

**THE RAYMORE COUNCIL MET IN REGULAR SESSION ON MONDAY, AUGUST 22, 2016 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BARBER, BURKE, III, HOLMAN, HUBACH, KELLOGG AND MOORHEAD, CITY MANAGER JIM FEUERBORN, CITY CLERK JEANIE WOERNER AND CITY ATTORNEY JONATHAN ZERR.**

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

Robert Gabel did not appear.

**6. Staff Report.**

Public Works Director Mike Krass reviewed the staff report included in the Council packet and current public works projects.

Assistant City Manager Meredith Hauck reviewed the Arts Commission and Communication reports included in the Council packet.

City Manager Jim Feuerborn announced items scheduled for the August 29 Council work session.

**7. Committee Reports.**

**8. Consent Agenda.**

**A. Council Meeting Minutes, July 25, 2016**

**B. Resolution 16-38, Council Chambers Video System Installation-Final Acceptance**

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

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye

Councilmember Holman	Aye
Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye

## **9. Unfinished Business. Second Readings.**

### **A. Revocation of Occupational License – Ramm Transmission 202 Walnut**

City Clerk Jeanie Woerner stated at the August 8, 2016 City Council meeting, Council considered the revocation of the Occupational License of Ramm Transmission following the City's receipt of a letter of revocation from Missouri Department of Revenue (DOR) pertaining to their retail sales tax license. After hearing testimony from Rex Brauner, owner of Ramm Transmission, Council motioned and approved to continue consideration of the revocation until this meeting to provide Mr. Brauner additional time to obtain the no tax due clearance. Ms. Woerner stated she contacted Mr. Brauner on August 17 and at that time, Mr. Brauner was unable to produce a not tax due letter. Mr. Brauner did indicate during conversations that he was close to reaching resolution. This matter is again before the City Council to determine the appropriate course of action. Mr. Brauner is in attendance should Council wish to hear input or have further questions.

Rex Brauner, stated he has provided additional payment and documents to the DOR. He believes he has fulfilled his obligations to the State and is advised by the DOR it could take two weeks until the documentation are processed.

Councilmember Kellogg asked Mr. Brauner when the two weeks would begin. Mr. Brauner stated it should be two weeks from receipt of further paperwork faxed today.

Discussion ensued.

**MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to continue suspended execution of the revocation until September 12, 2016 City Council meeting.

**DISCUSSION:** Councilmember Abdelgawad does not agree with a date certain given the actions and delays of the DOR processes and stated certain considerations should be given to this business as this is the first time this business has been before Council for revocation. She asked for the revocation of occupational licenses and associated processes be the topic of a future work session.

Discussion ensued.

**AMENDED MOTION:** By Councilmember Abdelgawad, second by Councilmember Kellogg to place the revocation discussion on the the September 12, 2016 Council meeting agenda.

Discussion ensued.

**DISCUSSION:** Councilmember Barber stated his support for the original motion.

Councilmember Moorhead disclosed that in his legal counsel work with DOR, a business owner who is working with DOR to obtain a no tax due letter, can request DOR to provide a letter which indicates the reason why DOR is not issuing tax clearance. This may assist a business owner facing Council revocation.

Councilmember Holman asked Mr. Brauner if he felt the September 12 extension would give his time to satisfy the requirements of DOR.

Mr. Brauner provided his word to Council that he continues to work diligently with DOR and that this should give him the time to resolve issues.

Mayor Turnbow called for a vote on the amended motion.

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Nay
	Councilmember Burke, III	Nay
	Councilmember Holman	Nay
	Councilmember Hubach	Nay
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Nay

Councilmember Moorhead stated in light of discussion, he would agree to amend his original motion to extend the effective date of revocation to September 26, 2016.

**AMENDED ORIGINAL MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to amend his original motion to continue suspended execution of the revocation effective at 11:59 p.m. on September 26, 2016 if the required compliance with City Code requirements are met.

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

**B. 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."**

City Clerk Jeanie Woerner conducted the second reading of Bill 3199 by title only.

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

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

Mayor Turnbow announced the motion carried and declared Bill 3199 as **Raymore City Ordinance 2016-065.**

**C. Setting the 2016 Tax Levies**

**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."**

City Clerk Jeanie Woerner conducted the second reading of Bill 3200 by title only.

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

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

Mayor Turnbow announced the motion carried and declared Bill 3200 as **Raymore City Ordinance 2016-066.**

**D. 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."**

City Clerk Jeanie Woerner conducted the second reading of Bill 3198 by title only.

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

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

Mayor Turnbow announced the motion carried and declared Bill 3198 as **Raymore City Ordinance 2016-067.**

**10. New Business. First Readings.**

**A. Permanent Closure and Removal of Access Drive - 1918 W. Foxwood Drive (public hearing)**

**BILL 3174: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE PERMANENT CLOSURE AND REMOVAL OF THE ACCESS DRIVE FROM FOXWOOD DRIVE (MISSOURI 58 HIGHWAY) TO 1918 W. FOXWOOD DRIVE, FORMERLY OCCUPIED BY RYAN'S RESTAURANT."**

City Clerk Jeanie Woerner conducted the first reading of Bill 3174 by title only.

Mayor Turnbow opened the public hearing at 7:40 p.m. and called for a staff report.

Community Development Director Jim Cadoret provided a review of the staff report included in the Council packet. He stated the Public Works Director has filed a request to permanently close and remove the access drive from West Foxwood Drive (58 Highway) to property located at 1918 W. Foxwood Drive (formerly occupied by Ryan's Restaurant). This access drive is located just to the west of relocated Kentucky Road and has shown to be a traffic hazard. This item was

removed from the July 11 Council agenda and remanded back to the Planning and Zoning Commission after an error was identified on a survey document on property located to the east. This allowed the property owner to be notified of the public hearing and to hear any additional testimony which may be offered. He asked for the notices to adjoining property owners, easement owner, notice of publication in *The Journal*, the Unified Development Code (UDC), the Growth Management Plan, Missouri 58 Access Management Map, staff report, and Planning and Zoning Commission minutes from June 21 and August 16, 2016 be entered into the record. Processes for the request to permanently close the access drive is outlined in Section 530.010 of the UDC. He outlined options available for Council consideration. Council could leave the access drive open, permanently close and remove the drive, negotiate an agreement to provide a future access drive at the midpoint of the lot between the existing Kentucky Road and the new road to the east of the site, or dismiss the application and proceed with condemnation to remove the access. The Planning and Zoning Commission voted 7-0, at their August 16 meeting to accept the staff proposed findings of fact and forward to the City Council with a recommendation of permanently closing and removing the access drive.

Mayor Turnbow opened the public hearing for public comments and hearing none closed the public hearing at 7:46 p.m.

**MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3174 by title only.

**DISCUSSION:** Councilmember Kellogg asked if this action could be considered inverse condemnation. Mr. Feuerborn stated it could and this action could pose certain legal ramifications.

City Attorney Jonathan Zerr stated the property owner and their counsel were present at the Planning and Zoning Commission meeting on June 21 to offer testimony. They were aware of this public hearing this evening and he noted they are not present to provide testimony. Mr. Zerr stated potential litigation has been mentioned by the property owner's counsel.

Mr. Feuerborn explained there are more than one property owner. The Dean family owns the easement and Block and Co. owns the eastern side of the access and the owners of the Ryan's property owns approximately 15' of the drive.

Discussion ensued.

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye

Councilmember Hubach	Aye
Councilmember Kellogg	Nay
Councilmember Moorhead	Aye

**B. Appointment of Charter Review Commission**

**RESOLUTION 16-40: “A RESOLUTION OF THE RAYMORE, MISSOURI CITY COUNCIL APPROVING APPOINTMENTS TO THE CHARTER REVIEW COMMISSION AS REQUIRED BY SECTION 14.8 OF THE RAYMORE CITY CHARTER.”**

City Clerk Jeanie Woerner conducted the reading of Resolution 16-40 by title only.

Councilmembers Moorhead and Burke stated since they are subject of this Resolution as they are appointees of the Commission they were recusing themselves. Both stepped away from the dais.

Councilmember Hubach stated she is as well, but does not feel the necessity of members recusing themselves.

City Manager Jim Feuerborn stated on May 23, 2016, the City Council adopted Resolution 16-27 establishing a procedure for appointing the Charter Review Commission. In August, the Council conducted a work session and decided upon the applicants it wished to appoint to the Commission. In accordance with Resolution 16-27, a Resolution formally appointing the applicants chosen by Council is now presented for approval. The first meeting of the Commission will be September 8, 2016. The appointees are Sheldon Castleman and Tim Stidham, Ward 1, Stephanie Dareing, Joseph Burke, III, and Derek Moorhead, Ward 2, Michael Wilson and Matthew Wiggins, Ward 3, and Charlene Hubach and Calvin Acklin, Ward 4.

**MOTION:** By Councilmember Kellogg, second by Councilmember Holman to approve the reading of Resolution 16-40 by title only.

**DISCUSSION:** Discussion ensued.

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Recused
	Councilmember Holman	Aye
	Councilmember Hubach	Abstain
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Recused

**C. Award of Contract - Bulk Road Salt**

**BILL 3202: “AN ORDINANCE OF THE CITY OF RAYMORE MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH INDEPENDENT SALT COMPANY FOR DELIVERY OF BULK ROAD SALT.”**

City Clerk Jeanie Woerner conducted the first reading of Bill 3202 by title only.

Finance Director Cindi Watson stated the City issued a request for bid for bulk road salt and recommends award of contract to the lowest and best bidder, Independent Salt Company. General questions of clarification were answered for Council.

**MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3202 by title only.

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

**E. Award of Contract - 58 Highway Overlay**

**BILL 3203: “AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH J.M. FAHEY CONSTRUCTION COMPANY FOR THE 58 HIGHWAY OVERLAY PROJECT, CITY PROJECT NUMBER 16-245-201, IN THE AMOUNT OF \$1,400,513.60 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS WITHIN ESTABLISHED BUDGET CONSTRAINTS.”**

City Clerk Jeanie Woerner conducted the first reading of Bill 3203 by title only.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet. This project was approved by the voters at the 2016 General Obligation Bond election. The solicited bids were based on two alternatives, one alternative included “virgin” asphalt for the final surface and alternate two allowed for a portion of the final surface asphalt to contain recycled asphalt, both of which meet City specifications. Staff recommends alternative two and award of contract to J.M.Fahey.

General questions of clarification were answered for Council.

Councilmember Kellogg stated his opposition to using recycled materials and asked for alternative one be considered.

Councilmember Holman asked if there were any concerns of the quality. Mr. Krass noted there have been improvements in the quality of recycled materials and staff feels this meets City's specifications.

**MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3203 by title only.

**DISCUSSION:** Councilmember Kellogg respected Council's decision although it is not his preference in materials.

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

#### **E. Budget Amendment - 58 Highway Overlay**

**BILL 3204: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2016 CAPITAL BUDGET."  
"**

City Clerk Jeanie Woerner conducted the first reading of Bill 3204 by title only.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet. Staff requests this budget amendment of the FY 2016 Capital Budget for work associated with the previous agenda item, 58 Highway Overlay Project due to the General Obligation funds not being included in the budget.

**MOTION:** By Councilmember Moorhead, second by Councilmember Hubach to approve the first reading of Bill 3204 by title only.

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye

Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye

**F. Award of Contract - City Wide Median Beautification**

**BILL 3201: “AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BREIT CONSTRUCTION LLC FOR THE CITY-WIDE MEDIAN BEAUTIFICATION PROJECT, CITY PROJECT NUMBER 16-244-201, IN THE AMOUNT OF \$75,650.00 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS WITHIN ESTABLISHED BUDGET CONSTRAINTS.”**

City Clerk Jeanie Woerner conducted the first reading of Bill 3201 by title only.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet. This project will involve modifications of the landscaping in medians throughout the City. The work will include removal and replacement of the existing plantings and the installation of water quality treatment measures such as permeable pavers at some locations. One bid was received from Breit Construction and staff recommends approval.

**MOTION:** By Councilmember Kellogg, second by Councilmember Hubach to approve the first reading of Bill 3201 by title only.

**DISCUSSION:** None

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

**11. Public Comments.**

**12. Mayor/Council Communication.**

Mayor Turnbow and Councilmembers thanked Jeffrey Stevens for his service to the City, thanked the volunteer members of the Charter Review Commission, and recognized government high school students in the audience.

Councilmember Moorhead noted his reason for recusing himself for consideration of Charter Commission appointment is due to the fact that he will serve the

Commission as a citizen, not as a Council member. He announced the OATS Transportation is now available in Raymore which is privately funded.

Councilmember Holman presented his appreciation to Public Works for recent road striping and thanked staff for providing the information on Facebook on Google fiber in Raymore.

Councilmember Abdelgawad noted the successful Mud Run event of the Parks Department.

Councilmember Hubach stated her pleasure in serving on the Charter Review Commission.

Councilmember Barber recognized Public Works Director Mike Krass for moving forward on the 58 Highway project.

Councilmember Burke thanked the supporters of the OATS Transportation in Raymore and Parks Department for hosting the Mud Run.

Mayor Turnbow thanked the Charter Review Commission members and former Councilmember Stevens for his service to the City and community.

### **13. Adjournment.**

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

<b>VOTE:</b>	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Hubach	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye

The regular meeting of the Raymore Council adjourned at 8:41 p.m.

Respectfully submitted,

Jeanie Woerner  
City Clerk