

THE RAYMORE COUNCIL MET IN REGULAR SESSION MONDAY APRIL 24, 2017 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BARBER, BERENDZEN, BURKE, III, HOLMAN, KELLOGG, MOORHEAD, AND TOWNSEND, CITY MANAGER JIM FEUERBORN, CITY CLERK JEANIE WOERNER AND CITY ATTORNEY JONATHAN ZERR.

- 1. Call To Order.** Mayor Turnbow called the regular 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.**
- 6. Staff Report.**

City Clerk Jeanie Woerner announced the Missouri Municipal League Westgate meeting will be held on May 18 in Excelsior Springs.

Public Works Director Mike Krass provided a review of the staff report included in the Council packet and update of current public works projects.

Communications Director Mike Ekey provided information on the Arts Commission's Pop Up Art project which will be held on June 10 at the Summer Scene event.

City Manager Jim Feuerborn announced work session agenda items for May 1. He advised Council that he, Councilmember Moorhead, Community Development Director Jim Cadoret, Planner David Gress and Planning Commissioner Leo Anderson would be attending the American Planning Conference and staff members would be absent from the May 8 Council meeting.

7. Committee Reports.

Derek Moorhead announced the next meeting of the Charter Review Commission will be May 2.

Councilmember Holman provided an update on the progress of the April 19 meeting of the Branding Committee. A formal presentation is scheduled for the May 15 Council work session. He further stated this Committee is finished with their project.

8. Consent Agenda.

- A. City Council Regular Session Minutes, April 10, 2017**
- B. City Council Special Session Minutes, April 10, 2017**

C. Resolution 17-19, Public Improvements for Westbrook 12th of Creekmoor-Final Acceptance

D. Resolution 17-20, Corporate Authorization - Banking Signatures

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

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

9. Unfinished Business. Second Readings.

B. Award of Contract - J&M Displays

BILL 3264: "AN ORDINANCE OF THE CITY OF RAYMORE MISSOURI, APPROVING AND AUTHORIZING A CONTRACT WITH J&M DISPLAYS IN THE AMOUNT OF \$16,000 TO PROVIDE PYROTECHNIC SERVICES."

City Clerk Jeanie Woerner conducted the second reading of Bill 3264 by title only.

MOTION: By Councilmember Moorhead, second by Councilmember Kellogg to approve the second reading of Bill 3264 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

Mayor Turnbow announced the motion carried and declared Bill 3264 as **Raymore City Ordinance 2017-030.**

10. New Business. First Readings.

Mayor Turnbow called for a motion to recess the regular meeting of the City Council in order to conduct the annual business meeting of the Raymore Municipal Assistance Corporation.

MOTION: By Councilmember Moorhead, second by Councilmember Burke to recess the regular City Council meeting and conduct the annual business meeting of the Raymore Municipal Assistance Corporation at 7:11 p.m.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

Meeting of the Raymore Municipal Assistance Corporation (RAYMAC)

1. Call to Order.

The meeting was called to order at 7:11 p.m.

2. Roll Call.

Directors in attendance: Sonja Abdelgawad, Kevin Barber, John Berendzen, Joseph Burke, III, Jay Holman, Kevin Kellogg, Derek Moorhead, Reginald Townsend, and Kristofer Turnbow.

Treasurer Cindi Watson provided a review of the staff report included in the meeting materials.

3. Approval of Meeting Minutes April 25, 2016.

MOTION: By Director Moorhead, second by Director Kellogg to approve the minutes of April 25, 2016.

DISCUSSION: None

VOTE:	Director Abdelgawad	Aye
	Director Barber	Aye
	Director Berendzen	Aye
	Director Burke, III	Aye
	Director Holman	Aye
	Director Kellogg	Aye
	Director Moorhead	Aye
	Director Townsend	Aye
	Director Turnbow	Aye

4. Election of Officers.

MOTION: By Director Moorhead, second by Director Kellogg to nominate the following slate of officers:

President	Kristofer Turnbow
Vice-President	Derek Moorhead
Secretary	Sonja Abdelgawad
Treasurer	Cindi Watson

DISCUSSION: None

VOTE:	Director Abdelgawad	Aye
	Director Barber	Aye
	Director Berendzen	Aye
	Director Burke, III	Aye
	Director Holman	Aye
	Director Kellogg	Aye
	Director Moorhead	Aye
	Director Townsend	Aye
	Director Turnbow	Aye

5. Other Matters.

Treasurer Watson advised now that the 1998 Revenue bonds have been satisfied, the Board could dissolve the Corporation or keep the Corporation in place for a possible funding resource in the future. Staff requests a formal motion and vote be made to continue the Corporation.

MOTION: By Director Moorhead, second by Director Holman to keep the Corporation in place for an additional year.

DISCUSSION: None

VOTE:	Director Abdelgawad	Aye
	Director Barber	Aye
	Director Berendzen	Aye
	Director Burke, III	Aye
	Director Holman	Aye
	Director Kellogg	Aye
	Director Moorhead	Aye
	Director Townsend	Aye
	Director Turnbow	Aye

6. Motion to Adjourn.

MOTION: By Director Moorhead, second by Director Burke to adjourn the annual meeting of RAYMAC and return to the regular meeting of the City Council.

DISCUSSION: None

VOTE:	Director Abdelgawad	Aye
	Director Barber	Aye
	Director Berendzen	Aye
	Director Burke, III	Aye
	Director Holman	Aye
	Director Kellogg	Aye
	Director Moorhead	Aye
	Director Townsend	Aye
	Director Turnbow	Aye

The meeting of the Board of Directors for Raymore Municipal Assistance Corporation adjourned at 7:16 p.m.

The regular meeting of the City Council reconvened at 7:16 p.m.

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

Mayor Turnbow opened the public hearing at 7:16 and called for a staff report.

City Clerk Jeanie Woerner advised Council that the City of Raymore has been notified by the Missouri Department of Revenue (DOR) that the Retail Sales Tax License of The Pit Grill & Bar located at 1242-46 W. Foxwood Dr. has been revoked. She asked for Chapters 600 and 605 of the Raymore City Code, the letter of revocation received from Missouri Department of Revenue, the notice of suspension sent to the business owner, and the notice of publication be entered into the record. The letter sent to the business owner provided official notice that the establishment's occupational and liquor licenses had been suspended pending a public hearing on this date before the City Council. In accordance with City Code Section 600.090(C) any person providing testimony pertaining to the liquor license will be sworn to tell the truth by the City Clerk and such testimony will be entered into the record.

City Clerk Jeanie Woerner administered an oath of honesty to business owner Jeanette Singleton.

Jeanette Singleton, stated this issue is not with non-payment of her sales tax but is an issue with the company which handles all of her employee payroll tax filings who did not file the necessary forms because of her issue at the end of 2016 when the bank froze her accounts. It was because of this that the forms were not filed. She was notified by the State in February or March, that her 4th quarter filings had not been submitted. Ms. Singleton stated she herself, filed forms 940, 941, and another form which she believes was for social security. She was notified today, that the 941 form filed was incorrect. The correct form was filed today. She stated contact numbers for staff at the payroll company, her accounting

firm, and DOR would be provided to the City Clerk tomorrow. She asked Council for two days or the end of the week for time to resolve of her issues.

City Attorney Jonathan Zerr advised Council they could consider City Code Section 605.010 (B) (2)(a) in making their decision. This provision outlines an exception for action if any taxes which are being contested by the application in good faith and resolution of which is being diligently pursued by the applicant.

Mayor Turnbow asked the application if she is current on her sales tax. Ms. Singleton answered yes.

City Manager Jim Feuerborn directed Council to the revocation form received from DOR included in the packet which references RSMo 144.083. This portion of Statute provides that a valid sales tax license shall be subject to all taxes to be filed, which in this case would be the State employee withholdings tax form 941.

Mayor Turnbow asked for public comment and hearing none, closed the public hearing at 7:31 p.m.

Councilmember Kellogg noted that the applicant has provided testimony that the form and payment were sent to DOR today. He asked why the applicant did not take action sooner because the revocation notice was received by the City on April 5.

Ms. Singleton stated she filed the forms provided by her payroll company before today. It was because she filed the incorrect form, that took longer. She also waited several days for contact from her accountant. When she reached her accountant today, that is when she learned that the wrong form had been filed and that is the reason the correct form was filed today.

Councilmember Moorhead stated he was speaking from a personal standpoint in his experience with work he performs as a tax professional. He spoke to Ms. Singleton with issues on her statements. The forms she is referring to cannot be filed without being accompanied by full payment due. He discussed violations and penalties that could be imposed in RSMo 144. His concern is that these issues are from the unfiled 4th quarter filing period which is 4 months after those filings were due. He asked the Ms. Singleton if she could ensure the Council that she was diligently working to resolve her issues.

Ms. Singleton answered yes.

Mayor Turnbow called for a motion.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to revoke the Occupational License in accordance with Section 605.010(b) (c) of the City Code and revoke the Liquor License in accordance with Section 600.080 of the City Code, of The Pit Grill and Bar, with a stay of enforcement for 72 hours on April 27, 2017 at 11:59 p.m. and if a No Tax Due letter is received before that time, the revocations will be waived and the licenses will be reinstated in good standing.

DISCUSSION: Councilmember Kellogg asked Mr. Zerr if the motion made is superseding State Statute. Mr. Zerr stated no and explained the Department of Revenue’s processes.

Council discussion ensued.

Council Holman stated he spoke to his opposition for a stay of enforcement the last time this business owner was before Council. He restated his opposition in the matter currently before Council.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Nay
	Councilmember Kellogg	Nay
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

C. Governing Body Members on Planning and Zoning Commission

Mayor Turnbow stated Section 465.020 (B) (4) of the City Code provides: “During a meeting in April of each year, the Council shall designate whether or not it shall have a member serve on the [Planning & Zoning] Commission and the Mayor shall designate if he/she chooses to be a member of the Commission and any such member shall serve for a term of one year.” He announced his desire to be a member of the Planning and Zoning Commission this year. He asked the Council if they wish to designate a member to serve on the Planning & Zoning Commission.

Councilmember Moorhead stated the Charter Review Commission has held discussion in regard to the fact that the position creates good communication. He personally does not feel the need for a Councilmember to serve as the Mayor is providing good communication.

Councilmembers Holman and Abdelgawad concurred.

Councilmember Berendzen asked if the Charter allows for an alternate in the case of the absence of the Mayor. Mr. Feuerborn answered no.

DISCUSSION: None

Verbal consensus was received from members of the Council that a member of the body would not serve on the Planning and Zoning Commission.

D. Selection of Mayor Pro Tempore

Mayor Turnbow entertained nominations for Mayor Pro Tem.

NOMINATION: Councilmember Holman stated his nomination for Councilmember Moorhead.

DISCUSSION: Mayor Turnbow asked for further nominations and hearing none, called for a vote on the motion.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

E. Amendments to Property Maintenance Code

BILL 3266: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING CHAPTER 545: PROPERTY MAINTENANCE CODE OF THE RAYMORE CITY CODE."

City Clerk Jeanie Woerner conducted the first reading of Bill 3266 by title only.

Community Development Director Jim Cadoret provided a review of the staff report included in the Council packet. Staff completed the annual review of the Property Maintenance Code and is recommending that the City Council approve six amendments to the Code. Those changes are to: modify the penalty section to be compliant with Senate Bill 572; eliminate the requirement for notification on repeat violations; require a property owner to cut or bale hay twice a year; require accessory structures to be free from holes in exterior surfaces; include carpeting materials and pallets on the list of discarded objects that may create a nuisance; and identify drainage discharge that creates erosion on a neighboring property as a violation. He answered general questions of Council.

Councilmember Kellogg stated concerns that tires are not listed in Section 545.445A13 as a discarded object.

Community Development Director Jim Cadoret stated discarded tires are addressed in other areas of the property maintenance code.

Councilmember Moorhead asked if tires were added to this section, would it be in conflict with property maintenance code. Mr. Cadoret answered no.

MOTION: By Councilmember Moorhead, second by Councilmember Kellogg to approve the first reading of Bill 3266 by title only, amending section 5 of the Bill, Section 545.445 to include "tires" to be listed after the word "automobiles".

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

F. Resolution to Discharge the City’s Public Fireworks Display on July 1, 2017

RESOLUTION 17-18: A RESOLUTION OF THE CITY OF RAYMORE, MISSOURI AUTHORIZING THE DISCHARGE OF SPECIAL FIREWORKS PURSUANT TO SECTION 215.060 OF THE RAYMORE CITY CODE OF ORDINANCES.”

City Clerk Jeanie Woerner conducted the reading of Resolution 17-18 by title only.

Parks and Recreation Director Nathan Musteen provided a review of the staff report included in the Council packet. At the April 10 City Council meeting an award of contract was approved for the annual fireworks event to be held on July 1st. Outlined in Section 215.060 of the City Code, allows the Council, to approve by Resolution, a special date for discharge.

Councilmember Moorhead noted Council will have to approve an annual Resolution for this discharge of fireworks.

MOTION: By Councilmember Moorhead, second by Councilmember Holman to approve the reading of Resolution 17-18 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

G. Budget Amendment Communications Department

BILL 3257: “AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING THE FISCAL YEAR 2017 OPERATING BUDGET.”

City Clerk Jeanie Woerner conducted the first reading of Bill 3257 by title only.

City Manager Jim Feuerborn provided a review of the staff report included in the Council packet. On March 27, 2017 the City Council approved Bill 3255 amending the fiscal year 2017 operating budget and approving the overall organizational structure of the City and creating a Communication Department. The proposed budget amendment is necessary to separate out the communications budget from the administration budget to create the new department within our accounting structure. This action amends the fiscal year budget to reflect the new organizational structure the City Manager has put into place for city personnel and departments.

MOTION: By Councilmember Moorhead, second by Councilmember Burke to approve the first reading of Bill 3257 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

11. Public Comments.

12. Mayor/Council Communication.

Councilmember Moorhead stated he is humbled to serve as Mayor Pro Tem and thanked the Council for their support.

Councilmember Burke stated his enjoyment of the City's parklands.

Councilmember Townsend encouraged businesses to educate themselves on the proper way to operate a business.

Councilmember Kellogg stated he participated in an Earth Day cleanup event in the Eagle Glen stream area and thanked staff for the property maintenance code amendments.

Councilmember Holman noted the success of the Raymore Gateway, Highway 58 Dean Avenue project and thanked Council for allowing him to serve on the Branding Committee.

Councilmember Barber stated he and Jim Cadoret recently accepted the gold level recognition as a Communities for All Ages from Mid-America Regional Council (MARC). He commended Mr. Cadoret and Mr. Gress for their work in this achievement.

Councilmember Abdelgawad thanked Councilmember Moorhead for serving as Mayor Pro Tem and noted the homes on the parade of homes tour located in Raymore.

Mayor Turnbow thanked Councilmember Barber for accepting on behalf of the City, the gold level recognition from MARC. He recently attended a reunion of his fellow commanders where he had the opportunity to meet Senator Lindsay Graham. He thanked Council for their confidence in allowing him to serve on the Planning and Zoning Commission and announced an upcoming fundraiser for Independence police officer Tom Wagstaff and family. He announced he will be delivering his State of the City address during the May 22 Council meeting.

13. Adjournment.

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

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

The regular meeting of the Raymore Council adjourned at 8:34 p.m.

Respectfully submitted,

Jeanie Woerner
City Clerk