

THE RAYMORE COUNCIL MET IN REGULAR SESSION ON MONDAY, AUGUST 8, 2016 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BARBER, BURKE, III, HOLMAN, HUBACH, KELLOGG, MOORHEAD, AND STEVENS, CITY MANAGER JIM FEUERBORN, DEPUTY CITY CLERK ERICA HILL AND CITY ATTORNEY JONATHAN ZERR.

- 1. Call To Order.** Mayor Turnbow called the meeting to order at 7:00 p.m.
- 2. Roll Call.** Deputy City Clerk Erica Hill called roll; quorum present to conduct business.
- 3. Pledge of Allegiance.**
- 4. Presentations/Awards.**
- 5. Personal Appearances.**
- 6. Staff Report.**

Community Development Director Jim Cadoret reviewed construction projects in the City and upcoming meetings of the Planning and Zoning Commission and Communities for All Ages Initiative.

Parks and Recreation Director Nathan Musteen provided information on current and upcoming projects and events hosted by the department.

Chief of Police Jan Zimmerman recognized the Animal Control officers for their positive work with the community and thanked the community for the services and donations made to the Animal Control department. She recognized Penny Sesher for the photography services she provides to assist in the adoption process.

City Manager Jim Feuerborn reviewed the August 1 Council work session items.

- 7. Committee Reports.**
- 8. Consent Agenda.**

A. Council Meeting Minutes, July 25, 2016

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the Consent Agenda as presented.

VOTE: Councilmember Abdelgawad Abstain
Councilmember Barber Aye

Councilmember Burke, III	Aye
Councilmember Holman	Aye
Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye
Councilmember Stevens	Aye

Councilmember Abdelgawad abstained as she was absent at the July 25 meeting.

9. Unfinished Business. Second Readings.

A. Budget Amendment City Hall Lighting / Landscaping Project

BILL 3193: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING THE FISCAL YEAR 2016 CAPITAL BUDGET."

Deputy City Clerk Erica Hill conducted the second reading of Bill 3193 by title only.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the second reading of Bill 3193 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

Mayor Turnbow announced the motion carried and declared Bill 3193 as **Raymore City Ordinance 2016-063.**

B. Intergovernmental Agreement - Hubach Hill / School Road Stormwater Improvements

BILL 3196: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CASS COUNTY FOR THE HUBACH HILL / SCHOOL ROAD STORMWATER IMPROVEMENTS."

Deputy City Clerk Erica Hill conducted the second reading of Bill 3196 by title only.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the second reading of Bill 3196 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

Mayor Turnbow announced the motion carried and declared Bill 3196 as **Raymore City Ordinance 2016-064.**

10. New Business. First Readings.

A. Declaring August 2, 2016 Election Results

BILL 3199: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, DECLARING THE RESULTS OF THE AUGUST 2, 2016 ELECTION."

Deputy City Clerk Erica Hill conducted the first reading of Bill 3199 by title only.

Deputy City Clerk Erica Hill presented to Council an Ordinance declaring the results of the August 8, 2016 election regarding the ability of the City to collect sales tax on out-of-state vehicle purchases. The majority of votes cast declined the discontinuance of this sales tax.

Mayor Turnbow thanked the voters for this outcome of this election.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3199 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye

Councilmember Moorhead Aye
Councilmember Stevens Aye

B. Revocation of Occupational License and Liquor License - The Pit Grill & Bar 1242-46 W. Foxwood Dr. (public hearing)

Mayor Turnbow opened the occupational license revocation public hearing at 7:17 p.m. and called for a staff report.

Deputy City Clerk Erica Hill stated the City has been notified by the Missouri Department of Revenue that the Retail Sales Tax License of the Pit Grill & Bar located at 1242-46 W. Foxwood Dr. has been revoked for delinquent payment of State taxes. The owner of The Pit Grill & Bar was sent a letter providing official notice that the establishment's occupational license has been suspended pending a public hearing on this date before the City Council.

City Attorney Jonathan Zerr reviewed the documents provided in the Council packet. He entered into the record the July 14, 2016 letter to the owner.

Jeanette Singleton was sworn in by Ms. Hill.

Jeanette Singleton, 9200 Linwood Blvd, Independence, MO, owner of The Pit Grill & Bar, stated she has been in the process of moving everything from daughter's name to her name and was unaware that the business had been administratively dissolved. A CPA was assisting in the changeover and only addressed the annual taxes, not the rest of the business papers as was instructed.

TR Hoefle was sworn in by Ms. Hill.

TR Hoefle, 7926 E. 171st Street, Belton, MO, attorney for the owner, stated the owner was given bad advice from the former accountant. He's working to refile the annual reports and fees to retroactively reinstate the company with the Secretary of State and is working on the tax issue with the Department of Revenue. The process should be completed within 2-3 weeks.

Mr. Zerr reviewed the City Code regarding State taxes and occupational license revocation.

Ms. Singleton noted that she was in good standing in regards to a payment plan with the State for retail sales tax, but a check to the State did not clear the bank, causing the State to call the entire balance due. To be compliant with the State she will have to post a bond, pay the check that did not clear, and set up a payment plan to cover the entire delinquent amount.

Councilmember Moorhead noted the issue last year was a bounced check and asked the amount due to obtain a No Tax Due letter.

Ms. Singleton stated to be in compliance she owes \$4,800 and post a bond for \$10,800.

Mr. Hoefle stated after the issues are resolved, he and his client will be looking at changing the company from a corporate status to a Limited Liability status to eliminate the need to file the annual report to remain active.

Councilmember Moorhead, Mr. Zerr, and Mr. Hoefle discussed the need for a new liquor license should the company change.

Jeffrey Adams was sworn in by Ms. Hill.

Jeffrey Adams, 521 N. Jefferson St., Raymore, MO, stated he is concerned with this type of behavior that is becoming common in Raymore and at some point we have follow our laws and hold our businesses accountable. He noted over \$30,000 in judgements from the State of Missouri that are outstanding.

Ms. Singleton stated they are liens, not judgements, and were part of the payment plan.

Councilmember Holman questioned the total amount the business is in arrears to the State.

Ms. Singleton stated the total amount is between \$28,000 to \$32,000, but to issue the No Tax Due letter they need to submit around \$4,800 to cover the check and \$10,800 bond.

Councilmember Moorhead clarified that the State determines compliance by issuing a letter of No Tax Due, but that doesn't mean that the company doesn't owe money to the State for taxes.

Councilmember Abdelgawad asked if they are still working with debt from prior owner.

Ms. Singleton stated the payment plan and monthly filing is due each month and includes old debt and the current amounts due.

Mayor Turnbow opened the public hearing for public comments and hearing none closed the public hearing at 7:44 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to revoke the occupational license for the Pit Grill & Bar effective August 29, 2016 if they do not come into compliance prior to that date.

DISCUSSION: Councilmember Moorhead stated the issue with sales tax is that it's other people's money. Sales tax helps fund schools, cities, counties, emergency services, etc. Businesses are responsible to pay the taxes they collect from their customers. Proper notice has been given to revoke the license, his motion is intended to give a few more weeks to come into compliance. If compliance is not met the license will be revoked and does not require another meeting before Council.

Councilmember Burke asked Mr. Zerr if the City is allowed to revoke under the State. Mr. Zerr said it is noted in the State's revocation notice that the City can revoke licenses according to City Codes.

Mr. Feuerborn asked if Staff was to begin citing the business in Municipal Court on August 30 and each day after if they are open and do not come into compliance before that date.

Councilmember Abdelgawad reminded Council that the State can be difficult, and 3 weeks may not be adequate.

Discussion ensued.

MOTION TO AMEND: By Councilmember Abdelgawad, seconded by Councilmember Kellogg, to change the date to September 12, 2016.

Councilmember Holman stated he wants all of our businesses to succeed. However, he is in favor of original motion. This is not the first time this business has been before Council for the same thing.

Vote on motion to amend:

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Nay
	Councilmember Burke, III	Nay
	Councilmember Holman	Nay
	Councilmember Hubach	Nay
	Councilmember Kellogg	Nay
	Councilmember Moorhead	Nay
	Councilmember Stevens	Nay

Mr. Zerr noted that the prevailing side can bring the item up for reconsideration at the next regular meeting. Staff and Council discussed upcoming meeting dates.

Vote on original motion:

VOTE:	Councilmember Abdelgawad	Nay
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

Mayor Turnbow opened the liquor license revocation public hearing at 8:05 p.m. and called for a staff report.

Deputy City Clerk Erica Hill stated the City has been notified by the Missouri Department of Revenue that the Retail Sales Tax License of the Pit Grill & Bar located at 1242-46 W. Foxwood Dr. has been revoked for delinquent payment of State taxes. The owner of The Pit Grill & Bar was sent a letter providing official notice that the establishment's liquor license has been suspended pending a public hearing on this date before the City Council.

Mr. Zerr stated the liquor license hinges on the occupational license. If the entity stands revoked and continues to utilize the license past the revocation date, it would be a violation of Ordinances. Council may decide on the liquor license as revocation could occur in a consecutive manner with the occupational license.

Councilmember Holman asked if a business with a liquor license must have a valid occupational license to operate. Mr. Zerr stated the distinction is not made in City Code, however if they are operating without an occupational license they are in violation of Code. Without an occupational license, the liquor license is irrelevant.

Ms. Singleton requested the same extension as with the business license.

Mr. Zerr entered into record City Code Chapter 600, the July 14, 2016 letter to the owner, the administrative dissolution notice from the Secretary of State, and the revocation notice from the State.

Mayor Turnbow opened the public hearing for public comments and hearing none closed the public hearing at 8:11 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to take no action and table the issue of the liquor license.

DISCUSSION: Councilmember Moorhead stated revocation of the occupational license in essence addresses the issue of the liquor license.

Mr. Zerr stated if the owner complies, no impact is made. If they do not comply they do not have the ability to exercise the utilization of the liquor license.

Councilmember Kellogg noted that if the owner changes from corporation to a limited liability corporation, they have to apply for a new liquor license.

Councilmember Holman stated he agrees with the motion and he is encouraged to see the applicant working towards a positive resolution to these issues.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

C. Revocation of Occupational License - Ramm Transmission 202 Walnut (public hearing)

Mayor Turnbow opened the public hearing at 8:16 p.m. and called for a staff report.

Deputy City Clerk Erica Hill stated the City has been notified by the Missouri Department of Revenue that the Retail Sales Tax License of Ramm Transmission located at 202 Walnut has been revoked for delinquent payment of State taxes. The owner of Ramm Transmission was sent a letter providing official notice that the establishment's occupational license has been suspended pending a public hearing on this date before the City Council.

Mr. Zerr entered City Code Chapter 605, the July 14, 2016 letter to owner, and the notice of revocation from the State.

Rex Brauner was sworn in by Ms. Hill.

Rex Brauner, 3727 E. 96th St., Kansas City, MO, owner of Ramm Transmission, stated he spoke with the Department of Revenue today and he has to submit his first quarter withholding and sales taxes in the amount of \$1,754.80 and a \$1,640 bond. The bond was presented to Council and is ready to send to the State, and requested two weeks to take care of the taxes.

Councilmember Holman asked if this is the first revocation process for this business. Mr. Feuerborn answered yes.

Mayor Turnbow opened the public hearing for public comments and hearing none closed the public hearing at 8:21 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to continue consideration of the revocation until the August 22, 2016 City Council meeting.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

D. Setting the 2016 Tax Levies (public hearing)

BILL 3200: "AN ORDINANCE PURSUANT TO SECTION 67.110 OF THE REVISED STATUTES OF MISSOURI LEVYING GENERAL AND SPECIAL TAXES IN THE CITY OF RAYMORE, MISSOURI, FOR THE YEAR 2016."

Deputy City Clerk Erica Hill conducted the first reading of Bill 3200 by title only.

Mayor Turnbow opened the public hearing at 8:23 p.m. and called for a staff report.

Finance Director Cindi Watson stated State law requires each political subdivision in the state, except counties, to fix their ad valorem property tax rates not later than September 1 for entry in the tax books. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September 1, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year. The staff memo explains how the proposed levies for the coming year were derived. The proposed 2016 levy, based upon the principle of revenue neutrality mandated by the Hancock Amendment, is \$1.3057 per \$100 of assessed valuation. There is no change in the amount from 2015. This is based on final assessment information received from Cass County.

Councilmember Moorhead asked when the last adjustment occurred. Ms. Watson stated 2015 was the first decrease and it was same for 8 years prior to that.

Councilmember Holman clarified that staff is recommending no tax increase.

Councilmember Hubach stated the park levy for operations and maintenance should be increased with the addition of Municipal Circle Center, TB Hanna Station, etc.

Councilmember Moorhead asked if this can be revisited. Mr. Feuerborn stated if the Park Board wished to increase, they would come before Council. The City is under a requirement to turn the levy numbers in by September 1 in order for the county to bill, otherwise the City must do its own billing.

Councilmember Abdelgawad asked if there has been any indication of the need for an increase in funds from the Park Board or the Parks Department as they have been preparing the next budget. Mr. Feuerborn stated there has been no indication, and had there been, Council and the Park Board would have met in work session well before now. Ms. Watson stated the current voter approved tax rate for the park levy is 0.15. We are at the max rate that is allowed per calculations by the state auditor's office.

Councilmember Barber stated that the more building permits that are issues, the more taxes that are paid.

Councilmember Holman stated the amenities the Council chose were the highest on the list for return on capital. The revenues from the amenities will help pay for maintenance.

Councilmember Moorhead stated there is a very good working relationship with the Park Board and the Parks Department. They are fiscally conscious and consider the maintenance cost in their budget. Council should see that reflected in the upcoming City budget for FY16-17.

Discussion ensued.

Bill Manson was sworn in by Ms. Hill.

Bill Manson, Park Board chairman, stated they have an excellent department and excellent staff. If they needed the funds, they wouldn't hesitate to come to council. Taxpayers shouldn't pay more for services the Park Board and staff doesn't need at this time. He feels they need to see a reason for expansion, but they do not.

Councilmember Hubach said we are falling behind on acquisition of park land for the number of citizens in Raymore. Mr. Manson spoke to utilizing land appropriately to fulfill the needs of the community.

Mr. Cadoret stated homes are being built in areas that are already platted. Park land is reserved in future subdivisions.

Councilmember Stevens noted that HOAs also maintain parks and pool.

Mayor Turnbow opened the public hearing for public comments and hearing none closed the public hearing at 8:50 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3200 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

E. Financial Disclosure Ordinance

BILL 3198: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI ESTABLISHING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS AND CANDIDATES FOR ELECTIVE OFFICES."

Deputy City Clerk Erica Hill conducted the first reading of Bill 3199 by title only.

Deputy City Clerk Erica Hill stated Missouri law requires that political subdivisions with operating budgets over one million dollars adopt an Ordinance at an open meeting making public its method of disclosing potential conflicts of interest. The only officials that need to file a financial disclosure statement the following year are the chief purchasing officer, the chief administrative officer, and those employees and elected officials who have had a transaction of more than \$500 with the political subdivision.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3198 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

F. LBVSD Customer Resolution

RESOLUTION 16-39: "A RESOLUTION OF THE CITY OF RAYMORE, MISSOURI, ON THE QUESTION OF WHETHER LITTLE BLUE VALLEY SEWER DISTRICT SHOULD ISSUE REVENUE BONDS PAYABLE FROM REVENUES TO BE DERIVED FROM THE OPERATION OF THE LITTLE BLUE VALLEY SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF IMPROVING, EXTENDING OR REHABILITATING THE LITTLE BLUE VALLEY SEWER DISTRICT SYSTEM INCLUDING, BUT NOT LIMITED TO ADVANCED AIR EMISSIONS CONTROLS FOR THE ATHERTON WASTEWATER TREATMENT FACILITIES."

Deputy City Clerk Erica Hill conducted the reading of Resolution 16-39 by title only.

Public Works Director Mike Krass stated at the August 1, 2016 City Council Work Session, Little Blue Valley Sewer District (LBVSD) staff presented information regarding the need to make air quality improvements to the Atherton Treatment Plant. Financing for the project will involve the District issuing Bonds in the amount of \$20,000,000. City Council requested staff place this item on the next Council Meeting for consideration to approve the financing for the project.

Councilmember Moorhead clarified that we are not voting to approve \$20 million in bonds, we are one of their 13 customers being asked to approve LBVSD to issue the bonds.

Jeff Shook, Assistant Director at LBVSD, 21101 E. 78 Highway, Independence, MO, stated LBVSD requires consensus of members to issue or extend bonds. There have been no negative votes from customers so far. This is a no rate increase bond issue.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to approve the reading of Resolution 16-39 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye

Councilmember Burke, III	Aye
Councilmember Holman	Aye
Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye
Councilmember Stevens	Aye

11. Public Comments.

12. Mayor/Council Communication.

Mayor Turnbow and Councilmembers expressed appreciation of the work of Animal Control and discussed Raymore’s heritage.

Councilmember Burke welcomed Michael Hedrick to the new athletic coordinator position in the Parks and Recreation Department.

Councilmember Barber stated decisions made this evening pertaining to someone’s livelihood are heavy decisions for Council.

Councilmember Abdelgawad encouraged participation in the mini mud run, movie night, and Farmers Market. She reminded citizens to be cautious of kids returning to school next week.

Councilmember Holman commended City Council on their handling of issues this evening and thanked the voters for the outcome of the election.

Councilmember Kellogg thanked Penny Seshar for her work with Animal Control.

Mayor Turnbow expressed appreciation for Chief Zimmerman and the Police Department.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to adjourn to Executive Session to discuss litigation matters as authorized by §610.021 (1).

ROLL CALL VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Burke, III	Aye
Councilmember Holman	Aye
Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye
Councilmember Stevens	Aye

The regular meeting of the Raymore City Council adjourned to Executive Session at 9:15 p.m.

13.Adjournment.

MOTION: By Councilmember Moorhead, second by Councilmember Hubach to adjourn.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Stevens	Aye

The regular meeting of the Raymore Council adjourned at 9:23 p.m.

Respectfully submitted,

Erica Hill
Deputy City Clerk