

THE RAYMORE CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, FEBRUARY 13, 2023 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: COUNCILMEMBERS ABDELGAWAD, BARBER, BERENDZEN, BURKE III, FORSTER, HOLMAN, TOWNSEND, AND WILLS. ALSO PRESENT: CITY MANAGER JIM FEUERBORN, CITY ATTORNEY JONATHAN ZERR, CITY CLERK ERICA HILL, AND ADMINISTRATIVE ASSISTANT ASHLEY PERREY.

1. Call to Order

Mayor Pro Tem Townsend called the meeting to order at 7:00 p.m.

2. Roll Call

Administrative Assistant Ashley Perrey called roll; quorum present to conduct business. Mayor Turnbow was absent.

3. Pledge of Allegiance

4. Presentation/Awards

5. Personal Appearances

6. Staff Reports

Economic Development Director Brandon Keller reviewed the Development Services staff report included in the packet.

City Clerk Erica Hill announced the Financial Disclosure Statements that are required to be filed by the City have been completed and are on file and available for inspection in the office of the City Clerk.

Chief of Police Jim Wilson announced parking information for the February 16 City Council Public Hearing.

City Manager Jim Feuerborn noted there would not be a work session on February 20 due to Presidents Day. He reminded Council of the special meeting and public hearing on February 16.

7. Committee Reports

8. Consent Agenda

A. City Council Regular Meeting minutes, January 23, 2023

B. Approval of Safety Traffic Enforcement Program

1. Resolution 23-05: Overtime Hazardous Moving Violation Enforcement

2. Resolution 23-06: Overtime DWI Enforcement

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

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

9. Unfinished Business

A. MARC Household Hazardous Waste Agreement

BILL 3774: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, APPROVING AN AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL SOLID WASTE MANAGEMENT DISTRICT, RELATING TO THE REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM."

Administrative Assistant Ashley Perrey conducted the second reading of Bill 3774 by title only.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the second reading of Bill 3774 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

Mayor Pro Tem Townsend announced the motion carried and declared Bill 3774 as **Raymore City Ordinance 2023-008.**

B. Edgewater at Creekmoor 8th Final Plat

BILL 3775: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, APPROVING THE EDGEWATER AT CREEKMOOR EIGHTH PLAT LOTS 230"

THROUGH 241 AND TRACTS K AND L, LOCATED IN SECTION 4, TOWNSHIP 46N, RANGE 32W, RAYMORE, CASS COUNTY, MISSOURI.”

Administrative Assistant Ashley Perrey conducted the second reading of Bill 3775 by title only.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the second reading of Bill 3775 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

Mayor Pro Tem Townsend announced the motion carried and declared Bill 3775 as **Raymore City Ordinance 2023-009.**

C. Edgewater at Creekmoor 9th Final Plat

BILL 3776: “AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, APPROVING THE EDGEWATER AT CREEKMOOR NINTH PLAT LOTS 242 THROUGH 252 AND TRACTS M AND N, LOCATED IN SECTION 4, TOWNSHIP 46N, RANGE 32W, RAYMORE, CASS COUNTY, MISSOURI.”

Administrative Assistant Ashley Perrey conducted the second reading of Bill 3776 by title only.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the second reading of Bill 3776 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

Mayor Pro Tem Townsend announced the motion carried and declared Bill 3776 as

Raymore City Ordinance 2023-010.

10. New Business

A. Locating a Non-Sales Tax Generating Business within the Foxwood Village Shops Tax Increment Financing (TIF) District

RESOLUTION 23-04: "A RESOLUTION OF THE CITY OF RAYMORE, MISSOURI, APPROVING THE LOCATION OF A NON-SALES-TAX GENERATING BUSINESS WITHIN THE FOXWOOD VILLAGE SHOPS TAX INCREMENT FINANCING INCENTIVE DISTRICT."

Administrative Assistant Ashley Perrey conducted the reading of Resolution 23-04 by title only.

Economic Development Director Brandon Keller provided a review of the staff report included in the Council packet. Wesley Carrillo, representing Midwest Wash Group, has requested the approval of a non-sales tax generating business to be located within the Foxwood Village Shops Tax Increment Financing (TIF) District, in the form of a proposed Tunnel Vision Car Wash. In accordance with the TIF Contract, the City must provide their consent prior to the location of a non-sales tax generating business within this incentive district. The contract provides the following related to the location of non-sales tax generating businesses within the District: Section 27(A)(5) Non-Sales Tax Generating Businesses - The Developer shall not, without City approval, sell or lease for development more than ten percent (10%) of the finished first (1st) floor space in the Redevelopment Area to non-sales tax generating businesses such as office uses or fitness centers. For purposes of this section, a non-sales tax generating business shall be any business projected to generate less than \$50 per square foot of retail sales. The applicant has proposed a 6,415 square-foot car wash facility, which would account for approximately 48.77% of the current total finished floor space within the Redevelopment Area. The applicant is seeking City approval to move forward with the proposed use. To make up for the long-term loss of sales tax revenues with the potential use of the site as a car wash, staff has worked with the Developer to arrange an agreement that would include an annual PILOT payment in lieu of a sales tax, that would be collected and distributed to the local taxing jurisdictions. Additionally, the applicant will design and construct access modifications at the 58 Highway entrance to compensate for the incremental increase in traffic generated by the car wash, and limit turning conflicts onto 58 Highway.

Jason Bohnert, representing Tunnel Vision Car Wash, provided a detailed presentation of the proposed project.

Council asked questions about the project of the developer regarding sound, location, etc. City Attorney Jonathan Zerr reminded Council that the item before them was to consider a non-sales tax generating business in an incentive district.

Mr. Feuerborn clarified that the TIF plan currently in place calls for a certain percentage of businesses located in the TIF area to be sales tax generating. The plan allows for only the Council to make an exception to the plan.

Mayor Pro Tem Townsend asked if there have been any proposals of non-sales tax generating businesses to locate in other incentive areas before this. Mr. Feuerborn answered no.

Mayor Pro Tem Townsend asked if this would then set precedent. Mr. Zerr answered yes.

Resolution 23-04 died for lack of a motion.

B. Award of Contract - Johnston Drive Improvements

BILL 3780: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SCHLAGEL & ASSOCIATES P.A. FOR THE DESIGN OF THE JOHNSTON DRIVE IMPROVEMENTS PROJECT, IN THE AMOUNT OF \$59,096 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS WITHIN ESTABLISHED BUDGET CONSTRAINTS."

Administrative Assistant Ashley Perrey conducted the first reading of Bill 3780 by title only.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet. As part of the proposed Allera Development staff entered into negotiations with the Developer to design and construct Johnston Drive from Harmon Drive to Dean Avenue. Unfortunately the Developer has chosen to not proceed with the project. The Developer had engaged Schlagel & Associates P.A. to design both the Allera Development and Johnston Drive. Schlagel & Associates P.A. had completed some preliminary field work and design prior to the Developer abandoning the project. It is staff's recommendation that the City contract with Schlagel & Associates P.A. to complete the final design of Johnston Drive.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the first reading of Bill 3780 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

C. Award of Contract - Mayberry Court Waterline Replacement

BILL 3781: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LEGACY UNDERGROUND CONSTRUCTION, INC. FOR THE MAYBERRY COURT WATERLINE PROJECT, CITY PROJECT NUMBER 23-419-201, IN THE AMOUNT OF \$80,475 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS WITHIN ESTABLISHED BUDGET CONSTRAINTS."

Administrative Assistant Ashley Perrey conducted the first reading of Bill 3781 by title only.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet. Over the past several years, the waterline serving Mayberry Court has experienced a number of leaks. When the repairs were completed, staff noted a number of areas that were corroded and could be a source of leaks in the future. Based on this, staff recommended replacement of the main be included in the FY 2023 CIP. This project involves complete replacement of the existing Ductile Iron Pipe Water Line with a PVC water line along Mayberry Court. Five bids were received for the Mayberry Court Waterline Project on January 26, 2023. Legacy Underground Construction is the lowest and best bidder. Staff recommends the contract for the Mayberry Court Waterline Project to be awarded to Legacy Underground Construction in the amount of \$80,475.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the first reading of Bill 3781 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

D. Plan for Warehousing and Distribution Center and Building 3 Personal Property Chapter 100 Bond Issuance

BILL 3782: "AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR A WAREHOUSE/DISTRIBUTION CENTER PROJECT, A DEVELOPMENT AND PERFORMANCE AGREEMENT BETWEEN THE CITY OF RAYMORE, MISSOURI, AND URBN SR LLC, AND AUTHORIZING THE CITY TO ISSUE ITS TAXABLE REVENUE BONDS IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$115,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO

PAY THE COSTS OF EQUIPPING AND IMPROVING A WAREHOUSE AND DISTRIBUTION CENTER IN THE CITY; AND AUTHORIZING CERTAIN AGREEMENTS AND OTHER ACTIONS BY THE CITY.”

Administrative Assistant Ashley Perrey conducted the first reading of Bill 3782 by title only.

Economic Development Director Brandon Keller stated that in 2019, the Raymore City Council approved Bill 3501, which provided real property tax abatement for property within the Raymore Commerce Center to the Developer of Record, VanTrust Real Estate, as a means of attracting new businesses and primary employers to the community. NUULY, a subsidiary of Urban Outfitters (dba URBN SR, LLC) has requested the issuance of Taxable Industrial Revenue Bonds by the City of Raymore.

Sarah Granath, Gilmore & Bell, provided a review of the staff report included in the Council packet. She stated that the real property has already been abated, this is for personal property going inside the building. NUULY, a subsidiary of Urban Outfitters (dba URBN SR, LLC) plans to invest \$115,000,000 in two phases. The first phase will be approximately \$50 million in equipment and \$20 million in building improvements. The second phase will induce \$45 million in equipment. The abatement is only on the equipment. The company will purchase the bonds and make the required PILOT payments on all personal property related to the project pursuant the Development and Performance Agreement. There is a sales and use tax exemption that will impact the personal property purchases that has preliminary approval from the State of Missouri for up to \$40 million and a sales and use tax exemption on the construction materials for both personal and real property.

Dave Zeil, Chief Development Officer for Urban Outfitters, reviewed the company's involvement in the region. He explained the rental clothing concept of NUULY and the specific requirements necessary to facilitate this process. He stated they will bring 750 jobs to Raymore in a variety of positions, including seamstresses and engineers.

Mayor Pro Tem opened the floor to comments from taxing jurisdictions at 7:44 p.m. Mr. Feuerborn reviewed a letter that was submitted from the Raymore Peculiar School District.

Councilmember Forster stated that the money the school district would receive in this plan is greater than the amount should the business not locate in Raymore. Mr. Feuerborn concurred.

Councilmember Holman noted that the letter states the school district has concerns that the PILOT programs have on the school district's tax base and directly affects their ability to support various initiatives. He stated there are no children being added to the district with this project and asked what taxes the school district would receive with and without the project. Mr. Keller stated that without the project they would receive \$250 per year on the location of building 3 prior to Van

Trust's investment. With the plan NUULY is requesting, the district should receive around \$3.6 million over the next 20 years.

Councilmember Barber stated the letter starts as being from the Board of Education but signed by the Superintendent. Mr. Feuerborn stated the Superintendent was directed by the Board to send the letter.

Discussion ensued.

Mayor Pro Tem Townsend closed the floor to comments from the taxing jurisdictions at 7:53 p.m.

Councilmember Holman noted that of the 750 new jobs, a general assumption is that some of those employees would locate to Raymore and contribute to the taxing base. Mr. Keller stated yes, and that 750 jobs is attractive to other retailers and we have been in contact with some of those retailers.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the first reading of Bill 3782 by title only.

DISCUSSION: Councilmember Abdelgawad thanks NUULY for choosing Raymore.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke III	Aye
	Councilmember Forster	Aye
	Councilmember Holman	Aye
	Councilmember Townsend	Aye
	Councilmember Wills	Aye

E. Re-appointing Ross Nigro as Municipal Judge

BILL 3779: "AN ORDINANCE RE-APPOINTING ROSS NIGRO, JR. AS MUNICIPAL JUDGE FOR THE CITY OF RAYMORE."

Administrative Assistant Ashley Perrey conducted the first reading of Bill 3779 by title only.

City Attorney Jonathan Zerr provided a review of the staff report included in the Council packet. Judge Nigro has indicated his desire to continue to serve as Municipal Judge for the City of Raymore. Judge Nigro currently makes \$17,125 annually for his service to the City. At its January 30 work session, the City Council instructed the City Manager to bring forth a re-appointed Ordinance reflecting a 10% increase in the compensation of the judge.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the first reading of Bill 3779 by title only.

DISCUSSION: Judge Nigro thanked the Council for their support and appreciates the opportunity to continue working with the City.

VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke III	Aye
Councilmember Forster	Aye
Councilmember Holman	Aye
Councilmember Townsend	Aye
Councilmember Wills	Aye

F. Approving Extended & Amended Employment Agreement - City Manager

BILL 3777: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH JIM FEUERBORN FOR THE SERVICES OF A CITY MANAGER, AUTHORIZING APPROVAL OF THIS ORDINANCE AND EXECUTION OF THE CONTRACT HEREIN FOR THE ORDERLY ADMINISTRATION OF THE LEGAL, ADMINISTRATIVE, AND CONTRACTUAL MATTERS OF THE CITY."

Administrative Assistant Ashley Perrey conducted the first reading of Bill 3777 by title only.

City Attorney Jonathan Zerr provided a review of the staff report included in the Council packet. This Bill approves the employment contract with Jim Feuerborn to continue serving as the City Manager. The only changes from the original contract (as amended and extended from last year) include the following: (a) Base salary increased by 14% to \$185,997.00 pursuant to Council instruction, (b) All applicable dates for effectiveness and execution have been updated to cover the September 1, 2022 - September 1, 2023 contract year, and (c) The term of the contract has been extended to September 1, 2023.

MOTION: By Councilmember Holman, second by Councilmember Barber to approve the first reading of Bill 3777 by title only.

DISCUSSION: Councilmember Holman noted that Mr. Feuerborn has been a long term, faithful servant leader for the City of Raymore.

Mayor Pro Tem Townsend stated he appreciates Mr. Feuerborn's counsel and mentorship of other city managers, and his guiding hand in the current fight we are in.

VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke III	Aye

Councilmember Forster	Aye
Councilmember Holman	Aye
Councilmember Townsend	Aye
Councilmember Wills	Aye

11. Public Comment

12. Mayor/Council Communication

Mayor Pro Tem Townsend and Councilmembers noted the support in Jefferson City of HB909, welcomed NUULY, urged attendance at the February 16 public hearing, and congratulated the Kansas City Chiefs on their Super Bowl victory.

13. Adjournment

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

DISCUSSION: None

VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke III	Aye
Councilmember Forster	Aye
Councilmember Holman	Aye
Councilmember Townsend	Aye
Councilmember Wills	Aye

The regular meeting of the Raymore Council adjourned at 8:09 p.m.

Respectfully submitted,

Ashley Perrey
 Administrative Assistant

*** These minutes transcribed by City Clerk Erica Hill*