

1. CALL TO ORDER

A regular meeting of the Board of Aldermen was convened at 7:08 p.m. at City Hall, 8880 Clark Avenue, Parkville, Missouri on June 20, 2023 and was called to order by Mayor Dean Katerndahl. City Clerk Melissa McChesney called the roll as follows:

Present:

Ward 1 Alderman Tina Welch
Ward 1 Alderman Philip Wassmer
Ward 2 Alderman Brian T. Whitley
Ward 3 Alderman Stephen Melton
Ward 4 Alderman Michael Lee
Ward 4 Alderman Allyson Berberich

Absent:

Ward 2 Alderman Bob Bennett - *with prior notice*
Ward 3 Alderman Douglas Wylie - *with prior notice*

A quorum of the Board of Aldermen was present.

The following staff was also present:

Alexa Barton, City Administrator
Jeffery Rhodes, Assistant City Administrator (via videoconference)
Kevin Chrisman, Police Chief
Dan Harper, Public Works Director
Stephen Lachky, Community Development Director
Brittanie Propes, Parks & Recreation Director
Chris Ashley, Parks & Recreation Project Manager
John Mautino, City Attorney

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

2. CITIZEN INPUT

A. Proclaim July 2023 as Parks and Recreation Month

Mayor Katerndahl presented the proclamation to Jade and Mya Herman who participated in the Parkville Nature Sanctuary Nature Camp.

B. Recognize Parks and Recreation Director Brittanie Propes for obtaining the designation of: Certified Parks and Recreation Executive

Mayor Katerndahl recognized Parks and Recreation Director Brittanie Propes for obtaining the designation of Certified Parks and Recreation Executive.

3. CONSENT AGENDA

A. Approve the minutes for the June 6, 2023, regular meeting

- B. Approve the minutes for the June 6, 2023, work session
- C. Receive and file the crime statistics for January through April 2023
- D. Reappoint Steven Sturgess and Amanda Blackwood to the Community Land and Recreation Board through May 2026
- E. Reappoint Jeff Donner and Matt Koch to the Tax Increment Financing Commission through May 2027
- F. Reappoint Jackson Carrizzo to the Board of Zoning Adjustment through May 2028
- G. Approve Work Authorization No. 4 with Fluid Equipment to repair the sulzer mixer at the wastewater treatment plant
- H. Approve accounts payable from June 2 through June 16, 2023

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE THE CONSENT AGENDA AND RECOMMENDED MOTIONS, AS PRESENTED.

RESULT: MOTION PASSED 6-0.

4. ACTION AGENDA

- A. **Approve the first reading of an ordinance to amend Parkville Municipal Code Section 154.010 and Section 154.020, Subsection A to increase membership on the Diversity and Inclusion Commission**

City Administrator Alexa Barton stated that the proposed amendment would change the make-up of the Diversity and Inclusion Commission. Alderman Whitley added that the membership would increase by two members and a student from Park University would serve as a non-voting member during an academic year.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE BILL NO. 3257, AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 154, SECTION 154.010 AND SECTION 154.020, SUBSECTION A, TO INCREASE THE MEMBERSHIP AND CREATE A NON-VOTING PARK UNIVERSITY STUDENT POSITION ON THE DIVERSITY AND INCLUSION COMMISSION, ON FIRST READING AND POSTPONE THE SECOND READING TO JULY 18, 2023.

RESULT: MOTION PASSED 6-0.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO TABLE DISCUSSION ON ITEM B AND ITEM C TO DISCUSS ITEM D FIRST.

RESULT: MOTION PASSED 6-0.

D. **Approve the first reading of an ordinance to amend the Parkville Municipal Code Chapter 107 regarding the Code of Ethics (postponed from June 6 meeting)**

Mayor Katerndahl provided an overview of the discussion by the Board of Aldermen on June 6, noting that the proposed language was included in the ordinance being presented.

City Administrator Alexa Barton outlined the changes to the ordinance. Violations would be submitted to the Mayor and Board, an alderman or the City Administrator; the Board could take action on a complaint or refer it to the Missouri Ethics Commission (MEC) or the City prosecutor; and employee complaints would be reviewed by the City Administrator as personnel matters.

Barton said that she reached out to the Commission members to let them know the Municipal Officials Ethics Commission would be discussed. The following members spoke about their experience on the Commission: Chair Brian Dehner, 500 Main Street; and Abby LacKamp, 5940 Thousand Oaks Drive.

The following spoke in opposition: Elaine Kellerman, 5243 NW Bluffs Circle, comments attached as Exhibit A; Brett Krause, 8215 Shoreline Drive; Sheryl Biermann, 5310 NW Bluffs Way; and John Carter, 8650 NW Highway N.

Discussion focused on the need for a clear process when reviewing a complaint.

ACTION: IT WAS MOVED BY ALDERMAN LEE AND SECONDED BY ALDERMAN BERBERICH TO APPROVE BILL NO. 3254, AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 107 ADOPTING AND UPDATING PROVISIONS RELATING TO THE PARKVILLE CODE OF ETHICS, ON FIRST READING AND POSTPONE THE SECOND READING TO JULY 18, 2023.

RESULT: MOTION PASSED 4-2.

AYES: PHILIP WASSMER, STEPHEN MELTON, MICHAEL LEE, ALLYSON R. BERBERICH

NOES: TINA WELCH, BRIAN T. WHITLEY

ABSTAIN: NONE

Mayor Katerndahl returned to the regular order of business.

B. **Approve the first reading of an ordinance to authorize a ballot question to impose a local use tax on out-of-state purchases**

City Clerk Melissa McChesney distributed a revised ordinance to the Board. City Administrator Alexa Barton provided a summary of suggestions from the work session that were incorporated into the ordinance.

Discussion focused on the wording and projects to include in the ballot question and the educational materials should include an annual audit of the fund.

The following spoke in support of the proposed ordinance: Greg Plumb, 5613 Meadow Lake; and Sheryl Biermann, 5310 NW Bluffs Way.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE BILL NO. 3259, AN ORDINANCE IMPOSING A LOCAL USE TAX ON OUT-OF-STATE PURCHASES AT A RATE EQUAL TO THE RATE OF LOCAL SALES TAXES IN EFFECT IN THE CITY; CALLING AN ELECTION IN THE CITY OF PARKVILLE FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS THE QUESTION OF WHETHER TO IMPOSE SAID LOCAL USE TAX; AND AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF THE ELECTION TO BE HELD ON NOVEMBER 7, 2023; ON FIRST READING AND POSTPONE THE SECOND READING TO JULY 18, 2023.

RESULT: MOTION PASSED 6-0.

C. **Approve the first reading of an ordinance to authorize a ballot question to impose a marijuana tax**

City Administrator Alexa Barton said the ballot question would ask voters to consider imposing a three percent sales tax on adult use marijuana.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE BILL NO. 3258, AN ORDINANCE IMPOSING A LOCAL SALES TAX FOR GENERAL REVENUE PURPOSES AT A RATE OF THREE PERCENT, PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR APPROVAL AT AN ELECTION TO BE HELD ON NOVEMBER 7, 2023, ON FIRST READING AND POSTPONE THE SECOND READING TO JULY 18, 2023.

RESULT: MOTION PASSED 6-0.

E. **Approve the first reading of an ordinance to vacate a portion of 3rd Street between Main Street and Summers Street - Case No. VC 2022-02; Staci Korpai, applicant (postponed from June 6 meeting)**

Community Development Director Stephen Lachky stated that the ordinance was reviewed at the June 6 meeting and the consensus of the Board was to only vacate the northern portion of the street to allow the applicant the ability to remove the large trees and build a

privacy fence and to provide the asphalted area as a stub street for residents. He added that an ingress/egress easement was not needed with the proposed changes. Lachky said he spoke with City Engineer Jay Norco who did not believe that the sewer line on the Ramon property would be impacted by the fence. Staff recommended approval based on the revisions to the ordinance.

Discussion focused on the applicant and Scott Ramon being okay with the proposed changes, the concern that approving the vacation would remove the ability to extend 3rd Street to the west because a portion would be vacated and if the vacation was approved it would allow 30 feet to build access to the property to the south.

The consensus of the Board was for staff to contact the property owner to the south about accessing the property if the vacation was approved.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE BILL NO. 3255, AN ORDINANCE VACATING A 749 SQUARE FOOT PORTION OF W. 3RD STREET BETWEEN N. MAIN STREET AND NW SUMMERS STREET IN PARKVILLE, MISSOURI, SUBJECT TO STAFF CONDITIONS, ON FIRST READING AND POSTPONE THE SECOND READING TO JULY 18, 2023.

RESULT: MOTION PASSED 5-1.

AYES: TINA WELCH, PHILIP WASSMER, BRIAN T. WHITLEY, MICHAEL LEE, ALLYSON R. BERBERICH

NOES: STEPHEN MELTON

ABSTAIN: NONE

F. **Approve the second reading of an ordinance to approve a preliminary development plan for Taliesin, a planned residential development consisting of ten single-family residential lots and two tracts of open space on approximately 12.57 acres - Case No. PZ 2023-16; RL Buford & Associates Engineering, applicant**

Mayor Katerndahl stated the first reading was presented on June 6. No additional information was presented.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WELCH TO APPROVE BILL NO. 3256, AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR TALIESIN, A PLANNED RESIDENTIAL DEVELOPMENT CONSISTING OF 10 SINGLE-FAMILY RESIDENTIAL LOTS AND TWO TRACTS OF OPEN SPACE ON 12.57 ACRES, MORE OR LESS, SUBJECT TO CONDITIONS RECOMMENDED BY STAFF AND THE PLANNING AND ZONING COMMISSION, ON SECOND READING TO BECOME ORDINANCE NO. 3190.

RESULT: MOTION PASSED 6-0.
Z

AYES: TINA WELCH, PHILIP WASSMER, BRIAN T. WHITLEY, STEPHEN MELTON, MICHAEL LEE, ALLYSON R. BERBERICH

NOES: NONE

ABSTAIN: NONE

5. STAFF UPDATES ON ACTIVITIES

A. Administration

1. City Hall Closed July 3-4 - Independence Day

City Administrator Alexa Barton said that City Hall would be closed on July 3-4 in observance of Independence Day.

Barton provided an update on the status of the sewer analysis, noting that she and Public Works Director Dan Harper were working with Dan Koch, Platte County Regional Sewer District, to review the former memorandum of understanding as an outline for what a transition of the sewer system could look like. She would be meeting with them in two weeks to finalize the outline, which would be presented to the Board.

She also provided an update on the community events, called Parkville's Meet and Mingle, that would be held at a location in each of the four wards on Wednesdays during the first four weeks of August.

Barton said she spoke with Strategic Government Resources about the final report for the strategic plan, which would be presented to the Board on July 18.

B. Police Department

C. Community Development

1. Development Updates

Community Development Director Stephen Lachky said that the Planning and Zoning Commission would hold a work session on June 26 to review the plans for the new Park Hill Elementary School No. 12 that would be built near the intersection of Brink-Meyer Road and Creekside Drive. He added that a public hearing would be held on July 11.

D. Public Works

Public Works Director Dan Harper said that asphalt surfacing would occur in the upcoming weeks and the curb repair and replacement would be completed by the end of the week. He noted that both contractors believed the work would be finished by the holiday.

E. Parks & Recreation

1. Parkville Special Events

Parks and Recreation Director Brittanie Propes said that the Kansas City Symphony was having a concert in English Landing Park and, pending any cancellations, could possibly hold another event in Parkville. She said that music would be played in PocketPark in June 23 and free Parks and Recreation Month events would be held in July and information would be posted later in the week. In regards to complaints about odor in English Landing Park, an emergency repair was completed the previous week that should resolve the smell. Public Works Director Dan Harper added that repairs were completed on the Riss Lake odor control tank and Wastewater Plant Operator Jason Brown said a manhole was installed to access the valves and the steel plate was temporary until the lid was delivered.

2. Master Plan Scope of Work and Timeline

Propes provided an overview of the request for proposals (RFP) for updates to the Park Master Plan, noting there were eight major tasks listed in no particular order. The RFP would be posted on July 7, the Community Land and Recreation would recommend a consultant to the Board of Aldermen at their September meeting and the Board would approve a consultant on October 3. She added that a work session would be held with the Board, the public survey would be open from November through January, development would occur from January through March and the goal was to have it finalized in April 2024.

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

Mayor Katerndahl said that according to an article in the Kansas City Business Journal, Parkville was the second fastest growing city in the Kansas City metropolitan area.

7. UPCOMING MEETINGS

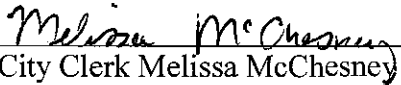
8. EXECUTIVE SESSION

9. ADJOURN

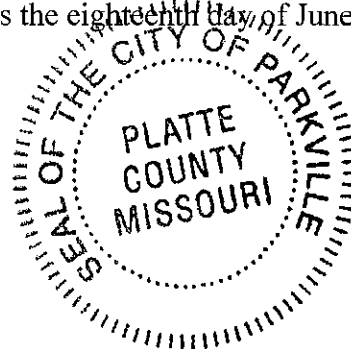
Mayor Katerndahl declared the meeting adjourned at 9:48 p.m.

The minutes for June 20, 2023, having been read and considered by the Board of Aldermen, and having been found to be correct as written, were approved on this the eighteenth day of June 2023.

Submitted by:


City Clerk Melissa McChesney

2023-091



June 20, 2023

Statement to the Mayor and BOA regarding potential changes to the Parkville Municipal Code Section 107.100, specifically, the potential elimination of the Parkville Ethics Commission

From Elaine Kellerman, 5243 NW Bluff Circle, Parkville

For those of you who do not know me, I am the one who brought the last ethics complaint to the city. I hope that you would offer me the same time consideration that you gave Ms. Bierman at the last meeting. I will try to be succinct, but I will require more than three minutes to speak.

First, I want to repeat what I said in my June 3rd letter to you on this subject. You might have more people here to speak to this if you had been clear in the agenda that your intent is to eliminate the Ethics Commission. Saying, "Approve the first reading of an ordinance to amend the Parkville Municipal Code Chapter 107 regarding the Code of Ethics" sounds pretty mundane. I may be wrong, but I don't think most citizens are going to take the time to dive into the meeting packet to figure out what exactly you intend to change.

I am opposed to eliminating the Parkville Ethics Commission. Alderman Whitley said it best at the last BOA meeting, "I think the optics are poor for removing the Parkville Ethics Commission. It's difficult to take things away from people." He also said, "For me, I'm still uncomfortable about us being the body that makes the decision about other members of this body. I think an independent board is the place to have that." Alderman Welch agreed.

Some of you want to get rid of our Ethics Commission and make the BOA serve as the Ethics Commission instead. I will give you an example as to why, in my opinion, this is a bad idea. In 2020, I brought a complaint to the BOA. Here is a brief timeline of what happened:

On September 26, 2020, the former mayor was arrested and charged with driving under the influence.

On September 29, former city administrator Joe Parente stated the city and BOA would not be speaking about it.

On September 30, I sent a letter to the BOA saying this response was not satisfactory and the board needed to hold the mayor accountable for her behavior.

On October 6, I appeared at the BOA meeting again asking for the board to act and reminded them to also consider that earlier in the year she had been found guilty by the Missouri Ethics Commission of ethics violations involving the financing of her reelection campaign. I said if the board did not publicly address and discuss the matter, I would file an ethics complaint. At that same meeting, the mayor offered an apology. She did not offer to resign. Alderman Whitley suggested a work session where the board could discuss creating a Parkville city charter with a petition process which would include a recall option where citizens can recall public officials. The mayor responded by saying

she “loved” that he brought this up and thought “it was perfect timing.” That work session never happened. I guess that Alderman Whitley was the only member of the board who thought this was worth pursuing.

On October 9, the board finally issued a statement (it was archived under “City News”, but I can no longer find it) which expressed their disappointment in her actions, basically a slap on the wrist and nothing more.

On October 28, I again appealed to the board to take definitive action and openly discuss her conduct at a board meeting. Nothing happened.

On October 19, 2021, I filed a comprehensive, formal ethics complaint to stir the board to action.

If the board had publicly addressed the mayor’s behavior in an open board meeting, I might not have ever filed the complaint. Why did the board do nothing? I don’t know. You would have to ask them. I can tell you that of all the aldermen on that board, only Alderman Wylie had neither donated to one of the former mayor’s election campaigns or publicly endorsed her. So, this shows what could happen to a citizen complaint depending on the makeup of the board it is brought before.

Finally, I want to address some comments that were made at the last board meeting regarding our Ethics Commission and what they accomplished. Alderman Wylie, you said it was difficult to find people to sit on the commission. The fact is, when the Ethics Commission was being assembled to hear my complaint, there were more volunteers than there were openings on the commission.

Ms. Barton, you said that “...the individuals that are on the city’s Ethics Commission are not prepared and not qualified to do (an investigation) and Alderman Welch, you said, “...people that were on the Ethics Commission had really no idea what their position was to be. I mean they were thrown into this situation and it was very uncomfortable for them as well as it was for us because they had to go through all this material and most of them had no legal background.” How did you know they were uncomfortable? Did you ask them? They volunteered to serve; no one forced them. As for you both questioning their ability to investigate my complaint, how is that situation any different than serving on a jury? You’re not required to have a legal background to be a juror. You are just required to impartially consider the facts of the case and render a decision.

Mayor, you called it a “show trial.” I think that the members of the commission and Joe Vanover, who was hired by the city to serve as the legal counsel for the Ethics Commission, would disagree with you. In actuality, it was the board itself that seemed to question the legitimacy of the commission by refusing to testify before it and submit affidavits instead. Those affidavits were all the same except for Alderman Whitley’s. Before this happened, commission members asked Mr. Vanover what happens if the board refuses to testify. He said and I quote, “It would be a terrible outcome and a terrible decision for them to make. I mean they’ve asked you to serve on this Ethics Commission to investigate an allegation and then if they make the decision to stonewall their very own commission, it would be an outrage. But that’s just my two cents.”

You don't want to "cut out" the Ethics Commission because they take the time to thoroughly investigate a given complaint and bring their findings to the board with their recommendations. The board does not have time to do this, as Alderman Welch pointed out. As for the Missouri Ethics Commission, I feel it is best to settle city matters at the city level. It is also more expeditious considering how infrequently the state board meets.

At the last board meeting, Mr. Sfetko said there was no issue with the Ethics Commission. Regarding eliminating the commission, Alderman Wassmer said, "I think it's bad optics. It's not bad. It looks bad, but it's not bad." Well, I think it is bad. Are you expecting a sudden onslaught of complaints when there have only been three in the last 15 years? Leave it alone.