

THE RAYMORE CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, SEPTEMBER 13, 2021 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: MAYOR TURNBOW, COUNCILMEMBERS BARBER, BERENDZEN, BURKE, CIRCO, HOLMAN, TOWNSEND, AND WILLS-SCHERZER. ALSO PRESENT: CITY MANAGER JIM FEUERBORN, CITY ATTORNEY JONATHAN ZERR, AND CITY CLERK ERICA HILL.

- 1. Call to Order.** Mayor Turnbow called the meeting to order at 7:00 p.m.
- 2. Roll Call.** City Clerk Erica Hill called roll; quorum present to conduct business. Councilmember Abdelgawad was absent.
- 3. Pledge of Allegiance.**
- 4. Presentation/Awards.**

Belton City Clerk Andrea Cunningham presented City Clerk Erica Hill with her Missouri Registered City Clerk Sustaining certification.

Councilmember Holman requested a moment of silence to honor the 13 military service members that lost their lives during the exit of Afghanistan.

5. Personal Appearances.

Jim Haddock, 909 Wesley Circle, spoke in opposition to Bill 3647 Watermark Chapter 100 Request.

Pam Hatcher, 1403 N. Madison, spoke in opposition to Bill 3647 Watermark Chapter 100 Request.

Mike Setser, 900 Char Don Avenue, spoke in opposition to Bill 3647 Watermark Chapter 100 Request.

Donavan Jones, 507 Birchwood Court, spoke in opposition to the Watermark development project.

6. Staff Reports.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. He announced upcoming items of the Planning and Zoning Commission.

Emergency Management Director Ryan Murdock updated the Council on the state of the COVID pandemic. He answered questions from Council.

City Manager Jim Feuerborn noted an emergency authorization necessary for public safety to remove dead trees that were dropping very large limbs at T.B. Hanna Station. He announced items for the September 20 work session.

7. Committee Reports.

8. Consent Agenda.

A. City Council minutes, August 23, 2021

B. City Council Special Meeting minutes, August 30, 2021

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the Consent Agenda as presented.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Abstain
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

9. Unfinished Business.

A. Watermark Chapter 100 Request

BILL 3647: "AN ORDINANCE APPROVING A PLAN FOR A COMMERCIAL DEVELOPMENT PROJECT."

City Clerk Erica Hill conducted the second reading of Bill 3647 by title only.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the second reading of Bill 3647 by title only.

DISCUSSION: Councilmember Berendzen asked if the City was aware of any pending lawsuits regarding the developer for this project. City Manager Jim Feuerborn said there are likely lawsuits as this is a large company and confirmed that the details of such lawsuits have not been looked into at this time.

MOTION TO AMEND: By Councilmember Berendzen, second by Councilmember Wills-Scherzer to table Bill 3647 until further investigation is performed on active litigation of the developer.

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Nay
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Nay
	Councilmember Circo	Nay
	Councilmember Holman	Nay
	Councilmember Townsend	Nay

Councilmember Wills-Scherzer Aye

Mayor Turnbow announced the motion to amend failed.

DISCUSSION: Councilmember Holman asked if any facts regarding this item have changed from the first reading. Mr. Feuerborn stated there have been no changes.

Councilmember Burke asked if the cost-benefit analysis that shows the payments and tax abatements to the Raymore-Peculiar School District equal the projected abatement. Mr. Feuerborn stated in real property, that is accurate.

VOTE:

Councilmember Abdelgawad	Absent
Councilmember Barber	Aye
Councilmember Berendzen	Nay
Councilmember Burke, III	Aye
Councilmember Circo	Aye
Councilmember Holman	Aye
Councilmember Townsend	Aye
Councilmember Wills-Scherzer	Aye

Mayor Turnbow announced the motion carried and declared Bill 3647 as **Raymore City Ordinance 2021-052.**

B. General Obligation Series 2021 Bond Issue

BILL 3646: "AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE, AND DELIVERY OF \$9,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2021 OF THE CITY OF RAYMORE, MISSOURI, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS BY THE CITY."

City Clerk Erica Hill conducted the second reading of Bill 3646 by title only.

Todd Goffoy, Piper Sandler, reviewed the bond sale that occurred today. The Competitive Sale received 7 bids, receiving an interest rate of 1.73%. The closing date is Sept 29 at which time the city will receive the bond amount. After this issuance, \$5.5 million remains to be issued next year.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the second reading of Bill 3646 by title only.

DISCUSSION: None

VOTE:

Councilmember Abdelgawad	Absent
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke, III	Aye
Councilmember Circo	Aye
Councilmember Holman	Aye

Councilmember Townsend Aye
Councilmember Wills-Scherzer Aye

Mayor Turnbow announced the motion carried and declared Bill 3646 as **Raymore City Ordinance 2021-053.**

10. New Business.

A. Rezoning - Ridgeview Estates (public hearing)

BILL 3650: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AMENDING THE ZONING MAP FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT DISTRICT, AN EIGHT-ACRE TRACT OF LAND LOCATED SOUTH OF LUCY WEBB ROAD, WEST OF DEAN AVENUE, IN RAYMORE, CASS COUNTY, MISSOURI."

City Clerk Erica Hill conducted the first reading of Bill 3650 by title only.

Mayor Turnbow opened the public hearing at 7:47 p.m. and called for a staff report.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. Jason Maddox, representing MACO Development Company LLC and property owner Good-Otis LLC, is requesting to reclassify the zoning of eight acres located south of Lucy Webb Road, west of Dean Avenue, from C-2 "General Commercial District" to PUD "Planned Unit Development District." The rezoning will allow for a proposed 60-unit age-restricted and income-restricted residential development to be known as Ridgeview Estates. This public hearing was properly advertised in *The Journal* and he asked for the mailed notices to adjoining property owners, notice of publication, Unified Development Code, application, Growth Management Plan, preliminary plan, citizen communications received by staff, and staff report to be entered into the record. At its August 17 meeting, the Planning and Zoning Commission voted 8-0 to recommend approval of the rezoning. Any changes to the preliminary plan would require approval from the Planning and Zoning Commission and the Council. He answered questions from Council.

Councilmember Berendzen asked about the possibility of development to the east of the property and if development would be conducted under the PUD. Mr. Cadoret explained that the PUD only applies to the 8 acre tract for this plan, stating that the surrounding land remains commercially zoned and would be required to adhere to those zoning requirements

Dan Sanders, MACO Development Company, 111 N. Main Street, Clarkton, MO, presented a detailed overview of the project. He answered questions from Council.

Mayor Turnbow opened the public hearing for public comment. Hearing none, he closed the public hearing at 8:06 p.m.

Councilmember Townsend asked about the future of the commercial tract to the east of this property. Mr. Cadoret stated that the commercial tract of land would be subject to the requirements of the zoning classification for that tract of land.

Mr. Feuerborn noted that the MHDC request of support will be before Council at the October 4 work session, followed by the official request for support at a future Council meeting.

Councilmember Burke asked about the enforcement of the age restrictions. City Attorney Jonathan Zerr stated it is up to the property owner to enforce the age restrictions.

Mr. Maddox noted that all residents have to be 55 and older per the MOU and land use restrictions.

Mayor Turnbow noted concerns of the location of this project prohibiting the extension of the outer road. Mr. Cadoret explained that the PUD zoning includes the preliminary plat. Staff has had extensive discussions regarding this topic and all involved came to the conclusion that better access to commercial projects along that corridor would be from Dean Avenue, noting that the topography of this area contributes to this decision.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the first reading of Bill 3650 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

B. Termination of Memorandum of Understanding with Park Side LLC

BILL 3651: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS REQUIRED TO TERMINATE AND REMOVE AS AN ENCUMBRANCE ON THE PUBLIC RECORD THE MEMORANDUM OF UNDERSTANDING FOR PARK SIDE SUBDIVISION AS ENTERED INTO BETWEEN THE CITY AND PARK SIDE LLC."

City Clerk Erica Hill conducted the first reading of Bill 3651 by title only.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. At its December 14, 2020 meeting, City Council entered into a Memorandum of Understanding (MOU) with Joe Duffey, representing

Park Side LLC, regarding the proposed Park Side Subdivision. Park Side LLC is no longer affiliated with the Park Side Subdivision and the MOU should be terminated. Bill 3651 authorizes the mutual termination of the MOU. Park Side LLC is in agreement with the termination of the MOU. A new MOU with the new ownership group, containing the same terms and conditions as the existing MOU, is submitted concurrent with this termination.

City Attorney Jonathan Zerr noted the MOU is a recorded document. In order to remove it, we need to terminate the existing and adopt a new MOU with the new owner.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the first reading of Bill 3651 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

C. Memorandum of Understanding - Triangle 2, LLC and Triangle 4, LLC - Park Side Subdivision

BILL 3652: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE PARK SIDE SUBDIVISION."

City Clerk Erica Hill conducted the first reading of Bill 3652 by title only.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. Dan Carr, representing Triangle 2, LLC and Triangle 4, LLC, has purchased the 155 acres comprising the Park Side Subdivision, located south of 163rd Street and west of North Madison Street, and desires to proceed with the approval process for the subdivision. A Memorandum of Understanding (MOU) reflecting the new property ownership has been prepared that mirrors the initial MOU prepared for the subdivision. The engineering company that was utilized for the original owner is working with the new owner on minor changes.

Dan Carr, 8611 N. Donnelly Lane, Kansas City, MO, introduced himself to Council and reviewed his involvement with this project. He answered questions from Council.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the first reading of Bill 3652 by title only.

DISCUSSION: Councilmember Burke asked the materials used for the pedestrian trails. Mr. Cadoret stated these will be paved trails.

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

D. Termination of Sunset Lane/163rd Street Extension Design Reimbursement Agreement

BILL 3653: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO NOTIFY PARK SIDE LLC OF BREACH AND TO TAKE ALL NECESSARY STEPS REQUIRED TO EITHER SATISFY ANY REIMBURSEMENT REQUIREMENTS AND/OR TERMINATE THE REIMBURSEMENT AGREEMENT ENTERED INTO BETWEEN THE CITY AND PARK SIDE LLC."

City Clerk Erica Hill conducted the first reading of Bill 3653 by title only.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. At its April 26, 2021 meeting, City Council entered into a Reimbursement Agreement with Joe Duffey, representing Park Side LLC, regarding the design of the proposed extension of Sunset Lane and 163rd Street through the Park Side Subdivision. Park Side LLC is no longer affiliated with the Park Side Subdivision and the reimbursement agreement should be terminated. Bill 3653 authorizes the mutual termination of the Design Reimbursement Agreement. Park Side LLC is in agreement with the termination of the agreement. A new reimbursement agreement with the new ownership group, containing the same terms and conditions as the existing reimbursement agreement, is submitted concurrent with this termination. Work had been started with the engineering firm, however, no reimbursements have been made.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the first reading of Bill 3653 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye

Councilmember Circo	Aye
Councilmember Holman	Aye
Councilmember Townsend	Aye
Councilmember Wills-Scherzer	Aye

E. Reimbursement Agreement - Triangle 2, LLC and Triangle 4, LLC - Sunset Lane/163rd Street Design

BILL 3654: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO ENTER INTO A STREET DESIGN REIMBURSEMENT AGREEMENT WITH TRIANGLE 2, LLC AND TRIANGLE 4, LLC TO DESIGN A PORTION OF THE EXTENSION OF SUNSET LANE."

City Clerk Erica Hill conducted the first reading of Bill 3654 by title only.

Development Services Director Jim Cadoret provided a review of the staff report included in the Council packet. Dan Carr, representing Triangle 2, LLC and Triangle 4, LLC, has purchased the 155 acres comprising the Park Side Subdivision and desires to proceed with the design process for the extension of Sunset Lane and 163rd Street within the subdivision. A reimbursement agreement has been prepared that mirrors the initial agreement prepared for the project for Park Side LLC. Triangle 2, LLC and Triangle 4, LLC is requesting a reimbursement agreement to expedite the design, and ultimately the construction, of those portions of the road improvements that are adjacent to, or cross through, the Park Side Subdivision. The engineering firm remains the same.

MOTION: By Councilmember Townsend, second by Councilmember Holman to approve the first reading of Bill 3654 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

11. Public Comment.

12. Mayor/Council Communication.

Mayor Turnbow and Councilmembers congratulated City Clerk Erica Hill on her certification, thanked staff for the 9/11 remembrance ceremony, thanked the public for their appearances this evening, and spoke to the management of growth, change, and providing diverse opportunities within our community.

13. Adjournment.

MOTION: By Councilmember Townsend, second by Councilmember Holman to adjourn.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Absent
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Circo	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills-Scherzer	Aye

The regular meeting of the Raymore Council adjourned at 8:56 p.m.

Respectfully submitted,

Erica Hill
City Clerk