 4 operators are staffed 24 hours per day and approximately 10,000 calls are processed each month. Joint Communications dispatches for the Pettis County Sheriff's Office, Sedalia Police, Pettis County Fire, Sedalia Fire and Pettis County Ambulance District. The 911 Board consists of the Chief of Police, Sedalia Fire Chief, Pettis County Ambulance District Chief, Pettis County Sheriff and a member of the public who represents the Pettis County Commission.

Revenue/Expenditures:

A 3.6% Prepaid Tax is applied to any pre-paid services at point of purchase. Joint

Communications receives 50% of the tax (\$80,436.64 received as of September 30, 2021). Any Device Tax is a \$1.00 tax on any post-paid device that can access cellular systems and 911 including cell phones and smart watches (\$332,729.19 received as of September 30, 2021). Other revenue received are from Pettis County Ambulance District \$125,000.00, City of Sedalia \$250,000.00 and County of Pettis \$200,000.00. The amounts received from Pettis County Ambulance District and City of Sedalia were prorated due to the delayed merger at the beginning of 2021.

Revenues 2022		Expenditures 2022	
Any Device Fee	\$ 405,000.00	Full Time Salaries	\$ 600,763.68
Statewide Prepaid Tax	50,000.00	Part-Time Salaries	33,580.00
Pettis County	200,000.00	Shift Differential	13,056.00
City of Sedalia	300,000.00	<b>Salary Expense Total</b>	<b>\$ 647,399.68</b>
Pettis County Ambulance District	150,000.00	Social Security	\$ 37,247.35
<b>Government Total</b>	<b>\$1,105,000.00</b>	Lagers	75,954.28
Interest	\$ 1,153.91	CERF	23,370.55
Misc. Fees	325.00	Medical Insurance	122,117.76
<b>Interest Total</b>	<b>\$ 1,478.91</b>	Basic Life	1,488.00
Balance Forward	\$ 293,630.52	Medicare	<b>8,711.07</b>
Federal 911 Grant	0.00	<b>Benefit Total</b>	<b>\$ 268,889.01</b>
<b>Transfer Total</b>	<b>\$ 293,630.52</b>	<b>Wage/Benefit Total</b>	<b>\$ 916,288.69</b>
<b>Revenues Total</b>	<b>\$1,400,109.43</b>	Office Supplies	\$ 1,700.00
		*New Equipment	6,374.90
		Equipment Repair	4,000.00
		Travel & Training	18,000.00
		*Telephone & Data	76,260.00
		*Contractual Services	219,634.66
		Miscellaneous	8,000.00
		<b>Supplies/Equipment Total</b>	<b>\$ 333,969.56</b>
		Federal 911 Grant	0.00
		<b>Expenditures Total</b>	<b>\$1,250,258.25</b>

\***New Equipment:** Screen Recording - \$5,615.00 and base stations - \$759.90; **Telephone & Data:** 911 Services - \$40,800.00; Admin - \$3,960.00; MULES - \$4,500.00; Data - \$21,000.00; Miscellaneous Venders estimated - \$6,000.00; **Contractual:** City of Sedalia Lease Agreement - \$23,034.36; Wood & Huston Lease Agreement - \$115,151.51; Medical Director - \$6,000.00; Priority Dispatch - \$26,700.00; CallWorks - \$20,790.00; NIXLE - \$1,500.00; Tyler Technologies CAD - \$16,000.00.

**Budget Requests** - \$0.75 wage increase (roughly 3%) for all operators across the board in order to reflect competitive wages. Current minimum rate is \$14.27/hr. and would like an increase to \$15.02/hr.

- Self-Contained Breathing Apparatus certifications expire next year. The Fire Department was successful in obtaining a Federal Assistance to Firefighters grant in the amount of \$110,545.00. Motion by Dawson, 2nd by Bloess to award the bids for self-contained breathing apparatus, fill station and compressor system to Feld Fire Equipment in the amount of \$260,013.36. All present in favor. Foster was absent.

**PUBLIC WORKS** - Thomas Oldham, Chairman; Lucas Richardson, Vice Chairman

## Strategic Planning Presentation: Street Division

Public Works Director Brenda Ardrey presented the strategic plan for the Street Division and gave an update on the rail spur which is complete and in service. An excess of \$1.8 Million remains from the \$10.1 Million grant received for the rail spur to be used to construct the transload facility.

### Fiscal Year 2023 Goals:

- Build streets that provide safe, affordable and attractive facilities for travel.
- Attract, retain and build a skilled workforce.
- Improve flow of vehicles, pedestrians and bicycles on all streets.
- Keep City streets in good repair.
- Conduct coordinated and targeted public outreach for distracted driving, work zone locations, and problem areas; driving while using cell phones and ipad's is an issue within school and work zones; share crash statistic information on problem areas.
- Implement a neighborhood traffic calming program; change driving behaviors; implement creative ideas to slow down traffic and initiate gateway programs.
- Complete streets, manage healthy trees, maintain culverts and catch basins, continue to fill cisterns, coal chutes, freight elevator shafts and below ground entryways as needed.

### 2022 Planned Projects – Completed or In-Process Year to Date

<u>Mill &amp; Overlay Streets – (Starting 11/1/2021):</u>	<u>Completed Contract 4 Sidewalks:</u>
- West 3 <sup>rd</sup> from South Ohio to South Park	- East 3 <sup>rd</sup> from Mill to Engineer
- West 16 <sup>th</sup> from South Park to South Warren	- South Engineer to Union Pacific Railroad
- South Grand from Broadway to Clinton Rd.	Right-of-Way and North to Saline
- Parking Lot & Alley at 3 <sup>rd</sup> and Lamine	- East 4 <sup>th</sup> from Thompson to Engineer
Moving Dirt for Police Dept. Shooting Range – 653 Loads	- East 5 <sup>th</sup> from Lamine to Engineer
Chip & Seal blocks – 162 blocks	- East 7 <sup>th</sup> from Ohio to Lafayette
Asphalt Repairs – Various base failures, Henry	- East Lafayette from 7 <sup>th</sup> to 5 <sup>th</sup>
Street Crossing, Pettis & Ohio, etc.	- South Montgomery from 3 <sup>rd</sup> to Broadway
Crack Seal Blocks (Begins After Parking Lot Work)	<u>Completed West 3<sup>rd</sup> from Quincy to Park. Working</u>
Replace Culvert Pipes	<u>On Contract 3 Sidewalks:</u>
Street Sweeping – 2,550 curb miles/4,809.5 yards	- East 9 <sup>th</sup> from Massachusetts to Ingram
Cisterns – 6 filled this year	- East 10 <sup>th</sup> from Ingram to Engineer
Concrete Sidewalk, Driveway Approaches and	- East 15 <sup>th</sup> from Engineer to Washington (Continues)
Clarendon Storm Box Failure Replacement and	- West 16 <sup>th</sup> from Ohio to Grand (Continues)
Repairs (City Staff)	- South Kentucky from 16 <sup>th</sup> to 13 <sup>th</sup> (Continues)
- 2018 Phase 1 Water Improvements Contract	<u>Tree Trimming:</u>
Area	- Winter weather and spring/fall storm damage
<u>Completed Contract 1 Sidewalks:</u>	- Limb failure due to heavy leaf and nut year.
- West 7 <sup>th</sup> from Ohio to Park	<u>Salt Used on Roadways:</u>
- West 2 <sup>nd</sup> from Park to Moniteau	- 2018 – 687 tons
- West 4 <sup>th</sup> from Dal-Whi-Mo to Kentucky	- 2019 – 1005.5 tons
- South Missouri from Main to Broadway	- 2020 – 703 tons
- South Quincy from 3 <sup>rd</sup> to Broadway	- 2021 – 530.5 tons
Working on 13 <sup>th</sup> Street Sidewalks (Continues)	

The mill and overlay project scheduled to start November 1, 2021 in the 16<sup>th</sup> & Grand area has been delayed as the company continues to finish other areas in Sedalia. The company doing the project will no longer be able to work at night, however, they have committed to the project being complete in 21 days. Signs in school zones are being tested with hi-reflective sign posts and the crosswalk patterns have been changed to a ladder style with additional crosswalks

added in main streets. Water mains are being replaced under sidewalks and are intended to last 50 years and is more cost effective than keeping the water mains under the roadways.

FY 2023 Maintenance: Maintain roadways, snow and ice removal, rebuilding truck routes, monitor bridges and bridge floors, pavement markings and signs, signal and sign repairs, non-roadway concrete repairs, public tree trimming and removal, ditch, culvert pipe, and catch basin maintenance and maintain existing asphalt alleys used for garbage collection. Annual planned maintenance includes in-house asphaltting (staff dependent), \$500,000.00 request for sidewalk replacement in the 353 areas and failed galvanized culvert pipe replacement.

#### Future Projects:

1. 32<sup>nd</sup> Street, US 65 & Clinton Rd. – Roadway improvements include intersection modifications; monitor for grants; work with MODOT on cost share.
2. West Main & US 65 – On/Off ramps and widening of 765 split to Liberty Park Blvd. to 4 lanes; monitor for grant opportunities; cost share with MODOT. Grand Avenue in this area needs to be 4 lanes to improve the area.
3. South Winchester Rd. & 16<sup>th</sup> Street Roundabout – New roadway provides alternative to Clarendon and South US 65; monitor for grant opportunities.
4. Main Street & North State Fair Blvd/Pro-Energy Drive/Cherry Tree Ln. – New roundabout at Main Street and Easement Acquisition Roadway Straightening at Pro-Energy Drive/Cherry Tree Ln./North State Fair Blvd.
5. Pedestrian and Bicyclist Safety/Accessibility – Sidewalk along US 65 from West 7<sup>th</sup> to Liberty Park Blvd on the east side; Sidewalk from US 50 Highway North to West 3<sup>rd</sup> & West 3<sup>rd</sup> to US 65 (in median island only); Pedestrian/bikeway from Katy Depot to Liberty Park along 3<sup>rd</sup> Street; Pedestrian/bikeway from Amtrak Depot to Katy Depot.
6. Widen Boonville Road from Harding Avenue to Sedalia Airport with new signals installed at Harding and US 50; Improve/widen Boonville Road from Harding Avenue to the Sedalia Rail Industrial Park.
7. 16<sup>th</sup> Street Corridor (Centennial Park to Missouri State Fairgrounds)
  - Bike lanes/sidewalks/curbs on the north/south sides from US 65 to Barrett.
  - Bike lanes/sidewalks/curbs on north/south sides from Barrett to Grand.
  - Mill and overlay roadway with bike lanes/sidewalks/curbs on the north/south sides from Ohio to New York.
8. General Roadway Improvements – Improve US 50 and Winchester intersection with dedicated turn lanes and signal improvements; Eastbound US 50 onto Northbound Massachusetts & Improve Overpass with widening of US 50/constructing left hand lane and lengthening Lamine to Hancock; US 65 and 765 intersection with lane and crossover modifications; US 65 and Sacajawea traffic light for emergencies and school bus traffic.
9. Extend Winchester from 16<sup>th</sup> roundabout to Sacajawea; Extend Cherry Tree Lane to Oak Grove Lane.

### **Strategic Planning Presentation: Sanitation Division**

Public Works Director Brenda Ardrey stated the Sanitation Division continues to stabilize and balance the enterprise fund. Fiscal Year 2023 Strategic Planning goals include: providing reliable, responsible and affordable collection service; attract/retain a skilled workforce; keep

the city healthy, safe and clean with community involvement; work with Code Enforcement regarding piles of bulky items set out by curbs with no pick up request and encourage renting containers; continue safety improvements with automated trucks, equipping older garbage trucks with LED lighting, installing backup cameras and automated braking systems.

The Sanitation Division provides 1 pick-up per week Tuesday through Friday and works 10 hour days. This year, 14,106,104 lbs. of trash has been collected. Recyclables can be taken to the Materials Management Site. Approximately 225,000 lbs. of recyclables have been collected and 553,160 lbs. collected during clean sweeps. There have been 252 Yard and tree debris pick-ups and 398 bulk item pick-ups. This year, there have been 11 residential demolitions with 6 pending and 59 abatement clean-ups. Sanitation equipment is in good working condition, but 2 rear loading trucks will need to be replaced. Electric garbage trucks have been researched as replacements and include grant programs and incentives for switching from diesel to electric.

Councilwoman Boggess suggested sending a reminder with water bills on how to rent containers for bulk items to help reduce leaving items by the curb. Public Works Director Brenda Ardrey stated that the pick-up schedule could be modified.

### **Strategic Planning Presentation: Mowing & Alley Maintenance**

Public Works Director Brenda Ardrey stated during the spring, summer and fall mowing occurs at the closed Sedalia landfill, Animal Shelter, wastewater plants and basins, water treatment plants, Springfork Lake, UP property, the Rail Spur, all City rights-of-way and around safety/out of sight locations along US 765/50/65 and they also remove brush and clean City ditches and alley ways. This year 1,318 City lots, 441 right-of-way's and 143 Code Enforcement lots were mowed with some areas mowed multiple times. Mowing and Alley Division also helps conduct abatement mowing, waste clean-ups, assists with demolitions, assists with downtown snow/ice removal, snow removal around City facilities and assists the Sanitation Department during winter months as needed.

- The water main replacement contractor in the area of 3<sup>rd</sup> and Warren has reached project completion. Change order 2 in the amount of \$14,355.20 is for estimated material adjustments and liquidated damages related to a past due completion date.

BILL NO. 2021-159, ORDINANCE NO. 11462 – AN ORDINANCE AUTHORIZING CHANGE ORDER NUMBER TWO FOR FINAL QUANTITY ADJUSTMENTS ON THE 3<sup>RD</sup> STREET AND WARREN AVENUE WATER MAIN REPLACEMENT PROJECT was read once by title.

2<sup>nd</sup> Reading – Motion by Oldham, 2<sup>nd</sup> by Leeman. All present in favor. Foster was absent.

Final Passage – Motion by Oldham, 2<sup>nd</sup> by Bloess. All present in favor. Foster was absent.

Roll Call Vote: Voting "Yes" were Leeman, Oldham, Dawson, Boggess, Richardson, Cross and Bloess. No one voted "No". Foster was absent.

- This year's budget includes storm water management improvements in the area of East 9<sup>th</sup>, South Hancock, East 12<sup>th</sup> and South Montgomery in the estimated amount of \$665,125.00. Staff recommends utilizing funds for the engineering portion of the improvements as construction will not occur this fiscal year and will be moved to next year. Wilson and Company engineering services for project areas 13 and 21 totals \$120,000.00.

BILL NO. 2021-160, ORDINANCE NO. 11463 – AN ORDINANCE AUTHORIZING A SCOPE OF SERVICES FOR ENGINEERING SERVICES RELATED TO THE DESIGN OF STORMWATER DRAINAGE IMPROVEMENTS was read once by title.

2<sup>nd</sup> Reading – Motion by Oldham, 2<sup>nd</sup> by Leeman. All present in favor. Foster was absent.

Final Passage – Motion by Oldham, 2<sup>nd</sup> by Leeman. All present in favor. Foster was absent.

Roll Call Vote: Voting “Yes” were Leeman, Oldham, Dawson, Boggess, Richardson, Cross and Bloess. No one voted “No”. Foster was absent.

**FINANCE & ADMINISTRATION** – Steve Bloess, Chairman; Rhiannon Foster, Vice Chairwoman

➤ According to state statutes, one Council Member from each ward is up for election each year, with the Mayoral election occurring every 4 years. By Ordinance, the City must call for an election for these positions.

BILL NO. 2021-161, ORDINANCE NO. 11464 – AN ORDINANCE CALLING A GENERAL ELECTION TO BE HELD ON APRIL 5, 2022 FOR THE PURPOSE OF ELECTING A MAYOR AND ONE COUNCILMAN FROM EACH OF THE FOUR WARDS IN THE CITY OF SEDALIA, MISSOURI was read once by title.

2<sup>nd</sup> Reading – Motion by Oldham, 2<sup>nd</sup> by Bloess. All present in favor. Foster was absent.

Final Passage – Motion by Oldham, 2<sup>nd</sup> by Leeman. All present in favor. Foster was absent.

Roll Call Vote: Voting “Yes” were Leeman, Oldham, Dawson, Boggess, Richardson, Cross and Bloess. No one voted “No”. Foster was absent.

### **Presentation: Health, Life, Dental and Vision Insurance**

Human Resources Director, Shannon Ramey-Trull presented information on insurance renewals for medical, dental, vision, life/supplemental and ancillary (Short-Term Disability, Accident, Critical Illness and Hospital Indemnity). The City's medical loss ratio is 112%, however would like it to be under 80%.

Medical Insurance: Initial renewal quotes from Blue Cross/Blue Shield came in at an increase of 30%. The City went back to Blue Cross with proposed changes. **Net Totals:** Renewal with no changes increase 29.7% or \$363,745 City-Wide; With proposed changes increase 13.1% or \$160,668 City-Wide.

#### Proposed Changes:

**PCB Blue Saver 3000 H.S.A.** – 156 employees enrolled; Increase deductible & out of pocket; make deductible & out of pocket imbedded; Rates: **City portion** - \$552.94 across the board; **Employee portion** - Employee only \$0.00, Employee/Spouse \$608.08, Employee/Child \$497.51, Family \$1,050.30.

**PCB PPO 3000** – 39 employees enrolled; Increase deductible & out of pocket; Decrease Coinsurance; Decrease copay for primary care visits & Increase copay for specialty & ER visits; Decrease generic drug copay & Increase name brands; Rates: **City portion** - \$554.31 across the board; **Employee portion** - Employee only \$0.00, Employee/Spouse \$609.58, Employee/Child \$498.75, Family \$1,052.92.

**PCB PPO 4500** – 14 employees enrolled; Increase deductible, out of pocket & copay for primary care visits; Rates: **City portion** - \$535.42 for Employee only and \$552.94 for Employee/Spouse,

Employee/Child and Family; **Employee portion** - Employee only \$0.00, Employee/Spouse \$571.27, Employee/Child \$464.22, Family \$999.48

**Preferred Care Blue 5000 – No employees enrolled; drop plan**

PCB Blue Saver 3000 H.S.A.				PCB PPO 3000			
	Current	Renewal	Proposed		Current	Renewal	Proposed
Deductible:				Deductible:			
In network	\$1500/\$3000		\$3000/\$6000	In network	\$1500/\$3000		\$3000/\$6000
Out of network	\$4500/\$9000		\$9000/\$18000	Out of network	\$1500/\$3000		\$5000/\$10000
Coinsurance	80%/50%		80%/50%	Coinsurance	70%/50%		80%/50%
Out of Pocket:				Out of Pocket:			
In network	\$3000/\$6000		\$6500/\$13000	In network	\$5000/\$10000		\$6500/\$13000
Out of network	\$10000/\$20000		\$19500/\$39000	Out of network	\$10000/\$20000		\$10000/\$20000
Office Visit	D/C		D/C	Office Visit	\$30/\$50		\$0/\$100
Urgent Care	D/C		D/C	Urgent Care	\$50		\$50
ER Copay	D/C		D/C	ER Copay	\$150		\$250
Drugs:				Drugs:			
Deductible	\$0		\$0	Deductible	\$0		\$0
Retail: Tier 1/2/3	Ded		Ded	Retail: Tier 1/2/3	\$15/\$45/\$70		\$5/\$50/\$100
Mail: Tier 1/2/3	Ded		Ded	Mail: Tier 1/2/3	\$37.50/\$112.50/\$175		\$12.50/\$125/\$250
Employee	487.96	629.42	552.94	Employee	521.40	672.56	554.31
Emp/Spouse	1,024.72	1,321.79	1,161.02	Emp/Spouse	1,093.71	1,410.79	1,163.89
Emp/Children	927.11	1,195.89	1,050.45	Emp/Child(ren)	989.55	1,276.43	1,053.06
Family	1,415.07	1,825.31	1,603.24	Family	1,510.36	1,948.24	1,607.23

PCB PPO 4500			
	Current	Renewal	Proposed
Deductible:			
In network	\$3000/\$6000		\$4500/\$9000
Out of network	\$5000/\$10000		\$9000/\$18000
Coinsurance	80%/50%		80%/50%
Out of Pocket:			
In network	\$6500/\$13000		\$7500/\$15000
Out of network	\$10000/\$20000		\$15000/\$30000
Office Visit	\$0/\$100		\$25/\$100
Urgent Care	\$50		\$50
ER Copay	\$250		\$250
Drugs:			
Deductible	None		None
Retail: Tier 1/2/3	\$5/\$50/\$100		\$5/\$50/\$100
Mail: Tier 1/2/3	\$12.50/\$125/\$250		\$12.50/\$125/\$250
Employee	435.95	562.60	535.42
Emp/Spouse	915.50	1,181.46	1,124.21
Emp/Child(ren)	828.31	1,068.94	1,017.16
Family	1,264.26	1,631.53	1,552.42

**Voluntary Benefits:**

**Vision Insurance** – No rate changes; staying with BlueVue.

**Voluntary Life** – No rate changes; moving from The Standard to Principal

**Dental** – Rate decrease with both plans; moving from Delta Dental to Principal

**Dental Base Plan Decrease:** Employee Coverage – (\$1.18); Employee/Spouse – (\$2.58); Employee/Children – (\$2.58); Family – (\$4.40).

**Dental Buy-Up Plan Decrease:** Employee Coverage – (\$3.90); Employee/Spouse – (\$7.76); Employee/Children – (\$7.76); Family – (\$13.94).

**COMMUNITY DEVELOPMENT** – Andrew Dawson, Chairman; Jeff Leeman, Vice Chairman – No Report

**APPOINTMENTS:** None

**BIDS:**

- Self-Contained Breathing Apparatus – October 15, 2021
- Breathing Air System & Containment Fill Station – October 15, 2021

**LIQUOR LICENSES:**

The following renewal Liquor Licenses were read and approved on motion by Oldham, seconded by Leeman. All present in favor. Foster was absent.

- \*Jenna House dba State Fair Eagle Stop, 1515 Thompson Blvd., Packaged Liquor & Sunday Sales
- \*Justin Reith dba Woods Express #570, 703 E Broadway, Packaged Liquor & Sunday Sales

**MISCELLANEOUS ITEMS FROM MAYOR/COUNCIL/ADMINISTRATOR:**

Councilman Oldham congratulated Matt Irwin on his promotion to Fire Chief.

**GOOD & WELFARE:** None

The meeting adjourned at 8:46 p.m. on motion by Leeman, seconded by Oldham to a closed door meeting in the upstairs Conference Room pursuant to subsections 1 (Legal Advice), 2 (Real Estate) and 3 (Personnel Matters) of Section 610.021 RSMo. Roll Call Vote: Voting "Yes" were Leeman, Oldham, Dawson, Boggess, Richardson, Cross and Bloess. No one voted "No". Foster was absent.

The regular meeting reopened at 9:59 p.m. on motion by Oldham, seconded by Leeman. All present in favor. Foster was absent.

**ROLL CALL:**

Jeff Leeman	Present	Lucas Richardson	Present
Thomas Oldham	Present	Bob Cross	Present
Andrew Dawson	Present	Rhiannon Foster	Absent
Tina Boggess	Present	Steve Bloess	Present

The regular meeting adjourned at 10:00 p.m. on motion by Oldham, seconded by Richardson. All present in favor. Foster was absent.

THE CITY OF SEDALIA, MISSOURI

  
 \_\_\_\_\_  
 John Kehde, Mayor

  
 \_\_\_\_\_  
 Arlene Silvey, MPCC City Clerk





Let's Cross Paths

PLANNING & ZONING COMMISSION

Wednesday, July 28, 2021

Council Chambers

5:30 pm

The Planning & Zoning Commission of Sedalia, Missouri met on May 12, 2021 at 5:30 at the Municipal Building in the Council Chambers with Chairman Kevin Wade presiding.

Planning & Zoning Commission

Greg Nehring	Absent	Jeff Leeman	Absent
Ann Richardson	Present	Teresa McDermott	Absent
John Kehde	Present	Brenda Ardrey	Present
Valerie Bloess	Present	Connie McLaughlin	Present
Kevin Wade	Present	Jordan Tatum	Present
Chris Marshall	Present		

STAFF:

John Simmons  
Devin Lake  
Jilene Streit

Kevin Wade, Chairman called the meeting to order & opened the public hearing.

- John Simmons introduced Adam Jones with PGAV to go over the Comprehensive Plan.

- Changes:
- Page 2 – Community Development *Director*
  - Page 22 – add in descriptions – Bothwell Lodge State Historic Park, Katy Trail State Park as DNR maintained & State Fairgrounds
  - Page 22 – Descriptions under Housel Park – no splash pad, add concession stand. Hubbard Park – add splash pad & remove concession stand.
  - Make all keys & legends larger
  - Page 36 – Expand buffer zone of inflow/outflow of jobs
  - Page 56 – Enlarge map & change colors
  - Page 57 – Add zoning key
  - Page 58 – Enlarge housing graphic
  - Page 66 – Single Family Residential needs to be moved to #3 from #2
  - Page 67 – Zoning to be updated
  - Page 70 – correct spelling of accommodation
  - Page 73 – chart out of order
  - Page 74 – add office space in chart
  - Page 83 – remove (not shown) under #1

- Public Hearing closed at 7:03 pm

- Ann Richardson made the motion to accept the minutes from the July 14, 2021 meeting. Connie McLaughlin seconded the motion. All approved.

**Old Business:**

Comprehensive Plan -

- Ann Richardson made the motion to accept the Comprehensive Plan with the following edits. Chris Marshall seconded the motion.

Page 2 – Community Development *Director*

Page 22 – add in descriptions – Bothwell Lodge State Historic Park, Katy Trail State Park as DNR maintained & State Fairgrounds

Page 22 – Descriptions under Housel Park – no splash pad, add concession stand. Hubbard Park – add splash pad & remove concession stand.

Page 36 – Expand buffer zone of inflow/outflow of jobs

Page 37 – ESRI data from 2020

Page 56 – Enlarge map & change colors

Page 57 – Add zoning key

Page 58 – Enlarge housing graphic

Page 66 – Single Family Residential needs to be moved to #3 from #2

Page 67 – Zoning to be updated

Page 70 – correct spelling of accommodation

Page 73 – chart out of order

Page 74 – add office space in chart

Page 83 – remove (not shown) under #1

Enlarge keys & legends to all maps

All approved. YES – 7; NO – 0.

**New Business:**

- None

**Other Business:**

Next meeting – TBD

Ann Richardson made the motion to adjourn the meeting. Teresa McDermott seconded. All approved.

TRAFFIC ADVISORY COMMISSION MEETING

OCTOBER 13, 2021

The Traffic Advisory Commission duly met on Wednesday, October 13, 2021 at 12:00 p.m. at the City of Sedalia Municipal Building. The meeting was called to order by Chairman Esquivel.

ROLLCALL:

Members		Ex-Officio Members	
Deidre Esquivel	Present	AJ Silvey	Not Present
James Callis	Present	Matt Irwin	Not Present
John Rucker	Present	Brenda Ardrey	Present
Dennis Henderson	Present		
Byron Matson	Present	Secretary	Elizabeth Nations
Sherry Broyles	Not Present		
Charles Leftwich	Not Present		

Guests: City Administrator Kelvin Shaw and Mayor John Kehde

There were no minutes to approve

OLD BUSINESS:

None

NEW BUSINESS:

None

OTHER ITEMS FOR DISCUSSION:

There was general discussion about the following items:

The upcoming Mill and Overlay Project on Grand Avenue from Broadway to Clinton Road, and 3<sup>rd</sup> St. from Park Avenue to Ohio Avenue and from Park Avenue to Warren Avenue.

Clarendon Road repair.

Water main breaks and continued replacement projects.

New residential and commercial developments.

Traffic at various MoDot intersections.

The remarking of crosswalks in school zones and new types of mid-street signage for these zones.

Other miscellaneous road improvements.

The next meeting date is November 10, 2021

The meeting adjourned at 12:51 p.m.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE PERSONNEL REGULATIONS MANUAL OF THE CITY OF SEDALIA, MISSOURI BY REMOVING SECTION 8.3 (DISCIPLINARY HEARING) AND APPENDIX B (CITY WARD MAP) AND ADDING SECTION 6.3B (VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE POLICY).**

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 8.3 (Disciplinary Hearing) and Appendix B (City Ward Map) are hereby deleted.

**Section 2.** Section 6.3B is hereby added to the Personnel Regulations Manual to read as follows:

**“Sec. 6.3B. Victims of Domestic and Sexual Violence Policy.**

- a) An employee who is a victim of domestic or sexual violence or a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address such violence by:
  - (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s family or household member;
  - (2) Obtaining services from a victim services organization for the employee or the employee’s family or household member;
  - (3) Obtaining psychological or other counseling for the employee or the employee’s family or household member;
  - (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee’s family or household member from future domestic or sexual violence or to ensure economic security; or
  - (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- (b) Leave Time:
  - (1) Employees are eligible to take unpaid leave if: (1) they are victims of domestic or sexual violence; or (2) they have a family or household member who is a victim of domestic or sexual violence. Employee will be required to provide Human Resources with certification. The amount an eligible employee may take of unpaid leave is two (2) workweeks.
  - (2) The leave time stated above cannot extend the 12 workweeks allowed under the Family Medical Leave Act.
  - (3) Leave time can be taken intermittently or on a reduced work schedule basis.

(4) The City shall maintain coverage for the employee and any family or household member under any group health plan for the duration of the leave and at the level and under the condition's coverage would have been provided if the employee had not taken leave. If the employee fails to return from leave after the period of leave has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, sexual assault, or human trafficking, the City may recover from the employee the premium that the City paid for maintaining any group health plan while employee was on leave. If the employee fails to return to work for the reasons listed above, employee is required to provide Human Resources with a certification and documentation.

(5) Employee is entitled, on return from the leave, to be restored to the position employee held prior to when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

(6) The City may require that employee provide periodic updates to Human Resources on the status and intention of the employee to return to work while on leave.

(c) Process to Take Leave:

(1) Employee shall provide Human Resources with at least 48 hours advance notice of the employee's intent to take leave, unless providing such notice is not practicable.

(2) If an unscheduled absence occurs, the City will not take action against the employee if the employee provides certification below within 48 hours of the unscheduled absence or such other time period that the City deems reasonable.

(e) Certification – The employee must provide the employee's Human Resources with a sworn statement that either: (1) employee is a victim of domestic or sexual violence; or (2) employee's family or household member is a victim of domestic or sexual violence. The sworn statement must be accompanied by one or more of the following:

(1) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;

(2) A police or court record of the domestic or sexual violence; or

(3) Other corroborating evidence.

(f) Confidentiality – All information provided to the City, including the employee's sworn statement and certification documents, and the fact that the employee requested leave under this section shall be retained by the City in the strictest confidence, except to the extent that disclosure is requested or consented to in writing by the employee or by applicable federal or state law.

(g) Reasonable Accommodations – The City shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence. If the accommodation would impose an undue hardship on the

operation of the City, then the City shall not be required to provide said accommodation upon demonstrating the undue hardship.”

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council, and passed by the Council of the City of Sedalia, Missouri, this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk by  
Jason S. Myers, Deputy City Clerk



Let's Cross Paths

## City of Sedalia

Human Resources Department  
200 S. Osage  
Sedalia, MO 65301  
(660) 827-3000 [www.sedalia.com](http://www.sedalia.com)

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November 1, 2021

City Administrator Shaw,

The Human Resources Department is requesting an update to the Personnel Policies Manual. As you are aware, there are several policy updates, additions, changes and revisions that are needing to be made to our current version of the Personnel Policies Manual.

A few changes that are currently being recommended are:

- Addition of the new Missouri State Law, Domestic Violence Leave and Accommodations Law. This was released in August 2021 with 2 requirements. 1) A notice must be given to all employees. This was completed in August of 2021. 2) A policy update made in the Personnel Policies. By adding this policy, the City will have met the requirements of notifying employees of this law.
- Removal of the Ward Map as it is out of date.
- Removal of Policy 8.3 Disciplinary Hearing. The Human Resources Department believes that this policy is out of date. Terminations are taken very seriously. When an employee is facing termination, an investigation is conducted and the HR department ensures that we doing our due diligence. Employees are given the opportunity to give their statement and provide information prior to a decision being made. When necessary, legal counsel is notified and a review and guidance is requested. Therefore, it is believed that this policy is no longer necessary.

Sincerely,

Shannon Ramey-Trull  
Human Resources Director



Let's Cross Paths

## City of Sedalia

Finance Department  
200 S. Osage  
Sedalia, MO 65301  
(660) 827-3000 [www.sedalia.com](http://www.sedalia.com)

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# Memo

Date: November 2, 2021

To: Kelvin Shaw, City Administrator

From: Dawn Jennings, Finance Director

Re: Award bid for audit services

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On September 18, 2021, the City sent out a Request for Proposal for Audit Services. On October 26, 2021, the four (4) proposals were opened, with Williams-Keepers LLC being the lowest and best bid provided for the three (3) audit year ending periods requested. A copy of the completed Bid Tabulation is attached hereto.

For in excess of twenty (20) years the City has utilized the services of the same firm for audit services for both the general city-wide audit as well as the audit of the water department, which was previously a separate component unit. A prudent practice warrants a fresh set of eyes to increase the independence and objectivity of the audit process.

Staff has worked with Williams-Keepers LLC for the last two (2) audits of the Fire Pension Fund and is familiar with their general practices and use of technology to increase the efficiency of the audit process. The firm also came recommended by the cities of Fulton and Moberly who have utilized their services for the city-wide audit.

As a side note, given that the other bidders were not afforded the opportunity to bid, Williams-Keepers LLC has also agreed to reduce their fee for the audit of the Fire Pension Fund to the sum of \$5,000 for the next three (3) years, which is one-half (1/2) of the present rate.

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Action Requested: Motion for approval of the Proposal for Audit Services from Williams-Keepers LLC dated October 25, 2021, and permission for the Finance Director to execute any and all documentation necessary to utilize their services for audit services for the fiscal years ending 2022, 2023, and 2024.



**Bid Tabulation**

Annual Audit

October 26, 2021 3:00 p.m.

Mayor's Conference Room

	BT&Co., P.A.	CliftonLarsonAllen LLP	Gerding, Korte & Chitwood	Williams Keepers LLC
<u>Audit Fees</u>				
<b>Year Ended March 31, 2022</b>				
City	52,000.00	46,500.00	44,800.00	45,000.00
Single Audit	4,000.00	5,000.00	3,000.00	-
<b>Total</b>	<b>56,000.00</b>	<b>51,500.00</b>	<b>47,800.00</b>	<b>45,000.00</b>
<b>Year Ended March 31, 2023</b>				
City	\$53,500.00	\$47,900.00	\$46,200.00	\$46,500.00
Single Audit	\$4,000.00	\$5,150.00	\$3,000.00	-
<b>Total</b>	<b>\$57,500.00</b>	<b>\$53,050.00</b>	<b>\$49,200.00</b>	<b>\$46,500.00</b>
<b>Year Ended March 31, 2024</b>				
City	\$55,000.00	\$49,340.00	\$47,600.00	\$48,000.00
Single Audit	\$4,000.00	\$5,300.00	\$3,000.00	-
<b>Total</b>	<b>\$59,000.00</b>	<b>\$54,640.00</b>	<b>\$50,600.00</b>	<b>\$48,000.00</b>
Year Ended March 31, 2022	56,000.00	51,500.00	47,800.00	45,000.00
Year Ended March 31, 2023	\$57,500.00	\$53,050.00	\$49,200.00	\$46,500.00
Year Ended March 31, 2024	\$59,000.00	\$54,640.00	\$50,600.00	\$48,000.00
<b>Three Year Totals</b>	<b>172,500.00</b>	<b>159,190.00</b>	<b>147,600.00</b>	<b>139,500.00</b>

Notes:

Single audit - per major program

Single audit - one major program included

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AN AGREEMENT FOR WALL AND FLOOR RESURFACING AT THE SEDALIA ANIMAL SHELTER.**

**WHEREAS**, the City of Sedalia, Missouri has received a proposal from Epoxy Coating Specialists for the resurfacing of walls and floors at the Sedalia Animal Shelter; and

**WHEREAS**, under the proposal, the City of Sedalia, Missouri shall pay the sum and amount of Fifty-Three Thousand Eight Hundred Dollars (\$53,800.00) to Epoxy Coating Specialists for the resurfacing of walls and floors at the Sedalia Animal Shelter as more fully described in the agreement attached as Exhibit A and incorporated by reference herein.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** The Council of the City of Sedalia, Missouri hereby approves and accepts the agreement by and between the City of Sedalia, Missouri and Epoxy Coating Specialists in substantively the same form and content as it has been proposed.

**Section 2.** The Mayor is authorized and directed to execute and the City Clerk is hereby authorized and directed to attest and fix the seal of the City of Sedalia, Missouri on the agreement in substantively the same form and content as it has been proposed.

**Section 3.** The City Clerk is hereby directed to file in her office a duplicate or copy of the agreement after it has been executed by the parties or their duly authorized representatives.

**Section 4.** This ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
By Jason S. Myers, Deputy City Clerk

**AGREEMENT BETWEEN CITY OF SEDALIA  
AND EPOXY COATING SPECIALISTS**

This Agreement is made \_\_\_\_ day of \_\_\_\_\_, 2021, in the City of Sedalia, Missouri, ("City") by and between Epoxy Coating Specialists ("Contractor"), 3940 S. Ferree, Kansas City, KS 66103, and City.

WHEREAS, the City wishes to install new flooring for the City Animal Shelter and received a proposal from Epoxy Coating Specialists, which is hereby incorporated and referenced to as **Exhibit A**; and,

WHEREAS, Contractor represents and warrants that it is qualified to perform the Services required by City as set forth under this Agreement;

Now, THEREFORE, the Contractor and City enter into this agreement and agree as follows:

1. **Services.** Contractor will provide all labor, material, equipment, insurance and supervision required for an installation generally described as follows:

System: RIO Full Flake System with high traffic urethane topcoat.

Area: Animal Shelter Flooring. Includes Adoption (25 runs), Main Hallway, Bite Hallway, Bite Runs (6), ISO hallway, Holding (10 runs), and Quarantine (6 runs). Total area of 2,254 square feet of flooring and 2,596 square feet of walls.

Procedures: Diamond grind preparation method.  
Pre-fill joints, cracks, and other imperfections.  
Application of Flooring System; 5-7 Day application schedule.

Exclusions: Pitching and/or sloping concrete to drains.  
Major concrete patching which includes anything deeper than ¼" or larger than ½" wide. All cracks and pits will be pretreated.  
Does not included demo or re-install of cove base. Any existing rubber base must be removed prior to Contractor's arrival.

Schedule: Based on completing all work in TWO continuous mobilizations.  
Based on completing during a regular work week; Monday - Friday, 7:00 AM - 5:00 PM work schedule.

Price: Furnished and installed for the sum of \$53,800.00 (sales tax NOT included)

Terms: Power provided by owner: 480V; 3 phase 50 amps; 110V 20-amp multiple locations.  
Area to be cleaned, sanitized, and completely dry for Contractor to begin work.  
City agrees to provide a receptacle for waste.  
City is responsible for removing all run doors prior to Contractor's arrival.  
Payment within twenty (20) days of Contractor's project completion.

If applicable, all state, city and county sales taxes should be added to the amount quoted in this proposal.

2. **Term.** The installation services provided in Paragraph 1 shall be completed no later than February 20, 2021.
3. **Project Costs.** The expected project costs are outlined in **Exhibit A** and under Services in Paragraph 1. Contractor will submit a final invoice after installation and satisfaction approval from City. Final invoice submitted by Contractor shall be paid within twenty (20) calendar days of receipt. NOTE: A Project Exemption Certificate is required for Sales/Use Tax Exemption; if applicable, a copy of document will be supplied.
4. **Warranty.** For a period of one (1) year from the date of substantial completion of Contractor's work covered hereby or from acceptance of any alleged faulty material or improper workmanship, whichever is earlier, Contractor agrees to replace any faulty materials furnished by Contractor and to repair any improper workmanship performed by Contractor subject to and this warranty is expressly conditioned on Contractor's promptly receiving written notice from City of any such defects or any improper workmanship, and an opportunity to inspect the same prior to their being disturbed or otherwise moved.

For a period of three (3) years from the date of substantial completion of Contractor's work covered hereby, Contractor agrees to extend the normal warranty to three years and agree to replace or repair scratches that scratch through the resinous flooring system – meaning if scratches go through the resinous system and show exposed concrete the Contractor will repair. Extended 3 year warranty does not warranty scratches in the clear top coat.

Instead of replacing such materials or repairing such workmanship, all of Contractor's obligations under this paragraph can be satisfied at Contractor's option by refunding the cost of such defective materials or improper workmanship if Contractor has been previously paid or by issuing a credit memo for such amount if Contractor has not been previously paid. Contractor's liability and responsibility is limited to such repair, replacement or refund, but under no circumstances shall Contractor's responsibility or liability exceed the amount Contractor is entitled to receive for performing this work.

Contractor will issue its warranty to City upon completion of this contract in the same form, attached hereto and identified as **Exhibit B**. Contractor's warranty extends only to the extent and to the materials and workmanship which are expressly described in the sample warranty attached hereto. Contractor shall not be obligated to perform any warranty work provided for in this agreement until all sums of principal and interest payable under this contract have been paid in full.

5. **Insurance.** While performing services under this Agreement, Contractor agrees to maintain the following levels of insurance: (a) Commercial General Liability of at least \$1,000,000; (b) Automobile Liability of at least \$1,000,000; (c) Professional Liability of at least \$1,000,000; (d) Workers Compensation complying with applicable statutory requirements; and (e) Excess/Umbrella Liability of at least \$5,000,000. Contractor will add City as an additional insured to our Commercial General Liability and Excess/Umbrella Liability policy. Contractor will provide City with copies of certificates of insurance upon your written request.
6. **Termination.** The City may terminate this Agreement by giving a written termination notice to Contractor and, on the date specified in such notice, all rights of Contractor under this Agreement shall terminate.
7. **Subcontractors.** Contractor will not subcontract any services under this Agreement without City's prior written consent, not to be unreasonably withheld.
8. **Binding Effect; No Assignment.** This Agreement shall be binding on, and shall be for the benefit of, either City's or Contractor's successor(s) or permitted assign(s). Neither party may assign this Agreement without the prior written consent of the other party.
9. **Severability.** If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement will be considered valid and enforceable to the fullest extent permitted by law.
10. **Nondiscrimination.** Pursuant to the Missouri Human Rights Act, the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, Contractor covenants that it shall not discriminate against any employee or applicant for employment with respect to the hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of a person's race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law and with respect to non-discrimination in public accommodations as it relates to accommodations, advantages, facilities, services, or privileges made available in places of public accommodation. Furthermore, Contractor agrees to comply with applicable federal laws, regulations, and executive orders prohibiting discrimination based on protected characteristics in the provision of services.

11. **Indemnification.** Contractor agrees, to the extent permitted by law, to defend, indemnify, and hold harmless City, its office holders, employees, and agents, from and against any and all claims, liabilities, losses and expenses (including reasonable attorney' s fees) directly, indirectly, wholly or partially arising from or in connection with any act or omission of Contractor, its officers, directors, employees or agents, or any other person affiliated with Contractor on matters arising out of or relating to this Agreement.
12. **Entire Agreement.** This Agreement represents the entire agreement between the City and Contractor with respect to the subject matter hereof, and supersedes any prior agreements, understandings, and representations, whether written, oral, expressed, implied, or statutory.
13. **Modification.** This Agreement may only be modified by a written amendment signed by an authorized representative of each party.
14. **No Waiver.** If the terms and conditions of this Agreement are not strictly enforced by either party, such non-enforcement will not act as or be deemed to act as a waiver or modification of this Agreement, nor will such non-enforcement prevent such party from enforcing every term of this Agreement thereafter.
15. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Missouri, without regard to its rules on conflicts of law.
16. **Authorized Signatures.** Each party represents to the other that the signatory set forth below is duly authorized to bind that party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this contract to bind themselves, their partners, as successors, and legal representative of the day and year first above written.

**City of Sedalia, Missouri**

**Epoxy Coating Specialists**

\_\_\_\_\_  
John Kehde, Mayor

\_\_\_\_\_  
Luke McNeil

Attest:

\_\_\_\_\_  
Arlene Silvey, City Clerk

**EXHIBIT A**

**PROPOSAL**

**EXHIBIT B**

**WARRANTY**



To: City Council

Through: Kelvin Shaw

From: Randi Battson

Date: 11/1/2021

Subject: Contract for removal and application of kennel walls and flooring

Bids were opened in July for the Animal Shelter kennel flooring and walls resurfacing project. Only one bid was received. I've worked with this company for the last several months to get the bid to match our budget, and to come to an agreement on the contract. The final bid included: Adoption (25 runs), Main Hallway, Bite Hallway, Bite Runs (6), ISO hallway, Holding (10 runs), and Quarantine (6 runs). Total area of 2,254 square feet of flooring and 2,596 square feet of walls. This agreement also includes a 1 year warranty as well as a 3 year extended warranty on scratches within the product. Total cost of labor and materials bid was \$53,800.00. The budgeted amount for this project was \$50,000.

Taking into consideration that building materials have drastically increased since the discussion and completion of the budget took place I am grateful to come within \$3,000 of our budget. The current state of the shelter floors and walls will not pass an inspection from the Missouri Department of Agriculture. As mentioned in the strategic planning they must be resurfaced in order to meet the state's standards and guidelines for animal shelters. Therefore I recommend accepting this bid.

Randi Battson

Animal Shelter Manager

## RESOLUTION \_\_\_\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDALIA, MISSOURI AUTHORIZING THE ACCEPTANCE OF A GRANT BY THE SEDALIA POLICE DEPARTMENT FROM THE MISSOURI DEPARTMENT OF PUBLIC SAFETY AND HOMELAND SECURITY FOR A THERMAL IMAGING MONOCULAR.**

**WHEREAS**, the Sedalia Police Department is eligible to accept a grant from the Missouri Department of Public Safety and Homeland Security for a thermal imaging monocular; and

**WHEREAS**, said funding has been approved and the Missouri Department of Public Safety and Homeland Security has awarded a grant to the City of Sedalia, Missouri in the amount of Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00) for a thermal imaging monocular to help support state and local efforts to prevent terrorism and other catastrophic events.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** The Sedalia Police Department is hereby authorized to accept the grant funding from the Missouri Department of Public Safety and Homeland Security for a thermal imaging monocular.

**Section 2.** The Council of the City of Sedalia, Missouri hereby approves and accepts the agreement by and between the City of Sedalia, Missouri and the Missouri Department of Public Safety and Homeland Security in substantially the same form and content as the agreement has been proposed.

**Section 3.** The City Clerk is hereby directed to file in her office a duplicate or copy of the document after it has been executed by the parties or their duly authorized representatives.

**Section 4.** This resolution shall be in full force and effect from and after its passage and approval.

**PASSED** by the Council of the City of Sedalia, Missouri, this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk by  
Jason S. Myers, Deputy City Clerk



Missouri Department of Public Safety  
 Office of Homeland Security  
 Division of Grants  
 P.O. Box 749, Jefferson City, MO 65101  
 Telephone: 573-526-6125 Fax: 573-526-9012

**SUBAWARD AGREEMENT**

SUBRECIPIENT NAME Sedalia Police Department		DATE 10/22/2021	
ADDRESS 200 W. 2 <sup>nd</sup> St.		FEDERAL IDENTIFICATION NUMBER EMW-2021-SS-00038	OHS CONTROL NUMBER 43
CITY Sedalia		STATE MO	ZIP CODE 65301
TOTAL AMOUNT OF THE FEDERAL AWARD \$4,990.00		AMOUNT OF FEDERAL FUNDS OBLIGATED BY THIS ACTION \$4,990.00	
TOTAL AMOUNT OF FEDERAL FUNDS OBLIGATED TO THE SUBRECIPIENT \$4,990.00		TOTAL APPROVED COST SHARING OR MATCHING \$0	
PROJECT PERIOD FROM 09/01/2021	PROJECT PERIOD TO 08/31/2022	FEDERAL AWARD DATE 09/01/2021	
PROJECT TITLE FY 2021 SHSP CTO – Sedalia Police Department		FUNDED BY FY 2021 Homeland Security Grant Program	
FEDERAL AWARDOING AGENCY Department of Homeland Security	PASS THROUGH ENTITY MO Department of Public Safety/Office of Homeland Security	IS THIS AWARD R&D YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	INDIRECT COST RATE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> AMOUNT
CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER 97.067		METHOD OF PAYMENT (Reimbursement -- Advanced) Reimbursement	
CONTACT INFORMATION			
OHS GRANT SPECIALIST		SUBRECIPIENT PROJECT DIRECTOR	
NAME Chelsey Call		NAME Matthew Wirt, Chief of Police	
E-MAIL ADDRESS Chelsey.Call@dps.mo.gov		ADDRESS (If different from above) 300 W. 3 <sup>rd</sup> St.	
TELEPHONE (573) 526-9203		CITY, STATE AND ZIP CODE Sedalia, MO 65301	
PROGRAM MANAGER Joni McCarter		TELEPHONE (660) 827-7823	E-MAIL ADDRESS mwirt@sedaliapolice.com
SUMMARY DESCRIPTION OF PROJECT The purpose of the FY 2021 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goals to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization or community, but rather, require the combined effort of the whole community. These funds are dedicated towards equipment purchases for agency's employing a member of the Missouri Office of Homeland Security Counter Terrorism Officer Program. Counter Terrorism Officers are specially trained officers of local law enforcement agencies that provide a level of expertise to their agency and community with regards to terrorism prevention, response, and mitigation. Funding for this project will be utilized for the purchase of a Thermal Imaging Monocular.			
AWARDING AGENCY APPROVAL		SUBRECIPIENT AUTHORIZED OFFICIAL	
TYPED NAME AND TITLE OF DPS OFFICIAL Sandra K. Karsten, Director		TYPED NAME & TITLE OF SUBRECIPIENT AUTHORIZED OFFICIAL John Kehde, Mayor	
SIGNATURE OF APPROVING DPS OFFICIAL	DATE	SIGNATURE OF SUBRECIPIENT AUTHORIZED OFFICIAL	DATE

GRANT PROGRAM FY 2021 State Homeland Security Grant Program	SUBRECIPIENT Sedalia Police Department
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**THIS SUBAWARD IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH ON THE ATTACHED SPECIAL CONDITION(S). BY SIGNING THIS SUBAWARD AGREEMENT THE SUBRECIPIENT IS AGREEING TO READ AND COMPLY WITH ALL SPECIAL CONDITIONS.**

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**Article I – Summary Description of Award**

The purpose of the FY 2021 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.

**Article II – Procurement of Recovered Materials**

Subrecipients must comply with section 6002 of the *Solid Waste Disposal Act*, Pub. L. No. 89-272 (1965), (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article III – Whistleblower Protection Act**

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

**Article IV - Use of DHS Seal, Logo and Flags**

Subrecipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article V - USA Patriot Act of 2001**

Subrecipients must comply with requirements of Section 817 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

**Article VI – Universal Identifier and System of Award Management**

Subrecipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article VII – Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the subrecipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions

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**Article VIII – Rehabilitation Act of 1973**

Subrecipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article IX – Trafficking Victims Protection Act of 2000 (TVPA)**

Subrecipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) (codified as amended by 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**Article X – Terrorist Financing**

Subrecipients must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the subrecipients to ensure compliance with the Order and laws.

**Article XI – SAFECOM**

Subrecipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article XII – Reporting Subawards and Executive Compensation**

Subrecipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F. R. Part 170, Appendix A, the full text of which is incorporated here by the reference in the award terms and conditions.

**Article XIII – Debarment and Suspension**

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180, as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs and activities.

**Article XIV - Copyright**

Subrecipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U. S. Government sponsorship (including award number) to any work first produced under federal financial assistance awards.

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**Article XV – Civil Rights Act of 1964 - Title VI**

Subrecipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**Article XVI – Best Practices for Collection and Use of Personally Identifiable Information (PII)**

Subrecipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

**Article XVII – Americans with Disabilities Act of 1990**

Subrecipients must comply with the requirements of Titles I, II and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended 42 U.S.C. §§ 12101-12231), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

**Article XVIII – Age Discrimination Act of 1975**

Subrecipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

**Article XIX - Activities Conducted Abroad**

Subrecipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

**Article XX – Acknowledgement of Federal Funding from DHS**

Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

**Article XXI – Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

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DHS/OHS financial assistance subrecipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2 Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

**Article XXII – Patents and Intellectual Property Rights**

Subrecipients are subject to the *Bayh-Dole Act*, 35 U.S.C. § 200 et seq., unless otherwise provided by law. Subrecipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**Article XXIII – Notice of Funding Opportunity Requirements**

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All subrecipients must comply with any such requirements set forth in the program NOFO.

**Article XXIV - Non-Supplanting Requirement**

Subrecipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

**Article XXV – Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS/OHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS/OHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Subrecipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS/OHS programs.

**Article XXVI – National Environmental Policy Act**

Subrecipients must comply with the requirements of the *National Environmental Policy Act of 1969*, Pub. L. No. 91-190 (1970) (codified as amended at 43 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**Article XXVII - Lobbying Prohibitions**

Subrecipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the subrecipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to the federal award or contract, including any extension, continuation, renewal, amendment, or modification.

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**Article XXVIII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Subrecipients must comply with the *Title V of the Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article XXIX - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. § 2225a, subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974* (codified as amended at 15 U.S.C. § 2225).

**Article XXX - Fly America Act of 1974**

Subrecipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974*, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

**Article XXXI – Federal Leadership on Reducing Text Messaging while Driving**

Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.

**Article XXXII - Federal Debt Status**

All subrecipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

**Article XXXIII - False Claims Act and Program Fraud Civil Remedies**

Subrecipients must comply with the requirements of the *False Claims Act*, 31 U.S.C. §§ 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

**Article XXXIV - Energy Policy and Conservation Act**

Subrecipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

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**Article XXXV – Education Amendments of 1972 (*Equal Opportunity in Education Act*) – Title IX**  
Subrecipients must comply with the requirements of Title IX of the *Education Amendments of 1972*, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

**Article XXXVI - Duplication of Benefits**  
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude subrecipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

**Article XXXVII - Drug-Free Workplace Regulations**  
Subrecipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the *Drug-Free Workplace Act of 1988* (41 U.S.C. §§ 8101-8106).

**Article XXXVIII - Civil Rights Act of 1968**  
Subrecipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

**Article XXXIX – Disposition of Equipment Acquired Under the Federal Award**  
When original or replacement equipment acquired under this award by the subrecipient or its sub-subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from OHS to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313. See Article XLII, number 4.

AUTHORIZED OFFICIAL INITIALS

GRANT PROGRAM FY 2021 State Homeland Security Grant Program	SUBRECIPIENT Sedalia Police Department
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**Article XL – DHS/OHS Specific Acknowledgements and Assurances**

All subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities and staff.

1. Subrecipients must cooperate with any compliance reviews or compliance investigations conducted by DHS/OHS.
2. Subrecipients must give DHS/OHS access to, and the right to examine and copy, records, accounts and other documents and sources of information related to the award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Subrecipients must submit timely, complete and accurate reports to the appropriate DHS/OHS officials and maintain appropriate backup documentation to support the reports.
4. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients of federal financial assistance from DHS/OHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administrating Agencies, thirty (30) days from receipt of the *DHS Civil Rights Evaluation Tool* from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identified steps and a timeline for completing the tool. Subrecipients should request extension by emailing the request to [civilrightsevaluation@hq.dhs.gov](mailto:civilrightsevaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

**Article XLI – Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funding activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding required subrecipient to comply with all federal, state, and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at:

AUTHORIZED OFFICIAL INITIALS

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<https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Project Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project, otherwise DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**Article XLII – Office of Homeland Security, Specific**

By accepting this award, the subrecipient agrees:

1. To participate in the development and submission of their Threat and Hazard Identification and Risk Assessment (THIRA).
2. To utilize standard resource management concepts, such as typing inventorying, organizing and tracking resources that facilitate the identification, dispatch, deployment and recovery of their resources.
3. To coordinate with their stakeholders to examine how they integrate preparedness activities across disciplines, agencies, and levels of government.
4. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost, which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$1,000. Expenditures for equipment shall be in accordance with the approved budget. The subrecipient shall use and manage equipment in accordance with its procedures as long as the equipment is used for its intended purposes. When original or replacement equipment acquired under this award by the subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by OHS, you must request instructions from OHS to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313 and the OHS Administrative Guide.
5. Expenditures for supplies and operating expenses shall be in accordance with the approved budget and documentation in the form of paid bills and vouchers shall support each expenditure. Care shall be given to assure that all items purchased directly relate to the specific project objectives for which the contract was approved.
6. For Contractual Services the following general requirements will be followed when subcontracting for work or services contained in this grant award:
  - a. All consultant and contractual services shall be supported by written contracts stating the services to be performed, rate of compensation and length of time over which the services will be provided, which shall not exceed the length of the grant period.

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- b. As described in the OHS Administrative Guide for Homeland Security Grants, a copy of any contractual agreement made as a result of this award must be forwarded to OHS for review or be readily available for review prior to execution of the contract.
7. OHS reserves the right to terminate any contract entered into as a result of this grant award at its sole discretion and without penalty or recourse by giving a thirty (30) day written notice to the subrecipient of the effective date of termination. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the subrecipient under the contract shall, at the option of the OHS, become property of the State of Missouri. The subrecipient shall be entitled to receive just and equitable compensation for that work completed prior to the effective date of termination.
  8. It is understood and agreed upon that in the event funds from state and/or federal sources are not appropriated and continued at an aggregate level sufficient to cover the contract costs, or in the event of a change in federal or state laws relevant to these costs, the obligations of each party hereunder shall thereupon be terminated immediately upon receipt of written notice.
  9. To follow the grant program guidelines as stated in the OHS *Administrative Guide for Homeland Security Grants*, as well as the Information Bulletins released by OHS to provide important updates, clarifications and policy statements related to homeland security grant programs.
  10. To follow requirements of the DHS Grant Programs Directorate Information Bulletins.
  11. In the event OHS determines that changes are necessary to the award document after an award has been made, including changes to period of performance or Articles of Agreement, the subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate subrecipient acceptance of the changes to the award.
  12. Prior written approval from OHS is required prior to making any change to the OHS approved budget for this award.
  13. To submit Grant Status Reports to OHS by the due dates of July 10 and January 10 throughout the grant period, which must include the status updates of the milestones achieved. Final Status Reports are due to OHS within 45 days after the end of the project period.
  14. All items that meet the OHS definition of equipment that are purchased with Homeland Security Grant Funds must be tagged "Purchased with U.S. Department of Homeland Security Funds."
  15. If the subrecipient is a pass-through entity, copies of signed subaward agreements are due to the OHS prior to the start of any project.

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16. Projects that involve changes to the natural or built environment require the completion and approval of an Environmental Historic Preservation Screening Form (EHP) prior to initiating any work on the project. Changes to the project after the approval of the EHP requires OHS review and approval. Changes to the project may require the submission and approval of an updated EHP Screening Form. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; Nation Flood Insurance Program regulation; and, any other applicable laws and Executive Orders.
17. The purchase of any generator requires prior approval from the OHS, documentation must clearly depict the full scope of the project and prove the equipment is a deployable resource.
18. Purchases from a single feasible source must have prior approval from the OHS.
19. Subrecipient is required to complete the 2021 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient and subrecipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. The 2021 NCSR will be open October 1, 2021. Each subrecipient must send verification to OHS that the NCSR has been completed no later than December 31, 2021.
20. Subrecipients that contract with and utilize WebEOC Emergency Management Software – Juvare, must fully fuse and maintain an active connection with Missouri's State Emergency Management Agency (SEMA). This setup will allow for a more efficient resource response to Missouri communities during an emergency incident as well as allow emergency personnel to monitor events that may impact their community during an extended event. Fusion of other WebEOC accounts in Missouri will also assist in streamlining resource requests by reducing redundant entry in a local WebEOC account and then once again in the Missouri WebEOC account should the request not be able to be filled locally. Redundant data entry during an emergency can lead to time loss, data entry errors and omission of important details. This required setup will also allow SEMA Emergency Service Function (ESF) partners to monitor the use of resources throughout the state for Mutual aid needs.

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**Article XLIII - Special Conditions**

1. Funding for this program is on hold by DHS/FEMA. The subrecipient agency will be contacted by the OHS when this funding hold has been released and project activities can begin.
2. The subrecipient agency must attend and complete the FY 2021 State Homeland Security Program (SHSP) Counter Terrorism Officer (CTO) Equipment Grant Compliance Workshop. No claims will be reimbursed by the OHS until a member of the subrecipient has completed the Compliance Workshop.

AUTHORIZED OFFICIAL INITIALS

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**Sedalia Police Department**  
**DEPARTMENTAL MEMORANDUM**  
**Office of the Chief of Police**

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**To :** City Administrator Kelvin Shaw

**From :** Chief Matthew Wirt\_\_\_\_\_

**Date :** November 1, 2021

**Ref :** Request to accept grant

**The Sedalia Police Department is eligible to accept a grant from the Missouri Department of Public Safety and Homeland Security in the amount of \$4,999 for a thermal imaging monocular. According to the grant documents "The purpose of the FY 2021 Homeland Security Grant Program is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. These funds are dedicated towards equipment purchases for agency's employing a member of the Missouri Office of Homeland Security Counter Terrorism Officer Program. Counter Terrorism Officers are specially trained officers of local law enforcement agencies that provide a level of expertise to their agency and community with regards to terrorism prevention, response, and mitigation." The SPD participates in this program making our department eligible for funds and the type of equipment/funds awarded. I request acceptance of the award.**



**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PERMANENT RIGHT-OF-WAY CONVEYANCE FOR THE EXTENSION OF AUTUMN AVENUE.**

**WHEREAS**, the City of Sedalia, Missouri has worked with Engineering Surveys and Services and TLD Properties, LLP to obtain a permanent right-of-way for the extension of Autumn Avenue from its intersection with West Spring Street to West Main Street; and

**WHEREAS**, under the conveyance, the City of Sedalia, Missouri will obtain a permanent right-of-way from TLD Properties, LLP for said Autumn Avenue extension as more fully described in the right-of-way conveyance attached as Exhibit A and incorporated by reference herein.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** The Council of the City of Sedalia, Missouri, hereby approves and accepts the right-of-way conveyance by and between the City of Sedalia, Missouri, TLD Properties, LLP in substantively the same form and content as it has been proposed.

**Section 2.** The City Administrator is authorized to accept and the City Clerk is hereby authorized and directed to file in her office the said right-of-way conveyance after recording said conveyance and Ordinance with the Pettis County Recorder of Deeds.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed Ordinance having been made available for public inspection prior to the time the Bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
by Jason S. Myers, Deputy City Clerk

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## RIGHT-OF-WAY CONVEYANCE

This ~~Indenture~~, made this \_\_\_\_\_ day of November, 2021, by **TLD Properties, LLP**, a Missouri limited liability partnership, of the County of Boone, State of Missouri, party of the first part as (GRANTOR), and the **CITY OF SEDALIA**, a Municipal Corporation, of the County of Pettis, State of Missouri, party of the second part (GRANTEE).

Mailing Address of Grantee: 200 S. Osage Avenue, Sedalia, Missouri 65301.

WITNESSETH, that the said party of the first part in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other good and valuable consideration, to them paid by said party of the second part, the receipt of which is hereby acknowledged, does by these presents GRANT, BARGAIN, AND SELL, CONVEY and CONFIRM unto the said party of the second part, its successors and assigns, the following described real estate and interests in real estate in the County of Pettis, State of Missouri, to-wit:

(See attached "Exhibit A" as property description and "Exhibit B" for drawing.)

TO HAVE AND TO HOLD the same for the purpose of constructing city street improvements according to the plans of the City of Sedalia, together with all and singular the rights, privileges, appurtenances, and immunities thereto belonging, or in anywise appertaining, unto the said party of the second part, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seals this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Authorized Representative, Title  
TLD Properties, LLP

(COMPANY SEAL)

On this \_\_\_\_\_ day of November, 2021 before me, a Notary Public, in and for said state, personally appeared \_\_\_\_\_, authorized representative of TLD Properties, LLP, known to me to be the person who executed the Right-of-way Conveyance and acknowledged to me that he executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
(Signature)

(Print name)

Notary Public

My commission expires:

\_\_\_\_\_  
(SEAL)

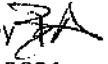
## EXHIBIT A

### PERMANENT RIGHT-OF-WAY

A tract of land located in the northeast 1/4 of section 5 T45N R21W, in Sedalia, Pettis County, Missouri, being part of Lot 2 of Chase Subdivision recorded in book 103 page 427, further described as follows:

Beginning at the southeast corner of Lot 2 of Chase Subdivision recorded in book 103 page 427, thence N 87°56'50"W 45.67 feet; thence N 2°16'40"E 337.73 feet the southerly right-of-way of W. Main Street (U.S. Highway 65 Spur); thence along said line, on a curve to the right a distance of 45.71 feet, having a radius of 11399.14 feet, the chord being S 85°17'10"E 45.71 feet, thence S 2°16'40"W 335.61 feet to the point of beginning, and containing 0.35 acres.



To: Kelvin Shaw  
From: Brenda Ardrey   
Date: November 1, 2021  
Subject: Conveyance of Permanent Right-of-Way from TLD Properties, LLP  
Autumn Avenue Extension

The Public Works Department has worked with Engineering Surveys and Services and TLD Properties, LLP to obtain a permanent right-of-way for the extension of Autumn Ave. from its' intersection with W. Spring Street to W. Main St. Attached are the documents recommended for acceptance of the permanent right-of-way from TLD Properties, LLP allowing for the street's extension.

With acceptance of this permanent right-of-way, Public Works will be able to proceed with bidding for construction of the roadway.

Thank you for your consideration of this recommendation.

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AN AGREEMENT FOR ON-SITE GENERATOR MAINTENANCE, INSPECTION AND REPAIR SERVICES.**

**WHEREAS**, the City of Sedalia, Missouri has received a proposal to enter into an Agreement by and between the City of Sedalia, Missouri and Martin Energy Group for on-site generator maintenance, inspection and repair services; and

**WHEREAS**, under the proposal, the City of Sedalia, Missouri shall pay Martin Energy Group the sum and amount of Twenty Two Thousand Two Hundred Twenty Dollars (\$22,220.00) as more fully described in the proposed Agreement attached to this Ordinance as Exhibit A and incorporated by reference herein.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** The Council of the City of Sedalia, Missouri hereby approves and accepts the Agreement by and between the City of Sedalia, Missouri and Martin Energy Group as the Agreement has been proposed.

**Section 2.** The City Administrator is authorized and directed to execute and the City Clerk is hereby authorized and directed to attest and fix the seal of the City of Sedalia, Missouri on the Agreement in substantively the same form and content as the Agreement has been proposed.

**Section 3.** The City Clerk is hereby directed to file in her office a duplicate or copy of the Agreement after it has been executed by the parties or their duly authorized representatives.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed Ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
By Jason S. Myers, Deputy City Clerk

**ON-SITE GENERATOR MAINTENANCE, INSPECTION AND REPAIR  
CONTRACT AGREEMENT  
BY AND BETWEEN  
THE CITY OF SEDALIA, MISSOURI AND  
MARTIN ENERGY GROUP**

This agreement made and entered into this \_\_\_\_ day of November, 2021, by and between the City of Sedalia, Missouri, hereinafter referred to as the "City" and Martin Energy Group, hereinafter referred to as the "Contractor" whose principal place of business is located at 70150 Highway 50, Tipton, MO 65081.

This agreement between the City and the Contractor shall consist of (1) the Invitation for Bids (IFBs), and any amendments thereto, (2) the response, as accepted, submitted in response to the IFB, (3) the purchase order and (4) fully executed change orders, if any. In the event of a conflict in language between the documents referenced above, the IFB and amendments thereto shall govern over the Contractor's response and amendments thereto. However, the City reserves the right to clarify any Contractual relationship in writing with the concurrence of the Contractor, and such written clarification shall govern in the case of conflict with the applicable requirements stated in the IFB or the Contractor's response. In all other matters not affected by the written clarification, if any, the IFB shall govern.

The term of this Agreement is from December 1, 2021 through March 31, 2023.

Any modification and supplementation of the Contract shall be upon written agreement of the duly authorized representatives of the contracting parties. No provision in the Contract shall be changed or modified without the execution of a formal amendment to the Contract, mutually agreed to by the City and the Contractor. This agreement is for 90 days, beginning on the date of the award.

\_\_\_\_\_  
Kelvin L. Shaw, City Administrator  
City of Sedalia

\_\_\_\_\_  
Authorized Representative  
Martin Energy Group

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC  
City Clerk





**MARTIN**  
**ENERGY GROUP**

**70150 HWY 50 Tipton MO 656081**

Phone (660) 458-7000 Fax (660) 458-7100

**34 W Mohler Church Rd Ephrata PA 17522**

Phone (717)738-0300 Fax (717)738-4329

MO 24 HR Emergency Service

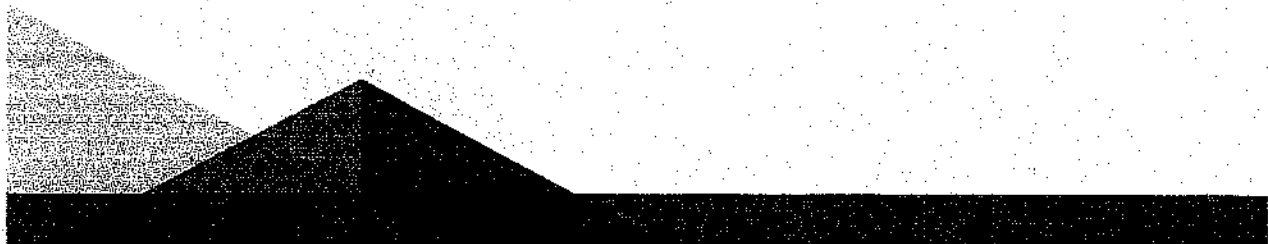
Pager (573) 681-8027

Cell (573) 220-0310

City Of Sedalia

**IFB2022-016**

**On-site Generator Maintenance, Inspection and Repair**



**CITY OF SEDALIA  
IFB 2022-016**

**FEE SCHEDULE FOR SEMI-ANNUAL AND ANNUAL INSPECTION**

Provide a lump sum fee for the semi-annual and annual inspections at each location

Lump sum to be inclusive of travel time. Separate charge for travel is not allowable under this Agreement.  
Maintenance and inspection begins upon arrival at City work site.

**PUBLIC WORKS**

Item No.	Manufacturer	Fuel Type	Model #	KW	Unit	No. of Units	Unit Price	Extended Price
1	Kohler (John Deere)	Diesel	40R0ZJ71	40	Semi-annual	1	260	260
					Annual	1	350	350
2	Kohler (Ford)	Natural Gas	20R282	19	Semi-annual	1	260	260
					Annual	1	315	315
3	Kohler (John Deere)	Diesel	100R0ZJ81	100	Semi-annual	2	280	560
					Annual	1	460	460
4	Kohler (John Deere)	Diesel	100RE0ZID	100	Semi-annual	2	280	560
					Annual	1	460	460
5	Onan (Cummins)	Diesel	100DGDB	100	Semi-annual	1	280	280
					Annual	1	460	460
6	Generac	Diesel	SD-100	100	Semi-annual	1	280	280
					Annual	1	490	490
7	Onan (Cummins)	Diesel	DGDB5007070	35	Semi-annual	1	260	260
					Annual	1	355	355
8	MTU	Diesel	DS00600D6SRAH148	600	Semi-annual	2	370	740
					Annual	1	1960	1960
9	MTU	Diesel	DS00600D6SRAH148	600	Semi-annual	2	370	740
					Annual	1	1960	1960
10	Onan (Cummins)	Diesel	DGFC5699457	80	Semi-annual	1	280	280
					Annual	1	445	445
11	Generac	Diesel	SD-100	100	Semi-annual	1	280	280
					Annual	0	590	-
12	Generac	Diesel	SD-100	100	Semi-annual	1	280	280
					Annual	0	590	-
13	Generac	Diesel	SD0150KG176.7D18HPYY	150	Semi-annual	1	300	300
					Annual	0	800	-

**CITY OF SEDALIA  
IFB 2022-016**

Item No.	Manufacturer	Fuel Type	Model #	KW	Unit	No. of Units	Unit Price	Extended Price
14	Kohler	Diesel	500REDZIB	500	Semi-annual	2	370	740
					Annual	1	1040	1040
15	Caterpillar	Diesel	C18	600	Semi-annual	1	370	370
					Annual	0	1215	-
16	Caterpillar	Diesel	D150	150	Semi-annual	1	300	300
					Annual	0	635	-
17	Caterpillar	Diesel	D175	175	Semi-annual	1	300	300
					Annual	0	640	-
18	Caterpillar	Diesel	175	175	Semi-annual	1	300	300
					Annual	0	1270	-
19	Caterpillar	Diesel	D150	150	Semi-annual	1	300	300
					Annual	0	1240	
<b>TOTAL</b>						35	20,995	15,685

Note: Unit Prices must be provided for all units including those identified as No. of Units at 0.

**FACILITIES MAINTENANCE**

Item No.	Manufacturer	Fuel Type	Model #	KW	Unit	No. of Units	Unit Price	Extended Price
20	Onan (Cummins)	Diesel	DGCG5699456	80	Semi-annual	2	280	560
					Annual	1	765	765
21	Generac	Diesel	SD0175GG1767D18HPYY	175	Semi-annual	1	280	280
					Annual	1	1485	1485
22	Caterpillar	Diesel	3006	250	Semi-annual	1	300	300
					Annual	1	1490	1490
23	MTU	Diesel	8V1600 DS400	400	Semi-annual	1	370	370
					Annual	1	1285	1285
<b>TOTAL</b>						10	6,255	6,535

**ADDITIONAL ITEMS**

Over-time hour: On-site repair labor rate not covered by above maintenance inspection per hour rate  
\$ 80.00.

Holiday hour: On-site repair labor rate not covered by above maintenance inspection per hour rate  
\$ 120.00.

Materials: OEM authorized parts, components, assemblies and consumables at Source's Current Published List Price less N/A % discount.

Warranty: Shall warranty installed parts, labor and travel for 90 days.

Routine Service Response Time (Business Hours): Time from call received until arrival on-site  
1 day hour(s)/day(s) after request.

Emergency Response Time: Time from call received until arrival on-site 3 hrs minutes/hour(s) after request.

CITY OF SEDALIA  
IFB 2022-016  
CITY OF SEDALIA  
IFB #2022-016  
ON-SITE GENERATOR MAINTENANCE, INSPECTION AND REPAIR  
AFFIDAVIT OF COMPLIANCE

To be submitted with bidder's response to the IFB for On-Site Generator Maintenance, Inspection and Repair.

       We DO NOT take exception to the IFB Documents/Requirements.

  X   We TAKE exception to the IFB Documents/Requirements as follows:

Specific exceptions are as follows: 3.2.5 Our bid includes checking  
tanks for water & adding fuel treatment but does  
not include lab testing & reconditioning diesel fuel.

Bid bond amount of \$1,100 is lower than our minimum  
coverage amount.

I have carefully examined the IFB and agree to abide by all submitted pricing, delivery, terms and conditions of this IFB unless otherwise stipulated herein.

Company Name Martin Energy Group ADDENDA

By Nelson Cablentz  
(Authorized Person's Signature)

Bidder acknowledges receipt of the following addendum:

Addendum No. 1

Addendum No. 2

Nelson Cablentz Service Tech  
(Print or type name and title of signer)

Addendum No.       

Addendum No.       

Addendum No.       

Company Address 70150 HWY 50

Tipton MO 65081

Telephone Number 660-458-7000

Email ncablentz@martinenergygroup.com

Fax Number: 660-458-7100

Federal Tax ID No. 47-3607703



Date: 11-3-21

**TABULATION OF BIDS**

**Generator Maintenance, Inspection & Repair**  
 November 5, 2021 2:00 p.m.  
 Mayor's Conference Room

		Martin Energy Group Attn: Nelson Coblenz 70150 Hwy 50 Tipton, MO 65081			Foley Equipment Company Attn: Todd McClendon 5701 E. 87th Street Kansas City, MO 64132			CK Power Attn: Will Johnston 3100 Research Blvd. St. Louis, MO 63132		
Manufacturer	Model #	RW	Unit	No. of Units	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
Kohler (John Deere)	40R02171	40	Semi-annual	1	\$260.00	\$260.00	\$253.65	\$253.65	\$1,014.55	\$1,014.55
Kohler (Ford)	ZUR282	19	Semi-annual	1	\$350.00	\$350.00	\$441.77	\$441.77	\$684.55	\$684.55
Kohler (John Deere)	100R02A181	100	Annual	1	\$280.00	\$280.00	\$236.65	\$236.65	\$230.02	\$230.02
Kohler (John Deere)	100R02D	100	Semi-annual	2	\$280.00	\$560.00	\$416.55	\$833.10	\$490.02	\$980.02
Onan (Cummins)	100DGB	100	Annual	1	\$460.00	\$460.00	\$478.77	\$478.77	\$730.08	\$730.08
Onan (Cummins)	5D-100	100	Semi-annual	1	\$280.00	\$280.00	\$284.65	\$284.65	\$1,136.15	\$2,272.30
Onan (Cummins)	DGBB5007070	35	Annual	1	\$280.00	\$280.00	\$495.21	\$495.21	\$780.65	\$780.65
MTU	DS060065RAH148	600	Semi-annual	2	\$370.00	\$740.00	\$466.43	\$932.86	\$580.00	\$1,160.00
MTU	DS060065RAH148	600	Annual	1	\$1,960.00	\$1,960.00	\$256.65	\$256.65	\$937.50	\$937.50
Onan (Cummins)	D6FC5B9A57	80	Semi-annual	1	\$280.00	\$280.00	\$285.65	\$285.65	\$580.00	\$580.00
Generac	SD-100	100	Semi-annual	1	\$280.00	\$280.00	\$356.65	\$356.65	\$937.50	\$937.50
Generac	SD-100	100	Annual	0	\$590.00	\$0.00	\$478.77	\$478.77	\$580.00	\$580.00
Generac	SD0150K175701BHPY	150	Semi-annual	1	\$900.00	\$900.00	\$725.65	\$725.65	\$1,005.00	\$1,005.00
Kohler	500REC2B	500	Semi-annual	2	\$370.00	\$740.00	\$591.45	\$1,182.90	\$1,900.00	\$3,800.00
Caterpillar	C18	600	Semi-annual	1	\$1,040.00	\$1,040.00	\$1,088.23	\$1,088.23	\$1,450.00	\$1,450.00
Caterpillar	D150	150	Semi-annual	0	\$720.00	\$0.00	\$652.98	\$652.98	\$1,000.00	\$1,000.00
Caterpillar	D175	175	Semi-annual	1	\$300.00	\$300.00	\$239.65	\$239.65	\$1,097.00	\$1,097.00
Caterpillar	175	175	Annual	0	\$640.00	\$0.00	\$544.65	\$544.65	\$1,050.00	\$1,050.00
Caterpillar	D150	150	Semi-annual	1	\$1,270.00	\$1,270.00	\$596.45	\$596.45	\$750.00	\$750.00
Caterpillar	D150	150	Annual	0	\$1,240.00	\$0.00	\$683.53	\$683.53	\$775.00	\$775.00
<b>TOTAL</b>						<b>\$15,685.00</b>		<b>\$19,057.38</b>		<b>\$38,027.41</b>
							*Math Error	*Math Error		*\$40,594.41

		Martin Energy Group Attn: Nelson Coblenz 70150 Hwy 50 Tipton, MO 65081			Foley Equipment Company Attn: Todd McClendon 5701 E. 87th Street Kansas City, MO 64132			CK Power Attn: Will Johnston 3100 Research Blvd. St. Louis, MO 63132		
Manufacturer	Model #	RW	Unit	No. of Units	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
Onan (Cummins)	D6CG56B9456	80	Semi-annual	2	\$280.00	\$560.00	\$383.45	\$766.90	\$1,555.00	\$3,110.00
Generac	SD0175GG175701BHPY	175	Semi-annual	1	\$780.00	\$780.00	\$986.53	\$986.53	\$650.00	\$650.00
Caterpillar	3006	250	Semi-annual	1	\$1,485.00	\$1,485.00	\$702.12	\$702.12	\$1,819.50	\$1,819.50
MTU	8V1600 DS400	400	Semi-annual	1	\$1,490.00	\$1,490.00	\$790.35	\$790.35	\$1,866.00	\$1,866.00
<b>TOTAL</b>						<b>\$6,535.00</b>		<b>\$6,166.83</b>		<b>\$11,484.50</b>
							*Math Error	*Math Error		*\$11,489.50
<b>Grand Total</b>						<b>\$22,220.00</b>		<b>\$25,224.61</b>		<b>\$52,083.91</b>

To: Kelvin Shaw  
From: John Simmons, Community Development   
Brenda Ardrey, Public Works   
Date: November 10, 2021  
Subject: On-Site Generator Maintenance, Inspection and Repair – Contract Award

The Community Development and Public Works Departments released Invitation for Bid (IFB) 2022-16 for the above referenced services on Oct. 20, 2021. The bid tab and responses to this IFB are attached along with the IFB and Agreement. Three (3) responses were received to this IFB: Foley Equipment Company, 5701 E. 87<sup>th</sup> St., Kansas City, MO 64132 (\$25,224.61); Martin Energy Group, of 70150 Highway 50, Tipton, MO 65081 (\$22,220.00); and CK Power, 1100 Research Blvd., St. Louis, MO 63132 (\$52,083.91). The low bidder was Martin Energy Group and after checking references, we are recommending them for contract award.

The initial contract award will be for sixteen months from Dec., 2021 through Mar., 2023 through the end of the city's fiscal year and allows for up to four additional one-year extensions. The services provided will include:

- Semi-annual and annual inspections to determine necessary maintenance, repair or parts requirements and perform annual preventative maintenance and inspection services to keep equipment operational within OEM specifications.
- Provide maintenance and repair services, on-site as required, upon request following either a preventative maintenance inspection or resulting from equipment or component failure (labor charges to be at the stipulated flat rate as provided on bid form). Contractor shall provide a detailed description of required repairs including estimate of charges for repair and estimated time required for repair. All repairs require approval by City Facilities Maintenance or Public Works Department points of contact provided in Exhibit 4.
- Supply replacement or spare parts, components, sub-assemblies or supplies, meeting OEM specifications, as required. Contractor shall make available to the City, upon request, a current parts price list.
- Determine nature and extent, including cost and time for completion, for repairs required to keep equipment operational within OEM specifications. All recommended repair work is subject to prior approval by the City and at the rates provided on the bid form.
- Upon completion of each inspection/maintenance on-site activity, Contractor shall submit a checklist of each item/function inspected along with test/inspection results for each.
- Prices quoted were required to include all labor, supervision, equipment, tools, supplies (unless stated differently), insurance, licenses, travel and all other items necessary to accomplish the required Scope of Work.
- Prices quoted also included a per hour rate for after hours (over-time) and the hourly rate for holidays as defined within the IFB.

Thank you for your consideration of this contract award recommendation.

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SCOPE OF SERVICES FOR ENGINEERING SERVICES RELATED TO SIDEWALK REPLACEMENT ON MAIN STREET BETWEEN OSAGE AND KENTUCKY.**

**WHEREAS**, the City of Sedalia, Missouri has received a scope of services from Wilson & Company, Inc. for engineering services related to sidewalk replacement on the south side of West Main Street between Osage and Kentucky; and

**WHEREAS**, under the attached scope of services, the City of Sedalia, Missouri shall pay the sum and amount of Thirteen Thousand Seven Hundred Dollars (\$13,700.00) to Wilson & Company, Inc. for said engineering services as more fully described in the proposed scope of services attached as Exhibit A and incorporated by reference herein.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** The Council of the City of Sedalia, Missouri hereby approves and accepts the scope of services by and between the City of Sedalia, Missouri and Wilson & Company, Inc. in substantively the same form and content as it has been proposed.

**Section 2.** The City Clerk is hereby directed to file in her office a duplicate or copy of the scope of services after it has been executed by the parties or their duly authorized representatives.

**Section 3.** This ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
by Jason S. Myers, Deputy City Clerk



**SCOPE OF SERVICES  
MAIN STREET  
SIDEWALK IMPROVEMENTS**

The purpose of this project is to prepare final construction plans for the reconstruction of sidewalks along Main Street from Kentucky Avenue to Osage Avenue.

**Task 1.1 – Field Survey**

Perform a limited field survey. Field survey will include existing utilities, storm sewers, pavement, curb, sidewalks, street signs, light poles, building locations and any other features that may impact the design. All work will be performed within the existing right-of-way, therefore no property data will be researched.

**Task 1.2 – Structural Evaluation and Repair Design of Coal Chutes**

Coal chutes below the existing sidewalk will need to be repaired and backfilled as part of the project. A structural engineer will evaluate the integrity of the existing buildings adjacent to the coal chutes and provide a recommendation to repair and backfill the coal chutes.

**Task 1.3 – Design and Construction Documents**

Sidewalks, handicap ramps, curb and gutter, and decorative street lights will be designed along the project corridor to correct ADA deficiencies. Plans will be prepared for the proposed improvements and include the following sheets:

- Title Sheet
- General Notes & Summary of Quantities
- Plan Sheets
- Intersection Details
- Traffic Control Plan
- Erosion Control Plan
- Detail Sheets

Prepare a project manual using the City's standard front end documents and technical specifications.

**Items Not Included in the Scope of Services**

1. Any work requested by the City that is not included in the basic services will be classified as supplemental services. Supplementary services shall include, but are not limited to the following:
  - a. Changes in the scope, extent, or character of the project.
  - b. Revisions to the plans when inconsistent with previous approvals or instructions by the City.
  - c. Updating plans to reflect development that has occurred after the Final Plans are complete.
2. Utility coordination except as specifically stated in Task 1.1 for utility survey.
3. Obtaining Ownership & Encumbrance or Title Reports for the adjacent properties.
4. Public Involvement or meetings with the adjacent property owners.
5. Full property survey or setting of new property corners if they are missing is not required.

6. Environmental permitting.
7. Construction Phase Services:
  - a. Construction inspection or testing.
  - b. Substantial and Final completion inspections.
  - c. Preparation of record drawings.

**WILSON & COMPANY**

Proj.: Main Street Sidewalk  
 By: GJLust  
 Date: October 29, 2021  
 Client: City of Sedalia  
 Notes: 0

**EXHIBIT A  
 FEE ESTIMATE WORKSHEET**

Fee Reviewed by  
 GDL  
 Date  
 10/29/21

TASK I.D.	WORK TASK DESCRIPTION	ESTIMATED MANHOURS						TOTAL HOURS	LABOR EFFORT	EXPENSE EFFORT	TOTAL FEE
		P6 Project Manager	P3 Design Engineer	PD3 CADD Designer	FS5 Survey Crew Chief	FS4 Surveyor	OD5 CADD Technician				
PHASE 01 - DATA COLLECTION and DESIGN											
1.1	Survey				8	16	8	32.00	\$ 2,744.00	\$ 314.00	\$ 3,058.00
1.2	Structural Evaluation and Repair Design of Coal Chutes	4	4					8.00	\$ 1,142.00	\$ -	\$ 1,142.00
1.3	Design and Construction Documents	8	40	40				88.00	\$ 9,500.00	\$ -	\$ 9,500.00
	Subtotal	12	44	40	8	16	8	128.00	\$ 13,386.00	\$ 314.00	\$ 13,700.00
<b>TOTALS</b>		<b>12</b>	<b>44</b>	<b>40</b>	<b>8</b>	<b>16</b>	<b>8</b>	<b>128.00</b>	<b>\$ 13,386.00</b>	<b>\$ 314.00</b>	<b>\$ 13,700.00</b>

To: Kelvin Shaw  
From: Brenda Ardrey *BA*  
Date: November 4, 2021  
Subject: Sidewalk Design Engineering – W. Main St. between Osage and Kentucky

As requested, please find attached a scope of work and detailed explanation of the engineer's fee of \$13,700 for the design of replacement sidewalk between Osage and Kentucky on the south side of Main Street. In evaluating this block of sidewalk for replacement, the City's Concrete Crew determined that there was significant void spaces under sections of the sidewalk from storage areas extending from beneath adjacent buildings without walls between the area beneath the sidewalk and interior of the building and other areas where buildings have been removed without the void being filled or areas where coal chutes exist. To ensure the structural integrity of the replacement sidewalk and the continued integrity of the adjacent buildings, it is necessary to have an engineer develop an engineered plan for construction of the replacement sidewalk.

Thank you for your consideration of this agreement.

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KGI WIRELESS, ON BEHALF OF VERIZON WIRELESS, FOR THE INSTALLATION OF A MONOPOLE TOWER LOCATED AT 1807 WEST BROADWAY IN THE CITY OF SEDALIA, MISSOURI.**

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI, AS FOLLOWS:**

**Section 1.** The Planning and Zoning Commission of the City of Sedalia, Missouri, upon the application, hereinafter described of KGI Wireless, on behalf of Verizon Wireless, has recommended by a vote of 8-Yes 0-No, that the Special Use Permit application be granted for a monopole tower on said location. This recommendation was made after publication of notice on October 19, 2021 in The Sedalia Democrat as required by the Ordinances of the City of Sedalia, Missouri and the laws of the State of Missouri, a full public hearing on November 3, 2021 to consider the application, and upon the hearing and examination of the application by the said Planning and Zoning Commission on November 3, 2021.

**Section 2.** The said real estate mentioned in Section 1 hereof is described as follows:

SEE ATTACHED EXHIBIT A

**Section 3.** The Council determines that the proposed use is compatible with the surrounding neighborhood and authorizes the applicant to proceed with obtaining necessary licenses and documentations as needed to place said monopole tower on said site.

**Section 4.** This ordinance shall take effect and be in full force from and after its passage by the City Council and approval by the Mayor.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

Attest:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
by Jason S. Myers, Deputy City Clerk

EXHIBIT A

**1807 W BROADWAY, SEDALIA, MO** - THE SOUTH 200 FEET OF THE NORTH 215 FEET OF LOT 11 IN SEE'S SUBDIVISION, CITY OF SEDALIA, PETTIS COUNTY, MISSOURI; AND THE SOUTH TWO HUNDRED SIXTY-FOUR (264) FEET OF LOT NUMBER ELEVEN (11) IN SEE'S SUBDIVISION OF PARTS OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION NUMBER FIVE (5), IN TOWNSHIP NUMBER FORTY-FIVE (45) NORTH, OF RANGE NUMBER TWENTY-ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF PETTIS AND STATE OF MISSOURI.

SUBJECT TO, A NON-EXCLUSIVE EASEMENT OR INGRESS AND EGRESS FROM THE ADJOINING PREMISES RETAINED BY GRANTOR ACROSS THE PREMISES HEREIN CONVEYED TO THE TWENTY FOOT EASEMENT DESCRIBED IN AND CONVEYED IN EASEMENT RECORDED IN BOOK 443, PAGE 183, IN THE OFFICE OF THE RECORDER OF DEEDS, PETTIS COUNTY, MISSOURI.

APPLICATION FOR AN  
SPECIAL USE PERMIT

Sedalia City Planning & Zoning Commission  
200 S. Osage Avenue  
Sedalia, Missouri 65301

10-12-21 pd

<b>DO NOT WRITE IN THIS SPACE</b>	
Date of Public Hearing	11-3-2021
Date Submitted	9-17-2021
Date Advertised	10-19-21
Date of Mailing	10-22-21
Checked By	
Receipt No.	
Commission Action	
Council Action	

1. Applicant's Name GARY BUSTER KGI Wireless on behalf of Verizon Wireless
2. Applicant's Address ONE VERIZON WAY, MAIL STOP 4AW100, BASKING RIDGE, NEW JERSEY, 07920
3. Telephone Number (Home) (866) 862-4404 (Business) (866) 862-4404
4. Legal Description of property with street address or location:  
SEE ATTACHED EXHIBIT A
  
5. Area of subject property, square feet and/or acres APPROXIMATELY 1,200 SQUARE FEET
6. Present use of subject property COMMERCIAL BUILDING
7. Desired use of subject property NEW VERIZON WIRELESS TOWER
8. What is the present use of the adjoining properties? North C-3  
South C-1 East C-3 West C-3
9. Time schedule for development 100 days from the start of construction
10. Is property in a flood plain district? If yes, please indicate applicable FEMA Map applicable zone Has base flood elevation been established? NOT IN FLOOD PLAIN  
If yes, please explain how such elevation was determined. N/A
  
11. Public Utilities available at site: Sewer N/A "at Water N/A  
a. Electric YES  
Natural Gas N/A "at Electric YES  
a. NORTH OF PROPOSED SITE ON PROPERTY
12. Exhibits furnished YES
13. Gary Buster, KGI Wireless BUILDING THREE, SUITE 370, 805 LAS DIMAS PARKWAY, AUSTIN, TX; 78749  
Signature of Applicant Address of Applicant
14. Relationship of applicant to property: Owner  Agent
15. Other (Explain)

2021-4452

RECORDED ON  
07/23/2021 08:30 AM  
PAGES: 5

BARBARA CLEVINGER  
RECORDER OF DEEDS  
PETTIS COUNTY, MO

PREPARED BY,  
RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Stinson LLP  
1201 Walnut Street, Suite 2600  
Kansas City, Missouri 64106  
Attention: Catherine A. Huntley  
Site Name: MO07 North Sedalia

(Space above this line for Recorder's use.)

### MEMORANDUM OF LAND LEASE AGREEMENT

THIS MEMORANDUM OF LAND LEASE AGREEMENT evidences that a Land Lease Agreement was entered into as of July 13, 2021, by and between MMT Investments, LLC, a Missouri limited liability company ("Grantor"), with its principal offices located at 7035 White Birch Circle, Sedalia, Missouri 65301, and Celco Partnership d/b/a Verizon Wireless ("Grantee"), Attention: Network Real Estate, 180 Washington Valley Road, Bedminster, New Jersey 07921, for certain real property located in the County of Pettis, State of Missouri, within the property of Grantor which is described in Exhibit "A" attached hereto ("Grantor's Property"), together with a right of access and to install and maintain utilities, for an initial term of five (5) years commencing as provided for in the Lease, which term is subject to the rights of the parties to extend the term of the Lease for four (4) terms of five (5) years each.

[SIGNATURES ON THE FOLLOWING PAGE]

MO07 North Sedalia - Memorandum of Land Lease Agreement (GL# 539958)

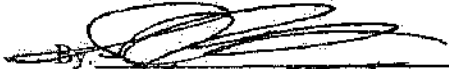
CORE/0702186.3196/55163127.1



IN WITNESS WHEREOF, Grantor and Grantee have duly executed this Memorandum as of the day and year first above written.

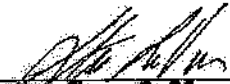
GRANTOR:

MMT Investments, LLC

By:   
Name: George K. Longmire  
Title: Manager - Leases  
Date: 6/21

GRANTEE:

Cellco Partnership  
d/b/a Verizon Wireless

By:   
Name: Steve LeVar  
Title: Director Network Field Engineering  
Date: 7/13/2021

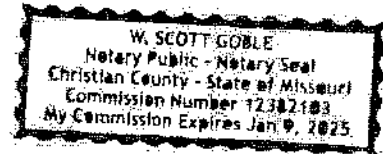
STATE OF MISSOURI )  
COUNTY OF CHRISTIAN ) ss.

On JUNE 1ST, 2021, before me, W. SCOTT GOBLE, notary public, personally appeared GEORGE R. THOMPSON JR. MANAGER/MEMBER of MMT Investments, LLC, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Handwritten Signature]  
Printed Name: W. SCOTT GOBLE

(Seal)



STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On JULY 13, 2021 before me, LORALEE L. HOLBROOK notary public,  
personally appeared Steve LeVar Director Network Field Engineering  
of Cellco Partnership d/b/a Verizon Wireless, personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the person whose name is subscribed to the within  
instrument and acknowledged to me that she/he executed the same in her/his authorized capacity,  
and that by her/his signature on the instrument the person, or the entity upon behalf of which the  
person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Loralee L. Holbrook (Seal)

Printed Name: Loralee L. Holbrook

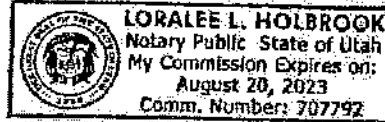


EXHIBIT "A"

Legal Description of Grantor's Property

THE SOUTH 200 FEET OF THE NORTH 215 FEET OF LOT 11 IN SEE'S SUBDIVISION, CITY OF SEDALIA, PETTIS COUNTY, MISSOURI, AND THE SOUTH TWO HUNDRED SIXTY-FOUR (264) FEET OF LOT NUMBER ELEVEN (11) IN SEE'S SUBDIVISION OF PARTS OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION NUMBER FIVE (5), IN TOWNSHIP NUMBER FORTY-FIVE (45) NORTH OF RANGE NUMBER TWENTY-ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF PETTIS AND STATE OF MISSOURI.

SUBJECT TO, A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FROM THE ADJOINING PREMISES RETAINED BY GRANTOR ACROSS THE PREMISES HEREIN CONVEYED TO THE TWENTY FOOT EASEMENT DESCRIBED IN AND CONVEYED IN EASEMENT RECORDED IN BOOK 443, PAGE 183, IN THE OFFICE OF THE RECORDER OF DEEDS, PETTIS COUNTY, MISSOURI.

SITE NAME: MC07 North Sedalia

## Consent to Act on Behalf of the Owner of Property

### TO WHOM IT MAY CONCERN:

MMT Investments LLC, a Missouri limited liability company, with its principal offices located at 7035 White Birch Circle, Sedalia, Missouri 65301, is in the process of entering into an agreement to lease a portion of their property located at 1807 W Broadway in Sedalia, Missouri to Cellico Partnership d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 417-848-7584), to construct, operate, and maintain a telecommunications tower facility.

PAMCORP LLC as the agent for Verizon Wireless will be filing an application for a Special Use Permit with the city Planning and Zoning Department in the near future.

George R Thompson Jr., as Managing Member of MMT Investments agrees to cooperate in connection with PAMCORP LLC and provide authority to PAMCORP LLC to represent them in all zoning and permitting activities. By signing below, you hereby designate PAMCORP LLC and its agents, at PAMCORP's sole cost and expense, to represent you regarding the subject lease and property before all governing authorities and agencies and to act as your agent for the express and limited purpose of:


1. Making any such applications, filings, and taking such actions as are necessary to obtain all desired zoning, land use, and building code approvals.
2. Obtaining all necessary permits and approvals.

You also agree to cooperate with PAMCORP LLC and its agents and all governing authorities and, if necessary, to execute all documents required in the securing of permits, approvals, filings, and actions referenced above.

### APPROVAL:

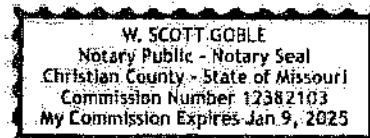
  
George R. Thompson Jr.

Date: 3-5-2020

  
Notary Public

My commission expires: 1/29/2025

(SEAL)





5055 North Point Pkwy  
Alpharetta, GA 30022

Date: 08/05/21

RE: Collocation on the Verizon Wireless Site  
Site Name: [North Sedalia (2430447)]  
Tower Location: [1807 W Broadway, Suite Z]  
[Sedalia, MO 65301]

To Whom It May Concern:

In accordance with the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas executed by the Federal Communications Commission (FCC), the National Conference of State Historic Preservation Officers (NCSHPO) and the Advisory Council on Historic Preservation (Council), Owner makes the following statements with regard to the above-referenced tower:

1. The above-referenced tower was built after March 16, 2001; and
2. The Section 106 review process and any associated environmental reviews required by the FCC has been completed; and
3. To the best of Owner's actual knowledge, the above-referenced tower has not been determined by the FCC to have an effect on one or more historic properties, or such effect has been found to not be adverse through a no adverse effect finding, or if found to be adverse or potentially adverse, has been resolved, such as through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or otherwise in compliance with Section 106 and Subpart B of 36 CFR Part 800; and
4. To the best of Owner's actual knowledge, the Owner has not received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a State Historic Preservation Officer or the Council, that the proposed collocation has an adverse effect on one or more historic properties.

Sincerely,

*Nakul Mate*

Name: Nakul Mate  
Title: A Duly Authorized Representative



01/07/2020 13:13

View from A&W/Long John Silver's parking lot

## MEMO

**To:** Planning & Zoning Commission  
**From:** John Simmons, Community Development Director  
**Date:** October 28, 2021  
**Subject:** Special Use Permit  
1807 West Broadway

**Applicant:** KGI Wireless, Inc. on behalf of Verizon Wireless  
On property owned by MMT Investments, LLC

**Description of Request:** Applicant requests a special use permit for the construction of a 150' monopole tower.

**Land Use Review:** Current zoning of the property is C-3 Commercial and has a physical therapy business located on the property. Surrounding property is zoned C-3 Commercial to the north, east and west and is populated with commercial businesses. C-1 Local Business is to the south and contains multi-family residential. These residential structures are located more than 150 feet from the proposed monopole.

**Staff Recommendation:** Staff recommends the application for the special use permit be approved for the following reasons:

1. The special use permit application indicates a use which is generally covered as allowable; Zoning Code Article V, Sec. 64-124 "#20 - Wireless communications facilities including cell phone, radio, television and microwave towers per the Uniform Wireless Communications Infrastructure Deployment Act of Missouri (RSMo Sections 67.5090-67.5103)." This category allows the applicant to exceed the height regulations. The state statute is attached at the end of this memo.
2. The proposed use of the property will not injure the appropriate use of neighboring property and will conform to the general intent and purpose of a special use permit.
3. A 2009 FCC report emphasizes the importance of access to broadband service. As quoted in the report "All Americans, whether they live in rural or urban areas, should have access to robust and affordable broadband services--as well as the ability to use those services--in order to take advantage of the many opportunities the digital revolution has created. Broadband can unlock new opportunities for Americans with respect to consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private-sector investment, entrepreneurial activity, job creation and economic growth, and other



national purposes. As the Rural Broadband Report noted, broadband is critical to bringing these benefits to rural areas, which are less likely than urban areas to have broadband available.”

4. The proposed use of the property will improve infrastructure services to the citizens of Sedalia through expanded and enhanced cell phone coverage. This increase in capacity is necessary due to increased cell phone usage and the proliferation of cell phone use in day-to-day activity of the general public.

Should you have any question or concerns regarding anything outlined in this advisory, please do not hesitate to contact me at 827-3000.

## Chapter 67 – RSMo

### Uniform Small Wireless Facility Deployment Act

**67.5090.** Citation of law. — Sections 67.5090 to 67.5103 shall be known and may be cited as the "Uniform Wireless Communications Infrastructure Deployment Act" and is intended to encourage and streamline the deployment of broadcast and broadband facilities and to help ensure that robust wireless radio-based communication services are available throughout Missouri.

**67.5092.** Definitions. — As used in sections 67.5090 to 67.5103, the following terms mean:

(1) "Accessory equipment", any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures;

(2) "Antenna", communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services;

(3) "Applicant", any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application;

(4) "Application", a request submitted by an applicant to an authority to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure;

(5) "Authority", each state, county, and municipal governing body, board, agency, office, or commission authorized by law and acting in its capacity to make legislative, quasi-judicial, or administrative decisions relative to zoning or building permit review of an application. The term shall not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority;

(6) "Base station", a station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment;

(7) "Building permit", a permit issued by an authority prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any

new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code;

(8) "Collocation", the placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes;

(9) "Electrical transmission tower", an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole;

(10) "Equipment compound", an area surrounding or near a wireless support structure within which are located wireless facilities;

(11) "Existing structure", a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole;

(12) "Replacement", includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure;

(13) "Substantial modification", the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

(a) Increases the existing vertical height of the structure by:

a. More than ten percent; or

b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

(b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

(d) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet;

(14) "Utility", any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services;

(15) "Utility pole", a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting;

(16) "Water tower", a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water;

(17) "Wireless communications service", includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. Section 301;

(18) "Wireless facility", the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

(19) "Wireless support structure", a structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

**67.5094. Prohibited acts by authority.** — In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not:

(1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;

(2) Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa; provided, however, that solely with respect to an application for a new wireless support structure, an authority may require an applicant to state in such applicant's application that it conducted an analysis of available collocation opportunities on existing wireless towers within the

same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis; for collocation to any certified historic structure as defined in section 253.545, in addition to all other applicable time requirements, there shall be a thirty-day time period before approval of an application. During such time period, an authority shall hold one or more public hearings on collocation to a certified historic structure;

(3) Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure;

(4) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application;

(5) With respect to radio frequency emissions, impose environmental testing, sampling, or monitoring requirements or other compliance measures on wireless facilities that are categorically excluded under the Federal Communication Commission's rules for radio frequency emissions under 47 CFR 1.1307 (b)(1) or other applicable federal law, as the same may be amended or supplemented;

(6) Establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality;

(7) Establish or enforce regulations or procedures for environmental safety for any wireless communications facility that is inconsistent with or in excess of those required by OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations;

(8) In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions;

(9) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;

(10) Prohibit the placement of emergency power systems that comply with federal and state environmental requirements;

(11) Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority for or directly by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable

administrative costs incurred for the review, processing, and approval of an application. Except when mutually agreeable to the applicant and the authority, total charges and fees shall not exceed five hundred dollars for a collocation application or one thousand five hundred dollars for an application for a new wireless support structure or for a substantial modification of a wireless support structure. Notwithstanding the foregoing, in no event shall an authority or any third-party entity include within its charges any travel expenses incurred in a third-party's review of an application and in no event shall an applicant be required to pay or reimburse an authority for consultation or other third-party fees based on a contingency or result-based arrangement;

(12) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;

(13) Condition the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services;

(14) Limit the duration of the approval of an application;

(15) Discriminate or create a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

(16) Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable;

(17) Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest;

(18) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the authority in connection with the authority's exercise of its police power-based regulations; or

(19) Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest, to be placed at or collocated with the applicant's wireless support structure.

**67.5096.** Permitted acts of authority — applicants for new structures, requirements — authority's duties — court review, when. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to the siting of new wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that proposes to construct a new wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within one hundred twenty calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and an authority, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within one hundred twenty calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new wireless support structure within the one hundred twenty calendar days' review period specified under subsection 4 of this section or within such additional time as may be mutually agreed to by an applicant and an authority, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within this state.

**67.5098.** Modification of structures, applicant requirements — authority's duties — court review, when. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to applications for substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that applies for a substantial modification of a wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within one hundred twenty calendar days of receiving an application for a substantial modification of wireless support structures, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within one hundred twenty calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.



5. If the authority fails to act on an application for a substantial modification within the one hundred twenty calendar days' review period specified under subsection 4 of this section, or within such additional time as may be mutually agreed to by an applicant and an authority, the application for a substantial modification shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within this state.

**67.5100.** Review for conformity with applicable building permit requirements — authority's duties — court review, when. — 1. Subject to the provisions of sections 67.5090 to 67.5103, including section 67.5094, collocation applications and applications for replacement of wireless facilities shall be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review.

2. The authority, within forty-five calendar days of receiving a collocation application or application for replacement of wireless facilities, shall:

(1) Review the collocation application or application to replace wireless facilities in light of its conformity with applicable building permit requirements and consistency with sections 67.5090 to 67.5103. A collocation application or application to replace wireless facilities is deemed to be complete unless the authority notifies the applicant in writing, within fifteen calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Each collocation application or application to replace wireless facilities shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application. Upon receipt of a timely written notice that a collocation application or application to replace wireless facilities is deficient, an applicant may take fifteen calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen calendar days, the application shall be reviewed and processed within forty-five calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen calendar days to cure the specific deficiencies, the forty-five calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the collocation application or application for replacement of wireless facilities; and

(3) Advise the applicant in writing of its final decision.

3. If the authority fails to act on a collocation application or application to replace wireless facilities within the forty-five calendar days' review period specified in subsection 2 of this section, the application shall be deemed approved.

4. The provisions of sections 67.5090 to 67.5103 shall not:

(1) Authorize an authority, except when acting solely in its capacity as a utility, to mandate, require, or regulate the placement, modification, or collocation of any new wireless facility on new, existing, or replacement poles owned or operated by a utility;

(2) Expand the power of an authority to regulate any utility; or

(3) Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility.

5. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within this state.

**67.5102.** Prohibited acts. — In accordance with the policies of this state to further the deployment of wireless communications infrastructure:

(1) An authority may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;

(2) To encourage applicants to request construction of new wireless support structures on public lands and to increase local revenues:

(a) An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless facility or wireless support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the authority do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a state-certified general real estate appraiser licensed under chapter 339 mutually agreed upon by the parties at the applicant's cost. The appraisal process shall be concluded within ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority. In the event either party is dissatisfied with the value determined by the appraiser, such party may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner. Nothing in this paragraph shall bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of current market rates during the term of a lease or contract to use an authority's property; and

(b) An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than fifteen years in duration unless the applicant agrees to accept a lease or contract of less than fifteen years in duration;

(3) Nothing in subdivision (2) of this section is intended to limit an authority's lawful exercise of zoning, land use, or planning and permitting authority with respect to applications for new wireless support structures on an authority's property under subsection 1 of section 67.5096.

**67.5103.** Power of eminent domain prohibited, when. — Notwithstanding any provision of sections 67.5090 to 67.5103, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, the department of conservation, the department of natural resources, or the state highways and transportation commission to:

- (1) Lease or sell property for the construction of a new wireless support structure; or
- (2) Locate or cause the collocation or expansion of a wireless facility on any existing structure or wireless support structure.

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (APARTMENT HOUSE) ON CERTAIN PROPERTY LOCATED ON A SECTION OF PARCEL ON EAST 24<sup>TH</sup> STREET IN THE CITY OF SEDALIA, MISSOURI, IN ACCORDANCE WITH CHAPTER 64, ZONING, OF THE CITY CODE OF THE CITY OF SEDALIA, MISSOURI.**

**WHEREAS**, the City received a rezoning application from Theron Broadfoot, on behalf of JML Contracting & Properties LLC, (“Applicant”) to rezone certain property within the City from District R-1 Single Family to R-3 Apartment House (“Rezoning Application”); and

**WHEREAS**, Notice of a public hearing before the City’s Planning & Zoning Commission (“Commission”) was published in a paper of general circulation within the city on October 19, 2021; and mailed to all property owners subject to the rezoning and within 185 feet of the property proposed to be rezoned; and

**WHEREAS**, on November 3, 2021, the Commission opened the public hearing and all those interested and wishing to testify were given the opportunity; and

**WHEREAS**, after the public hearing was closed, the Commission unanimously recommended by a vote of 7-Yes 0-No 1-Abstain, that the Sedalia City Council (“City Council”) approve the rezoning of that certain property that is subject to the Rezoning Application, from R-1 to R-3.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** That upon review of the record presented in a public hearing before the Commission, the final report, and recommendation of the Commission, the City Council Hereby approves the Rezoning Application.

**Section 2.** The said real estate mentioned in Section 1 is described and attached to this ordinance as Exhibit A.

**Section 3.** The Zoning Ordinances of the City of Sedalia, Missouri are hereby amended so that the real estate described in Exhibit A, which is presently zoned R-1 Single Family Residence is rezoned in its entirety to R-3 Apartment House.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
by Jason S. Myers, Deputy City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION**

E 24<sup>TH</sup> ST - THE EAST 400 FEET TO THE WEST 800 FEET OF THE NORTH 217.8 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TEN (10), IN TOWNSHIP FORTY FIVE (45) NORTH, OF RANGE TWENTY ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI, EXCEPT THE WEST 14 FEET THEREOF.

**APPLICATION FOR AN  
AMENDMENT TO THE ZONING DISTRICT MAP**

Sedalia City Planning & Zoning Commission  
200 S. Osage Avenue  
Sedalia, Missouri 65301

<b>DO NOT WRITE IN THIS SPACE</b>	
Date of Public Hearing	<u>11-3-21</u>
Date Submitted	<u>9-30-2021</u>
Date Advertised	<u>10-19-21</u>
Date of Mailing	<u>10-22-21</u>
Checked By	_____
Receipt No.	_____
Commission Action	_____
Council Action	_____

- Applicant's Name Theron Broadfoot on behalf of JML Contracting & Properties LLC
- Applicant's Address 111 W. 3rd St., Ste. 1, Sedalia, MO 65301
- Telephone Number (Home) \_\_\_\_\_ (Business) 913-433-4267
- Present Zoning R-1 Single Family Residential Requested Zoning R-3 Apartment House
- Legal Description of property requested to be rezoned, with street address or location:  
E 400' W 800' N 217.80' NE SE (EX E 14' OF E 400' W 800' N 217.80') 10 45 21  
E. 24th STREET  
SEDALIA, MO 65301  
\*NOTE THAT ONLY 0.16 ACRES OF THE 1.67 PROPERTY IS CURRENTLY ZONED R-1. THE REMAINING 1.51 ACRES IS CURRENTLY ZONED R-3.

- Area of subject property, square feet and/or acres 1.67 ACRES
- Present Use of subject property VACANT
- Desired use of subject property NEW RESIDENTIAL HOUSING (DUPLIX AND 4-PLEXES)
- What is the present use of the adjoining properties? North MULTI-FAMILY RESIDENTIAL  
South MUNICIPAL WASTEWATER OVERFLOW BASIN East VACANT West MULTI-FAMILY RESIDENTIAL
- How can you justify the proposed zoning change? (To answer this question, see Page 1, Item 2) See answer below.
- Time schedule for development FALL 2021
- Is property in a flood plain district? If yes, please indicate applicable FEMA Map applicable zone Has base flood elevation been established?  
If yes, please explain how such elevation was determined. \_\_\_\_\_

- Public Utilities available at site: Sewer NEARBY 10" PUBLIC SEWER MAIN " at LOCATED ALONG FRONTAGE IN E. 24th STREET  
Water 10" PUBLIC WATER MAIN  
at NORTH EDGE OF E. 24th STREET  
Natural Gas YES " at ALONG PROPERTY FRONTAGE IN E. 24th STREET R/W  
Electric EVERGY OVERHEAD  
at ALONG PROPERTY FRONTAGE IN E. 24th STREET R/W

- Exhibits furnished \_\_\_\_\_
- Theron J. Broadfoot 111 W. 3rd St., Ste. 1, Sedalia, MO 65301  
Signature of Applicant Address of Applicant
- Relationship of applicant to property: Owner  Agent
- Other Answer to the above question No. 10. Yes, the proposed district classification would be in the general public interest by allowing needed quality residential housing.  
(Explain)



GRAM engineering + design, llc.  
1016 W Broadway Blvd.  
Sedalia, Missouri  
660.851.1214

September 30, 2021

City of Sedalia Planning and Zoning (P&Z) Commission  
200 S. Osage Ave.  
Sedalia, Missouri 65301

Re: Request for Rezoning  
1.67 Acre Property on E. 24th Street  
E 400' W 800' N 217.80' NE SE (EX E 14' OF E 400' W 800' N 217.80') 10 45 21  
Sedalia, Missouri 65301

Dear P&Z Commission:

On behalf of the property owner JML Contracting & Properties LLC, we are requesting your consideration in rezoning the remaining portion (approximately 0.16 acres of the 1.67 acre parcel) of the subject property from R-1 Single Family Residential to R-3 Apartment House.

The proposed development plan for the 1.67-acre subject property located on E. 24th Street includes new construction of one duplex building and four 4-plexes, for a total of 18 residential living units. See enclosed site layout plan.

We believe the proposed zoning change will benefit the City by allowing the property Owner to use the land to provide much needed housing for our community. The property will provide families with convenient access to Bothwell Hospital, Sedalia Middle School and Parkview Elementary School, therefore, a mutual benefit. The proposed residential housing development is relatively small and therefore should fit in quite nicely with the surrounding area.

Sincerely,

A handwritten signature in black ink that reads "Theron J. Broadfoot". The signature is written in a cursive, slightly slanted style.

Theron J. Broadfoot, PE  
GRAM engineering + design





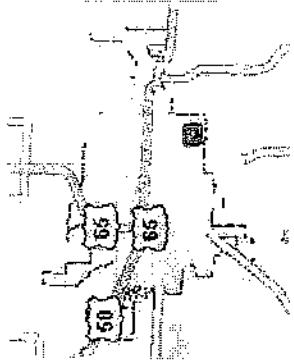
# Sedalia, MO



1 in. = 203 ft.

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



## Legend

- Parcel Roads
- Other
- State Hwy
- US Hwy
- Corporate Limit Line
- Zoning
- C-0
- C-1
- C-2
- C-3
- M-1
- M-2
- PLD
- Parks and Open Space
- R-1
- R-2
- R-3
- leftover lines.

## Notes



City of Sedalia  
200 S. Osage  
Sedalia, MO 65301  
(660)827-3000 [www.cityofsedalia.com](http://www.cityofsedalia.com)

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October 21, 2021

NOTIFICATION LETTER

To Whom It May Concern:

This is to notify you that a public hearing will be held in the City of Sedalia's Council Chambers of the Municipal Building, 2nd Street & Osage Avenue, Sedalia, Missouri to consider a Re-zoning Application for the following purpose and described tract of land:

PROPERTY ADDRESS:

E 24<sup>TH</sup> ST – THE EAST 400 FEET TO THE WEST 800 FEET OF THE NORTH 217.8 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TEN (10), IN TOWNSHIP FORTY FIVE (45) NORTH, OF RANGE TWENTY ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI, EXCEPT THE WEST 14 FEET THEREOF.

PURPOSE OF RE-ZONING: A section of the parcel is zoned R-1 Single Family Residential and the remainder of the parcel is zoned R-3, Apartment House. The entire proposed parcel would need to be zoned R-3, Apartment House, in its entirety.

The public hearing will be held to consider the re-zoning application for the above-described tract. Hearing will begin at 5:30 pm on Wednesday, November 3, 2021 and any interested persons or property owners are invited to attend.

For any additional information regarding this re-zoning, please contact the undersigned at the Municipal Building.

Respectfully,

John Simmons  
City of Sedalia  
Community Development Director  
(660) 827-3000 x1115

# MEMO

To: Planning & Zoning Commission

From: John Simmons, Community Development Director

Date: October 27, 2021

Subject: East 24<sup>th</sup> Street – directly east of 1300 E. 24<sup>th</sup> – raw land

Applicant: Theron Broadfoot on behalf of JML Contracting & Properties LLC

**Description of Request:** Applicant requests rezoning of property located on East 24th Street. Current zoning of the properties is R-3 Apartment House except a small portion of the northeast corner of the property is R-1 Single Family. This application seeks to correct that and make the entire parcel R-3 Apartment House.

**Land Use Review:** The subject property is currently raw land and the majority is zoned R-3 Apartment House with a small portion zoned R-1 Single Family. Surrounding zoning includes R-3 Apartment House to the north, south and west, and R-1 Single Family to the east.

The current Owner desires to make the entire parcel R-3 Apartment House for the development of multi-family units. This small portion prevents them from fully utilizing the property. In addition, the applicant has a variance request pending with the Zoning Board of Adjustment related to the require side yard setbacks that will be heard by that Board at a meeting on November 17 as a separate issue.

**Staff Recommendation:** Staff recommends the application for rezoning be approved for the following reasons:

1. The change of zoning from R-1 Single Family to R-3 Apartment House would be compatible with surrounding and neighboring uses focused on single family residential use.
2. Future Land Use Direction according to the City of Sedalia 2013 Master Plan Update indicates that this area should be maintained as a residential area (Urban Residential).
3. This change of zoning on this small portion of the property should be granted to make the entire property developable as intended by the current zoning of the large parcel. Staff questions why this corner was not zoned R-3 Apartment House in the beginning.
4. The rezoning of the property would be in the general interest of the public.

The rezoning and use of the property would reinforce the residential neighborhood.

Should you have any question or concerns regarding anything outlined in this advisory, please do not hesitate to contact me at 827-3000.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDALIA, MISSOURI, ACCEPTING AND SUPPORTING THE ADOPTION OF THE CHAPTER 353 PROPERTY TAX ABATEMENT MIDTOWN RESIDENTIAL AREA PROGRAM GUIDELINES.**

**WHEREAS**, the Chapter 353 Redevelopment Corporation has proposed guidelines for the implementation of tax abatement portion of the Sedalia Midtown Residential Area Redevelopment Plan to assist in providing incentives to remove blight, encourage reinvestment and preservation, increase home ownership and improve the value and appearance of neighborhoods; and

**WHEREAS**, the 353 Redevelopment Corporation met Thursday, October 21, 2021, to review proposed procedures for the implementation of the tax abatement portion of the Sedalia Midtown Residential Area Redevelopment Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Sedalia, Missouri, it hereby accepts and supports the adoption of the Chapter 353 Property Tax Abatement Midtown Residential Area Program Guidelines, which is attached hereto as **Exhibit A** and incorporated herein, for the City of Sedalia, Missouri.

**PASSED** by the Council of the City of Sedalia, Missouri, this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
By Jason S. Myers, Deputy City Clerk

**EXHIBIT A**  
**CHAPTER 353 PROPERTY TAX ABATEMENT MIDTOWN RESIDENTIAL AREA**  
**PROGRAM GUIDELINES**

**[SEE ATTACHED]**



*Let's Cross Paths*

**CHAPTER 353 PROPERTY TAX ABATEMENT**

**MIDTOWN RESIDENTIAL AREA**

**PROGRAM GUIDELINES**

These Program Guidelines for the Sedalia Chapter 353 Midtown Residential Area establishes procedures for the implementation of the tax abatement portions of the Sedalia Midtown Residential Area Redevelopment Plan approved by City Council by Ordinance No. 11168, on May 18, 2020.

The Midtown Residential Area (MRA) Development Plan (Plan) allows the Sedalia Redevelopment Corporation (SRC) to provide tax abatement of property taxes for properties within the redevelopment area in accordance with the provisions under Chapter 353 of the State Statutes. The Plan provides a method to pass through the SRC to individual property owners partial tax abatements on their properties in return for making improvements that remove the blighted conditions of the property. This document is intended to clarify the procedures and process for the tax abatements, refer to the full redevelopment plan for additional provisions.

Stock in the SRC Corporation is wholly owned by the City of Sedalia and is managed by a board of directors appointed by the Mayor and City Council. The MRA consists almost exclusively of residential properties, some vacant properties previously occupied as residential units, and a few commercial and industrial properties adjacent to Downtown. The MRA contains the City's oldest housing units many of which have fallen into disrepair. Some of the larger single-family units have been split into multi-family structures. Development of some parts of the Area represent relatively dense residential neighborhoods. Some of the neighborhoods (i.e. Victorian Towers) have residences with architecturally significant features. Unit sizes, types of construction, condition, and lot sizes vary. In terms of age, some buildings date from the late 1800's and early 1900's, with a large number developed between 1901 and 1920. No significant number of new housing units have been built after 1950. Also, only a relatively small number of units have had a substantial level of rehabilitation. The more details and boundaries of the MRA is depicted by the Boundary Map included as part of the Development Plan.

**Purpose**

The purpose of this program is to provide the owners of specific parcels an incentive to rehabilitate their properties, to remove any blighting influences, encourage reinvestment, encourage preservation as appropriate, increase home ownership and improve the value and appearance of neighborhoods. As properties are improved over time and other improvements are made in accordance with the redevelopment plan, the redevelopment area is revitalized. ***In order to receive a tax abatement, all exterior blight must be removed or abated prior to an abatement of taxes. Failure to maintain a blight-free property will result in a loss of the tax abatement.***

**Description of Program**

The program is intended to preserve and enhance the homes within the neighborhoods included in the

MRA and thereby enhance the neighborhoods they're included in. The Victorian Towers historic neighborhood has been identified as a local historic district and will require adherence to specific design guidelines and approval steps previously identified through adopted Historic District Design Guidelines. Other neighborhoods not identified as a Historic District do not have specific guidelines but are required to follow eligible and non-eligible improvement guidelines contained herein in order to participate in the tax abatement program. See Attachment A for a list of improvements.

Chapter 353 tax abatement program provides that, once a property is transferred through a redevelopment corporation, the real property shall not be subject to assessment or payment of general ad valorem taxes for a period not to exceed ten (10) years except on the basis of the assessed value of the land, exclusive of improvements, during the calendar year prior to the year in which the SRC acquired title to the property. With Council approval, the SRC can pass through the tax abatement to the owner upon transfer of title. ***Thus, under a standard 353 project, the property owner is only paying taxes on the value of the land up to the first ten years of abatement.***

In addition, Missouri law allows for 50% abatement on the whole value of the property for up to the next fifteen (15) years. ***Thus, under a 353 project, the property owner may only be paying a portion of the real estate taxes for up to twenty five years after the rehabilitation to help offset the costs of such rehabilitation.***

The abatement period will cease once the project cost have been reimbursed or the approved number of years of abatement has expired.

### **Eligible Properties**

In order to qualify for tax abatement the property must fall within the MRA boundaries. In addition, properties that meet the following conditions will be excluded from the tax abatement program so long as these conditions exist:

- Properties that have been issued a notice from law enforcement regarding illegal activity on the property pursuant to Section 36-96 of the City's Code of Ordinances within the last six (6) months or if the owner is / was not cooperative with the order, so long as such owner still owns the property.
- Properties which have property maintenance code compliance citations outstanding. Also, properties owned by common ownership where other property maintenance code compliance citations are outstanding.
- Blight on all properties with common ownership interests must be eliminated for any such property to qualify.
- Properties with delinquent property tax assessments, including special assessments of the City of Sedalia.

### **Minimum Project Improvements Required**

- A. Base Improvement Value - In order to qualify for the 353 tax abatement, there is a minimum project improvement value that must be met. The "Base Improvement Value" minimum requirement for the improvements shall be the value of not less than the Net Present Value @6.5 percent of the taxes abated over a ten year abatement period based on the current assessed value (with an assumed annual increase in value of 0.5 percent), but ***not less than \$3,500 for the eligible improvements on the existing structure(s) on the property.*** Net present value is utilized because it demonstrates the future value of an investment over time.

Certain improvement costs do not qualify for abatement (described below under Ineligible



Improvements).

Project Costs includes the entire cost of the project (construction, materials, architectural and engineering costs, fees, permits) excluding ineligible improvements. Construction Costs includes materials and labor excluding architectural and engineering costs, fees, permits, and financing costs.

B. Base Project Improvements - The minimum improvements required for all construction receiving tax abatement must comply with the following and will count towards the Base Improvement Value:

- All construction must conform to City codes. Any existing code violation shall be brought into compliance by the end of construction of the project.
- To improve thermal efficiency of a dwelling, all doors and windows must be weather-stripped to reduce infiltration of air when existing is inadequate or nonexistent. All openings, cracks or joints must be caulked or sealed.
- All broken windows/window panes and doors must be replaced.
- Each project must be provided with a minimum of one approved, listed, labeled and operational smoke detector per bedroom and one on each floor. Carbon Monoxide Detectors must be installed on each floor if any fuel burning appliances or attached garage is present.
- Any sidewalk in front or alongside of a house or lot shall be in good repair. Any portion of a sidewalk that is not in good repair must be replaced. New or replacement sidewalks shall match the materials and width of sidewalks on adjacent properties and be constructed to the construction standards of the City of Sedalia. The applicant may contact the Public Works Department of the City of Sedalia for an inspection of sidewalks at any time. Applicants should be aware that sidewalks might become damaged over time or as a result of extensive home rehabilitation or construction activities. Applicants may want to be certain that the contractors they choose to do their rehabilitation work will guarantee that they will repair sidewalks that they damage, otherwise the applicant will be responsible for repairing a sidewalk damaged by the contractor.
- Existing retaining walls must be in good condition and restored to maintain structural integrity.
- Turf and/or planted beds are required in the front and back yards. Plantings shall not be overgrown.
- Electrical service must be provided to each dwelling unit. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and light outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the City will require the defects to be corrected to eliminate the hazard, as well as, to satisfy the current electrical utility (Evergy) requirements.

#### Eligible Improvements

A. General Improvements - Any repair is acceptable in the Base Project Improvements requirement that may affect the health and safety of the occupants. Minor or cosmetic repairs by themselves, however, are not included as a part of the Base project. Examples of eligible improvements are listed below. This is not inclusive and only lists the types of work that may be done. The Base Project Improvements, specifies the improvements that must be done for a property to receive

tax abatement. The following improvements may apply toward the Base Project Value. A more complete list can be found in Attachment A.

- Structural alterations and reconstruction including additions, chimney repair, finish basements.
- Masonry work including tuck pointing existing masonry
- Elimination of lead based paint and asbestos removal on homes built prior to 1978
- Changes for aesthetic appeal and elimination of obsolescence (i.e. new exterior finishes, new porch and/or decks)
- Replacement of plumbing, furnace replacement, air conditioning including replacement of window units with central systems, new plumbing fixtures.
- Handicapped accessibility improvements
- Roof replacement/repair, gutters and downspouts
- Window and door replacement/repair
- Flooring, tiling, carpeting, painting (interior and exterior)
- Energy conservation improvements. Solar panels should be mounted flush with the roof on a secondary facade.
- Demolition
- Major landscaping, drainage improvements to preserve the property from erosion and/or fixing drainage problems, and fencing.
- Labor and materials.

Wherever a property is located within the Chapter 353 Residential Area, there are items that, while they may be allowed, may or may not be eligible for Chapter 353 tax abatement. Refer to Attachment A for a listing.

- B. **Local Historic District Properties** - Properties located within Local historic districts must follow the Historic District Design Guidelines. If a property owner within a local historic district removes any aluminum or synthetic siding and restores with a wood/wood based product (as required within the Historic District Design Guidelines), the property could qualify for additional tax abatement beyond the initial ten (10) years based on 50% of the then current full value of the property. This extension is available only if the cost of the historic district improvement is not repaid within the initial ten (10) year tax abatement period and/or for the length of time necessary to recoup the cost of the historic district improvement. Properties within local historic districts must have exterior work approved by the Sedalia Historic Preservation Commission (SHPC).
- C. **Properties Outside Local Historic Districts** - If a property located outside of the local historic districts opts to comply with the adopted Historic District Design Guidelines, the property could qualify for additional of tax abatement beyond the initial ten (10) years based on 50% of the then current full value of the property. This extension is available only if the cost of the historic district improvement is not repaid within the initial ten (10) year tax abatement period and/or for the length of time necessary to recoup the cost of the historic district improvement.
- D. **Conversion to home ownership** - Tax abatement is not intended for the conversion to additional rental units. The use of tax abatement shall not be utilized for the purpose of converting owner-occupied dwelling units to rental units or for the purpose of further subdivision of rental properties into a larger number of units. However, tax abatement may be used for the

## MEMO

**To:** Mayor John Kehde and City Council  
**From:** John Simmons, Community Development Director  
**Date:** November 5, 2021  
**Subject:** 353 Tax Abatement Guidelines

The 353 Redevelopment Corporation met Thursday, October 21<sup>st</sup> to review proposed procedures for the implementation of the tax abatement portions of the Sedalia Midtown Residential Area Redevelopment Plan. The redevelopment plan for this area was approved by City Council on May 18, 2020.

The purpose of the program guidelines is to assist in providing the incentives to remove blight, encourage reinvestment, encourage preservation, increase home ownership and improve the value and appearance of neighborhoods. The following highlights from the document stress the results to be achieved by utilizing the program and the flexibility and economic value of the tax abatement:

1. All exterior blight must be removed or abated prior to an abatement of taxes.
2. Failure to maintain a blight-free property will result in a loss of the abatement.
3. Following proper transference of property through the Redevelopment Corporation, Council may approve a tax abatement that is transferred to the property owner. This tax abatement allows the property owner to pay tax only on the value of the land up to the first ten years of abatement.

After that ten year period, the program allows that 50% of the whole value of the property may be abated for up to 15 more years. Thus, the property owner may realize some level of tax abatement for up to 25 years.

The guidelines further define eligible properties, minimum project improvements required, eligible improvements and the step-by-step application and approval processes.

**After careful review and consideration, the 353 Redevelopment Corporation recommends that City Council approve the attached guidelines.**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN THE CITY OF SEDALIA, MISSOURI AND \_\_\_\_\_ FOR PROPERTY COMMONLY KNOWN AS \_\_\_\_\_.**

WHEREAS, the City of Sedalia, Missouri has received a proposal from \_\_\_\_\_ for a Right of First Refusal on property commonly known as \_\_\_\_\_ at an agreed upon amount as contained in the Right of First Refusal document as set forth in Exhibit A and attached hereto and incorporated by reference.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI, AS FOLLOWS:**

**Section 1.** The Council of the City of Sedalia, Missouri approves and accepts the terms as contained in the Right of First Refusal in substantially the same form and content as proposed in Exhibit A.

**Section 2.** The City Administrator is authorized to execute and the City Clerk is hereby authorized and directed to file in her office the said Right of First Refusal after it has been executed by the parties or their duly authorized representatives.

**Section 3.** This ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 15<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
John Kehde, Mayor

ATTEST:

\_\_\_\_\_  
Arlene Silvey, MPCC City Clerk  
By Jason S. Myers, Deputy City Clerk