

1. CALL TO ORDER

A regular meeting of the Board of Aldermen was convened at 7:28 p.m. at City Hall, 8880 Clark Avenue, Parkville, Missouri on July 18, 2023, and was called to order by Mayor Dean Katerndahl. City Clerk Melissa McChesney called the roll as follows:

Present:

Ward 1 Alderman Philip Wassmer
Ward 2 Alderman Brian T. Whitley
Ward 2 Alderman Bob Bennett
Ward 3 Alderman Douglas Wylie
Ward 3 Alderman Stephen Melton
Ward 4 Alderman Michael Lee

Absent:

Ward 1 Alderman Tina Welch - *with prior notice*
Ward 4 Alderman Allyson R. Berberich - *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
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. **Isaac Myers regarding Internet (fiber) and traffic issues**

Mayor Katerndahl stated that Isaac Meyers requested that his comments be postponed to the August 1 agenda.

3. CONSENT AGENDA

- A. Approve the minutes for the June 20, 2023, regular meeting
- B. Approve the minutes for the June 20, 2023, work session
- C. Receive and file the May Municipal Court report
- D. Receive and file the crime statistics for January through May 2023

- E. Receive and file the June sewer report
- F. Approve a retail liquor by the drink picnic license for the Main Street Parkville Association for Parkville Days August 18-20, 2023
- G. Approve a retailer of intoxicating liquor in the original package with Sunday sales liquor license for JSM Enterprises LLC *dba* Grab n Go 2, new owners of convenience store at 11019 NW Highway 45
- H. Approve a temporary resort with Sunday sales liquor license for My Brothers Place LLC, a new restaurant/bar to be located at 10 Main Street (formerly Eat Fud)
- I. Approve Work Authorization No. 2 with She Digs It, LLC for an emergency sanitary sewer line repair in Riss Lake
- J. Approve a professional services agreement with Confluence to develop architectural design standards for the City
- K. Approve accounts payable from June 17 through July 14, 2023

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

RESULT: MOTION PASSED 6-0.

4. ACTION AGENDA

- A. **Approve the second 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**

Mayor Katerndahl stated that the first reading was presented on June 20. No additional information was provided by staff. Alderman Whitley said that residents who were interested in serving should submit an application.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WYLIE 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 SECOND READING TO BECOME ORDINANCE NO. 3191.

RESULT: MOTION PASSED 6-0.

AYES: PHILIP WASSMER, BRIAN T. WHITLEY, BOB BENNETT, DOUGLAS WYLIE, STEPHEN MELTON, MICHAEL LEE

NOES: NONE

ABSTAIN: NONE

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

Mayor Katerndahl stated that the first reading was presented on June 20. City Administrator Alexa Barton said that the changes discussed at the June 20 meeting were included in the proposed ordinance.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WYLIE 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 SECOND READING TO BECOME ORDINANCE NO. 3192.

RESULT: MOTION PASSED 6-0.

AYES: PHILIP WASSMER, BRIAN T. WHITLEY, BOB BENNETT, DOUGLAS WYLIE, STEPHEN MELTON, MICHAEL LEE

NOES: NONE

ABSTAIN: NONE

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

Mayor Katerndahl stated that the first reading was presented on June 20. No additional information was provided.

Alderman Whitley recused himself because he was a federal government employee.

ACTION: IT WAS MOVED BY ALDERMAN WYLIE AND SECONDED BY ALDERMAN BENNETT 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 SECOND

READING TO BECOME ORDINANCE NO. 3193.

RESULT: MOTION PASSED 5-0.

AYES: PHILIP WASSMER, BOB BENNETT, DOUGLAS WYLIE, STEPHEN MELTON, MICHAEL LEE

NOES: NONE

ABSTAIN: NONE

Alderman Whitley returned to the meeting.

D. Approve the second reading of an ordinance to amend the Parkville Municipal Code Chapter 107 regarding the Code of Ethics

Mayor Katerndahl stated that the first reading was postponed on June 6 and re-presented on June 20. City Administrator Alexa Barton said that the changes from the June 20 meeting were incorporated into the proposed ordinance. Mayor Katerndahl added that a provision could not be added to recall elected officials because Parkville was a fourth-class city.

The following spoke in opposition: Elaine Kellerman, 5243 NW Bluff Circle, comments attached as Exhibit A; Brett Krause, 8215 Shoreline Drive; Brent Uhrmacher, 6241 Northlake Drive; John Carter, 8650 NW Highway N; and Sheryl Biermann, 5310 NW Bluffs Way.

ACTION: IT WAS MOVED BY ALDERMAN LEE AND SECONDED BY ALDERMAN BENNETT 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 SECOND READING TO BECOME ORDINANCE NO. 3194.

RESULT: DIED DUE TO LACK OF MAJORITY APPROVAL BY BOARD OF ALDERMEN 4-2

AYES: PHILIP WASSMER, BOB BENNETT, STEPHEN MELTON, MICHAEL LEE

NOES: BRIAN T. WHITLEY, DOUGLAS WYLIE

ABSTAIN: NONE

E. Approve the second reading of an ordinance to vacate a portion of 3rd Street between Main Street and Summers Street - Case No. VC 2022-02; Staci Korpel, applicant

Mayor Katerndahl stated that the first reading was presented on June 20. Community Development Director Stephen Lachky said that a work session was held on June 6 to discuss two hazardous trees in the right-of-way at 3rd Street and Main Street that were causing the sidewalk to heave and the retaining wall to crack. He noted that the homeowner

was unable to confirm the trees were causing damage to her foundation. At the June 20 meeting, points were raised about the property to the south of 3rd Street and the challenges with leaving 30 feet of right-of-way. Lachky said he reached out to the property owner to the south who deferred the decision to the City and experts to determine the next steps. He said it was in the City's interest to have as much right-of-way as possible for access to the property to the south.

Lachky provided an overview of the options for the applicant, which included vacating a portion of 3rd Street to the property owner; approving a right-of-way permit to grant the property owner access to the right-of-way to remove the trees; and approving a license agreement to give the property owner permission to encroach in the right-of-way and she would have to maintain the area.

Staci Korpai, applicant, stated that the solution to vacate a portion of the right-of-way was a win-win situation. She would pay to remove the trees and it mitigated the risk to the City. She was not in favor of paying to remove the trees if she did not own the property.

Discussion focused on whether the action would affect the proposed changes to the Municipal Code regarding right-of-way maintenance in the next item. City Administrator Alexa Barton said that it was highly unlikely that the right-of-way was owned by the City. The consensus of the Board was to postpone the second reading for two weeks in order to give staff time to determine who owned the right-of-way.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN BENNETT TO POSTPONE BILL NO. 3255 TO THE AUGUST 1 MEETING.

RESULT: MOTION PASSED 6-0.

F. **Adopt an ordinance to amend Property Maintenance Code Section 302.3 to address maintenance of grass, weeds and vegetative overgrowth within public rights-of-way by adjoining property owners**

Community Development Director Stephen Lachky stated that the Property Maintenance Code covered provisions on private property. The proposed amendment came about from a code complaint of a resident not maintaining the grass within the right-of-way that was too tall, which was a Code violation. Case law stated that property owners were responsible for upkeep up to the center line and it was within the City's rights to have it in the Code. The City's legal counsel recommended adding wording to the Code so it was clearly enforceable. Lachky said it would mitigate impacts on the neighbors and the community.

City Administrator Alexa Barton said that as a courtesy, letters would be sent to property owners along Main Street stating that individuals would need to pick up the leaves on and within the rights-of-way near their property.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WYLIE TO APPROVE BILL NO. 3260, AN ORDINANCE AMENDING PARKVILLE PROPERTY MAINTENANCE CODE SECTION 302.3 TO ADDRESS THE MAINTENANCE OF GRASS, WEEDS AND VEGETATIVE OVERGROWTH WITHIN PUBLIC

RIGHTS-OF-WAY BY ADJOINING PROPERTY OWNERS, ON FIRST READING.

RESULT: MOTION PASSED 6-0.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WYLIE TO APPROVE BILL NO. 3260, AN ORDINANCE **AMENDING PARKVILLE PROPERTY MAINTENANCE CODE SECTION 302.3 TO ADDRESS THE MAINTENANCE OF GRASS, WEEDS AND VEGETATIVE OVERGROWTH WITHIN PUBLIC RIGHTS-OF-WAY BY ADJOINING PROPERTY OWNERS, ON SECOND READING TO BECOME ORDINANCE NO. 3194.**

RESULT: MOTION PASSED 6-0.

AYES: PHILIP WASSMER, BRIAN T. WHITLEY, BOB BENNETT, DOUGLAS WYLIE, STEPHEN MELTON, MICHAEL LEE

NOES: NONE

ABSTAIN: NONE

G. Approve an access license agreement with YMCA of Greater Kansas City to allow access through City-owned property to operate the community garden

Community Development Director Stephen Lachky said that the Platte County Community Demonstrations Garden was located along Highway 45 that was operated by the YMCA of Greater Kansas City. The produce that was grown was donated to St. Therese Community Pantry. The adjacent property on the east side was owned by the City and the proposed license agreement would give the YMCA non-exclusive rights to access the garden through the City's property.

ACTION: IT WAS MOVED BY ALDERMAN WHITLEY AND SECONDED BY ALDERMAN WYLIE TO APPROVE AN ACCESS LICENSE AGREEMENT WITH THE YMCA OF GREATER KANSAS CITY TO PROVIDE INGRESS AND EGRESS AS REASONABLY NEEDED IN ORDER TO OPERATE THE COMMUNITY GARDENS.

RESULT: MOTION PASSED 6-0.

5. STAFF UPDATES ON ACTIVITIES

A. Administration

1. 2023-2024 Strategic Plan

City Administrator Alexa Barton said that the strategic plan was an outline based on the planning session with the Board and was a continuation of the 2022-2023 goals. A

future work session would be held to discuss the projects related to the goals. She added that in response to the Board's request, items on future agendas would correlate to the strategic goals.

2. **Meet & Mingle Schedule**

City Administrator Alexa Barton said there were four Meet and Mingle events scheduled on Wednesdays in July and August to give residents an opportunity to meet with elected officials and City staff. She noted that one event would be held in each of the four wards with food and activities.

B. **Police Department**

C. **Community Development**

1. **Development Updates**

Community Development Director Stephen Lachky said that Whataburger broke ground, but it would take some time due to the rocky terrain. They hoped to pour the foundation in the coming weeks and anticipated opening in November.

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D. **Public Works**

Public Works Director Dan Harper said that the asphalt overlay work was almost completed and the curb replacement was completed.

E. **Parks & Recreation**

Parks and Recreation Director Brittanie Propes said that around 600 people had attended the Parks and Recreation Month events to-date. She provided an update to the wetlands project, noting that on July 5 the United States Corps of Engineers took soil samples from several different areas to see where there might be suitable clay for the wetlands and they tested other sites where more dirt could be hauled in if needed.

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

Alderman Whitley said that residents in Riss Lake had approached him about amending the Code to change the number of days that fireworks should be shot off in Parkville.

7. **UPCOMING MEETINGS**

8. **EXECUTIVE SESSION**

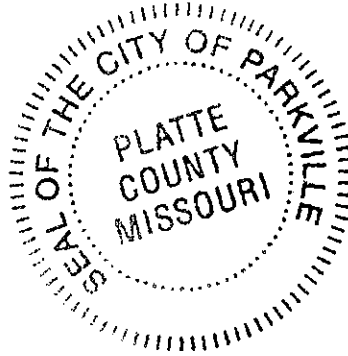
9. ADJOURN

Mayor Katerndahl declared the meeting adjourned at 9:37 p.m.

The minutes for July 18, 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 first day of August 2023.

Submitted by:

Melissa McChesney
City Clerk Melissa McChesney



July 18, 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

On July 7, I sent an email to the new aldermen on the board, Ms. Berberich, Mr. Bennett, Mr. Melton, and Mr. Lee. Since they were not seated members when my ethics complaint against the former mayor came before the board, I suggested that they view videos from the Ethics Commission hearings as well as the board meeting on March 21, 2022 when action was taken on the Ethics Commission's report. They would then be better able to make an informed decision on the future of the Ethics Commission. It is my hope that they did that. For anyone else looking for the Ethics Commission meetings, you will probably need to ask the City Clerk because the city has done a good job of burying them on the website.

Alderman Wassmer, you have said more than once that it all comes back to the BOA anyway, with respect to ethics complaints. Yes and no. Yes, the board gets the final say, but how would it look to residents if the board ignored an ethics report and recommendations? With respect to my complaint, the board voted 6-1 to accept the report. In fact, the board generally sides with the various commissions on matters they bring before them. The commissions hold a lot of power in Parkville government. Maybe some felt the Ethics Commission had too much power and it was time to try and change that.

At the June 6, 2023 BOA meeting, Alexa Barton said that when she first arrived, the vast majority of the board asked her to review the municipal code. You have to ask why that was something the board was anxious to address. On March 21, 2022 when the board took action on the Ethics Commission's report, Alderman Wassmer made comments regarding Section 107.020 of the Parkville Code of Ethics titled "Responsibilities of Public Office". The last sentence of that section says that with respect to public officials and employees, "their conduct in both their official and private affairs should be above reproach". He said, "I believe the Ethics Code is seriously flawed for setting this strange, unmatched performance of beyond reproach. It's perfect. None of us are. The Ethics Commission was acting with this as its guideline. Who's next?" Later in the same meeting he said, "I would definitely suggest we revisit the ethics language and not set people up for perpetual underachievement."

Yet, interestingly enough, Alderman Wassmer, this proposed amendment of the Code of Ethics retains the language of public officials and employees acting in a manner above reproach. It simply takes the teeth out of it by removing the Ethics Commission that holds people accountable to that level of conduct. You no longer have to worry about

who's next when the Ethics Commission disappears and no longer serves as a check on public officials.

My question to you Alderman Wassmer is why did you ask, "who's next"? If you haven't done anything wrong, you have nothing to fear. The optics of this is you have something to fear and that's why you want the Ethics Commission gone. During the Ethics Commission hearings, Joe Vanover, lawyer for the Ethics Commission and Platte County Commissioner addressed this fear. When you and the rest of the board refused to testify in person before the Ethics Commission and sent written affidavits instead, he said, "I can tell you I was shocked that they made this decision." Referring to Ethics Commission members he said, "If you, in your mind, receive an affidavit from someone who refuses to come live in person to testify but they're willing to provide an affidavit, I think it's fair for you to be somewhat suspicious why the person is unwilling to come and answer questions. Why does it have to be in an affidavit? Why does it have to be approved by a lawyer on the front end? You can't ask a follow-up question to a piece of paper."

I'm giving you another opportunity, Alderman Wassmer, to tell us why you were worried about who would be the next target of an ethics complaint. Why did you feel threatened by the wording of the Code of Ethics? Is it because you and the rest of the previous board were in violation of the Code of Ethics by refusing to appear before the Ethics Commission? I refer you to Section 107.100, Letter C: The Commission shall have the power to examine witnesses under oath or affirmation and can request persons necessary for its investigation to appear before it and produce any records or documents it believes relevant. Do you have anything to say?

For the second time, I ask the board to not eliminate the Ethics Commission. It looks bad. It makes the board look bad and Parkville look bad. Who eliminates an Ethics Commission? People might think, only those that either have done or plan to do something unethical.