



BOARD OF ALDERMEN
Regular Meeting Agenda
CITY OF PARKVILLE, MISSOURI
Monday, July 11, 2022 4:30 PM
City Hall Board Room

Next numbers: Bill No. 3195 / Ord. No. 3134

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

2. CITIZEN INPUT

3. CONSENT AGENDA

- A. Approve a temporary resort with Sunday sales liquor license for Acre, a new restaurant to be located at 6325 Lewis Street, Suite 119 (formerly New London Cafe)
- B. Approve retail liquor by the drink picnic licenses for the Cosentinis Charity Foundation for a golf tournament at The National Golf Club and The Deuce on July 25, 2022
- C. Approve Resolution No. 22-010 appointing Ryan O'Laughlin, Jeffery Cunningham, Troy Wilson and Lindsey Derry to the Parkville Old Towne Market Community Improvement District through June 2026

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

4. ACTION AGENDA

- A. Approve the first reading of an ordinance to accept the street and storm sewer public improvements and associated maintenance bonds for the Woods at Creekside 3rd Plat (Public Works)

5. STAFF UPDATES ON ACTIVITIES

6. MAYOR, BOARD OF ALDERMEN & COMMITTEE REPORTS & MISCELLANEOUS ITEMS

7. ADJOURN

ITEM 3.A.

For 7/11/2022

Board of Aldermen Meeting

CITY OF PARKVILLE Policy Report

Date: July 6, 2022

Prepared By:

Melissa McChesney, City Clerk

Reviewed By:

Alexa Barton, City Administrator

ISSUE:

Approve a temporary resort with Sunday sales liquor license for Acre, a new restaurant to be located at 6325 Lewis Street, Suite 119 (formerly New London Cafe)

BACKGROUND:

Per Parkville Municipal Code Chapter 600, all liquor license applications must be approved by the Board of Aldermen. On June 23, 2021, a liquor license application was submitted by Acre, a new restaurant to be located at 6325 Lewis Street, Suite 119 (formerly New London Cafe). Per Parkville Municipal Code Section 600.070, Acre qualifies for the resort liquor license with Sunday sales. Since it will be a new business, a temporary resort license is required for the first three months.

Following approval by the Board and receipt of the license fee, the City Clerk will provide an approval letter to the business which will be submitted to the Missouri Division of Alcohol and Tobacco Control for its Missouri liquor license. A copy of the City's approval letter will be on file in the City Clerk's Office.

BUDGET IMPACT:

The fee for this type of liquor license is \$168.75 and will be coded as revenue in the General Fund.

ALTERNATIVES:

1. Approve the temporary resort liquor license for Acre.
2. Do not approve the temporary resort liquor license.
3. Postpone the item.

FINANCE COMMITTEE RECOMMENDATION:

The item was not presented to the Finance Committee, but is being taken directly to the Board of Aldermen for consideration.

STAFF RECOMMENDATION:

Staff recommends approval of the temporary resort with Sunday sales liquor license for Acre, a new restaurant in Parkville Commons.

POLICY:

Parkville Municipal Code Section 600.030 states that the Board of Aldermen shall approve all new applications for a liquor license.

SUGGESTED MOTION:

I move to approve a temporary resort with Sunday sales liquor license for Acre, a new restaurant to be located at 6325 Lewis Street, Suite 119.

ATTACHMENTS:

1. Application



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

APPLICATION TO SELL LIQUOR IN PARKVILLE, MISSOURI
(Parkville Municipal Code Chapter 600)

For period June 1, 2022 to May 31, 2023
Current year Next year

Date of Application: _____

SECTION 1.

1. Name of Business: RL ACRE holdings LLC
2. Type of Business: Restaurant
3. Street address where liquor is to be sold: 6325 Lewis street
4. Is this location within 300 feet of a church or school?: Yes ☐ No ☒
See Parkville Municipal Code Section 600.310 Notice and Consent
5. Mailing Address: 6325 Lewis street suite 119 Parkville MO 64152
6. Phone No. of Business: (816) 820-8778 Fax No. of Business: _____
7. Name of Managing Officer (principal applicant): Andrew Longnes
8. Name(s) of any partner(s) in this business (attach separate sheet if necessary):
Robert Raymond
Sheryl Raymond
9. Name(s) and residence address(es) of any other person(s) having financial interest in this business or partnership (attach separate sheet if necessary):
Robert Raymond, Sheryl Raymond
411 W 46th ter Apt. 403 Kansas City MO 64112
10. If corporation, give name of corporation, date of incorporation, state in which incorporated, and names and addresses of all stockholders who hold ten percent (10%) or more of the capital stock (attach separate sheet if necessary):

11. Name(s) and residence address(es) of any other person(s) having financial interest in the building to be used for liquor sales:

APPLICATION TO SELL LIQUOR IN PARKVILLE

SECTION 3. LICENSE FOR WHICH APPLICATION IS BEING MADE

(Please choose the license for which application is being made.)

1. ☐ **Microbrewer: \$375**
Based on annual production of at least 500 barrels, at a fee of \$7.50 per hundred barrels. If, at the end of the license year, the microbrewery has produced less than 500 barrels, the City shall refund \$7.50 for every hundred barrels under that number. A fraction of one hundred barrels produced shall be counted as one hundred barrels. It allows production of beer and malt liquor of no more than 10,000 barrels per year in Zones I-1, I-2 or I-3 only. Holder of this license must also have a resort liquor license (RSMo 311.195)
2. ☐ **Retailer of malt liquor in the original package: \$75**
Allows sale of malt liquor in original package for consumption off premises. LIMITED to drug stores, cigar/ tobacco stores, confectioneries, delicatessens, grocery or general merchandise stores with stock having at-cost value of at least \$1,000. (RSMo 311.200) Limit of one per every 2,000 residents.
3. ☐ **Retailer of malt liquor by the drink: \$52.50**
Allows sale of malt liquor/ light wine by drink for consumption on premises, sale of malt liquor/ light wine in original package for consumption off premises. (RSMo 311.200)
4. ☐ **Retailer of intoxicating liquor in original package: \$150** ☐ **Sunday Sales: additional \$300**
Allows sale of intoxicating liquor, malt liquor in original package for consumption off premises. LIMITED to drug stores, cigar/ tobacco stores, confectioneries, delicatessens, grocery or general merchandise stores having at-cost value of at least \$1,000. (RSMo 311.200, 311.293). Limit two per every 1,000 residents.
5. ☐ **Resort license (RSMo 311.095): \$450** ☐ **Sunday Sales: additional \$300**
Allows sale of intoxicating liquor by drink for consumption on premises of a "resort," sale of intoxicating liquor in original package for consumption off premises, sale of malt liquor by drink for consumption on premises, sale of malt liquor in original package for consumption off premises.
 - 5a. ☒ **Temporary resort license: \$93.75 for 3 months/ Sunday sales: additional \$75 for 3 months**
Allows 3-month resort license, based on projection of sales. For all new restaurants.
6. ☐ **Malt liquor/ light wine sale-by-drink permit (no more than 7 days): \$37.50**
Allows sale of light wine and malt liquor for consumption off premises where sold between 10:00 a.m. and midnight (11:00 a.m. to midnight on Sundays) or requested date(s) of sale. LIMITED to church, school, civic, service, fraternal, veterans, political, or charitable club or organization for picnic, bazaar, fair, festival or similar gathering or event. (RSMo 311.482)
7. ☐ **Boat or Vessel, Intoxicating liquor by drink for consumption: \$450**
Authorizes sale of intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this State, which has a regular place or mooring in Parkville, Missouri. NOTE: Does not include riverboat gambling boats. (RSMo 311.090)
8. ☐ **Intoxicating liquor by drink for consumption on premises - including Sunday Sales: No fee**
Authorizes sale of liquor by drink at retail for consumption on premises. LIMITED to charitable, fraternal, religious, service or veterans' organization with 501(c) exemption. (RSMo 311.090)
9. ☐ **Wholesaler: \$375 RSMo 311.180 (9)**
10. ☐ **Caterer: \$15 per day; requires separate caterer's permit.**
11. ☐ **Tasting Permit: \$37.50**
Authorizes any winery, distiller, manufacturer, wholesaler or brewer or designated employee to provide distilled spirits, wine, or malt beverage samples off a licensed premises provided no sales transactions take place or on any temporary licensed retail premises. (RSMo 311.294)
12. ☐ **Retailer intoxicating liquor by the drink limited to distillers: \$375**
LIMITED to a distiller whose manufacturing establishment is located within the City and allows for the sale of intoxicating liquor by the drink at retail for consumption on the premises where sold provided the licensed premises is in close proximity to the distillery.

APPLICATION TO SELL LIQUOR IN PARKVILLE

SECTION 4. AFFIDAVIT OF PRINCIPAL APPLICANT

I hereby affirm that I am and shall continue to be actively engaged for the period of the license for which application is made in the actual control and management of the premises for which liquor license is sought. I am at least 21 years of age. I am of good moral character. I am qualified to hold an alcoholic beverage license in the State of Missouri. I have never been convicted, since the ratification of the 21st Amendment of the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacturer or sale of alcoholic beverages. I have never had a dealer's license revoked. I am a qualified legal voter and taxpaying citizen of the Missouri county, town, city or village of which I am a resident and will produce a tax receipt and Election Board certification to that effect upon request.

I affirm that I am not in arrears for any back taxes or license fees owned to the City of Parkville. I will not accept directly or indirectly any loans, equipment, money, credit or property of any kind, except ordinary commercial credit, as such term is defined in the Rules and Regulations of the Supervisor of Liquor Control of the State of Missouri.

I am prepared to offer all statements, books, records and papers which the City Clerk determines to be necessary to describe the true ownership and management of the business or in the respects necessary to determine my qualifications for this liquor license.

I affirm that the type of business to be conducted on the premises for which application is made is as shown on this application. If applying for license in category 3 or 5, I state that goods for sale at this location are valued at-cost in at least the amount of \$1,000, and at no time shall the at-cost value of goods offered for sale at this location be less than \$1,000 (exclusive of fixtures and alcoholic beverages.)

I affirm that no distiller, wholesaler, winemaker, brewer, or supplier of coin-operated, commercial manual or mechanical amusement devices, or any employee, officer or agent thereof has any financial interest in the retail business of this applicant for the sale of alcoholic beverages or C.O.L., and that I will not accept from any such persons equipment, money, credit or property of any kind, except ordinary commercial credit for liquor.

I understand that if I do not begin operation of the business at the address shown within 120 days, then my license fee is forfeited and the license issued to me shall be considered invalid, null and void, and no effect, and I may not reapply for a liquor license for a period of one year from the date invalidated license was issued. I understand that I am to file with the City Clerk a written report of any loan made to me of money or credit relating to the licensed business within fifteen days of such loan being made.

If any of the facts or information in the foregoing application change during the period for which license is issued, I shall file with the City Clerk a written report of such change(s) within ten days of such change(s).

SIGNATURE OF PRINCIPAL APPLICANT: _____

DATE: 06/13/2022

Attach:

- Certificate of Occupancy (building permit required if currently undergoing construction or remodel)
- License application(s) from partner(s): Section 2 of this form
- Check for license fee (see page 3 for fees)
- Photo of exterior of premises to be used for liquor sales
- Background check through the Missouri State Highway Patrol
- Supplemental information as requested

**CITY OF PARKVILLE
Policy Report**

Date: July 6, 2022

Prepared By:

Melissa McChesney, City Clerk

Reviewed By:

Alexa Barton, City Administrator

ISSUE:

Approve retail liquor by the drink picnic licenses for the Cosentinos Charity Foundation for a golf tournament at The National Golf Club and The Deuce on July 25, 2022

BACKGROUND:

The Cosentino Charity Foundation is a non-profit organization that will be selling liquor during a golf tournament at The National and The Deuce on July 25, 2022. In order for a non-profit organization to sell intoxicating liquor at an event (picnic, bazaar, fair or similar gathering), the State of Missouri requires an approval letter from the City for a retail by the drink picnic license for up to seven days.

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

BUDGET IMPACT:

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

ALTERNATIVES:

1. Approve the picnic license for the Cosentinos Charity Foundation for a golf tournament on July 25.
2. Deny the picnic license.
3. Postpone the item.

FINANCE COMMITTEE RECOMMENDATION:

The item was not presented to the Finance Committee, but is being taken directly to the Board of Aldermen for consideration.

STAFF RECOMMENDATION:

Staff recommends approving retail liquor by the drink picnic licenses for the Cosentinos Charity Foundation for a golf tournament at The National and The Deuce on July 25, 2022.

POLICY:

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

SUGGESTED MOTION:

I move to approve retail liquor by the drink picnic licenses for the Cosentinos Charity Foundation for a golf tournament at The National Golf Club and The Deuce on July 25, 2022.

ATTACHMENTS:

1. Request Letter



June 27, 2022

Board of Alderman
City of Parkville
8880 Clark Avenue
Parkville, MO 64152

Callie M. Cosentino Hahn
(913) 749-1550
(913) 905-6027 Fax
calliec@cosentinos.com

Re: Cosentino Charity Foundation

Dear Sir or Madam:

On behalf of the Cosentino Charity Foundation, I am submitting our City of Parkville liquor permit request, along with the required documents from the County and State that have already been issued. The Cosentino Charity Foundation is having a golf tournament on July 25, 2022 at The National and The Deuce and our final step is obtaining a Retail Liquor by the Drink Picnic License for both courses.

Please contact me if there are any questions, concerns or further documentation needed.

Sincerely,

Callie M. Cosentino Hahn

PRICE CHOPPER
SUNFRESH
APPLE MARKET
COSENTINO'S MARKET

Cosentino's Food Store
13180 Metcalf Avenue
Overland Park, KS 66213



13180 METCALF AVENUE
OVERLAND PARK, KS 66213
OFFICE PHONE 913.749.1500
OFFICE FAX 913.749.1675

June 27, 2022

Date

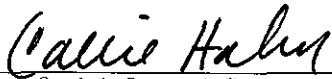
Board of Aldermen
City of Parkville
8880 Clark Avenue
Parkville, Missouri 64152

RE: Parkville Liquor Permit Request – Retail Liquor by the Drink Picnic License

Dear Board of Aldermen,

The Cosentino Charity Foundation requests permission from the City of Parkville to serve
Organization Name
liquor on July 25, 2022 for Cosentino Charity Golf Tournament to be held at
Event month and day Event year Event Name
The National. Liquor will be sold from 8:00 am to 5:00 pm.
Event Location Start time End time

Sincerely,



Organization Representative Signature

Cosentino Charity Foundation

Organization Name

13180 Metcalf Avenue, Overland Park KS 66213

Organization Address

June 27, 2022

Date

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

RE: Parkville Liquor Permit Request -- Retail Liquor by the Drink Picnic License

Dear Board of Aldermen,

The Cosentino Charity Foundation requests permission from the City of Parkville to serve
Organization Name
liquor on July 25, 2022 for Cosentino Charity Golf Tournament to be held at
Event month and day Event year Event Name
The Deuce Liquor will be sold from 8:00 am to 5:00 pm.
Event Location Start time End time

Sincerely,

Callie Hahn
Organization Representative Signature

Cosentino Charity Foundation

Organization Name

13180 Metcalf Avenue, Overland Park KS 66213

Organization Address

**CITY OF PARKVILLE
Policy Report**

Date: July 8, 2022

Prepared By:

Melissa McChesney, City Clerk

Reviewed By:

Alexa Barton, City Administrator

ISSUE:

Approve Resolution No. 22-010 appointing Ryan O'Laughlin, Jeffery Cunningham, Troy Wilson and Lindsey Derry to the Parkville Old Towne Market Community Improvement District through June 2026

BACKGROUND:

The petition to establish the Parkville Old Towne Market Community Improvement District (POTMCID) was approved June 20, 2006, and included membership requirements of the Board of Directors, the names of the nine original members to serve as the directors and procedures for appointments. On June 24, 2022, the Mayor and City Clerk received a slate of nominations for the appointment of four successor directors. All terms will be for four years and will expire in June 2026.

Pursuant to Ordinance No. 2264, the Mayor or Board of Aldermen must respond to the submitted slate no later than 30 days following the date of submission to the City Clerk. The Board must respond by July 24th or the slate of successor directors will be deemed appointed.

The Mayor or Board of Aldermen may reject the slate and submit in writing its reasons for rejection and request that the District submit an alternate slate. The District has 10 days, following receipt of the written request from the City, to submit an alternate slate. Following receipt of the alternate slate, the Board of Aldermen has 10 days to appoint the successor directors or reject the slate. The District then has 10 days to submit an alternate slate. Any subsequent action by the Board of Aldermen following the submission of each alternate slate is 10 days. The process repeats until the successor directors are appointed or deemed appointed due to non-response or a missed deadline.

BUDGET IMPACT:

There is no impact to the budget.

ALTERNATIVES:

1. Approve the slate.
2. Reject the slate and request a new slate.
3. Reject the slate and request clarification regarding the appointments as outlined above.
4. Postpone to a special meeting to be held on or before July 24.

FINANCE COMMITTEE RECOMMENDATION:

The item was not presented to the Finance Committee, but is being taken directly to the Board of Aldermen for consideration.

STAFF RECOMMENDATION:

Staff recommends that the Board of Aldermen take action on or before July 24th to approve or reject the slate submitted by the Parkville Old Towne Market Community Improvement District for appointments through June 2026.

POLICY:

According to Ordinance No. 2264, the POTMCID Board of Directors shall be appointed by the Mayor with consent of the Board of Aldermen by resolution according to a slate submitted to the City Clerk by the Board of Directors. The Board of Aldermen must either appoint or reject the slate of nominations within 30 days of receipt by the City Clerk.

SUGGESTED MOTION:

I move to approve Resolution No. 22-010 appointing Ryan O'Laughlin, Jeffery Cunningham, Troy Wilson and Lindsey Derry to the Parkville Old Towne Market Community Improvement District through June 2026.

ATTACHMENTS:

1. Resolution No. 22-010
2. Slate of Nominations
3. Ordinance No. 2264



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

***CITY OF PARKVILLE, MO.
RESOLUTION No. 22-010***

**A RESOLUTION NAMING APPOINTMENTS TO THE PARKVILLE OLD TOWNE MARKET
COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS**

WHEREAS, Ordinance No. 2264 states that the District will be governed by a Board of Directors consisting of nine directors who shall be either an owner of real property within the District, an owner of a business operating within the District, or a registered voter residing within the District; and

WHEREAS, Ordinance No. 2264 states that three appointees shall serve as owner representatives, five shall serve as operator representatives and one shall serve as a resident representative; and

WHEREAS, members of the Parkville Old Towne Market Community Improvement District Board of Directors serve for a term of four years ending June 30; and

WHEREAS, Ordinance No. 2264 states members shall be appointed by the Mayor with consent of the Board of Aldermen by resolution according to a slate of nominees from the Board of Directors submitted to the City Clerk; and

WHEREAS, the POTMCID Board of Directors submitted its slate of nominations to the City Clerk and Mayor on June 24, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN FOR THE CITY OF PARKVILLE AS FOLLOWS:

Section 1. The City of Parkville hereby names Ryan O’Laughlin as a property owner representative to the Parkville Old Towne Market Community Improvement District Board of Directors through June 2026.

Section 2. The City of Parkville hereby names Jeffery Cunningham and Troy Wilson as operator representatives to the Parkville Old Towne Market Community Improvement District Board of Directors through June 2026.

Section 3. The City of Parkville hereby names Lindsey Derry as a resident representative to the Parkville Old Towne Market Community Improvement District Board of Directors through June 2026.

IN TESTIMONY WHEREOF, I have hereunto set my hand, in the City of Parkville this 11th day of July 2022.

Mayor Dean Katerndahl

ATTESTED:

City Clerk Melissa McChesney



**PARKVILLE OLD TOWNE MARKET
COMMUNITY IMPROVEMENT DISTRICT
173 ENGLISH LANDING DRIVE - PARKVILLE, MISSOURI
parkvilleotmcid@gmail.com**

June 24, 2022

Dean Katerndahl, Mayor
City of Parkville
8880 Clark Avenue
Parkville, Missouri 64152

Dear Mayor Katerndahl,

The Parkville Old Towne Market Community Improvement District held our Annual Meeting on June 23, 2022. At that meeting, the Board of Directors approved a slate for appointment as successor directors for four-year terms (7/1/2022 – 6/30/2026):

Ryan O’Laughlin, Property Owner
Jeffrey Cunningham, Business Operator
Troy Wilson, Business Operator
Lindsey Derry, Resident

We would appreciate your consideration and approval for appointment of these successor directors to the Parkville Old Towne Market Community Improvement District Board of Directors.

For your information, the Board of Directors also approved the following Interim Directors to fill two vacancies on the Board. The interim Directors are of the same category as the members they are replacing. The term for these Interim Directors is July 1, 2022 – June 30, 2024

Phil Wassmer, Property Owner (City representative)
Denise Glanzer, Business Operator

At the Annual Meeting, the Board also elected Officers for a term of 7/1/2022 – June 30, 2023:

Tom Hutsler, Chair
Titus Bond, Vice Chair
Gordon Cook, Treasurer
Carol Kuhns, Secretary
Carol L. Kuhns, District Manager

The District looks forward to continuing to provide benefits to Historic Parkville. We will provide future updates as appropriate.

Sincerely,

Carol L. Kuhns, District Manager
816-853-2476

cc: Board of Alderman, City of Parkville
Tom Hutsler, Chair, POTMCID

C. Budget

The commencement of the Eligible Services and the implementation of the District Sales Tax are expected to occur within the first year of the District's existence. The estimated initial costs of the Eligible Services are shown on Exhibit C ("Estimated Cost of the Eligible Services") to the Petition.

IV. GOVERNANCE OF THE DISTRICT

A. Type of District

The District shall be a separate political subdivision and shall have all of the powers granted to and/or exercisable by a community improvement district according to the Act except to the extent its powers are expressly limited by this Petition.

B. Board of Directors

1. Number

The District shall be governed by a Board of Directors (the "District Board") consisting of nine (9) directors.

2. Qualifications

Each Member of the District Board ("Director") shall meet the following requirements:

- (a) be at least 18 years of age;
- (b) be and must declare to be either an owner of real property ("Owner") within the District, an owner of a business ("Operator") operating within the District, or a registered voter residing with the District ("Resident"), as provided in the Act; and
- (c) be nominated pursuant to a slate submitted by the District Board to the Mayor of the City with the consent of the Board of Aldermen pursuant to the procedures set forth below.

3. Nominating Procedures

- (a) Each individual nominated ("Nominee") to be a Director must be deemed to be either an Owner, an Operator or a Resident and classified as such, and be nominated by two (2) sitting Directors.

- (b) The Directors shall then vote to select from the qualified Nominees the requisite number of Nominees to comprise the aforementioned slate to be submitted to the City Clerk
- (c) In no event shall there be more than five (5) Directors deemed to be Operators, nor shall there be more than three (3) Directors deemed to be Owners.

The failure of the District Board to follow the preceding nominating procedures shall not affect the District Board's authority to hold meetings, exercise any of the District's powers or take any action otherwise lawful.

4. Initial Directors

The initial Directors to serve on the District Board, their respective terms and classification as Owner, Operator or Resident shall be:

NAME	TYPE	TERM
Mindy Diaz	Operator	Two Years
Rhonda Doyle	Owner	Two Years
Angelo Gangai	Operator	Four Years
Tom Hutsler	Owner	Four Years
John Kuhns	Operator	Two Years
Ralph Liebetrau	Operator	Four Years
Frank McCall	Resident	Two Years
Kristy McKibben	Operator	Four Years
Dave Williams	Owner	Two Years

5. Terms

The initial Directors named above shall serve for the terms set out opposite their names or until their successor is appointed in accordance with this Petition and their successors shall serve for four-year terms or until their successor is appointed in accordance with this Petition.

In the event for any reason a Director is not able to serve his or her full term ("Exiting Director"), any vacancy to the District Board shall be filled by appointment of a Director ("Interim Director") by a majority vote of the District Board. Any Interim Director shall be of the same type and from the same area as the Exiting Director, unless otherwise stated in the By-Laws adopted by the District Board upon formation of the District, as they may be amended from time to time.

6. Successor Directors

Successor Directors, whether to serve a new term or to fill a vacancy on the District Board, shall be appointed by the Mayor of the City with the consent of the Board of Aldermen by resolution according to a slate submitted to the City Clerk by the District Board. Upon receipt of such slate from the District Board, the City Clerk shall immediately deliver the slate to the Mayor and the Board of Aldermen. Not later than 30 days following the date the slate is submitted to the City Clerk:

- (a) the Mayor shall appoint the successor Directors according to the slate submitted and the Board of Aldermen shall consent by resolution to the appointment; or
- (b) the Mayor or the Board of Aldermen may reject the slate submitted and request in writing with written reasons for rejection of the slate that the District Board submit an alternate slate. If no action is completed within the 30-day period, the successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the slate submitted as of the expiration of the 30-day period.

If an alternate slate is requested, the District Board shall within 10 days following receipt of the written request submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor and the Board of Aldermen. Not later than 15 days following the date the alternate slate is submitted to the City Clerk:

- (a) the Mayor shall appoint the successor Directors according to the alternate slate submitted and the Board of Aldermen shall consent by resolution to the appointment; or
- (b) the Mayor or the Board of Aldermen may reject the alternate slate submitted and request in writing with written reasons for rejection of the alternate slate that the District Board submit another alternate slate. If no action is completed within the 15-day period, the successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the alternate slate submitted as of the expiration of the 15-day period.

The procedure described above shall continue until the successor Directors are appointed or deemed to be appointed by the Mayor with the consent of the Board of Aldermen; provided, however, the time period for action by the Mayor and the Board of Aldermen following the submission of each alternate slate shall be reduced to 10 days.

**CITY OF PARKVILLE
Policy Report**

Date: July 8, 2022

Prepared By:

Alysen Abel, Public Works Director

Reviewed By:

Alexa Barton, City Administrator

ISSUE:

Approve the first reading of an ordinance to accept the street and storm sewer public improvements and associated maintenance bonds for the Woods at Creekside 3rd Plat (Public Works)

BACKGROUND:

Public improvements to the Woods at Creekside, 3rd plat, include public streets and storm sewers with associated maintenance bonds. The plans for the public improvements were approved in April 2022.

The public improvements were designed and constructed in accordance with the American Public Works Association design standards and construction specifications. The Parkville Public Works Construction Inspector worked closely with the contractor during the construction phase. The contractor constructed the public improvements in accordance with the approved plans. Furthermore, the contractor has successfully completed the project as well as all of the related punchlist items.

There are a total of 23 lots within the Woods at Creekside 3rd Plat. Public Improvements are typically accepted through ordinance readings that occur in two separate meetings. However, the developer has requested that six building permits be released prior to the second reading on July 19.

BUDGET IMPACT:

No budget impact. Accept Street and Storm Sewer Public Improvements and 2-year Maintenance Bonds valued at \$208,205.78.

ALTERNATIVES:

1. Adopt an ordinance accepting public improvements for Woods at Creekside 3rd Plat.
2. Adopt an ordinance, subject to changes.
3. Do not approve the item.
4. Postpone the item.

FINANCE COMMITTEE RECOMMENDATION:

The item was not presented to the Finance Committee, but is being taken directly to the Board of Aldermen for consideration.

STAFF RECOMMENDATION:

Accept the street and storm sewer public improvements with associated maintenance bonds.

POLICY:

Per Parkville Municipal Code Section 505.080, the Board of Aldermen must accept public improvements prior to the issuance of building permits. Per this section, the Board must also approve the maintenance bond in an amount equal to 50% of the cost of the improvements, guaranteeing against defects in the construction of streets for a period of two years.

SUGGESTED MOTION:

I move to approve Bill No. 3195, an ordinance accepting public street and storm sewer improvements and associated maintenance bonds for the Woods at Creekside 3rd Plat, on first reading and postpone the second reading to July 19, 2022, and authorize staff to release six building permits.

ATTACHMENTS:

1. Ordinance
2. Woods at Creekside 3rd Plat
3. Maintenance Bonds

AN ORDINANCE ACCEPTING PUBLIC STREET AND STORM SEWER IMPROVEMENTS AND ASSOCIATED MAINTENANCE BONDS FOR THE WOODS AT CREEKSIDE 3RD PLAT

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

Section 1. The plans titled the Woods at Creekside 3rd plat Street and Storm Sewer Improvements was reviewed by Public Works staff and approved for construction in February 2021.

Section 2. Construction of the public street and storm sewer public improvements associated with the Woods at Creekside 3rd plat was substantially completed.

Section 3. The design and construction of the improvements meet the City's adopted standards as set forth in the Parkville Municipal Code and the currently adopted edition of the Kansas City Metro Chapter of the American Public Works Association.

Section 4. Maintenance bonds were submitted to reflect the value of the public street and public storm sewer improvements in the amount of \$208,205.78.

Section 5. The acceptance date will initiate the beginning of the required two-year contractor maintenance bond period as outlined in Parkville Municipal Code Chapter 505, Section 505.080. Per this section, the applicant is responsible to correct defects or other issues apparent during that time.

Section 5. The public street and storm sewer improvements located within the right-of way and easements of the Woods at Creekside 3rd plat are hereby accepted.

Section 6. This ordinance is effective upon its passage and approval.

PASSED and APPROVED this 19th day of July 2022.

Mayor Dean Katerndahl

ATTESTED:

City Clerk Melissa McChesney

FINAL PLAT

PARKVILLE, PLATTE COUNTY, MISSOURI

[illegible]

BOUNDARY SURVEY NOTES:

- 1 I, THE SURETY OF THE DISBURSEMENT, USED FOR THIS SURVEY WAS DERIVED FROM THE PATENT TITLE DISBURSEMENT AS SHOWN IN A
2 TITLE COMMITMENT ISSUED BY STANDARD TITLE COMPANY, COMMITMENT NUMBER 408264, DATED 04/10/2019 AT 6:00 A.M.
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DEDICATION:

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

THE WOODS AT CREEKSIDE THIRD PLAT
A REPLAY OF PART OF LOT 3, CREEKSIDE
A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 51 NORTH, RANGE 34 WEST
PARKVILLE PLATTE COUNTY MISSOURI

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

EASEMEN

[illegible]

BUILDING LINES:

IN WITNESS WHEREOF, BRIAN J. MERTZ, MANAGING MEMBER OF PARVILLE DEVELOPMENT 140, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2021.

BRIAN J. MERTZ, MANAGING MEMBER

STATE OF MISSOURI }
COUNTY OF } ss

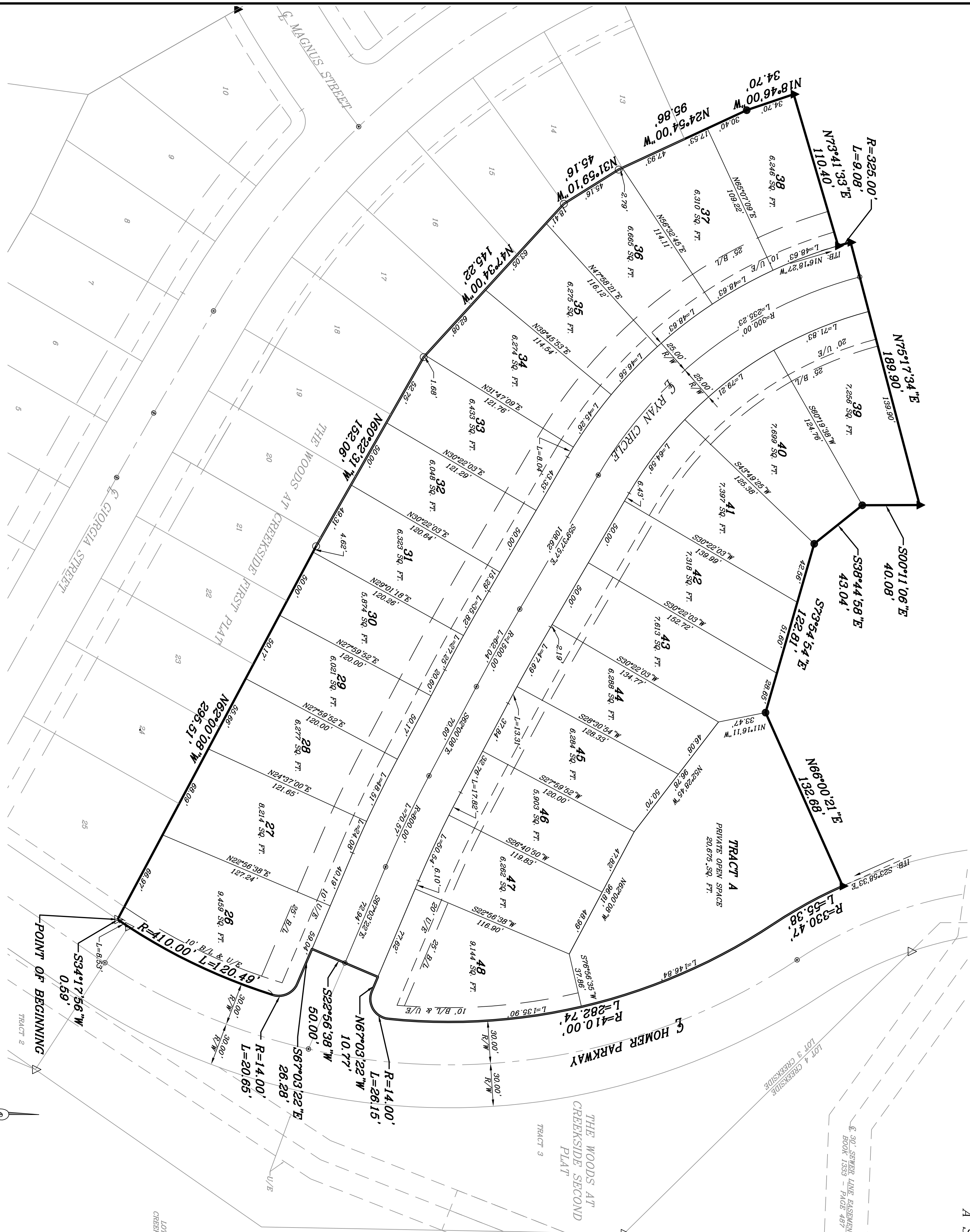
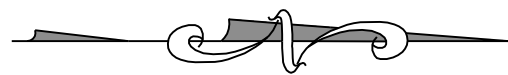
PERSONALLY APPEARED THE ABOVE NAMED OWNER, WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED FOR THE PURPOSES HEREIN STATED.

IN SAID COUNTY AND STATE THE DAY AND YEAR LAST WRITTEN ABOVE.

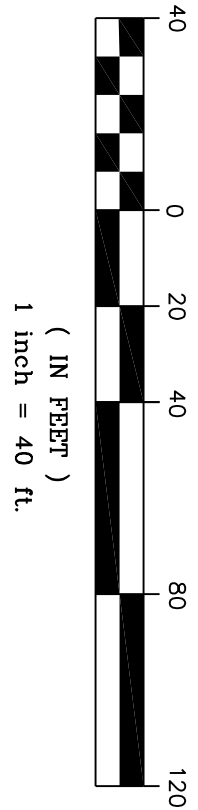
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

BOARD OF ALDERMAN
THIS IS TO CERTIFY THAT THE WITHIN PLAT WAS DULY SUBMITTED TO AND APPROVED BY THE BOARD OF ALDERMAN OF PARKVILLE.
MEASURE, BY ORDINANCE NO. _____ DULY AUTHENTICATED THIS _____ DAY OF _____, 2021.

VICINITY MAP
NOT TO SCALE

GRAPHIC SCALE



MONUMENTATION/LEGEND

- **FOUND MOVEMENT AS NOTED**
- **SET 1/2" BAR WITH CAP STAMPED PLS-20070000089**
- ▲ **SET 5/8" BAR WITH CAP STAMPED PLS-20070000089**
- **SET MISC NAIL AT C ROAD POINTS OF INTERSECTION**
- **1/2" BARS WILL BE SET AT ALL BEAR LOT CORNERS.**
- **COOR NOTCHES WILL BE SET AT PROPERTY LINE PROLONGATIONS**
- **ALL MOVEMENTS TO BE SET UPON COMPLETION OF CONSTRUCTION**

OWNER/DEVELOPER:
PARKVILLE DEVELOPMENT 140, LLC
7607 NW JOHN ANDERS ROAD
KANSAS CITY, MO 64152

COPYRIGHT 2021 R.L. BUFORD & ASSOCIATES, LLC

R.L. Buford & Associates, LLC

LAND SURVEYING - DEVELOPMENT CONSULTANTS
R.L. BUFORD & ASSOCIATES, LLC - MO CERT. OF
AUTHORITY LICENSE NO. LS-2010031977
rob@rlbuford.com

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

SEC.-TWP.-
18-51-34

DATE
5/3/2021

COUNTY
PLATTE
FIELD BOOK

JOB NO.
P-21135

FOR *PARKVILLE*
DEVELOPMENT 140

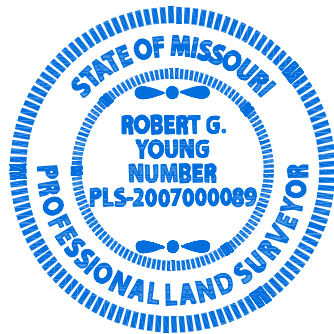
PLAT

SURVEYOR'S CERTIFICATION

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


ROBERT G. YOUNG, PLS-2007000089

5/20/2021
DATE





MAINTENANCE BOND

BOND NO. 800077382

KNOW ALL MEN BY THESE PRESENTS:

That we Holthouse Construction LLC PO Box 1197 Liberty, MO 64069 as Principal, and

Atlantic Specialty Insurance Company as Surety, are held and firmly bound unto _____

City of Parkville, MO 8880 Clark Avenue Parkville, MO 64152

as Obligee in the sum of One Hundred Thirty Thousand and 00/100 Dollars

Dollars (\$ 130,000.00) for which sum,

we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

WHEREAS, on the 16th day of June, 2022, Principal entered into a contract with the Obligee for:

Woods at Creekside 3rd Plat: Storm Sewer

Which contract is by reference made a part hereof and is hereafter referred to as the Contract.

NOW THEREFORE, the condition of this obligation is such, that if the Contractor shall make good any defect in material or construction that shall appear within two (2) year(s) from the date of the substantial completion,

(June 16, 2022) this shall be null and void and otherwise remain in full force and effect.

Signed, sealed and dated this 16th day of June, 2022.

Holthouse Construction LLC

[Signature]
Witness

BY: [Signature]
Principal

ITS: [Signature]

Atlantic Specialty Insurance Company

BY: [Signature]
Attorney-In-Fact Luanne K. Degler

[Signature]
Witness



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **William R. Wilkerson IV, Branden Banks, Tandra Stacer, Luanne K. Degler**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.

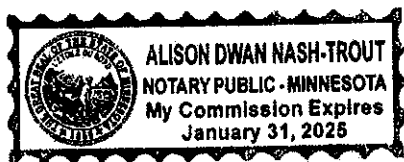
STATE OF MINNESOTA
HENNEPIN COUNTY



By

Paul J. Brehm, Senior Vice President

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 16th day of June, 2022

This Power of Attorney expires
January 31, 2025



Kara Barrow, Secretary



Bond Number 2521819

Labor and Material Payment Bond

KNOW ALL MEN BY THESE PRESENTS:

That Asphaltic Surfaces, LLC 417 S Spring St, Independence, MO 64050-3614
(Name and address of the Contractor)

as Principal, hereinafter called Principal, and WEST BEND MUTUAL INSURANCE COMPANY as Surety, hereinafter called Surety, are held and firmly bound unto City of Parkville Missouri of 8880 Clark Ave, Parkville, MO 64152
(Name and address of the Owner)

as Obligee, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the amount of Seventy-Eight Thousand Two Hundred and Five Dollars and Seventy-Eight Cents Dollars (\$ 78,205.78),
(Insert a sum equal to at least one-half of the contract price)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has by written agreement dated 04/21/2022 entered into a contract with Owner for The Woods at Creekside Phase 3 Curb & Asphalt

in accordance with drawings and specifications prepared by _____
(Name of Architect/Engineer)

which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the conditions outlined on the reverse side of this bond:

Signed and Sealed this 14 day of June 20 22

Principal:

Asphaltic Surfaces, LLC

By: [Signature] (SEAL)

Name Typed: Seabrook's, Owner
Title

Witness: [Signature]

Surety:

West Bend Mutual Insurance Company

By: David S. Salavitch (SEAL)

Name Typed: DAVE SALAVITCH, Attorney-In-Fact
Title

Witness: T. Query

MICHIGAN ONLY: This policy is exempt from the filing requirements of Section 2236 of the Insurance Code of 1956, 1956 PA 218 and MCL 500.2236.

CONDITIONS

1. A claimant is defined as one having a direct contract with the Principal or with a Subcontractor of the Principal for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the Contract.
2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, materials were furnished by such claimant may sue on this bond for the use of such claimant, prosecute the suit to final judgement for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.
3. No suit or action shall be commenced hereunder by any claimant.
 - a. Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: The Principal, the Owner, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.
 - b. After the expiration of one (1) year following the date on which Principal released work on said Contract, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.
 - c. Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the project, or any part thereof, is situated, or in the United States District Court for the district in which the project, or any part thereof, is situated, and not elsewhere.
4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.



THE SILVER LINING®

Bond No. 2521819

POWER OF ATTORNEY

Know all men by these Presents, That West Bend Mutual Insurance Company, a corporation having its principal office in the City of West Bend, Wisconsin does make, constitute and appoint:

DAVE SALAVITCH

lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety and as its act and deed any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of:

Ten Million Dollars (\$10,000,000)

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of West Bend Mutual Insurance Company at a meeting duly called and held on the 21st day of December, 1999.

Appointment of Attorney-In-Fact. The president or any vice president, or any other officer of West Bend Mutual Insurance Company may appoint by written certificate Attorneys-In-Fact to act on behalf of the company in the execution of and attesting of bonds and undertakings and other written obligatory instruments of like nature. The signature of any officer authorized hereby and the corporate seal may be affixed by facsimile to any such power of attorney or to any certificate relating therefore and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the company, and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the company in the future with respect to any bond or undertaking or other writing obligatory in nature to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any said officer at any time.

In witness whereof, the West Bend Mutual Insurance Company has caused these presents to be signed by its president undersigned and its corporate seal to be hereto duly attested by its secretary this 17th day of August, 2021.

Attest

Christopher C. Zwygart
Christopher C. Zwygart
Secretary



Kevin A. Steiner
Kevin A. Steiner
Chief Executive Officer/President

State of Wisconsin
County of Washington

On the 17th day of August, 2021, before me personally came Kevin A. Steiner, to me known being by duly sworn, did depose and say that he resides in the County of Washington, State of Wisconsin; that he is the President of West Bend Mutual Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation and that he signed his name thereto by like order.



Matthew E. Carlton
Matthew E. Carlton
Senior Corporate Attorney
Notary Public, Washington Co., WI
My Commission is Permanent

The undersigned, duly elected to the office stated below, now the incumbent in West Bend Mutual Insurance Company, a Wisconsin corporation authorized to make this certificate, Do Hereby Certify that the foregoing attached Power of Attorney remains in full force effect and has not been revoked and that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at West Bend, Wisconsin this 14th day of June, 2022.



Heather A. Dunn
Heather Dunn
Vice President – Chief Financial Officer

Notice: Any questions concerning this Power of Attorney may be directed to the Bond Manager at West Bend Mutual Insurance Company.