

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
MAY 17, 2016
REGULAR SESSION No. 27
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133

OPENING SESSION
7:00 P.M.

Invocation
Pledge of Allegiance
Roll Call

Proclamations and Presentations

- ★ A Proclamation recognizing May 15-21 as National Police Week

Public Comments

Communication from the Mayor

Communication from the City Administrator

Committee Reports

LEGISLATIVE SESSION

1. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular May 3, 2016 Board of Aldermen meeting minutes.

REGULAR AGENDA

2. Public Hearing: A public hearing to consider Rezoning property located at 6812 & 6816 Hunter Avenue.

2a. **FIRST READING: Bill No. 6410-16, Section XIII. AN ORDINANCE GRANTING A CHANGE IN ZONING FROM HIGHWAY CORRIDOR COMMERCIAL DISTRICT (HC) TO LOW DENSITY RESIDENTIAL (R-1) ON LAND LOCATED AT 6812 AND 6816 HUNTER AVENUE IN RAYTOWN, MISSOURI.** Point of Contact: John Benson, Development & Public Affairs Director.

3. Public Hearing: A public hearing to consider a Conditional Use Permit on property located at 6218 Arlington.

3a. **FIRST READING: Bill No. 6411-16, Section XIII. AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A TOW LOT AT 6218 ARLINGTON AVENUE IN RAYTOWN, MISSOURI.** Point of Contact: John Benson, Development & Public Affairs Director.

4. Public Hearing: A public hearing to consider a conditional use permit on property located at 6709 Raytown Road.
 - 4a. **FIRST READING: Bill No. 6412-16, Section XIII. AN ORDINANCE** GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A FUELING STATION AT 6709 RAYTOWN ROAD IN RAYTOWN, MISSOURI. Point of Contact: John Benson, Development & Public Affairs Director.
5. **FIRST READING: Bill No. 6413-16, Section III-A-9: AN ORDINANCE** APPROVING THE FINAL PLAT OF VISHNANI SUBDIVISION, A SUBDIVISION IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: John Benson, Development & Public Affairs Director.
6. **R-2868-16: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF RAYTOWN, MISSOURI AND ALLEN, GIBBS & HOULIK FOR ACCOUNTING SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR FISCAL YEAR 2015-2016. Point of Contact: Mark Loughry, Finance Director.
7. **R-2869-16: A RESOLUTION AUTHORIZING** AND APPROVING AN AGREEMENT WITH INDEPENDENT SALT COMPANY FOR THE PURCHASE OF SALT FOR THE PURPOSE OF TREATING ROADS AND BRIDGES IN INCLEMENT WEATHER. Point of Contact: Kati Horner Gonzalez, Acting Director Public Works.
8. **R-2870-16: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED AT THE INTERSECTION OF 82ND STREET AND HARVARD AVENUE IN AN AMOUNT NOT TO EXCEED \$14,285.00. Point of Contact: Kati Horner Gonzalez, Acting Director Public Works.
9. **R-2871-16: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED NEAR 11605 62nd TERRACE IN AN AMOUNT NOT TO EXCEED \$13,702.00. Point of Contact: Kati Horner Gonzalez, Acting Director Public Works.
10. **R-2872-16: A RESOLUTION** AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED NEAR 8310 STERLING AVENUE IN AN AMOUNT NOT TO EXCEED \$12,945.00. Point of Contact: Kati Horner Gonzalez, Acting Director Public Works.
11. **R-2873-16: A RESOLUTION** AUTHORIZING THE EXPENDITURE OF FUNDS WITH NATIONAL STREETScape INC. FOR THE DOWNTOWN STREETScape PROJECT FOR \$1,157,679.57 AND AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$50,000.00 FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$1,207,679.57. Point of Contact: Kati Horner Gonzalez, Acting Director Public Works.
12. **SECOND READING: Bill No. 6409-16, Section III-A-9: AN ORDINANCE** PROVIDING FOR SUBMISSION OF A PROPOSAL TO DISCONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE PRIMARY ELECTION CALLED AND TO BE HELD IN THE CITY ON AUGUST 2, 2016. Point of Contact: Teresa Henry, City Clerk.

DISCUSSION ITEM

13. Gasoline Tax, Mark Loughry, Finance Director

ADJOURNMENT



PROCLAMATION

WHEREAS, the Congress and the president of the United States have designated May 15 - 22, 2016 as National Police Week; and

WHEREAS, members of Raytown Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Raytown; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of Raytown has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Michael McDonough, Mayor of the City of Raytown, Mo, do hereby proclaim the week of May 15 - 22, 2016, as

POLICE WEEK

I encourage the community to join me in this worthy observance in which all of our people may join in commemorating police officers, past and present.

Signed this Seventeenth Day of May, in the year Two Thousand and Sixteen.

Michael McDonough, Mayor

DRAFT
MINUTES
RAYTOWN BOARD OF ALDERMEN
MAY 3, 2016
REGULAR SESSION No. 26
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133

OPENING SESSION
7:00 P.M.

Mayor Michael McDonough called the May 3, 2016 Board of Aldermen meeting to order at 7:00 p.m. Alderman Bill Van Buskirk provided the invocation and led the pledge of allegiance.

Roll Call

The Roll was called by Teresa Henry, City Clerk and the attendance was as follows:

Present: Alderman Jim Aziere, Alderman Steve Mock, Alderman Jason Greene, Alderman Karen Black, Alderman Eric Teeman, Alderman Josh Greene, Alderman Bill Van Buskirk, Alderman Mark Moore

Absent: Alderman Steve Meyers, Alderman Janet Emerson

Proclamations and Presentations

Mayor Michael McDonough presented EMS staff a proclamation recognizing May 15-21, 2016 as EMS Week.

Mayor McDonough presented Public Works employees with a proclamation recognizing May 15-21, 2016 as Public Works Week.

Mayor Michael McDonough presented Raytown Police Department's Detention staff with a proclamation recognizing May 1-7, 2016 as Correction/Detention Employee Appreciation Week.

Public Comments

Jim Lynch, Chief of Police, spoke regarding the police department's inventory report.

Robbie Tubbs spoke about the Wal-Mart Tax Increment Funding project.

John Wiley spoke about the Crescent Creek revitalization project and River of Refuge.

Marvin Duncan spoke about opening a restaurant in Raytown.

Communication from the Mayor

Mayor Michael McDonough provided an update/overview of the Wal-Mart TIF.

Mayor Michael McDonough reported that May 3, 2016 was National Teacher Appreciation Day. Mayor McDonough congratulated teachers in Raytown and thanked them for their hard work.

April 20, 2016 was the 50th anniversary celebration for the Raytown Historical Society. Mayor McDonough presented the organization with a proclamation during their celebration and thanked the members for their service to the community.

Mayor McDonough reported that he attended the Raytown Law Enforcement Career Day on April 22, 2016. The event was hosted by Raytown Schools and was very successful. Participants provided students with information about different career paths available in law enforcement.

Mayor McDonough announced that the Human Relations Commission and Raytown Police Department hosted a Traffic Stop Forum on April 23, 2016. The event was well attended and more forums will be scheduled in the future.

Mayor McDonough reported that Raytown Rotary and local Boy Scout troops volunteered for REAP's 20,000 Items in One Day Fundraiser on April 23, 2016. Mayor McDonough thanked the volunteers and community for showing their support.

The Marketing Committee met on April 27, 2016 to discuss creative ways to bring families and businesses to Raytown.

Mayor McDonough reported that on April 28, 2016 he attended the Raytown Area Chamber of Commerce Luncheon at the Royals Diamond Club to celebrate Administrative Professionals Day.

April 29, 2016 was Career Day at Spring Valley Elementary School. Mayor McDonough, along with other Raytown professional spoke to the students regarding various career options.

Mayor McDonough attended the REAP Volunteer Appreciation Dinner on April 30, 2016. The event celebrated the hard of work of numerous volunteers who dedicated their time and service to the organization.

Mayor McDonough reported that on May 1, 2016 he attended the Dick Smith Ford REAP Benefit Car Show. The event was well attended.

May 2, 2016 was the signing ceremony for the Rock Island Iline. The ceremony celebrated the official transfer of the Rock Island Line from Union Pacific to Jackson County. The transfer of property opens up endless possibilities for municipalities in Jackson County.

Communication from the City Administrator

Mr. Mahesh Sharma, City Administrator reported that Public Works had been called to an emergency repair situation near Crescent and Elm Street. Cost for the emergency repair would be \$15,000.00 or more. Mr. Sharma and the Public Works staff would communicate with the Board on the progress of the project.

Mr. Sharma announced that the monthly report had been emailed to the Board. Future reports are planned and would be posted on the City's website.

Due to Jim Melvin's retirement from the Interim Public Works Director position, Mr. Sharma announced that Kati Horner Gonzalez had been appointed Acting Director of Public Works.

Committee Reports

Alderman Van Buskirk reported that he and other City staff attended the Legal Issues Affecting Planning development seminar on April 30, 2016.

Alderman Van Buskirk attended the quarterly legislative forum on April 29, 2016 and had the chance to volunteer with Comcast staff during their "Comcast Cares Day" event.

Alderman Mock announced that the Senior Expo had been scheduled for May 5, 2016 from 9:00 a.m. to Noon in the Council Chambers.

Alderman Mock thanked Mayor McDonough for his hard work and dedication over the past year.

Alderman Josh Greene reported that the Finance Committee meeting scheduled for May 3, 2016 had been canceled.

LEGISLATIVE SESSION

1. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular April 19, 2016 Board of Aldermen meeting minutes.

Alderman Josh Greene, seconded by Alderman Karen Black, made a motion to approve the consent agenda. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Josh Greene, Black, Van Buskirk, Teeman, Mock, Jason Greene, Moore, Aziere

Nays: None

Absent: Aldermen Meyers, Emerson

REGULAR AGENDA

2. Public Hearing: A public hearing to grant a waiver to the approved exterior building materials specified on property located at 8320 Westridge Road.

2a. **SECOND READING: Bill No. 6408-16, Section XIII. AN ORDINANCE GRANTING A WAIVER TO THE APPROVED EXTERIOR BUILDING MATERIALS SPECIFIED IN THE CITY OF RAYTOWN HIGHWAY 350 CORRIDOR DESIGN STANDARDS PROVIDED IN SECTION 50-421(H) OF THE CITY OF RAYTOWN CODE OF ORDINANCES AND APPROVING THE USE OF COMPOSITE SIDING MATERIAL ON PROPERTY LOCATED AT 8320 WESTRIDGE ROAD.** Point of Contact: John Benson, Development & Public Affairs Director.

The bill was read by title only by Teresa Henry, City Clerk.

Mayor McDonough re-opened the public hearing and called for any ex parte' discussion(s); Aldermen Van Buskirk and Mock had communication regarding this issue but would weigh all facts before making a decision.

Scott Peterson, Permit Technician, provided an update of the Staff Report and remained available for discussion.

Mayor McDonough re-opened the floor for public comment;

Allan Thompson addressed the Board regarding the definition of "composite material."

Without further comments; Mayor McDonough closed the floor for public comment.

Discussion included how future exceptions to the design standards would have to come to the board for approval.

Alderman Teeman, seconded by Alderman Moore made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Teeman, Moore, Mock, Josh Greene, Jason Greene, Van Buskirk, Black, Aziere

Nays: None

Absent: Aldermen Emerson, Meyers

3. **R-2866-16: A RESOLUTION** AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH TLC AND WARMAN CONCRETE & CONSTRUCTION FOR THE 2016 CONCRETE REPAIR PROJECT IN A TOTAL AMOUNT NOT TO EXCEED \$120,000.00. Point of Contact: Kati Horner Gonzalez, Assistant Director Public Works.

The resolution was read by title only by Teresa Henry, City Clerk.

Jason Hanson, City Engineer, provided the Staff Report and remained available for discussion.

Discussion included funding for the project, possible consequences of passing the resolution before the project was approved by the Transportation Sales Tax Committee and thanking Public Works for researching cost saving alternatives for various projects.

Alderman Aziere, seconded by Alderman Black made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Aziere, Black, Moore, Teeman, Mock, Josh Greene, Van Buskirk, Jason Greene

Nays: None

Absent: Aldermen Meyers, Emerson

4. **R-2867-16: A RESOLUTION** AUTHORIZING AND APPROVING THE PROFESSIONAL SERVICES OF STORM WATER INFRASTRUCTURE REPAIR IN THE CITY OF RAYTOWN, MISSOURI FROM WIEDENMANN, INC. UTILIZING THE CITY OF LEE'S SUMMIT, MISSOURI COOPERATIVE PURCHASE CONTRACT AND APPROVING PROJECT EXPENSES FOR 55th STREET WEST OF CRESCENT IN AN AMOUNT NOT TO EXCEED \$39,381.15 AND AMEND THE FISCAL YEAR 2015-2016 BUDGET. Point of Contact: Kati Horner Gonzalez, Assistant Director Public Works.

The resolution was read by title only by Teresa Henry, City Clerk.

Kati Horner Gonzalez, Assistant Director Public Works, provided the Staff Report and remained available for discussion.

Discussion included the severity of the damaged curb/sidewalk and specific location of the project site.

Alderman Josh Greene, seconded by Alderman Moore made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Josh Greene, Moore, Jason Greene, Van Buskirk, Aziere, Mock, Black, Teeman

Nays: None

Absent: Aldermen Meyers, Emerson

5. **FIRST READING: Bill No. 6409-16, Section III-A-9: AN ORDINANCE** PROVIDING FOR SUBMISSION OF A PROPOSAL TO DISCONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE PRIMARY ELECTION CALLED AND TO BE HELD IN THE CITY ON AUGUST 2, 2016. Point of Contact: Teresa Henry, City Clerk.

The bill was read by title only by Teresa Henry, City Clerk.

Mark Loughry, Finance Director, presented an overview of the Staff Report and remained available for questions.

Discussion included thanking staff for informing the board about the issue, how long the City was not collecting tax revenues because of the issue, explanation of ballot language, the importance of educating the public about this issue and what strategies the City would take to educate residents.

CLOSED SESSION

Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:

610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

Alderman Mock, seconded by Alderman Josh Greene made a motion to move into closed session. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mock, Josh Greene, Teeman, Van Buskirk, Moore, Jason Greene, Aziere, Black
Absent: Aldermen Meyers, Emerson

AJOURNMENT

Alderman Moore, seconded by Alderman Josh Greene made a motion to move adjourn. The motion was approved by a vote of 8-0.

Ayes: Aldermen Moore, Josh Greene, Mock, Teeman, Van Buskirk, Moore, Jason Greene, Aziere Black
Nays: None
Absent: Aldermen Meyers, Emerson

The meeting adjourned at 9:05 p.m.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: May 13, 2016 **Bill No.** 6410-16
To: Mayor and Board of Aldermen **Section No.:** XIII
From: John Benson, Director of Development & Public Affairs

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____

Action Requested: Perform first reading and hold a public hearing on an application seeking to rezone property located at 6812 & 6816 Hunter Avenue from Highway Corridor Commercial (HC) to Low Density Residential (R-1).

Recommendation: The Planning & Zoning Commission by a vote of five (5) in favor and zero (0) against recommends approval of the rezoning application.

Analysis: James R. Sawyer, Trustee is seeking to rezone a property containing two single family homes on the same lot from Highway Commercial Corridor (HC) to Low Density Residential (R-1). The property proposed to be rezoned is located at 6812 and 6816 Hunter Avenue and contains two separate houses. The rezoning is being sought as the property owner is trying to sell the single family dwellings on the property. Potential purchasers, however, cannot get the necessary financing to do so until they are zoned to match their use and each dwelling is located on its own parcel.

Alternatives: The alternative to the recommendation of the Planning & Zoning Commission would be to deny the rezoning application; or refer the application back to the Planning & Zoning Commission for revisions and/or further consideration.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report for May 12, 2016 Planning & Zoning Commission meeting
- Application for rezoning

STAFF REPORT

To: The City of Raytown Planning and Zoning Commission

FROM: The Development and Public Affairs Department

DATE: May 12, 2016

SUBJECT: Agenda Item No. 5.E: Application proposing to rezone land located at 6812 & 6816 Hunter St from Highway Commercial Corridor (HC) to Low Density Residential (R-1)

BACKGROUND INFORMATION:

James R. Sawyer, Trustee is seeking to rezone a property containing two single family homes on the same lot from Highway Commercial Corridor (HC) to Low Density Residential (R-1). The property proposed to be rezoned is located at 6812 and 6816 Hunter St. and, as indicated on the aerial photo below, is bounded by Hunter St on the east, an auto body repair shop to the south, and various retail and office businesses to the west and north.

The rezoning is being sought as the property owner is trying to sell the single family dwellings on the property, but cannot get the necessary financing to do so until they are zoned to match their use and each dwelling sits on its own parcel.



REZONING APPLICATION FACTORS TO BE CONSIDERED

When considering a rezoning request the following criteria that should be considered in order to determine whether the application should be approved or denied.

1. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood varies as there is a mix of uses which consist of single family homes to the east, an auto body repair shop to the south, and various retail and office spaces to the west and north.

2. ZONING AND CURRENT USES OF NEARBY PROPERTY

The following provides an overview of the zoning and existing land uses on properties surrounding the subject area:

	<u>ZONING</u>	<u>EXISTING LAND USES</u>
South:	HC	Auto repair shop
North:	HC	Multi-tenant retail and office space
East:	R-3	Single Family Housing
West:	HC	Multi-tenant retail and office space

3. SUITABILITY OF ZONING FOR CURRENT USE

The property is currently used by two single family dwellings; as such, the proposed rezoning would be suitable for the current use of the property, as the purpose of the R-1 zoning classification is to provide for single-household residential uses on a lot together with such other uses as may be necessary or are typically compatible with residential surroundings.

4. DETRIMENTAL EFFECTS TO NEARBY PROPERTIES IF REZONING IS APPROVED.

There would be limited detrimental effects to nearby properties if the zoning is approved. No new use is proposed for the property, so no changes to traffic generated or neighborhood character would take effect.

5. LENGTH OF TIME OF VACANCY.

To staff's knowledge the properties are not currently vacant.

6. CONSIDERATION OF PUBLIC INTEREST.

Public Health: There are no proposed changes to the use of the property, nor any proposed expansion to the single family dwellings currently on the lot. Therefore there would be no increase on the usage of the city sewer systems.

Public Safety: With no proposed changes to the use of the property there would be no additionally generated traffic that would cause concern to the public or the neighboring properties.

Public Welfare: The proposed rezoning would not require that any new curb, gutter or other public improvements to be installed or additional public services to be provided.

7. IMPACTS ON PUBLIC SERVICES AND UTILITIES.

Because the area surrounding the property is developed, and there are no proposed changes to the applicant's property, all necessary utilities and public services are available and capable of serving the property.

8. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Future Land Use Map in the Raytown Comprehensive Plan identifies the subject property as an area for commercial use. The proposed R-1 zoning district does not conform to the Future Land Use Map in the city's Comprehensive Plan. It should be noted, however, that the proposed rezoning conforms to the existing use of the property, that being single family residential.

The Comprehensive Plan provides the following locational guidelines for residential development in Raytown.

1. *Single-family residential uses should be separated from adverse surrounding land use types, such as major industrial and commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls.*

While the proposed rezoning of the applicant's property would not conform to this guideline, as stated above no changes to the property or its use are proposed. As such a buffer from the surrounding properties would not be required to be installed since it is not a new development.

2. *Single-family residential lots should not front directly onto arterials but onto local and neighborhood streets, so as to minimize the number of access points along major streets.*

The lot proposed to be rezoned does not front directly onto an arterial street, but instead onto Hunter Street, which is classified as a local or neighborhood street. Therefore, the proposed R-1 District as well as the existing uses on the property conforms to this guideline.

The residential locational guidelines from the city's Comprehensive Plan as provided above are guidelines and not standards. As described above, the proposed R-1 district would comply with 1 of the 2 guidelines applicable to single-family housing, and it is the opinion of Staff that the other is not applicable to this application as there are no proposed new developments or changes to the existing use of the property.

STAFF RECOMMENDATION:

It is the recommendation of staff that the request to rezone the subject property from Highway Commercial Corridor (HC) to Low Density Residential (R-1) be approved.

AN ORDINANCE GRANTING A CHANGE IN ZONING FROM HIGHWAY CORRIDOR COMMERCIAL DISTRICT (HC) TO LOW DENSITY RESIDENTIAL (R-1) ON LAND LOCATED AT 6812 AND 6816 HUNTER AVENUE IN RAYTOWN, MISSOURI

WHEREAS, Application PZ-2016-010, submitted by James R. Sawyer, Trustee (“Applicant”) requesting a change in zoning from Highway Corridor Commercial District (HC) to Low Density Residential (R-1) on land located at 6812 AND 6816 Hunter Avenue was referred to the City of Raytown Planning & Zoning Commission to hold a public hearing; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on May 12, 2016; and

WHEREAS, the applicant stated during the public hearing on May 12, 2016 that they were trying to sell the property but that potential purchasers cannot obtain the necessary financing to do so until the subject property is zoned residential to match the single family uses on the property and until each of the two single family dwellings on the subject property are located on their own respective properties.

WHEREAS, at the conclusion of the meeting on May 12, 2016 a motion by the Planning & Zoning Commission to recommend approval of the application was approved by a vote of five (5) in favor and zero (0) against; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on May 17, 2016 and June 7, 2016; and

WHEREAS, the Board of Aldermen, after considering the evidence presented during such public hearings have determined it is in the best interest of the citizens of the City of Raytown to approve said application;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1 – REZONING OF PROPERTY. That the zoning of property identified in Exhibit A is hereby changed from Highway Corridor Commercial District (HC) to Low Density Residential (R-1).

SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 4 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of June, 2016.

Michael McDonough, Mayor

ATTEST:

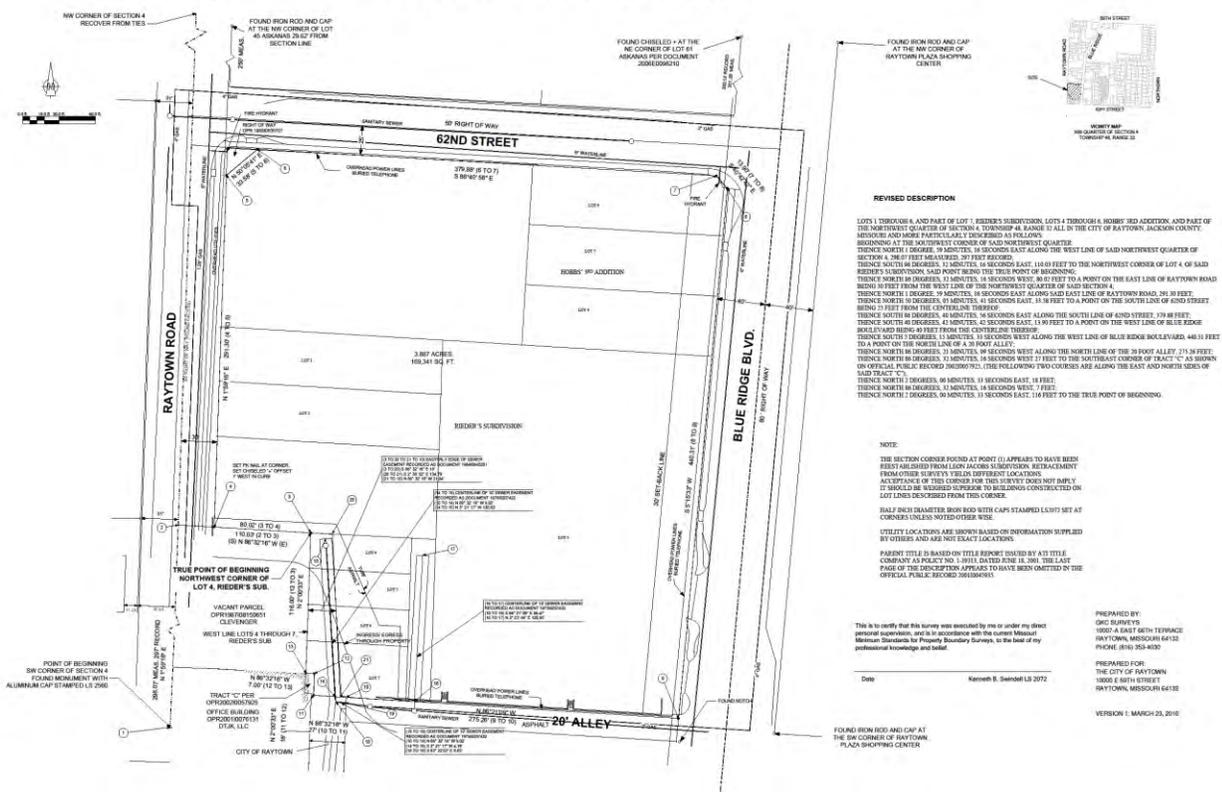
Teresa M. Henry, City Clerk

Approved to as Form:

Joe Willerth, City Attorney

Exhibit "A"

CERTIFICATE OF SURVEY
PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 48, RANGE 32
IN RAYTOWN, JACKSON COUNTY, MISSOURI



REVISED DESCRIPTION

LOT 1 THROUGH 4, AND PART OF LOT 1, RIDER'S SUBDIVISION, LOTS 4 THROUGH 6, HOBBS' 180' ADDITION, AND PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 48, RANGE 32, IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 4, 286 FEET MEASURED 287 FEET RECORDED; THENCE NORTH 89 DEGREES 19 MINUTES 40 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 4, 62 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 19 MINUTES 40 SECONDS EAST 144 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID RIDER'S SUBDIVISION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 19 MINUTES 40 SECONDS EAST ALONG SAID EAST LINE OF RAYTOWN ROAD, 261.30 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 41 SECONDS EAST, 41 SECONDS EAST, 14.38 FEET TO A POINT ON THE SOUTH LINE OF 62ND STREET BEING 11 FEET FROM THE CENTERLINE THEREOF; THENCE SOUTH 89 DEGREES 41 MINUTES 41 SECONDS EAST, 41 SECONDS EAST, 14.38 FEET TO A POINT ON THE WEST LINE OF BLUE RIDGE BOULEVARD BEING 41 FEET FROM THE CENTERLINE THEREOF; THENCE SOUTH 89 DEGREES 11 MINUTES 11 SECONDS WEST ALONG THE WEST LINE OF BLUE RIDGE BOULEVARD, 488.11 FEET TO A POINT ON THE NORTH LINE OF 41 FEET ALLEY; THENCE NORTH 89 DEGREES 11 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF THE 36 FEET ALLEY, 27.5 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 11 SECONDS WEST 7.5 FEET TO THE SOUTHEAST CORNER OF TRACT "C" AS SHOWN ON OFFICIAL PUBLIC RECORD 20030670; (THE FOLLOWING TWO COURSES ARE ALONG THE EAST AND NORTH SIDES OF SAID TRACT "C"); THENCE NORTH 1 DEGREE 40 MINUTES 0 SECONDS EAST, 0 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 11 SECONDS WEST, 1 FEET; THENCE NORTH 1 DEGREE 40 MINUTES 0 SECONDS EAST, 116 FEET TO THE TRUE POINT OF BEGINNING.

NOTE:

THE SOUTHWEST CORNER POINT (1) APPEARS TO HAVE BEEN FIELD LOCATED FROM LEGAL ADJACENT SUBDIVISION, BEING ALIGNED WITH OTHER SURVEY'S FIELD IDENTIFIED LOCATIONS. ACCEPTANCE OF THIS CORNER FOR THIS SURVEY DOES NOT IMPLY IT SHOULD BE REPOSED CONFORMER TO BUILDINGS CONSTRUCTED ON LOTS LINES DESCRIBED FROM THIS CORNER.

1/2" DIA. IRON ROD WITH CAPS STAMPED L&W SET AT CORNER UNLESS NOTED OTHERWISE.

UTILITY LOCATIONS ARE SHOWN BASED ON INFORMATION SUPPLIED BY OTHERS AND ARE NOT EXACT LOCATIONS.

PARCEL THIS IS BASED ON TITLE EXAMINER PROVIDED BY HIS TITLE COMPANY AS POLICY NO. 1, 1911, DATED JUNE 11, 1961. THE LAST PAGE OF THE DESCRIPTION APPEARS TO HAVE BEEN OMITTED IN THE OFFICIAL PUBLIC RECORD 20030670.

This is to certify that this survey was executed by me or under my direct personal supervision, and in accordance with the current Missouri Minimum Standards for Property Boundary Surveys, to the best of my professional knowledge and belief.

Date:

Prepared by:

Prepared for:

PREPARED BY:
GEO SURVEY'S
1800-A EAST 80TH TERRACE
RAYTOWN, MISSOURI 64133
PHONE: 816-350-4100

PREPARED FOR:
THE CITY OF RAYTOWN
1800-A EAST STREET
RAYTOWN, MISSOURI 64133

VERSION 1, MARCH 23, 2016

STEP-BY-STEP DIRECTIONS

FOR REZONING

APPLICATION PROCESS

STEP 1

Submit application with \$450 application fee and items listed on the checklist to the Community Development Department.

PART I BACKGROUND INFORMATION

Please note that only the property owner, or an agent acting on his/her behalf, can apply for rezoning. If an agent is appointed, the owner must still sign item 7. The application will not be accepted without this signature.

PART II REZONING

Please answer all questions as completely as possible. If you need help, the Community Development Department would be glad to assist you in completing this form.

PART III DOCUMENT CHECKLIST

The application cannot be processed without each of the listed documents. Please submit with application.

STEP 2

The Community Development Department sets a date for a public hearing before the Planning and Zoning Commission. All property owners within 185 feet are notified by mail of the hearing. There will also be a notice published in the newspaper. Members of the general public are invited to comment.

STEP 3

Following the hearing the Planning and Zoning Commission submits a recommendation to approve or deny the request to the Board of Aldermen.

STEP 4

The Board of Aldermen normally meets at 7:00 p.m. on the first and third Tuesday of each month. Rezoning applications can only be approved after two readings and approval by the Board of Aldermen.

NOTE:

UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 60 DAYS IS REQUIRED FROM SUBMISSION OF COMPLETED APPLICATION TO FINAL DECISION.

Case Number _____
Date Received _____

**CITY OF RAYTOWN
APPLICATION FOR REZONING**

PART I BACKGROUND INFORMATION

1. This request applies to property at the following address:

_____ 6812 & 6816 Hunter St _____

2. The name (s), address(es), and phone number(s) of the property owners: (As listed on the deed)

Name	Address	Phone
James R. Sawyer, Trustee	338 Rambling Acres Dr, Gravois Mills, MO 65037	660-473-0378
		573-999-5000

3. We, the property owner(s), do hereby appoint the following person as our agent during consideration of our request:

Name	Address	Phone
_____	_____	_____

4. The property is currently being used for the following purposes:

Single Family rental houses. These houses currently sit on one parcel.

5. We propose that the zoning of the property be changed from _____ HC Highway Corridor Commercial to R-1 Single Family Residential.

6. Please list all existing structures and their heights located on the property:

<u>Structure</u>	<u>Height</u>
<u>Home 6816 Hunter Street - 1200 Sq feet living space with 420 Sq feet garage space. Approximately 18 feet high,</u>	<u>single story dwelling.</u>
<u>Home 6812 Hunter Street - 904 Sq feet living space with 288 Sq feet garage space. Approximately 18 feet high,</u>	<u>single story dwelling.</u>

We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all the information contained therein is true and correct. (Signatures of property owners)

PART II REZONING AMENDMENT STATEMENT

This statement will become part of the application. This is an opportunity to justify approval of a zoning amendment. The information requested pertains to factors that will be considered in reaching a decision on applications.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed development will be in keeping with the character of the neighborhood because:

These are residential houses, on a residential street. These houses were originally part of the CarStar Body Shop behind them. When James & Mary Sawyer sold the business, they chose to keep the houses and had them split from the business lot. However, an oversight has been made because these houses remain zoned as Commercial. They are currently rental properties owned by the James R. Sawyer Living Trust. The current renters are interested in purchasing the properties, however, can not secure financing without correct zoning and separate parcel numbers for the houses.

B. The proposed use will be consistent with the zoning and uses on nearby parcels because:

The houses will be correctly zoned as single family residential. The overall parcel size allows for a split of the parcel into two lots that would fall within zoning guidelines, if surveyed. Which would fit nicely within the R1 & R2 zoning across the street.

C. This property is more suited for its proposed zoning than its current zoning because:

These are residential homes that have been split from a commercial lot and have remained zoned as commercial. The new zoning of R1 would correct this oversight and zone the property as it has been utilized for many years now, Single Family Residential.

D. The proposed zoning will have the following detrimental effects on nearby parcels:

None that I am aware of.

E. Prior to submitting this application, the property has been vacant for:

N/A

F. If the application is denied, the property owner(s) will face the following hardships:

This property is currently held in James R. Sawyer Living Trust. The trustees are trying to settle the affairs of the estate. It appears that any sale of the property would face hardship due to incorrect zoning.

G. The proposed development implements the Comprehensive Plan in the following ways:

H. Public facilities and utilities are adequate to serve the proposed use as follows:

Each home has separate utilities and are maintained

I. Additional comments:

CHECKLIST FOR

PLANNING AND ZONING COMMISSION APPLICATIONS

This application cannot be processed until each of the following items has been submitted.

Date Completed

- _____ **Application fee of \$250.**

- _____ **A written and signed certification from the County Treasurer's office that all property taxes for the parcel have been paid.**

- _____ **Legal description of area to be rezoned.**

- _____ **Copy of deed.**

- _____ **A site development plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, driveways, off-street parking areas, signs, all required setbacks, streets, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent right-of-ways, and location of public utilities.**

- (City will provide)** **Names and addresses of property owners within 185 feet of the exterior boundaries of the entire parcel.**

- _____ **Traffic Impact Study containing information as specified on the following page.**

CITY OF RAYTOWN PLANNING & ZONING COMMISSION

TRAFFIC IMPACT STUDY POLICY

(Adopted by the Raytown Planning and Zoning Commission, June 15, 2000)

A general policy on Traffic Impact studies is necessary to ensure petitioners receive fair consideration before the Planning & Zoning Commission. This policy outlines the two levels of information required by the Planning & Zoning Commission when considering cases and their traffic impact.

Any development project requiring a rezoning, conditional use permit, or subdivision must provide a Traffic Impact Study accompanied by the seal of an Engineer currently licensed to practice in the State of Missouri. This Study shall:

1. Identify the specific land use types and intensities and the arrangement of buildings, parking, and access to public streets.
2. Identify the functional classification of the public street(s) to be accessed.
3. Document current characteristics of the public street(s) – number of types of lanes, speed limits or 85th percentile speeds, and sight distances from proposed streets and driveways.
4. Compare the proposed access with established design criteria-spacing from other driveways or streets, width of driveway, minimum sight distance, etc.
5. Estimate the number of vehicle trips that the development will generate. The common source is the Trip Generation manual published by the Institute of Transportation Engineers.

Any project anticipated to generate more than 100 PM peak hour trips must also provide the following items, accompanied by the seal of a Traffic Engineer currently licensed to practice in the State of Missouri or Kansas.

1. Document current peak hour traffic volumes at proposed access locations.
2. Distribute and assign the development traffic volumes through the site access and on the public street(s).
3. Conduct volume/capacity analyses at site driveways and key intersections to determine the projected level of service.
4. Compare existing plus development traffic conditions with established guidelines and policies for acceptable levels of service and turn lanes.
5. Identify geometric and/or traffic control improvements to mitigate deficiencies and/or comply with established policies.
6. Prepare a report outlining the findings and conclusions of the study, including exhibits illustrating the site plan, traffic volumes, and existing street conditions.

These reports shall be submitted to the Community Development Department with the project application.

Raytown Planning & Zoning Commission

Applicant Presentation Outline

When applying for a change in the zoning of a property it is the applicant's burden to show / explain the merits of their application to the Planning & Zoning Commission and to the Board of Aldermen. As such, when the application is considered by the Planning & Zoning Commission or the Board of Aldermen, the applicant, or their representative should explain what is proposed, why the proposal is an appropriate use for the applicable property, and how the proposal will fit with the surrounding neighborhood. The applicant or their representative has up to 30 minutes to present this information to the Planning & Zoning Commission and up to 10 minutes to present this information to the Board of Aldermen.

The following is an outline that applicants or their representative should follow when making a presentation to the Planning & Zoning Commission and Board of Aldermen regarding the application.

1. Introduce yourself. State your name and address.
2. Explain your application and what you want to do.
3. Explain how this is an appropriate use of the property.
 - Explain what is located on the surrounding properties;
 - Explain why this development / use will be a complement to the surrounding properties;
 - Explain how your proposal matches the character of the surrounding neighborhood;
 - Explain how your proposal will improve the surrounding neighborhood;
 - Explain how there is adequate water, sewer and roadways to sufficiently serve what you are proposing to build or do;
 - If you are asking for a conditional use permit, explain how your proposal will fit with the surrounding neighborhood and not become a problem because of the amount of noise, traffic, or other issues.
4. State whether you have reviewed the staff's recommendation and whether you agree with the conditions proposed by staff. If you do not agree with any of the conditions proposed by staff, state why you do not agree, and propose an alternative.

CITY OF RAYTOWN
Request for Board Action

Date: May 13, 2016

Bill No. 6411-16

To: Mayor and Board of Aldermen

Section No.: XIII

From: John Benson, Director of Development & Public Affairs

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____

Action Requested: Conduct a public hearing to consider a Conditional Use Permit application for a vehicle tow lot on property located at 6218 Arlington Avenue.

Recommendation: The Planning & Zoning Commission, by a vote of 5 in favor and 0 against, is recommending approval of the application subject to the following conditions:

1. The applicant shall submit a site plan to staff indicating the location on the property where towed vehicles will be parked or stored.
2. A six foot high pvc/vinyl privacy fence with a white or earth tone color shall be constructed along the side and rear property lines so as to screen towed vehicles on the property from view from adjoining properties to the south, west and north.
3. Any inoperable, dismantled, or damaged vehicle shall be stored or placed behind the required solid pvc/vinyl fence and shall not be located closer than 110 feet from the edge of the street pavement.
4. Compliance with local, state and federal laws and regulations.

Analysis: DeAndre Briscoe, serving as the agent on behalf of the property owner, Commercial Shops & Garages, LLC, is seeking approval of a Conditional Use Permit application to allow a vehicle tow lot to operate at 6218 Arlington Ave. There is an existing auto repair business on the subject address known as Hemi Auto that would continue to operate at this location as well. The subject property is zoned Neighborhood Commercial (NC).

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to:

1. Deny the Conditional Use Permit application; or
2. Refer the application back to the Planning & Zoning Commission for reconsideration or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Additional Reports Attached:

- Staff Report on this application for the May 12, 2016 Planning & Zoning Commission meeting
- Minutes of the May 12, 2016 Planning & Zoning Commission meeting
- Conditional Use Permit Application submitted by applicant

STAFF REPORT

To: The City of Raytown Planning and Zoning Commission

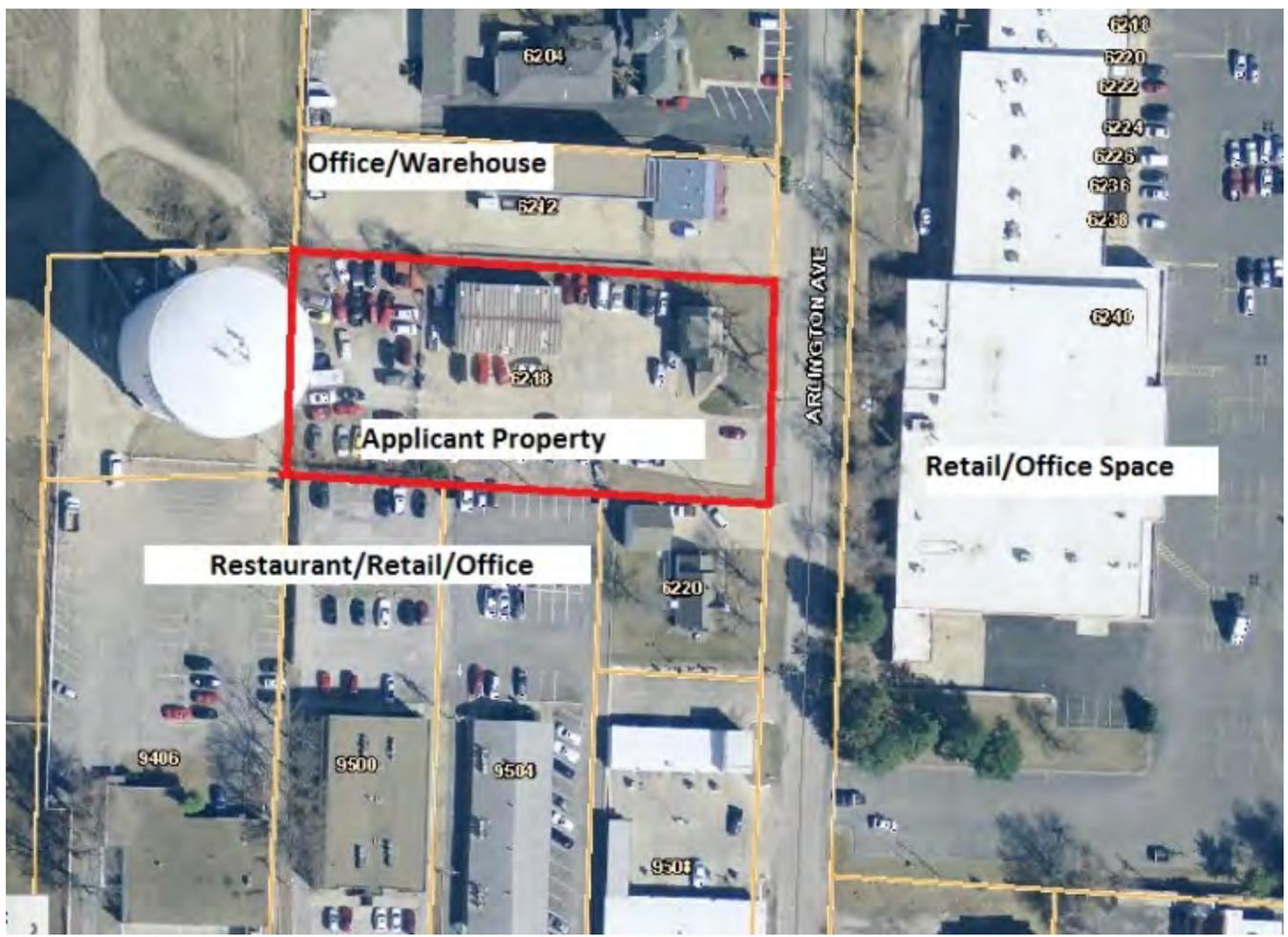
FROM: JOHN BENSON, AICP
DIRECTOR OF DEVELOPMENT AND PUBLIC AFFAIRS

DATE: MAY 12, 2016

SUBJECT: AGENDA ITEM No. 5.C: (CASE NO. PZ-2016-007) APPLICATION FOR CONDITIONAL USE PERMIT FOR A VEHICLE TOW LOT ON PROPERTY LOCATED AT 6218 ARLINGTON AVE IN RAYTOWN, MO.

BACKGROUND INFORMATION:

DeAndre Briscoe, serving as the agent on behalf of the property owner, Commercial Shops & Garages, LLC, is seeking approval of a conditional use permit application to allow a vehicle tow lot to operate at 6218 Arlington Ave. There is an existing business at the subject address which Hemi Auto that would continue to operate at this location as well. The subject property is zoned Neighborhood Commercial (NC).



FACTORS TO BE CONSIDERED:

In considering and making a decision on an application for a conditional use permit, city code stipulates that consideration is required to be given by the city on the potential impact of the proposed use on the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to, the following factors.

1. The stability and integrity of the various zoning districts.

The property to which the conditional use permit application applies is zoned Neighborhood Commercial (NC). The zoning and uses on surrounding properties are more specifically described below:

East: The property immediately to the East of the applicant property is a multi-use shopping center zoned Neighborhood Commercial (NC).

West: A water tower and equestrian park sit to the west of the applicant property. The property immediately to the west is zoned Neighborhood Commercial (NC).

South: The properties to the South of the applicant property are all zoned Neighborhood Commercial (NC), and have uses comprised of restaurant, retail, and professional office space.

North: The property immediately north of the applicant property serves as an office and warehouse for a glass and window company.

2. Conservation of property values.

If approved, the proposed use will have a minimal impact on the conservation of property values in the area. The proposed tow lot is similar in use to the existing vehicle repair business at the subject location.

3. Protection against fire and casualties.

If the application is approved, prior to opening the applicant will be required to obtain a Use Permit from the Development and Public Affairs Department. In order to obtain a Use Permit the City's Building Official and the Fire Marshal will inspect the building and property to ensure that the building and property do not pose a fire threat and are safe to occupy.

4. Observation of general police regulations.

It does not appear that the proposed tow lot will violate any general police regulations.

5. Prevention of traffic congestion.

The applicant property will be using an existing parking lot to store the vehicles it tows. Additional traffic will be limited to the trucks used for towing vehicles to the site. Therefore, the property will be producing low traffic levels, and as such a traffic impact analysis was not submitted.

6. Promotion of traffic safety and the orderly parking of motor vehicles.

Both the existing and proposed uses on the property generate minimal customer traffic. Staff feels that the number of parking spaces that currently exist on the property are adequate to meet the needs of both uses on the property.

7. Promotion of the safety of individuals and property.

As previously stated, prior to the business opening the property will be inspected by the City's Building Official and the Fire Marshal from the Raytown Fire Protection District to ensure the applicant complies with all applicable life safety codes and that the property is in compliance with the city's property maintenance codes.

8. Provision for adequate light and air.

The conditional use permit would not result in any new construction or alterations to the exterior the building that would alter or affect the provision of light and air on or adjacent to the property.

9. Prevention of overcrowding and excessive intensity of land uses.

The property has previously been developed and no additions or alterations to the building are proposed. In addition, due to the low traffic generation expected, the proposed tow lot will have a negligible impact on traffic along Arlington Ave. Based upon this information, the proposed use will not result in overcrowding or be an excessively intense land use for this area of Raytown.

10. Provision for public utilities and schools.

The property contains an existing building that is served by public utilities. In addition, it does not appear that the proposed conditional use will have an impact on schools.

11. Invasion by inappropriate uses.

The applicant feels because the property is currently being used to store vehicles that the proposed use will be suitable for the proposed additional use of a tow lot on the property. Therefore, the location is suitable for the proposed use and will not be an invasion of an inappropriate use.

12. Value, type and character of existing or authorized improvements and land uses.

The property on which the proposed use would be located is developed and does not necessitate any exterior site or building improvements. Additionally, as previously described, the proposed use will use the existing parking area. Therefore, the proposed use is in keeping with the value, type and character of existing or authorized improvements and land uses.

13. Encouragement of improvements and land uses in keeping with overall planning.

The applicant is not proposing to construct any additions or alter the exterior of the existing building on the property.

14. Provision for orderly and proper renewal, development and growth.

With the tow low business that is proposed, staff does not have any information that indicates the proposed use will have any adverse impacts on existing land uses or infrastructure located in the surrounding area.

STAFF RECOMMENDATION:

It is the recommendation of staff that the conditional use permit to allow a tow lot business at the applicant property be approved, subject to the following conditions:

1. A site plan shall be submitted by the applicant for staff approval indicating the location on the property where towed vehicles shall be parked or stored.
2. A six foot high pvc / vinyl privacy fence with a, white of earth tone color, shall be constructed along the side and rear property lines so as to screen towed vehicles on the property. The fence shall begin not less than 110 feet from the edge of the street on each side of the property.
3. Any inoperable, dismantled, or damaged vehicle shall be stored or placed behind a solid pvc/vinyl fence located not closer than 110 feet from the edge of the street pavement.
4. Compliance with local, state and federal laws and regulations.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A TOW LOT AT 6218 ARLINGTON AVENUE IN RAYTOWN, MISSOURI

WHEREAS, application PZ-2016-007, submitted by DeAndre & Leunique Briscoe on behalf of Commercial Shops and Garages, LLC seeks to allow a tow business and tow lot at 6218 Arlington Avenue in Raytown, Missouri; and

WHEREAS, pursuant to City Code Chapter 50, Article V of the City of Raytown Code of Ordinances, application no. PZ-2016-007, was referred to the Planning & Zoning Commission to hold a public hearing; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held public hearings on said application on May 12, 2016; and

WHEREAS, at the conclusion of said public hearing on May 12, 2016 the Planning Commission by a vote of five (5) in favor and zero (0) against rendered a report to the Board of Aldermen recommending that the Conditional Use Permit Application be approved subject to certain conditions; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on said application on May 17, 2016 and June 7, 2016; and

WHEREAS, based on all of the information presented the Board of Aldermen finds it is in the best interest of the citizens of the City of Raytown to approve said Conditional Use Permit subject to certain conditions specified herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1 – GRANT OF CONDITIONAL USE PERMIT. That a Conditional Use Permit is hereby granted to allow a tow business and tow lot on property located at 6218 Arlington Avenue in Raytown, Missouri, as legally described in Exhibit “A”, subject to the conditions set forth in Section 2 herein.

SECTION 2 – CONDITIONS OF APPROVAL AND OPERATION. That the following conditions of approval shall apply and be followed during the duration of the use allowed by this Conditional Use Permit.

1. Prior to issuance of a Use Permit by the City the applicant shall submit a site plan to staff indicating the location on the property where towed vehicles will be parked or stored.
2. A six foot high PVC/vinyl privacy fence with a white or earth tone color shall be constructed along the side and rear property lines so as to screen towed vehicles on the property from view from adjoining properties to the south, west and north.
3. Any inoperable, dismantled, or damaged vehicle shall be stored or placed behind the required solid PVC/vinyl fence and shall not be located closer than 110 feet from the edge of the street pavement.

- 4. Compliance with local, state and federal laws and regulations.

SECTION 3 – FAILURE TO COMPLY. That failure to comply with any of the conditions or provisions contained in this ordinance shall constitute violations of both this ordinance and the City’s Comprehensive Zoning Code and shall be cause for revocation of the Conditional Use Permit granted herein in addition to other penalties contained in the City Code.

SECTION 4 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 6 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of June, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

BILL NO. 6411-16

ORDINANCE NO. ____-16

SECTION NO. XIII

Exhibit "A"



Development & Public Affairs Department
 Building Inspections Division
 10000 E. 59th Street
 Raytown, MO 64133
 Office (816) 737-6011 Fax (816) 737-6164

CONDITIONAL USE PERMIT

PERMIT #: 20160318	DATE ISSUED: 3/30/2016
	MUST COMMENCE BY: 3/30/2017
JOB ADDRESS: 6218 ARLINGTON	LOT #:
SUBDIVISION:	BLK #:
OWNER: COMMERCIAL SHOPS & GARAGES LLC	CONTRACTOR: COMMERCIAL SHOPS & GARAGES LLC
ADDRESS: 6218 ARLINGTON AVE STE B	ADDRESS: 6218 ARLINGTON AVE STE B
CITY, STATE ZIP: RAYTOWN MO 64133-3800	CITY, STATE ZIP: RAYTOWN MO 64133-3800
PHONE:	PHONE:
VALUATION: \$ 0 00	
SQ FT: 0 00	
OCCP TYPE:	
CNST TYPE:	
DESCRIPTION OF WORK: CONDITIONAL USE PERMIT TO ALLOW A TOW LOT IN ZONED NC PROPERTY	

FEE CODE	DESCRIPTION	AMOUNT
PZ-07	CONDITIONAL USE PERMIT	\$ 250.00
TOTAL		\$ 250 00

Inspection Information

1. All inspections require one working day (24 hours) advance notice.
2. Inspections must be scheduled and approved before covering any work.
3. APPROVED PLANS AND SITE PLAN MUST BE ONSITE FOR INSPECTIONS!

This permit is issued in reliance upon information submitted by the applicant. The Building Official may suspend or revoke a permit whenever the permit is issued in error, on the basis of incorrect information supplied, or in violation of the adopted code, city ordinance or regulations. This permit shall become null and void if the work authorized by this permit is suspended for a period of 180 days or is not commenced within 180 days. Approval of the plans or any inspections of this project shall not be construed as an approval of a violation of the codes or ordinances of the City of Raytown.


03/30/16
 Issued By: _____ Date: _____ Applicant: _____ Date: _____

REC# : 35
R00000

Cit

Development & Public A

Case Number _____
Date Received _____
Map Page _____

911 Building Permi
20160318
COMMERCIAL
6218 ARLINGTON
P2-CUSE
101.42.00.000.42122 MISC
MISC 6.25
4-CC 256.25

CITY OF RAYTOWN
APPLICATION FOR CONDITIONAL USE PERMIT

PART I Background Information

1. This request applies to property at the following address:

6218 Arlington

2. The name(s), address(es), and phone number(s) of the property owners:

Name Address
Commercial Shps & Garages LLC 816
Office 9508 E. 63 St. Raytown, MO
Neal Clevenger, Principal

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the user.

APPLIED
TENDERED
CHANGE

3. We, the property owner(s), do hereby appoint the following person as a request:

Name Address Phone/Email Label
DeAndre & LeNique Briscoe - 12419 E 55 Ter Kcmo 816-707-0628

4. The property is currently being used for the following purposes:

Auto shop & storage

5. Zoning classification of the property: C-2 Grand Fathered

6. Specify the use desired for the property: Tow business on rear fenced storage Lot.

7. Please list all existing structures and their heights located on the property:

Structure Height
Garage 18'

8. We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all the information contained therein is true and correct. (Signatures of property owners)

Neal Clevenger

PART II Conditional Use Permit Information

In considering an application for a conditional use permit, the city shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

1. The stability and integrity of the various zoning districts;
2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

The information provided by the applicant to the following questions is an opportunity to justify approval of a conditional use permit based on the above listed factors.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed conditional use will be in keeping with the character of the neighborhood because:

B. The proposed use will be consistent with the uses and zoning on nearby parcels because:

PART II Conditional Use Permit Information

In considering an application for a conditional use permit, the city shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

1. The stability and integrity of the various zoning districts;
2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

The information provided by the applicant to the following questions is an opportunity to justify approval of a conditional use permit based on the above listed factors.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed conditional use will be in keeping with the character of the neighborhood because:

the property is currently being used to store vehicles being serviced & it will still be used to store vehicles for/as a tow lot.

B. The proposed use will be consistent with the uses and zoning on nearby parcels because:

The use of the property will be for the same general use.

C. This property is more suited for the proposed use than its current uses because:

Not applicable

D. The proposed conditional use could have the following detrimental effects on nearby parcels:

NONE

E. Prior to submitting this application, the property has been vacant for:

The property is currently being used.

F. If the application is denied, the property owner(s) will face the following hardships:

None

G. Public facilities and utilities are adequate to serve the proposed use as follows:

Customers, will need to view/retrieve property from their vehicle or the vehicle from the facility & both the facility & utilities are adequate for that purpose.

H. Additional comments:



TRAFFIC IMPACT ANALYSIS POLICY

To ensure fair consideration of each proposed use a traffic impact analysis of the proposed use is required to be submitted unless otherwise waived by the Director of Public Works. The following outlines the two levels of traffic impact analysis information required to be submitted.

Level A:

Any development project requiring a rezoning, Conditional Use Permit, or subdivision must provide a Traffic Impact Study accompanied by the seal of an Engineer currently licensed to practice in the State of Missouri or Kansas. This Study shall:

1. Identify the specific land use types and intensities and the arrangement of buildings, parking, and access to public streets.
2. Identify the functional classification of the public street(s) to be accessed.
3. Document current characteristics of the public street(s) – number of types of lanes, speed limits or 85th percentile speeds, and sight distances from proposed streets and driveways.
4. Compare the proposed access with established design criteria-spacing from other driveways or streets, width of driveway, minimum sight distance, etc.
5. Estimate the number of vehicle trips that the development will generate. The common source is the Trip Generation manual published by the Institute of Transportation Engineers.

Any project anticipated to generate more than 100 PM peak hour trips must also provide the following items, accompanied by the seal of a Traffic Engineer currently licensed to practice in the State of Missouri or Kansas.

Level B:

1. Document current peak hour traffic volumes at proposed access locations.
2. Distribute and assign the development traffic volumes through the site access and on the public street(s).
3. Conduct volume/capacity analyses at site driveways and key intersections to determine the projected level of service.
4. Compare existing plus development traffic conditions with established guidelines and policies for acceptable levels of service and turn lanes.
5. Identify geometric and/or traffic control improvements to mitigate deficiencies and/or comply with established policies.
6. Prepare a report outlining the findings and conclusions of the study, including exhibits illustrating the site plan, traffic volumes, and existing street conditions.

Form updated 02/05/2014

These reports shall be submitted to the Development and Public Affairs Department with the project application.



Official Tax Payment Receipt

Receipt No.: 9410765 Date and Time: 12/15/2015 08:25 Print Date: 3/15/2016 10:36:04 AM

Receipt Details

Parcel No.	Tax Year	TCA/District	Amount Applied	Unpaid Balance Amount*	Description
45-210-08-27-00-0-00-000	2015	022	3,065.66	0.00	A/V Principal- Commercial
	2015	REPL	482.83	0.00	Replacement Tax

Payer Name and Address Information

Name	Address	Tender Type	Amount Applied
COMMERICAL SHOPS & GARAGES LLC	9508 E 63RD, RAYTOWN, MO 64133	Personal Check	3,548.49

Owner Name and Address Information

Parcel No.	Name	Address	Since	To
45-210-08-27-00-0-00-000	COMMERICAL SHOPS & GARAGES LLC	9508 E 63RD, RAYTOWN, MO 64133 UNITED STATES	08/26/2009	Current

Distribution to Districts

Parcel No.	Tax Year	Agency	Amount
45-210-08-27-00-0-00-000	2015	BOARD OF DISABLED SERVICES	24.7968
	2015	CITY - RAYTOWN	177.9118
	2015	FIRE DISTRICT - RAYTOWN	338.1500
	2015	JACKSON COUNTY	166.5214
	2015	MENTAL HEALTH	40.2528
	2015	METRO JUNIOR COLLEGE	78.7247
	2015	MID-CONTINENT LIBRARY	105.7055
	2015	RAYTOWN SCHOOL C-II	2123.5172
	2015	REPLACEMENT TAX	482.8300
	2015	STATE BLIND PENSION	10.0800

Real Estate Legal Descriptions

Parcel No.	Legal Line	Line No.
45-210-08-27-00-0-00-000	SECTION 05 TWNSHP 48 RANGE	1
	32 BEG 346.14' N & 25' W OF SECOR SW NE TH S 132' TH	2
	WLY 305' TH N132' TH E 305' TO BEG	3

***Interest, penalties and fees will be assessed on any unpaid balance amount.** The amount of any unpaid balance shown on this receipt is the unpaid balance amount at the time the receipt is run, exclusive of such interest, penalties and fees. Changes in the taxable value may alter your unpaid balance amount.

Failure of this payment to clear your financial institution will void this receipt. A returned item fee and late penalty may be assessed.

Please verify with your financial institution that this payment has cleared.

REMINDER: Occasionally, the parcel number for a real estate parcel changes, due to a parcel segregation or merge. In such a case, a search of the new parcel number may not reflect tax delinquency or a

full tax history concerning that parcel. You may wish to contact us to obtain that information. Or, you may wish to search all relevant parcel numbers of parcels involved in such a segregation or merge. [Click here to begin a search on this website to see if a parcel was involved in a segregation or merge occurring within the past five years and to see a list of parent parcel\(s\) and child parcel\(s\) involved.](#) **NOTE: Information concerning a segregation or merge occurring more than five years prior to the search is not available on this website.**

ATTENTION: This website will close at 11:00 p.m. on December 31.

Taxes paid online after the website reopens in the New Year will accrue interest, penalties and fees.

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Version 1.0.5228.20119



Property Account Summary

Parcel Number	45-210-08-27-00-0-00-000	Property Address	6218 ARLINGTON AVE , RAYTOWN, MO 64133
---------------	--------------------------	------------------	--

General Information

Property Description	SECTION 05 TWNShP 48 RANGE 32 BEG 346.14' N & 25' W OF SECOR SW NE TH S 132' TH WLY 305' TH N132' TH E 305' TO BEG
Property Category	Land and Improvements
Status	Active, Host Other Property, Locally Assessed
Tax Code Area	022

Property Characteristics

Property Class	3010
----------------	------

Parties

Role	Percent	Name	Address
Taxpayer	100	COMMERICAL SHOPS & GARAGES LLC	9508 E 63RD, RAYTOWN, MO 64133 UNITED STATES
Owner	100	COMMERICAL SHOPS & GARAGES LLC	9508 E 63RD, RAYTOWN, MO 64133 UNITED STATES

Property Values

Value Type	Tax Year 2015	Tax Year 2014	Tax Year 2013	Tax Year 2012	Tax Year 2011
Market Value Total	105,000	105,000	105,000	105,000	105,000
Taxable Value Total	33,600	33,600	33,600	33,600	33,600
Assessed Value Total	33,600	33,600	33,600	33,600	33,600

No Charges are currently due.

No Charge Amounts are currently due for this property. If you believe this is incorrect, please contact the Taxpayer Services Unit at (816) 881-3232(816) 881-3232.

NOTICE: Telephones are staffed during regular business hours (8am to 5pm, Monday through Friday, excluding holidays observed by Jackson County).

Distribution of Current Taxes

District	Amount
BOARD OF DISABLED SERVICES	24.800000
CITY - RAYTOWN	177.910000
FIRE DISTRICT - RAYTOWN	338.150000
JACKSON COUNTY	166.520000
MENTAL HEALTH	40.250000
METRO JUNIOR COLLEGE	78.720000
MID-CONTINENT LIBRARY	105.710000
RAYTOWN SCHOOL C-II	2,123.520000
STATE BLIND PENSION	10.080000
REPLACEMENT TAX	482.830000

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
12/15/2015 08:25	9410765	3,548.49	3,548.49	3,548.49	0.00
12/31/2014 14:22	8989592	3,574.37	3,574.37	3,574.37	0.00

12/31/2013 09:51	8406360	3,576.45	3,576.45	3,576.45	0.00
12/31/2012 15:27	7857115	3,572.42	3,572.42	3,572.42	0.00
01/04/2012 10:41	7331755	3,570.33	3,570.33	3,570.33	0.00

REMINDER: Occasionally, the parcel number for a real estate parcel changes, due to a parcel segregation or merge. In such a case, a search of the new parcel number may not reflect tax delinquency or a full tax history concerning that parcel. You may wish to contact us to obtain that information. Or, you may wish to search all relevant parcel numbers of parcels involved in such a segregation or merge. [Click here to begin a search on this website to see if a parcel was involved in a segregation or merge occurring within the past five years and to see a list of parent parcel\(s\) and child parcel\(s\) involved.](#) **NOTE: Information concerning a segregation or merge occurring more than five years prior to the search is not available on this website.**

ATTENTION: This website will close at 11:00 p.m. on December 31.
Taxes paid online after the website reopens in the New Year will accrue interest, penalties and fees.

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Version 1.0.5228.20119

1351763

In 390982-1

I 880P1650

TRUSTEES' DEED

THIS INDENTURE, made this 19th day of September, 1978, by and between Anna M. Robinson and John W. Reed, in their capacity as Trustees under the Revocable Living Trust Agreement dated February 18, 1970, James Luther Robinson, Grantor, hereinafter referred to as "Grantors," and Neal S. Clevenger and Mitsue I. Clevenger, husband and wife, hereinafter referred to as "Grantees," whose mailing address is 9508 E. 63rd St. Raytown, Missouri, 64133.

WITNESSETH:

That the said Grantors, in consideration of the sum of Sixty-five Thousand Nine Hundred Sixteen and 00/100 Dollars (\$65,916.00) to them paid by the said Grantees, the receipt of which is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL AND CONVEY unto the said Grantees, their heirs and assigns, that real property hereinafter described lying, being and situate in the County of Jackson, State of Missouri, to-wit:

All that part of the Southwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 5, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Commencing at a point on the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 5, which said point is 112.14 feet North of the Southeast corner of said 1/4 1/4 section; thence Westerly parallel with North line of the last mentioned 1/4 1/4 section 25 feet to the true point of beginning of the tract of land herein described, which said point is also the Southeast corner of the tract described in the deed filed February 14, 1974, in the Office of the Recorder of Deeds for Jackson County, Missouri, for Independence, as Recorder's Document No. I-174553, in Book I-499, page 214 (hereinafter referred to as "The Reese Tract") thence Southerly and parallel with the East line of said 1/4 1/4 section and parallel with the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 5 a distance of 257.25 feet to the centerline of Blue Ridge Boulevard as now established; thence Westerly along said centerline a distance of 101.66 feet to a point on the Southerly prolongation of the East line of the tract described in the deed filed in the Office of the Recorder of Deeds

99-5-48-32

I 880P1651

for Jackson County, Missouri, as Recorder's Document No. 821357, in Book 1652, at page 522, (hereinafter referred to as "The Herndon Tract") thence North along the Southerly prolongation of the East line of the Herndon Tract and continuing North along the East line of the Herndon Tract a distance of 257.25 feet to the Southwest corner of Reese Tract, thence Easterly along the South line of the Reese Tract to the point of beginning.

Subject, however, to all easements; to all rights-of-way for public thoroughfares; to all recorded restrictions, homes association declarations, community contracts, covenants and reservations affecting title to said real property; to all encroachments, if any; to all applicable zoning laws; and to all general taxes and special assessments which are a lien upon said real property.

which real property is hereinafter referred to as "the Premises."

This deed is made and given by the undersigned as Trustees under the Revocable Living Trust Agreement dated February 18, 1970, between James Luther Robinson, as Donor and the undersigned as Trustees, pursuant to the power of sale contained in Article VI of said Trust Agreement. Grantors state that said Trust Agreement dated February 18, 1970, is presently in full force and effect and the same has not been amended or revoked at any time from its inception on February 18, 1970 through the date hereof, and that James Luther Robinson, Donor, died on May 22, 1974, and therefore no written approval of said Donor to this sale and conveyance is necessary.

TO HAVE AND TO HOLD the Premises aforesaid, together with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or any wise appertaining, unto the said Grantees and unto their heirs and assigns forever; the said Grantors in their capacity as Trustees hereby covenanting that the said Premises are free and clear from any encumbrance done or suffered by them, except as hereinabove provided; and that they will warrant and defend the title to said Premises unto the said Grantees and unto their heirs and assigns forever against all lawful claims and demands not herein excepted of any persons claiming by, through or under them in their capacity as Trustees, but not otherwise.

I 880P1652

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the day and year first above written.

John W. Reed

John W. Reed

Anna M. Robinson

Anna M. Robinson

In Their Capacity as Trustees under the Revocable Living Trust dated February 18, 1970

STATE OF Michigan)
COUNTY OF Washtenaw) ss.

On this 19th day of September, 1978, before me, a Notary Public, personally appeared John W. Reed to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed as Trustee of The Revocable Living Trust Agreement dated February 18, 1970.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office the day and year last above written.

Helen L. Betts

HELEN L. BETTS

Notary Public, Washtenaw County, Mich.
Notary Public 10-14-78

(The Notary Public must type, print or stamp the Notary's name immediately below the Notary's signature.)

My commission expires:
HELEN L. BETTS
Notary Public, Washtenaw County, Mich.
My Commission Expires 10-14-78

STATE OF Missouri)
COUNTY OF Jackson) ss.

On this 19th day of September, 1978, before me, a Notary Public, personally appeared Anna M. Robinson to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed as Trustee of The Revocable Living Trust Agreement dated February 18, 1970.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office the day and year last above written.

S. Kay Dwyer

S. Kay Dwyer, Notary Public

State of Missouri, County of Jackson
Notary Public

(The Notary Public must type, print or stamp the Notary's name immediately below the Notary's signature.)

My commission expires:
My Commission Expires March 2, 1982



I 880P1653

MISSOURI COMMISSION ON EXCESS PROFITS 1983

MISSOURI COMMISSION ON EXCESS PROFITS

To Desk

1351763

STATE OF MISSOURI) SS
JACKSON COUNTY)
I CERTIFY INSTRUMENT RECEIVED

1978 OCT 2 AM 10 11 6

I 880P1650

CAROL ANN BESTOR
DIRECTOR OF RECORDS

1.40
11.00

12.00

Mail to:
Spradley, Morrison, Wirken
& Readey
2nd Floor
1009 Baltimore
Kansas City, Mo. 64105
ATTN: Ronald C. Spradley

CHICAGO TITLE INS. CO.

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI
08/26/2009 03:48:50 PM

INSTRUMENT TYPE: WD FEE: \$24.00 2 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

2009E0086107



ROBERT T. KELLY, DIRECTOR, RECORDER OF DEEDS

MISSOURI WARRANTY DEED

This Indenture, Made on the 26th day of August A.D., Two Thousand Nine by and between Neal S. Clevenger and Mitsue I. Clevenger, husband and wife, of the County of Jackson, State of Missouri, parties of the first part, and Commercial Shops & Garages, LLC, a Missouri limited liability company located in the County of Jackson, State of Missouri, party of the second part, (Mailing address of said first named grantee is 9508 E. 63rd Street, Raytown, Missouri 64133).

WITNESSETH: THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the sum of Ten Dollars and other valuable consideration to be paid by said party of the second part (the receipt of which is hereby acknowledged), do by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said party of the second part, the following described lots, tracts or parcels of land lying, being and situated in the County of Jackson and State of Missouri, to-wit:

All that part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows:

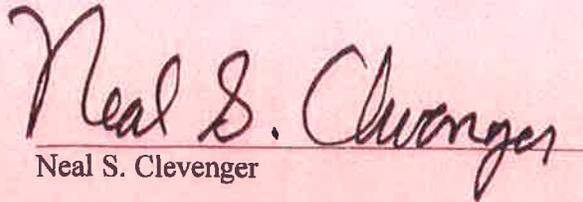
Beginning at a point on the East line of said $\frac{1}{4}$ $\frac{1}{4}$ section 214.14 feet North of the Southeast corner of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence West parallel to the North line of said $\frac{1}{4}$ $\frac{1}{4}$ section 330 feet; thence North parallel to the East line of said $\frac{1}{4}$ $\frac{1}{4}$ section 132 feet; thence East 300 feet to a point on the East line of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence South along said East line 132 feet to the place of beginning, except the East 25 feet thereof in Davenport Road.

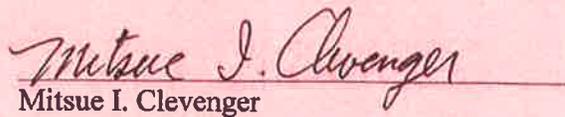
Subject to easements, restrictions, reservations and covenants of record, if any.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said party of the second part and unto the assigns of such party of the second part forever; the said parties hereby covenanting that they are lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by them or those under whom they claim; and that they will

warrant and defend the title to the said premises unto the said party of the second part and unto the assigns of such party, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year above written.


Neal S. Clevenger


Mitsue I. Clevenger

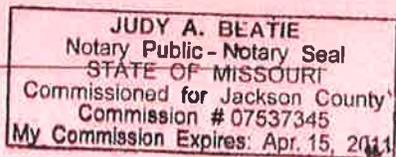
STATE OF MISSOURI)
)ss.
COUNTY OF JACKSON)

On this 26th day of August, 2009, before me, a Notary Public, personally appeared Neal S. Clevenger and Mitsue I. Clevenger his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.


Notary Public in and for said
County and State

My Commission Expires:



REAL PROPERTY CERTIFICATE OF VALUE - JACKSON COUNTY, MISSOURI

(REQUIRED TO BE FILED WITH DEED AT TIME OF RECORDING)

Please type or print all information. This form must be filed with the deed.

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

08/26/2009 03:48:50 PM

SEP 10 2009

INSTRUMENT TYPE: WD FEE: \$29.00 2 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

2009E0086107

ROBERT T. KELLY, DIRECTOR, RECORDER OF DEEDS

FOR OFFICE USE ONLY
DO NOT WRITE IN THIS SPACE

Grantor's (Seller) Name: Neal S. Clevenger
+ Mitsue J. Clevenger

Grantee's (Buyer) Name: Commercial
Shops + Garages, LLC

Address of Property: 6218 Arlington Ave,
Raytown, MO 64133

Grantee's address, if different from above: 9508
E. 63rd St, Raytown, MO 64133

Parcel ID Number: 45-216-08-27

- Is this newly constructed residential property? YES Date occupied: / / NO
- Is this vacant land? YES NO
- Intended use of property: Present Use Renovation New Development / Construction
Other
- Check if the transaction transfers property in any of the following ways:

- | | |
|--|--|
| <input type="checkbox"/> sale for delinquent taxes | <input type="checkbox"/> by deed pursuant to merger, consolidation, sale or transfer of substantially all of the assets of a corporation. |
| <input type="checkbox"/> sale of cemetery lot | <input checked="" type="checkbox"/> by deed as a part of the contribution to the capital of a corporation, partnership, limited liability company, or other similar entity. |
| <input type="checkbox"/> lease or transfer of severed mineral interests | <input type="checkbox"/> by deed executed by personal representative to convey to devisees or heirs property passing by testate or intestate succession |
| <input type="checkbox"/> by order of any court | <input type="checkbox"/> by deed which conveys property held in name of any partnership, not a family, to any partner or his or her spouse. |
| <input type="checkbox"/> by executory contract for deed | <input type="checkbox"/> by deed which is a gift of property. |
| <input type="checkbox"/> by lease or easement | <input type="checkbox"/> by deed between family members, or to or from a family corporation, partnership, or trust for the benefit of a family member, for no consideration. |
| <input type="checkbox"/> to or from the United States, the State of Missouri, or any agency, or political subdivision thereof. | |
| <input type="checkbox"/> for purpose of confirming, correcting, modifying, or supplementing a previously recorded deed, without additional consideration | |
| <input type="checkbox"/> solely for the purpose of releasing security for a debt or other obligation | |
| <input type="checkbox"/> by deed of partition | |
| <input type="checkbox"/> by deed where no money or other valuable consideration is given for the transfer. | |

IF ANY OF THE ABOVE ITEMS IN THE SHADED BOX ARE CHECKED, PLEASE PROCEED TO #11 BELOW

- Total Sales Price (including all assumed mortgages and liens): \$ _____
Points were paid by: SELLER BUYER NONE
- Was there new financing? YES NO Did financing concessions affect sales price? YES NO
- Is this deed part of a trade? YES NO
- Was any personal property included in the sale price? (For example: furniture, equipment, machinery, livestock, crops, business franchise or inventory... etc.) YES NO
Please describe: _____
- Was this transaction at arm's length? YES NO
(An arm's length transaction is one between unrelated parties under no duress.)
- If you believe this transaction does not represent market value, please attach any additional information that you want the county assessor to consider.
- I certify, under penalties of law, that this statement has been examined by me and, to the best of my knowledge and belief, is a true, correct and complete statement.

ANY PERSON WHO FAILS TO FILE A COMPLETED CERTIFICATE OF VALUE WHEN REQUIRED BY LAW, OR WHO KNOWINGLY FILES A FALSE CERTIFICATE, MAY BE PUNISHED BY A FINE OF UP TO \$1,000.

For assistance in filing this form,
Call the Assessor's Office at (816) 881-3530
415 E. 12th St., Suite 100M
Kansas City, MO 64106-2752

8/31/09
Date

Janet Blauvelt
Signature of Grantee/Representative
Janet Blauvelt, Attorney
Print Name and Position

CITY OF RAYTOWN
Request for Board Action

Date: May 13, 2016

Bill No. 6412-16

To: Mayor and Board of Aldermen

Section No.: XIII

From: John Benson, Director of Development & Public Affairs

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____

Action Requested: Conduct a public hearing to consider a Conditional Use Permit application for a vehicle fueling station located at 6709 Raytown Road.

Recommendation: The Planning & Zoning Commission, by a vote of 5 in favor and 0 against, is recommending approval of the application subject to the following conditions:

1. The trash enclosure shall be rotated so that the gates and opening face the parking lot and not the street in order to enable a trash truck more direct access to the trash container.
2. The exterior appearance of the trash enclosure shall match the exterior appearance of the building addition.
3. Landscaping consisting of shrubs need to be planted along the south and east sides of the trash enclosure to help screen it. As a result, the curb line of the parking lot adjacent to the trash enclosure is to be changed so that the curb line on the east side of the parking lot aligns with the opening of the trash enclosure, rather than with the back of the trash enclosure.
4. The type and size of the shrubs at the time of planting need to be submitted for review and approval by staff to ensure compliance with the City's adopted landscape standards.
5. The parking space located near the monument sign shall be removed.
6. Building elevation drawings for the existing building, the proposed building addition and proposed canopy shall be submitted for staff review and approval.
7. The exterior material of the building addition shall be indicated and shall match the exterior material and color of the remainder of the building.
8. A sidewalk conforming with adopted city standards shall be constructed / provided along both Raytown Road and 67th Street.

Analysis: James Sullivan with Sullivan Palmer Architects on behalf of the property owner, Aim Investments, LLC, is seeking approval of a conditional use permit application that proposes to allow a vehicle fueling station at 6709 Raytown Road, which is on the northeast corner of Raytown Road and 67th Street. The property is zoned Neighborhood Commercial (NC).

The applicant is seeking the conditional use permit as they want to tear down the existing building at 6709 Raytown Road and install gas pumps and construct a canopy on the property. The applicant also owns the adjoining property to the east of the subject property. The existing building on the abutting property to the east would be remodeled into the convenience store building.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to:

1. Deny the conditional use permit application; or
2. Refer the application back to the Planning & Zoning Commission for reconsideration or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Additional Reports Attached:

- Staff Report on this application for the May 12, 2016 Planning & Zoning Commission meeting
- Conditional Use Permit Application submitted by applicant

STAFF REPORT

To: THE CITY OF RAYTOWN PLANNING AND ZONING COMMISSION
From: THE COMMUNITY DEVELOPMENT DEPARTMENT
Date: May 12, 2016
Subject: Agenda Item No. 5. A: Application for conditional use permit for a fueling station at 6709 Raytown Road.

Background Information:

James Sullivan with Sullivan Palmer Architects on behalf of Aim Investments, LLC, is seeking approval of a conditional use permit application that proposes to allow a vehicle fueling station at 6709 Raytown Road, which is on the northeast corner of Raytown Road and 67th Street. The subject property is owned by Aim Investments, LLC.

The applicant is seeking the conditional use permit as they want to tear down the existing building at 6709 Raytown Road and install gas pumps and construct a canopy on the property. The applicant also owns the adjoining property to the east of the subject property. The existing building on the abutting property to the east would be remodeled into a convenience store. The applicant has submitted a final plan to combine these two lots into one lot, which is agenda item 5.B.



Factors To Be Considered:

In considering any application for a conditional use permit, the Planning Commission shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to, the following factors.

1. The stability and integrity of the various zoning districts.
The property to which the conditional use permit application applies is zoned Neighborhood Commercial (HC). The zoning and uses on surrounding properties are more specifically described below:

East: A dental office is located to the east and is zoned Neighborhood Commercial (NC).

West: Raytown Road abuts the west side of the property. Offices are located on the west side of Raytown Road and are zoned Neighborhood Commercial (NC).

South: 67th Street is located along the south side of the property. A commercial property with offices and a restaurant is located on the south side of 67th Street which is zoned Neighborhood Commercial (NC).

North: An office is located on the north side of the subject property which is zoned Neighborhood Commercial (NC). Further north are additional commercial uses which are zoned Neighborhood Commercial (NC).
2. Conservation of property values.
The proposed use, if approved, will occupy a currently vacant property as well as the adjoining property to the east. The property at 6709 Raytown Road was originally developed as a restaurant while the property to the east has previously been used as a dry-cleaner and more recently as a church. Both properties have been vacant for several years.
3. Protection against fire and casualties.
Construction of the gas pumps and canopy will require submittal of construction and engineering plans which will be reviewed by city staff for compliance with the city's adopted construction codes. In addition, prior to occupying the property, the applicant will be required to obtain a Use Permit from the Development and Public Affairs Department. As part of review and approval of the Use Permit, the buildings and property will be inspected by the City's Building Official and Property Code Enforcement Officer as well as by the Fire Marshall from the Raytown Fire Protection District to ensure compliance with the applicable life safety codes contained in the city and fire district's adopted Building and Fire Codes as well as the city's Property Maintenance Code.
4. Observation of general police regulations.
It does not appear that the proposed automotive sales business will violate any general police regulations.
5. Prevention of traffic congestion.
The subject property is located at the intersection of Raytown Road and E 67th Street. As such, it is important to prevent congestion from vehicles entering and exiting the property. To alleviate this concern the three driveways currently along 67th St will be consolidated into one driveway large enough to fit two-way traffic, and will be placed further back from the intersection.
6. Promotion of traffic safety and the orderly parking of motor vehicles.
As stated above, the three driveways along 67th St. will be reduced down to one driveway large enough to allow two-way traffic. This will provide a reduced number of entrances and exits for vehicles, providing fewer opportunities for incidents of vehicles crossing into or out of traffic.

7. Promotion of the safety of individuals and property.
As previously described, if the application is approved, prior to opening for business city code requires that the applicant obtain a Use Permit from the Development and Public Affairs Department. As part of the review and approval of the Use Permit application, the buildings and property will be inspected by the City's Building Official and Property Code Enforcement Officer as well as by the Fire Marshall with the Raytown Fire Protection District to ensure compliance with the applicable life safety codes contained in the city and fire district's adopted building and fire codes.
8. Provision for adequate light and air.
There is a proposed canopy to be built over the fuel pumps as part of the proposed conditional use. This will not have any negative impact on the provision for adequate light and air for any neighboring properties.
9. Prevention of overcrowding and excessive intensity of land uses.
The proposed fuel pumps and canopy will sit on the opposite end of the lot, away from the convenience store. This will provide adequate room for parking and vehicle traffic, in addition to the consolidated driveways which will provide better traffic and congestion control. As such the proposed use will not provide overcrowding or an excessive land use intensity.
10. Provision for public utilities and schools.
It is not anticipated that the proposed conditional use will have any impact on schools, and all necessary utilities are available to serve the property.
11. Invasion by inappropriate uses.
There are other fuel stations and convenience stores along Raytown Road of similar size. As such, it does not appear that the proposed use will be an invasion of an inappropriate use if the use and property are in compliance with other city codes and regulations.
12. Value, type and character of existing or authorized improvements and land uses.
The building on the property is proposed to be demolished and replaced with four gas pump islands and canopy. The site will be regraded and landscaping installed along 67th Street and along Raytown Road. The existing building on the property to the east, which will be combined with the subject property will be renovated and expanded into the convenience store building. Additionally, two of the existing driveways on 67th Street will be removed to improve traffic safety and reduce congestion.
13. Encouragement of improvements and land uses in keeping with overall planning.
In addition to the proposed improvements described above, the following modifications to the proposed plans are recommended by staff:
 - a. The trash enclosure should be rotated so that the gates and opening face the parking lot and not the street in order to enable a trash truck more direct access to the trash container.
 - b. The exterior appearance of the trash enclosure should match the exterior material and color of the building addition.
 - c. Landscaping consisting of shrubs need to be planted along the south and east sides of the trash enclosure to help screen it. As a result, the curb line of the parking lot adjacent to the trash enclosure needs to be changed so that the curb line on the east side of the parking lot aligns with the opening of the trash enclosure, rather than with the back of the trash enclosure.
 - d. The type and size of the shrubs at the time of planting need to be submitted to for review and approval by staff to ensure compliance with the city's adopted landscape standards.
 - e. The parking space located near the monument sign should be removed as it will interfere with traffic movement and circulation on the property.

- f. Building elevation drawings for the existing building, the proposed building addition and proposed canopy need to be submitted for review and approval.
 - g. The exterior material of the building addition needs to be indicated and match the exterior material and color of the remainder of the building.
14. Provision for orderly and proper renewal, development and growth.
The proposed use is located in an existing commercial area and, if the application is approved in a manner that is consistent with city codes and regulations, the proposed use will allow continued commercial use of the property while providing for the orderly and proper renewal, redevelopment and growth along Raytown Road.

Staff Recommendation:

It is the recommendation of staff that the conditional use permit application to operate a fueling station at 6709 Raytown Road be approved subject to the following conditions:

1. The trash enclosure shall be rotated so that the gates and opening face the parking lot and not the street in order to enable a trash truck more direct access to the trash container.
2. The exterior appearance of the trash enclosure shall match the exterior appearance of the building addition.
3. Landscaping consisting of shrubs need to be planted along the south and east sides of the trash enclosure to help screen it. As a result, the curb line of the parking lot adjacent to the trash enclosure is to be changed so that the curb line on the east side of the parking lot aligns with the opening of the trash enclosure, rather than with the back of the trash enclosure.
4. The type and size of the shrubs at the time of planting need to be submitted to for review and approval by staff to ensure compliance with the city's adopted landscape standards.
5. The parking space located near the monument sign shall be removed.
6. Building elevation drawings for the existing building, the proposed building addition and proposed canopy shall be submitted for staff review and approval.
7. The exterior material of the building addition shall be indicated and shall match the exterior material and color of the remainder of the building.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A FUELING STATION AT 6709 RAYTOWN ROAD IN RAYTOWN, MISSOURI

WHEREAS, application PZ-2016-006, submitted by James Sullivan with Sullivan Palmer Architects on behalf of Aim Investments, LLC, which seeks to allow a vehicle fueling station 6709 Raytown Road in Raytown, Missouri; and

WHEREAS, pursuant to City Code Chapter 50, Article V of the City of Raytown Code of Ordinances, application no. PZ-2016-007, was referred to the Planning & Zoning Commission to hold a public hearing; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held public hearings on said application on May 12, 2016; and

WHEREAS, at the conclusion of said public hearing on May 12, 2016 the Planning & Zoning Commission by a vote of five (5) in favor and zero (0) against rendered a report to the Board of Aldermen recommending that the Conditional Use Permit Application be approved subject to certain conditions; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on said application on May 17, 2016 and June 7, 2016; and

WHEREAS, based on all of the information presented the Board of Aldermen finds it is in the best interest of the citizens of the City of Raytown to approve said Conditional Use Permit subject to certain conditions specified herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1 – GRANT OF CONDITIONAL USE PERMIT. That a Conditional Use Permit is hereby granted to allow a vehicle fueling station on property located at 6709 Raytown Road in Raytown, Missouri, as legally described in Exhibit “A”, subject to the conditions set forth in Section 2 herein.

SECTION 2 – CONDITIONS OF APPROVAL AND OPERATION. That the following conditions of approval shall apply and be followed during the duration of the use allowed by this Conditional Use Permit.

1. The trash enclosure should be rotated so that the gates and opening face the parking lot and not the street in order to enable a trash truck more direct access to the trash container.
2. The exterior appearance of the trash enclosure should match the exterior material and color of the building addition.
3. Landscaping consisting of shrubs need to be planted along the south and east sides of the trash enclosure to help screen it. As a result, the curb line of the parking lot adjacent to the trash enclosure needs to be changed so that the curb line on the east side of the parking lot aligns with the opening of the trash enclosure, rather than with the back of the trash enclosure.

- 4. The type and size of the shrubs at the time of planting need to be submitted for review and approval by staff to ensure compliance with the City's adopted landscape standards.
- 5. The parking space located near the monument sign should be removed as it will interfere with traffic movement and circulation on the property.
- 6. Building elevation drawings for the existing building, the proposed building addition and proposed canopy need to be submitted for review and approval.
- 7. The exterior material of the building addition needs to be indicated and match the exterior material and color of the remainder of the building.
- 8. A sidewalk conforming with adopted City standards shall be constructed / provided along both Raytown Road and 67th Street.

SECTION 3 – FAILURE TO COMPLY. That failure to comply with any of the conditions or provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Comprehensive Zoning Code and shall be cause for revocation of the Conditional Use Permit granted herein in addition to other penalties contained in the City Code.

SECTION 4 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 6 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of June, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

Exhibit "A"

Case Number PE-20016-006
Date Received _____
Map Page _____

**CITY OF RAYTOWN
APPLICATION FOR CONDITIONAL USE PERMIT**

PART I Background Information

1. This request applies to property at the following address:

6709 Raytown Rd

2. The name(s), address(es), and phone number(s) of the property owners: (As listed on the deed)

Name	Address	Phone
<u>Aim Investments, LLC</u>	<u>14304 Robinson St., Overland Park, KS 66223</u>	<u>(510) 682-5802</u>
<u>Sameer Vishnani</u>		

3. We, the property owner(s), do hereby appoint the following person as our agent during consideration of our request:

Name	Address	Phone/Email
<u>James Sullivan, Sullivan Palmer Architects</u>	<u>8621 Johnson Dr. Merriam, KS 66202</u>	<u>(913) 888-8540</u>

4. The property is currently being used for the following purposes:

Property is Vacant

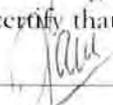
5. Zoning classification of the property Neighborhood Commercial (NC)

6. Specify the use desired for the property: Fueling Station w/ Canopy

7. Please list all existing structures and their heights located on the property:

<u>Structure</u>	<u>Height</u>
<u>West building to be demolished</u>	
<u>East building</u>	<u>40' X 50'</u>

8. We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all the information contained therein is true and correct. (Signatures of property owners)

 _____
SAMEER VISHNANI

PART II Conditional Use Permit Information

In considering an application for a conditional use permit, the city shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

1. The stability and integrity of the various zoning districts;
2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

The information provided by the applicant to the following questions is an opportunity to justify approval of a conditional use permit based on the above listed factors.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed conditional use will be in keeping with the character of the neighborhood because:

A Convenience Store with fuel is a basic necessity of any neighborhood. It will provide a lot of convenience to the community. It will add to the neighborhood based retail already established along Raytown Road.

B. The proposed use will be consistent with the uses and zoning on nearby parcels because:

The proposed uses are a perfect combination and will add to the neighboring strip malls and retail stores. However this type of neighborhood convenience store is currently poorly served in the local community.

C. This property is more suited for the proposed use than its current uses because:

Both the buildings have been vacant for some time now. The building on the east that has been proposed for a convenience store has a history of similar use at some point in the past. Adding fueling station will add to the convenience. Also, there is no gas station for at least 2 miles south on Raytown Road, 2 miles north except for one smaller facility, 1 mile to the east on 67th Street where it merges with Woodson Road and nothing on it either and at least a mile to the west on 67th Street where it is all residential.

D. The proposed conditional use could have the following detrimental effects on nearby parcels:

None whatsoever. Only positive effects.

E. Prior to submitting this application, the property has been vacant for:

Two years.

F. If the application is denied, the property owner(s) will face the following hardships:

There has been a lot of time, money and hope invested on this project thus far. A denial will demoralize the entrepreneurship of a small business owner and will cause financial hardship. The property might just sit there vacant for another two years and will not serve any good to anyone as a blight to the neighborhood.

G. Public facilities and utilities are adequate to serve the proposed use as follows:

Yes, the existing structures on the site are served by 67th Street, a good feeder street, and Raytown Road, have all utilities necessary which currently feed the existing structures and will be adequate for the operation of the new development.

H. Additional comments:

We are really excited and optimistic about completing this project as planned. The proposed use will add value to the other surrounding businesses and will generate revenue to the city as well. I have owned and operated convenience stores since 16 years. At present we have three other successful locations in the Kansas City area. Our vision is to excel in the customer service experience and maintain the property clean.



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
02/12/2015 01:53:50 PM
WD FEE: \$ 24.00 2 Pages

INSTRUMENT NUMBER:
2015E0012230

General Warranty Deed (Individual)

This Deed, made and entered into on February 9, 2015, by and between **Grantor(s)**: Vincent C. Vitale and Rosemary Vitale, husband and wife whose address is 6709 Raytown Road, Raytown, MO 64133 of the County of Jackson, State of MO and **Grantee(s)**: AIM Investments, LLC limited liability company of the County of Jackson, State of KS. **Mailing Address of the Grantee(s)**: 14304 Robinson Street, Overland Park, KS 66223

Witnesseth, that the Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, do(es) by these presents **Grant, Bargain and Sell, Convey and Confirm** unto the Grantee(s), the following described Real Estate, situated in the County of Jackson and State of Missouri, to-wit:

TRACT I:

A TRACT OF LAND SITUATED IN THE NORTHWEST $\frac{1}{4}$, OF SECTION 9, TOWNSHIP 48, RANGE 32, RAYTOWN, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF RAYTOWN ROAD, 60 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 1, DRAPER'S SUBDIVISION; THENCE CONTINUING SOUTH ALONG SAID RIGHT-OF-WAY A DISTANCE OF 90.08 FEET TO A POINT 40 FEET NORTH OF THE CENTERLINE OF PAVEMENT OF 67TH STREET; THENCE EAST, PARALLEL TO AND 40 FEET NORTH OF SAID CENTERLINE A DISTANCE OF 120 FEET, THENCE NORTH AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF RAYTOWN ROAD A DISTANCE OF 62 FEET; THENCE NORTHWESTERLY A DISTANCE OF 35.84 FEET; THENCE WEST, PARALLEL TO AND 60 FEET SOUTH OF THE SOUTH LINE OF LOT 1, DRAPER'S SUBDIVISION, A DISTANCE OF 95 FEET TO THE POINT OF BEGINNING, AND EXCEPT ANY PART THEREOF IN THE RIGHT-OF-WAY CONVEYED TO THE STATE OF MISSOURI, BY THE DEED FILED APRIL 15, 1971, AS DOCUMENT NO. I-82795 IN BOOK I-249 AT PAGE 250.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

To Have and To Hold the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s) and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that Grantor(s) and the heirs, executors, administrators, and assigns of such Grantor(s), shall and will **Warrant and Defend** the title to the premises unto the Grantee(s), and to the successors and assigns of such Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

First American Title
400 State Line Rd., Ste. 204
Prairie Village, KS 66208

File No.: 1372421



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
12/22/2015 09:11:59 AM

WD FEE: \$ 27.00 3 Pages

INSTRUMENT NUMBER:
2015E0114353

WARRANTY DEED

THIS INDENTURE, Made this 19th day of December, 2015, by and between

Grantor: Stephen J. Schranz, Jr. AKA Steve Joseph Schranz and Tamara Schranz,
husband and wife

AND

Grantee: AIM Investments, LLC, a Missouri limited liability company
whose mailing address is: 14304 Robinson Street, Overland Park, KS 66223

WITNESSETH: THAT THE SAID GRANTOR, in consideration of the sum of Ten Dollars, the receipt of which is hereby acknowledged does hereby these presents, Grant, Bargain, Sell and Convey unto the said GRANTEE, its successors and assigns, all their undivided interest in and to the following described real estate situated in the County of Jackson and the State of Missouri, to-wit:

See Attached Exhibit "A"

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments an appurtenances thereunto belonging or in any wise appertaining, forever. And said party for their heirs and assigns, does hereby covenant, promise and agree to and with said GRANTEE, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises with the appurtenances that the same are free, clear, discharge and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind whatsoever: and that they will warrant and forever defend the same unto the said GRANTEE, its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

CITY OF RAYTOWN
Request for Board Action

Date: May 13, 2016

Bill No. 6413-16

To: Mayor and Board of Aldermen

Section No.: XIII

From: John Benson, Director of Development & Public Affairs

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: Approval of Final Plat of Vishnani Subdivision.

Recommendation: The Planning & Zoning Commission by a vote of five (5) in favor and zero (0) against recommends approval of the Final Plat of Vishnani Subdivision.

Analysis: Sameer Vishnani with Aim Investments, LLC and owner of Cloud 9 Convenience & Liquor, is seeking approval of the Final Plat of Vishnani Subdivision. The final plat proposed to combine three properties located at the northeast corner of E 67th St. and Raytown Road into one lot. The lots contain two existing commercial building, both of which are owned by the applicant. The final plat is proposed as the applicant is seeking to consolidate the properties so that they may demolish the western-most commercial building and install a fueling station with pumps and a canopy. The use of the fueling station and canopy will require a Conditional Use Permit, which is also on the agenda for the May 17, 2016 Board of Aldermen meeting agenda. The existing building on the existing east lot will be renovated and converted into the convenience store building.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to either deny the final plat application or refer the application back to the Planning & Zoning Commission for revisions and/or further review.

Budgetary Impact: This application does not require the City to provide any funding.

Not Applicable

Additional Reports Attached:

- Staff Report on this application for the May 12, 2016 Planning & Zoning Commission meeting.
- Final Plat of Vishnani Subdivision
- Application

STAFF REPORT

To: City of Raytown Planning and Zoning Commission

FROM: Development & Public Affairs Department

DATE: May 12, 2016

SUBJECT: AGENDA ITEM No. 5.B: Final Plat of 6709 Raytown Rd (Cloud 9 Convenience & Liquor)

BACKGROUND INFORMATION

Sameer Vishnani with Aim Investments, LLC and owner of Cloud 9 Convenience & Liquor, is seeking approval of the Final Plat of Vishnani Subdivision. The final plat proposed to combine three properties located at the northeast corner of E 67th St. and Raytown Road into one lot. The lots contain two existing commercial buildings, both of which are owned by the applicant. The final plat is proposed as the applicant is seeking to consolidate the properties so that they may demolish the western-most commercial building and install a fueling station with pumps and a canopy. The use of the fueling station and canopy will require a Conditional Use Permit, which is also on the agenda for the May 17, 2016 Board of Aldermen meeting agenda. The existing building on the existing east lot will be renovated and converted into the convenience store building.



MATTERS TO BE CONSIDERED

1. Conformance to the Subdivision Regulations and other ordinances of the City of Raytown.

The final plat has been reviewed in respect to the final plat content requirements of the City of Raytown Subdivision Regulations as well as the applicable regulations of the Raytown Zoning Ordinance. Based upon this review the final plat has been found to:

- Contain all required information specified by the City of Raytown Subdivision Regulations for final plats;
- Meets the bulk regulations of the Neighborhood Commercial (NC) District; and
- Is in conformity with the proposed Conditional Use Permit Application that was submitted as part of the application for the lot (see agenda item 4.A).

2. Adequacy of public facilities and utilities to serve the proposed development.

Sanitary Sewer System: The city's existing sanitary sewer system is capable of accommodating the sewage from the existing uses on the property. In addition, it is anticipated that the existing sanitary sewer system will be able to accommodate any future expansion of the Cloud 9 Convenience and Liquor facility as the existing facility does not produce a significant amount of waste. In addition, at the time that a final site development plan is submitted an analysis of the sanitary sewer system will be conducted to ensure that the sanitary sewer system can accommodate the future expansion.

Storm Water: The existing storm water system can adequately accommodate the existing uses. At the time that future expansion is proposed an analysis of the city's existing storm sewer system is required to be performed to determine if the city's storm water system will be able to adequately handle the stormwater runoff from the expansion and to determine if a stormwater detention basin needs to be constructed to detain the increased stormwater runoff in accordance with adopted city design standards.

Water: Water currently serves the uses on all of the lots. When future expansion is proposed an analysis of the water supply system will be conducted to determine if there is adequate water volume and water pressure to accommodate the expansion. Cloud 9 Convenience and Liquor will use a relatively small volume of water therefore it is anticipated that the existing water supply system can adequately accommodate any future development. If there is inadequate water volume or pressure improvements to the water system will have to be made as part of the proposed development.

Streets: Raytown Road and 67th Street have both been previously dedicated by separate instruments that are indicated on the final plat. The roadway along Raytown Rd is identified in the final plat to be a fifty (50)-foot wide right-of-way In addition, the roadway along E 67th St. is identified in the final plat to be a forty (40)-foot wide right-of-way.

Utilities: Various utility easements are indicated and proposed to be dedicated which will enable the city and other utility providers to continue to access their respective utilities.

3. Consistency with the approved preliminary plat.

There is not a preliminary plat as the Final Plat is combining existing lots for redevelopment of the property.

4. Consideration of sound land planning principles on the site including lot layout and topography.

The Final Plat of Vishnani Subdivision proposes to consolidate two lots, both of which are owned by the applicant, into one lot. The applicant is seeking to replat these lots so that they can more easily develop a convenience store with fueling stations. Lot 1, which is accessible

from both Raytown Rd and E 67th St., will contain both the existing commercial building on the east end of the lot, as well as a new fueling station with canopies, which will stand where the existing building on the west end of the lot currently sits; the west building is proposed to be demolished as part of the project.

STAFF RECOMMENDATION

Staff recommends approval of the Final Plat of Vishnani Subdivision.

AN ORDINANCE APPROVING THE FINAL PLAT OF VISHNANI SUBDIVISION, A SUBDIVISION IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS, Application No. PZ-2016-009, submitted by Aim Investments, LLC seeks approval of the Final Plat of Vishnani Subdivision, a subdivision of the City of Raytown, Jackson County, Missouri, was referred to the Planning & Zoning Commission; and

WHEREAS, the Planning Commission considered the application on May 12, 2016, and by a vote of five (5) in favor and zero (0) against rendered a report to the Board of Aldermen recommending that the final plat be approved; and

WHEREAS, the Board of Aldermen considered the Final Plat of Vishnani Subdivision on May 17, 2016 and on June 7, 2016 and rendered a decision to approve the final plat.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1 - LEGAL DESCRIPTION. That the Final Plat of Vishnani Subdivision, a subdivision in the City of Raytown, Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein, is hereby approved, replatting the following described property:

(LEGAL DESCRIPTION TO BE INSERTED HERE)

SECTION 2 – DEDICATION OF RIGHT-OF-WAY. That the dedication to the City of Raytown for street right-of-way as shown on the plat, not heretofore dedicated to the public is hereby accepted for the purpose as therein set out.

SECTION 3 – DEDICATION OF EASEMENTS. That the dedication to the City Raytown of an easement or license to locate, construct and maintain or to authorize the location, construction and maintenance and use of conduits for all or any purpose, water, gas, sewer mains, poles and wires or all or any of them, over under and along the strips of land marked "UTILITY EASEMENT" or "U/E is hereby accepted for the purpose as therein set out.

SECTION 4 – REPEAL OF ORDINANCES IN CONFLICT. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5 – EFFECTIVE DATE. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

BILL NO. 6413-16

ORDINANCE NO. _____-16

SECTION NO. XIII

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of June, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved to as Form:

Joe Willerth, City Attorney

Case Number: _____
Date Received: _____
Fee Paid: \$100.00 + \$3.00 / lot

City of Raytown Application for Final Plat

1. Name, address and phone number of property owner(s):

AIM INVESTMENTS, LLC
SAMEER VISHNANI
14304 ROBINSON STREET
OVERLAND PARK, KANSAS 66223
(510) 682-5802

3. Name, address and phone number of developer(s):

SAME AS OWNER

2. Name, address, phone and fax numbers of engineer(s) or surveyor(s) preparing the plat:

ANDERSON SURVEY COMPANY
ROBERT ANDERSON
203 NW EXECUTIVE WAY
LEE'S SUMMIT, MISSOURI 64063
P (816) 246-5050 F (816) 246-0502

4. Legal description of the land to be subdivided (please attach a deed showing the legal description and the ownership of the tract(s) on a separate sheet).

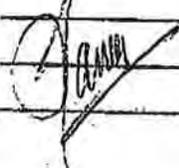
5. Approximate street address or location:

6709 RAYTOWN RD
RAYTOWN, MISSOURI 64133

6. Name of proposed subdivision:

VISHNANI SUBDIVISION

7. We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all the information contained therein is true and correct (signatures of property owners).

 SAMEER VISHNANI

8. Site Characteristics

A. Total acreage of subdivision:

0.473 ACRES

E. Total number of lots:

1

B. Acreage this phase (if applicable):

→

F. Lots this phase (if applicable):

—

C. Current zoning classification:

NC

G. Lot Area

Maximum: _____

D. Proposed zoning classification (if applicable):

Minimum: _____

Average: _____

9. Public Improvements

Public improvements are required for subdivisions of land in Raytown, such as public roadways, sidewalks, water, sanitary sewer, storm sewer, etc. All improvements must be constructed to City standards.

A. Streets:

Classification (local, collector or arterial): _____

Proposed surface material: _____

Length of roadway: _____

Maximum grade: _____



How will the configuration of streets in this development fit with the transportation network of Raytown? How will the traffic generated from this development affect the traffic circulation in the area? Explain in detail on separate sheets.

B. Will this development be served by public water? Yes

C. Will this development be served by public sanitary sewer? Yes

- D. Will this development be served by public storm sewer? Yes
- E. Describe the drainage plan for this development, including any easements. Please attach a separate sheet.
- F. Will parkland or green space be dedicated? _____

10. Construction Guarantee

The City of Raytown Subdivision Regulations offer 4 options for construction of public improvements within the City. Developers must indicate the options elected.

- Option 1: Complete all required public improvements prior to Board of Aldermen final approval and recording of the plat.
- Option 2: Post a performance bond to the benefit of the City in the amount of the remaining construction costs. Bonds are presented to the Board of Aldermen with the final plat.
- Option 3: Enter into an escrow agreement for the remaining construction costs. Escrow agreements are presented to the Board of Aldermen with the final plat.
- Option 4: Delay construction or bonding until final approval, upon which an escrow agreement or performance bond for 110% of the construction costs must be submitted.

All public improvements must be inspected. No Certificates of Occupancy will be issued before final approval of the public improvements. Developers must file a maintenance bond for 25% of the cost of construction to run for 2 years before acceptance of the improvements by the Raytown Board of Aldermen.

- Option selected for street construction: _____
- Option selected for sanitary sewer construction: _____
- Option selected for storm sewer construction: _____
- Option selected for other construction: _____
- Option selected for other construction: _____
- Have construction plans for the improvements been submitted to the Community Development Department? _____

11. Required Submittals

Eight (8) copies of the plat are required for initial review by staff and the utilities serving the proposed development. Upon review, a letter detailing any required revisions will be released. Ten (10) days prior to the Planning Commission meeting copies of the revised plat must be submitted in the following formats: **Twenty Five (25)** full size folded paper copies and an electronic copy.

Unless Option 4 is selected, construction plans for the City maintained public improvements must be submitted and approved before the final plat can be placed on the agenda of the Planning Commission. Streets, streetlights, sidewalks, sanitary sewer, and storm sewer must be designed in accordance with the most current APWA regulations. In addition, Missouri Department of Natural Resources must approve water and sanitary sewer lines. Copies of letters of authorization from the Department of Natural Resources should be provided to the Raytown Public Works Department. Developers must also submit **two (2) sets of construction plans** to the Raytown Public Works Department and an electronic copy of the plans.

The Raytown Planning Commission may approve, conditionally approve or deny the plat. If the plat is approved or conditionally approved, the plat may be presented to the Board of Aldermen. Additional copies will be required at that time, along with any required plat revisions or submittals associated with the construction of the public improvements. Following approval of the final plat by the Board of Aldermen **three (3) mylar copies, five (5) paper copies** of the approved final plat need to be provided to the Community Development Department all of which need to have been signed by the applicable property owners. The City will then apply the applicable signatures from city officials to each copy of the approved final plat. When all copies of the final plat have been signed the signed final plats shall be provide to the applicant for recording. **Following recording, one mylar copy and two paper copies of the recorded final plat will need to be returned to the Community Development Department.**

Further information is available at the Raytown Community Development Department at 816-737-6010.



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI

02/12/2015 01:53:50 PM

WD FEE: \$ 24 00 2 Pages

INSTRUMENT NUMBER:

2015E0012230

General Warranty Deed (Individual)

This Deed, made and entered into on February 9, 2015, by and between **Grantor(s)**: Vincent C. Vitale and Rosemary Vitale, husband and wife whose address is 6709 Raytown Road, Raytown, MO 64133 of the County of Jackson, State of MO and **Grantee(s)**: AIM Investments, LLC limited liability company of the County of Jackson, State of KS. **Mailing Address of the Grantee(s)**: 14304 Robinson Street, Overland Park, KS 66223

Witnesseth, that the Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, do(es) by these presents **Grant, Bargain and Sell, Convey and Confirm** unto the Grantee(s), the following described Real Estate, situated in the County of Jackson and State of Missouri, to-wit:

TRACT I:

A TRACT OF LAND SITUATED IN THE NORTHWEST $\frac{1}{4}$, OF SECTION 9, TOWNSHIP 48, RANGE 32, RAYTOWN, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF RAYTOWN ROAD, 60 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 1, DRAPER'S SUBDIVISION; THENCE CONTINUING SOUTH ALONG SAID RIGHT-OF-WAY A DISTANCE OF 90.08 FEET TO A POINT 40 FEET NORTH OF THE CENTERLINE OF PAVEMENT OF 67TH STREET; THENCE EAST, PARALLEL TO AND 40 FEET NORTH OF SAID CENTERLINE A DISTANCE OF 120 FEET, THENCE NORTH AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF RAYTOWN ROAD A DISTANCE OF 62 FEET; THENCE NORTHWESTERLY A DISTANCE OF 35.84 FEET; THENCE WEST, PARALLEL TO AND 60 FEET SOUTH OF THE SOUTH LINE OF LOT 1, DRAPER'S SUBDIVISION, A DISTANCE OF 95 FEET TO THE POINT OF BEGINNING, AND EXCEPT ANY PART THEREOF IN THE RIGHT-OF-WAY CONVEYED TO THE STATE OF MISSOURI, BY THE DEED FILED APRIL 15, 1971, AS DOCUMENT NO. I-82795 IN BOOK I-249 AT PAGE 250.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

To Have and To Hold the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s) and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that Grantor(s) and the heirs, executors, administrators, and assigns of such Grantor(s), shall and will **Warrant and Defend** the title to the premises unto the Grantee(s), and to the successors and assigns of such Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

First American Title
7400 State Line Rd., Ste. 204
Prairie Village, KS 66208

File No.: 1372421



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
12/22/2015 09:11:59 AM
WD FEE: \$ 27.00 3 Pages

INSTRUMENT NUMBER:
2015E0114353

WARRANTY DEED

THIS INDENTURE, Made this 19th day of December, 2015, by and between

Grantor: Stephen J. Schranz, Jr. AKA Steve Joseph Schranz and Tamara Schranz,
husband and wife

AND

Grantee: AIM Investments, LLC, a Missouri limited liability company
whose mailing address is: 14304 Robinson Street, Overland Park, KS 66223

WITNESSETH: THAT THE SAID GRANTOR, in consideration of the sum of Ten Dollars, the receipt of which is hereby acknowledged does hereby these presents, Grant, Bargain, Sell and Convey unto the said GRANTEE, its successors and assigns, all their undivided interest in and to the following described real estate situated in the County of Jackson and the State of Missouri, to-wit:

See Attached Exhibit "A"

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments an appurtenances thereunto belonging or in any wise appertaining, forever. And said party for their heirs and assigns, does hereby covenant, promise and agree to and with said GRANTEE, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises with the appurtenances that the same are free, clear, discharge and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind whatsoever: and that they will warrant and forever defend the same unto the said GRANTEE, its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

**CITY OF RAYTOWN
Request for Board Action**

Date: May 13, 2016

Resolution No.: R-2868-16

To: Mayor and Board of Aldermen

From: Mark Loughry, Finance Director

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____

Action Requested: Approve a purchase agreement with Allen, Gibbs & Houlik (AGH) for accounting services in an amount not to exceed \$50,000.00 and amend fiscal year 2015-2016 annual budget.

Analysis: Over the past several years the annual audit has identified areas for improvement in the Finance Department. Staff has made significant improvements in these areas through the utilization of outside services. The City has utilized AGH for the past three years for other accounting services when short staffed and most recently to help complete a procedural manual for all accounting processes. This has allowed AGH's staff to become familiar with city processes and the City software.

Staff would like to ask for approval of additional budget authority in the amount of \$35,000.00 and permission to continue utilizing the professional services of AGH to work on the items identified in the audit as well as general accounting assistance. Staff has been very happy with the services provided by AGH as well as the expertise and resources they offer in addition to the onsite staff person. Staff originally budgeted for up to \$15,000.00 for this service but as we are progressing realize that we will benefit from additional services. This is an hour by hour arrangement which requires no formal contract as the City can decide to extend or terminate services at any time.

Alternatives: None

Budgetary Impact: This is a partially budgeted expense with a request for an additional amount of \$35,000.00 of professional services in the Finance General Fund Professional Services line item.

Additional Reports Attached: None

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF RAYTOWN, MISSOURI AND ALLEN, GIBBS & HOULIK FOR ACCOUNTING SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR FISCAL YEAR 2015-2016

WHEREAS, the City has been utilizing Allen, Gibbs & Houlik for accounting services and have made significant improvements in areas identified in the annual audit; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to continue utilizing the services of Allen, Gibbs & Houlik to perform accounting services in a total amount not to exceed \$50,000.00;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT, an agreement by and between the City of Raytown and Allen, Gibbs & Houlik for accounting services in an amount not to exceed \$50,000.00 for fiscal year 2015-2016, is hereby authorized and approved; and

FURTHER THAT, the City of Administrator and/or his designee, is hereby authorized to execute any and all documents and to take any and all action necessary to effectuate the terms of the Agreement and exercise the authority granted herein.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

Description	Responsible	Audit Schedule #	Update Monthly	Update Quarterly	Update Yearly	Update Biennial	Date on Calendar	Posted on Calendar With Procedures
Outgoing ACH to Jackson Co-A/P	Diane						Thursday	Yes
Incoming ACH from Jackson Co	John						Thursday	Yes
Approve A/P	Briana						Not on calendar	
Positive Pay Upload	Jocelyn						Friday	Scheduled to meet wit
Payroll	Joyce						April 22- Every two weeks	Yes
Worxtime Time Hours worked Reporting	Joyce						Monday after payroll	Yes
Resolutions Listings	Mark						1st & 3rd Wednesday of month	Yes
ICMA -Payroll Payments A/P	Joyce						Bi-Weekly w/ payroll	
Nationwide- Payroll Payments A/P	Joyce						Bi-Weekly w/ payroll	
Payroll Taxes Payroll Payments A/P	Joyce						Bi-Weekly w/ payroll	
Wage Reconciliation	Joyce						Bi-Weekly w/ payroll	
Schedule of investment activity/Int Rec	Briana	CI-4	Yes				10th of month	Yes
Schedule of Police Pension Investments	Briana	CI-6	Yes				12th of month	Yes
Reconciliation of outstanding court bonds payable	Briana	PE-6	Yes				3rd of month	
Franchise Fees Reconcliaiton	John /Holly	RR-2	Yes				25th of month	
Detail of cigarette tax collections	John/Holly	RR-6	Yes				22th of month	Yes
Sewer Fund billing/usage summary	Edwina/John	RR-17	Yes				1st of month	Yes
Schedule of CID-Including Ditzler Revenue & Rec	Briana	RR-21	Yes				13th of month	
Motor Vehicle Tax Recon	John	RR-22	Yes				21st of month	Yes
Bank Rec - Operating- A/P- Payroll	John		Yes				8th of month	Yes
Bank Rec - Court	John		Yes				8th of month	Yes
Bank Rec - Park C.C.	John		Yes				1st of month	Yes
Bank Rec - NSP3 II	John		Yes				1st of month	Yes
Bank Rec - Ditzler CID	John		Yes				1st of month	Yes
Bank Rec - Industrial Development	John		Yes				1st of month	Yes
Bank Rec - TDD- 350 Hwy	John		Yes				1st of month	Yes
Bank Rec - Admin Petty Cash			Yes					
Sales Tax Rev- only Sales Tax, TDD & CID Ditzler	John	RR-1	Yes				10th of month	
KCPL (Great Plains) Wire JE	John	RR-2	Yes				20th of month	Yes
KCPL (Aquila) Wire JE	John	RR-2	Yes				25th of month	Yes
Postage	John		Yes				1st of month	Yes
Bank Interest/Analysis Fee's	John		Yes				2nd of month	No procedures for this
MoEMSAC	John		Yes				5th & 15th of month	Yes
Credit World-Med 3000	John		Yes				7th of month	Yes
MED 3000 JE	John		Yes				15th of month	Yes
MOSIP Investment	Briana		Yes				10th of month	Yes
06' & 07' SRF Int & Princ Bank Draft Request	Briana		Yes				25th of month	Need to update SRF &
SRF 06/07 Trust Stmts	Briana	CI-5	Yes				5th of month	Yes
TIF 07 Trust Stmts	Briana	CI-5	Yes				5th of month	Yes
TDD Activity & 1% Admin	Briana		Yes				20th of month	Yes
Police Pension Statement	Briana		Yes				12th of month	Yes
BLOCK Raytown LIVE CID	Briana		Yes				25th of month	Yes
CID Ditzler Transfer Excess Funds in CID acct to C	Briana		Yes				20th of month	Yes

Description	Responsible	Audit Schedule #	Update Monthly	Update Quarterly	Update Yearly	Update Biennial	Date on Calendar	Posted on Calendar With Procedures
350 Hwy TIF EATs	Briana		Yes				10th of month	Yes
NSF County & General JE	John		Yes				2nd of month	Yes
Grant Activity JE	John		Yes				31-Oct	
Withholding Account Recon	Joyce		Yes				25th of month	
LAGERS ACH A/P	Joyce/Briana		Yes				10th of month (due 12th)	Yes
Police Pension ACH A/P	Joyce/Briana		Yes				28th of month (due 1st)	Yes
Closing out monthly financials	Briana		Yes				20th of month	
Reconcile State Taxes on-line	Joyce		Yes				1st of month	
Employment Statistic Reporting (DOL)	Joyce		Yes				Includes 12th of month	
Accruals Process	Joyce		Yes				1st of month	
Insurance Payments	Joyce		Yes				1st of month	
Credit Cards	Jocelyn		Yes				5th of month	
Multiple Worksite Reporting	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
Federal 941 reporting	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
State Unemployment Reporting	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
State Quarterly withholding	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
EMPG Police Grant	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
RD-110 KCIT Quarterly Report	Joyce			Yes			15th of Apr, Jul, Oct, Jan	
Capital Assets Rollforward Schedule	John/Briana	CA-1		Yes			15th of Nov, Feb, May, Aug	
Listing of additions	John	CA-1		Yes			15th of Nov, Feb, May, Aug	
Listing of deletions (please include proceeds from disposal)	John	CA-1		Yes			15th of Nov, Feb, May, Aug	
Construction in progress rollforward	John/Briana	CA-2		Yes			15th of Nov, Feb, May, Aug	
Depreciation schedule	John	CA-1		Yes			15th of Nov, Feb, May, Aug	
Capital outlay reconciliation	John/Briana	CA-3		Yes			15th of Nov, Feb, May, Aug	
Schedule of interfund transactions/ amounts due to/from other funds	Briana	RR-14		Yes			16th of Nov, Feb, May, Aug	Yes
Qtrly. TIF Invoice County, Zoo, Fire	Briana			Yes			15th of Apr, Jul, Oct, Jan	Yes
Schedule of developer contributions	Mark	CA-4			Yes		15th of Nov, Feb, May, Aug	
Access to physical inventory of capital assets, if any was performed	John	CA-5			Yes		15th of Nov, Feb, May, Aug	
Listing of all cash & investment accounts of the City	John	CI-1			Yes		01-Nov	Yes
Copy of all bank account reconciliations for 10/31	John	CI-2			Yes		15-Nov	Yes
Outstanding deposit and check listings	John	CI-3			Yes		Not on calendar	
Pledged collateral analysis	John	CI-7			Yes		02-Nov	Yes
Calculation of accrued interest receivable	Briana	CI-8			Yes		Not on calendar	
Interest income analysis	Briana	CI-9			Yes		20-Nov	
Inv Prem/Discount & Prepaid Int O/S	Briana	CI-10			Yes		N/A	
Property Tax Reconciliation	John	RR-3			Yes		10-Jan	Yes
Certified property tax assessment and valuation (2014 tax year)	Briana	RR-4			Yes		11-Oct	Yes
Summary of delinquent accounts receivable-sewer	Edwina	RR-5			Yes		31-Oct	Yes
Detail regarding numbers of licenses and permits issued for FY15	John	RR-7			Yes		20-Nov	
Info on # of daily park admissions and season passes	John	RR-8			Yes		23-Nov	Yes

Description	Responsible	Audit Schedule #	Update Monthly	Update Quarterly	Update Yearly	Update Biennial	Date on Calendar	Posted on Calendar With Procedures
Aged trial balance for ambulance charges receivable	John	RR-9			Yes		16-Nov	Yes
Calculation of allowance for doubtful accounts (ambulance)	John	RR-10			Yes		30-Nov	Yes
Schedule of intergovernmental revenues/receivables	John	RR-11			Yes		30-Nov	Yes
Schedule of fines receivable -Court	Briana	RR-12			Yes		31-Oct	Need to write procedu
Calculation of allowance for doubtful accounts (court fines)	Briana	RR-13			Yes		25-Nov	Need to write procedu
Sewer Fund aged accounts receivable trial balance as of 10/31	Edwina	RR-15			Yes		1st of month	Yes
Calculation of allowance for doubtful accounts (sewer)	John	RR-16			Yes		25-Nov	Yes
Schedule of customer deposits	Edwina	RR-19			Yes		31-Oct	Yes
Reconciliations for all deferred revenue accounts	Briana	RR-20			Yes		17-Jan	Yes
Long-term debt rollforward	Briana	D-1			Yes		01-Dec	
Listing of debt issuances and copies of official statements	Briana	D-2			Yes		01-Dec	
Debt service to maturity schedule by year for 2016-20 then by 5 year increments	Briana	D-3			Yes		01-Dec	
Unamortized bond costs and amortization	Briana	D-4			Yes		01-Dec	
Accrued interest payable	Briana	D-5			Yes		01-Dec	
Copies of any capital or operating lease agreements entered into since PY	Mark	D-6			Yes		01-Dec	
Copies of any TIF developer or related agreements since PY	Mark	D-7			Yes		01-Dec	
Open Accounts Payable Listing by Fund	Jocelyn	PE-1			Yes		01-Feb	
Schedule of Retainages Payable	Briana	PE-2			Yes		31-Oct	Yes
Listing of open encumbrances by fund	Jocelyn	PE-4			Yes		31st of Oct & Dec	Yes
Listing of cash disbursements after Oct. 31.	Jocelyn	PE-7			Yes		01-Feb	Yes
Copy of accrued payroll calculation	Joyce	P-1			Yes		15-Nov	
941 Reconciliation	Briana/ Joyce	P-2			Yes		15-Nov	
Police Pension	Briana	P-4			Yes		20-Nov	
Compensated absences summary (including additions, deletions and amounts due within one year)	Joyce	P-5			Yes		15-Nov	
Vacation/Sick Leave accrual detail by employee	Joyce	P-6			Yes		15-Nov	
Pension Payment Adjustment - calculate per actuary report	Mark				Yes		15-Mar	
Replacement Tax	Mark				Yes		Not on calendar	
Railroad Utilities Tax	Mark				Yes		Not on calendar	
Unclaimed Property	John/Jocelyn				Yes		October 1st	
Budget Preparation	Mark				Yes		May 1st	On Calendar-No proce
Budget Calendar Created	Mark				Yes		June 1st	
Notice of Public Hearing (to local paper) on Proposed Levy Rate	Mark				Yes		July 15th (due Aug 30th)	On Calendar-No proce
Jackson Co Estimate of nonbinding tax levy	Mark				Yes		March 15th	Yes
Jackson Co request for Raytown's direct debt	Mark				Yes		Feb 1st	
Census Reporting	Joyce				Yes		April 20th	
W-2's	Joyce				Yes		January 31st	

Description	Responsible	Audit Schedule #	Update Monthly	Update Quarterly	Update Yearly	Update Biennial	Date on Calendar	Posted on Calendar With Procedures
KCIT RD 113 Annual Reporting	Joyce				Yes		February 28th	
MO-W-3 reporting to state	Joyce				Yes		February 28th	
Change Cashier payroll to Finance	Joyce				Yes		October 1st	
Change Cashier payroll to DPAD	Joyce				Yes		April 1st	
Missouri State Auditor mandated audit report	Mark				Yes		April 15th	Yes
TIF Report	Mark				Yes		Nov 1st	
TIF Public Hearing (5 Year)	Mark				Yes			
MoDOT City Roads & Bridges Finance Report	Mark					Yes	Mar 20th	
Analysis of prepaid Ins/Contract/Exp	Briana	PE-3	Still to be determined					
Analysis of Employee contract reserves GASB 45		P-3	No Schedule					
Schedule of unbilled proprietary revenue		RR-18	No Schedule					
Current Year vs Prior Year Actual Comparison		PE-5	No Schedule					

Note: This schedule does not include daily activity

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH INDEPENDENT SALT COMPANY FOR THE PURCHASE OF SALT FOR THE PURPOSE OF TREATING ROADS AND BRIDGES IN INCLEMENT WEATHER

WHEREAS, the City of Raytown (the "City") issued an invitation to bid on its 2016-2017 Road Salt to treat roads and bridges within the City in inclement weather; and

WHEREAS, the Public Works Department received four (4) bids in response to the invitation and has determined that the bid submitted by Independent Salt Company in the amount of \$62.79 per ton was the most advantageous bid received; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to approve an agreement to purchase salt from Independent Salt Company in the amount of \$62.79 per ton;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT the Board of Aldermen find it is in the best interest of the City to authorize and approve an agreement to purchase salt from Independent Salt Company in the amount of \$62.79 per ton ; and

FURTHER THAT the City Administrator and/or his designee, is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

Bid Tabulation
2:00pm, Friday May 6, 2016

2016-17 ROAD SALT PURCHASE



			1.		2.		3.		4.	
			Independent Salt Co.		Central Salt		Morton Salt		Compass Minerals	
Description	Est. Qty.	Unit	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1. Sodium Chloride	800	Ton	\$ 62.79	\$ 50,232.00	\$ 65.59	\$ 52,472.00	\$ -	No Bid	\$ -	No Bid

CITY OF RAYTOWN
Request for Board Action

Date: May 13, 2016

Resolution No.: R-2870-16

To: Mayor and Board of Aldermen

From: Kati Horner Gonzalez, Acting Director of Public Works

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Approval of Sanitary Sewer Repairs to occur at the intersection of 82nd Street & Harvard Avenue.

Recommendation: Authorization of sanitary sewer repairs.

Analysis: During routine inspection of the sanitary sewer line, Public Works staff identified an offset in the sanitary line between manhole WOS-124 and WOS-127 which is at the intersection of 82nd Street and Harvard Avenue. The offset bears a significant risk for backups in the line. The recommended repair is to remove and replace approximately 40 feet of pipe to correct the offset alignment.

Staff contacted Wiedenmann Inc. (the contractor on the Lee's Summit annual repair co-op contract). Wiedenmann estimated the cost of the repairs at \$14,285.00.

Alternatives: N/A

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Fund:	Sewer Fund
Amount:	\$14,285.00

Additional Reports Attached: Wiedenmann Quotation

RESOLUTION NO.: R-2870-16

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED AT THE INTERSECTION OF 82ND STREET AND HARVARD AVENUE IN AN AMOUNT NOT TO EXCEED \$14,285.00

WHEREAS, in order to ensure the safety of the public, it was necessary to commence emergency repairs to a sanitary sewer main located at the intersection of 82nd Street and Harvard; and

WHEREAS, the City received a written quote from Wiedenmann, Inc. to perform emergency repairs to the sewer main in the amount of \$14,285.00; and

WHEREAS, the Board of Alderman find it is in the best interest of the citizens of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. in the amount of \$14,285.00 for the purpose of conducting such emergency repairs located at the intersection of 82nd Street and Harvard Avenue;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT the Board of Aldermen find it is in the best interest of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. for the purpose of conducting emergency repairs to a sanitary sewer main located at the intersection of 82nd Street and Harvard Avenue in an amount not to exceed \$14,285.00; and

FURTHER THAT the City Administrator, or designee, is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

WIEDENMANN, INC.

950 N. Scott / PO BOX 245
Belton, MO 64012
816-322-1125 / Fax 816-322-1126
general@wiedenmanninc.com

4-5-16

City of Raytown, Mo.
Engineering Department
10000 East 59th Street
Raytown, Mo. 64133

Attn: Mr. Tony Mesa

Ref: Sanitary Sewer Repair – 82ND & Harvard

Dear Tony

Pursuant to your request we hereby submit the following budget pricing to make the repairs to the sanitary sewers as shown on provided drawings and as discussed.

1. 82 nd & Harvard	\$ 14,285.00
-------------------------------	---------------------

FOURTEEN THOUSAND TWO HUNDRED EIGHTY FIVE DOLLARS & NO CENTS

We understand that this estimate is for budget proposes only and the actual work will be completed per the established Service Contract on a T&M basis.

We appreciate the opportunity provided. If you should have any questions, please call.

Sincerely



Glen A. Barge
Project Manager
Wiedenmann, Inc.

Raytown, MO



Legend

- Manhole
 - <all other values>
 - GPS
 - Office
- Manhole Number
 - <all other values>
 - GPS
 - Office
- Gravity Main
 - Abandoned
 - Active
- Lift Station
- Force Main
- Index Grid
- Parcel
 - Tax Parcel
 - Condo
- Road
- Railroad
- Address Point
- City Limit

1: 1,200



200.0 0 100.00 200.0 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Department of Public Works

Date: March 11, 2016

Segment ID: WOS-127/WOS-124

Project location: 82nd street and Harvard

Type of defect/defects: Offset and belly at material change from VCP to DIP.

How was the problem found: Routine maintenance back up call other explain

Priority: Emergency High Priority Medium priority low priority

Narrative:

There is an offset of about an inch at the material change from VCP to DIP and sag or belly in the pipe alignment sufficient enough to cause a significant risk for backups and FOG issues. Recommended remove pipe from WOS-124 south toward WOS-127 approximately forty feet to eliminate the DIP and correct alignment and install PVC (SDR-26). The restoration shall include benching the cut one foot on all sides and installation of eight inches of concrete and two inches of asphalt to meet Raytown standards.

Special concerns:

This project is in the roadway at a four way intersection and will require the submittal and approval of a traffic control plan that meets MUTCD standards.

Manhole WOS-124 is a four way. There are no service taps in the affected area.

CITY OF RAYTOWN
Request for Board Action

Date: May 17, 2016

Resolution No.: R-2871-16

To: Mayor and Board of Aldermen

From: Kati Horner Gonzalez, Acting Director of Public Works

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Approval of Sanitary Sewer Repairs to occur at 11605 E. 62nd Terrace.

Recommendation: Authorization of sanitary sewer repairs.

Analysis: While responding to a back-up call, Public Works staff identified a partial blockage between the manholes of WDC-112 and WDC-111 near the address of 11605 E. 62nd Terrace. Upon video inspection of the blockage, it was found that there was a loss of pipe at the private line connection. The recommended repair is a point repair at the location of the pipe loss.

Staff contacted Wiedenmann Inc. (the contractor on the Lee's Summit annual repair coop contract). Wiedenmann estimated the cost of the repairs at \$13,702.00.

Alternatives: N/A

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Fund:	Sewer Fund
Amount to Spend:	\$13,702.00

Additional Reports Attached: Wiedenmann Quotation

Additional Reports Attached: Wiedenmann Quotation, Project Description, Area Map

RESOLUTION NO.: R-2871-16

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED NEAR 11605 62nd TERRACE IN AN AMOUNT NOT TO EXCEED \$13,702.00

WHEREAS, in order to ensure the safety of the public, it was necessary to commence emergency repairs to a sanitary sewer main located near 11605 62nd Terrace; and

WHEREAS, the City received a written quote from Wiedenmann, Inc. to perform emergency repairs to the sewer main in the amount of \$13,702.00; and

WHEREAS, the Board of Alderman find it is in the best interest of the citizens of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. in the amount of \$13,702.00 for the purpose of conducting such emergency repairs located near 11605 62nd Terrace;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT the Board of Aldermen find it is in the best interest of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. for the purpose of conducting emergency repairs to a sanitary sewer main located near 11605 62nd Terrace in an amount not to exceed \$13,702.00; and

FURTHER THAT the City Administrator, or designee, is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney



Department of Public Works

Date: June 4, 2014

Segment ID: wdc-112/wdc-111

Project location: 11605 East 62nd Terrace

Type of defect/defects: Broken missing pipe at the service tap for 11605 East 62nd Terrace.

How was the problem found: Routine maintenance back up call other explain

Priority: Emergency High Priority Medium priority low priority

Narrative: During routine maintenance crews found a partial blockage and subsequently had the line checked via CCTV. The CCTV work revealed the loss of pipe at the service tap and when trying to come from the south we found an undocumented manhole. We have been unable to physically locate manhole due to the terrain. The repair can be made utilizing one of the two methods listed below.

1. Bring in a small excavator from the south and open cut for a point repair.
2. Inside the pipe point repair (may not be able to make this until Ace Pipe can take a look at it and report).

Special concerns: Both of the adjacent yards have very nice grass and landscaping that will certainly cause some concerns for the owners and for us during restoration.

Raytown, MO



Legend

- Manhole
 - <all other values>
 - GPS
 - Office
- Manhole Number
 - <all other values>
 - GPS
 - Office
- Gravity Main
 - Abandoned
 - Active
- Lift Station
- Force Main
- Index Grid
- Parcel
 - Tax Parcel
 - Condo
- Road
- Railroad
- Address Point
- City Limit

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**CITY OF RAYTOWN
Request for Board Action**

Date: May 13, 2016

Resolution No.: R-2872-16

To: Mayor and Board of Aldermen

From: Kati Horner Gonzalez, Acting Director of Public Works

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Approval of Sanitary Sewer Repairs to occur at 8310 Sterling Avenue.

Recommendation: Authorization of sanitary sewer repairs.

Analysis: During routine inspection, Public Works staff identified a significant cracking and loss of pipe between the manholes of 87S-442 and 87S-440 near the address of 8310 Sterling. The recommended repair is to remove and replace the cracked pipe in accordance with Raytown Standards.

Staff contacted Wiedenmann Inc. (the contractor on the Lee's Summit annual repair co-op contract). Wiedenmann estimated the cost of the repairs at \$12,945.00.

Alternatives: N/A

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Fund:	Sewer Fund
Amount to Spend:	\$12,945.00

Additional Reports Attached: Wiedenmann Quotation

Additional Reports Attached: Wiedenmann Quotation, Project Description, Area Map

RESOLUTION NO.: R-2872-16

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT WITH WIEDENMANN, INC. FOR AN EMERGENCY REPAIR PROJECT TO THE SANITARY SEWER MAIN LOCATED NEAR 8310 STERLING AVENUE IN AN AMOUNT NOT TO EXCEED \$12,945.00

WHEREAS, in order to ensure the safety of the public, it was necessary to commence emergency repairs to a sanitary sewer main located near 8310 Sterling Avenue; and

WHEREAS, the City received a written quote from Wiedenmann, Inc. to perform emergency repairs to the sewer main in the amount of \$12,945.00; and

WHEREAS, the Board of Alderman find it is in the best interest of the citizens of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. in the amount of \$12,945.00 for the purpose of conducting such emergency repairs located near 8310 Sterling Avenue;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT the Board of Aldermen find it is in the best interest of the City of Raytown to approve and to ratify the expenditure of funds with Wiedenmann, Inc. for the purpose of conducting emergency repairs to a sanitary sewer main located near 8310 Sterling Avenue in an amount not to exceed \$12,945.00; and

FURTHER THAT the City Administrator, or designee, is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

WIEDENMANN, INC.

950 N. Scott / PO BOX 245
Belton, MO 64012
816-322-1125 / Fax 816-322-1126
general@wiedenmanninc.com

4-5-16

City of Raytown, Mo.
Engineering Department
10000 East 59th Street
Raytown, Mo. 64133

Attn: Mr. Tony Mesa

Ref: Sanitary Sewer Repair - 8310 Sterling

Dear Tony

Pursuant to your request we hereby submit the following budget pricing to make the repairs to the sanitary sewers as shown on provided drawings and as discussed.

1. 8310 Sterling	\$12,945.00
------------------	--------------------

TWELVE THOUSAND NINE HUNDRED FORTY FIVE DOLLARS & NO CENTS

We understand that this estimate is for budget proposes only and the actual work will be completed per the established Service Contract on a T&M basis.

We appreciate the opportunity provided. If you should have any questions, please call.

Sincerely



Glen A. Barge
Project Manager
Wiedenmann, Inc.



Department of Public Works

Date: February 19, 2016

Segment ID: 87S-442/87S-440

Project location: Sterling south of 83rd street, in the street (8310 Sterling).

Type of defect/defects: Radial and longitudinal cracking with pipe missing and soil visible.

How was the problem found: Routine maintenance back up call other explain

Priority: Emergency High Priority Medium priority low priority

Narrative:

Approximately ten foot of pipe needs to be replaced due to significant cracking and loss of pipe with exposed soil. The area of the repair will be centered at about ninety-one feet south of 87S-442 and extend as needed in either direction to connect to good pipe. The dig is adjacent to the road way and may involve ditching and pavement repair during the restoration process. The pipe is to be replaced with PVC (SDR-26) and restoration to meet Raytown standards. The submittal and approval of a traffic control plan that meets MUTCD standards is required.

Special concerns:

This is a single entrance and exit neighborhood and will require keeping the road way open and for one lane of traffic. There is a likelihood of school bus traffic affecting the work zone.

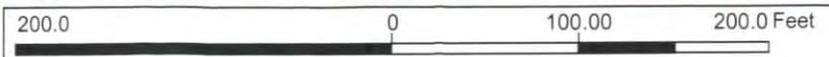
Raytown, MO



Legend

- Manhole
 - <all other values>
 - GPS
 - Office
- Manhole Number
 - <all other values>
 - GPS
 - Office
- Gravity Main
 - Abandoned
 - Active
- Lift Station
- Force Main
- Index Grid
- Parcel
 - Tax Parcel
 - Condo
- Road
- Railroad
- Address Point
- City Limit

1: 1,200



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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Notes

CITY OF RAYTOWN
Request for Board Action

Date: May 17, 2016

Resolution No.: R-2873-16

To: Mayor and Board of Aldermen

From: Kati Horner Gonzalez, Acting Director of Public Works

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: Board of Aldermen approval of the original bid amount of \$1,157,679.57 with alternates and the additional spending authority for the Downtown Streetscape Project for pending and future change orders in an amount not to exceed \$50,000.00.

Recommendation: Staff recommends approval.

Analysis: On October 20, 2015, construction for the Downtown Streetscape project was approved by the Board of Aldermen. Staff requested approval for the exact bid amount of \$1,107,869.57; the board also approved the construction of the three add alternates in the amount of \$49,810.00 for a total project cost of \$1,157,679.57.

Construction began on March 28, 2016. During the construction, change orders needs have been identified. Currently five change orders are pending at a total cost of \$16,112.60 for the construction on the south side of 63rd Street, an overview of these change orders is attached. As a means to expedite the approval process, staff is requesting additional purchasing authority as to minimize delay in the project progress and impact on businesses.

Change orders are often anticipated to be approximately 10% of the total project budget. The five pending change orders are 1.37% of the project bid and the total requested amount is 4.26% of the bid. An overview of all change orders will be presented to the Board upon completion of the project.

Alternatives: Do not approve change orders. Approve change order amounts as they come in – this may result in project delays. Reduce or increase amount of spending authority for project change orders.

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Fund:	Transportation Sales Tax Fund
Amount of Original Bid with Alternates	\$1,157,679.57
Amount for Change Orders	\$50,000.00

Additional Reports Attached: Current List of Proposed Change Orders, Associated Extra Work Requests

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS WITH NATIONAL STREETScape INC. FOR THE DOWNTOWN STREETScape PROJECT FOR \$1,157,679.57 AND AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$50,000.00 FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$1,207,679.57

WHEREAS, the City of Raytown (the "City") issued an invitation to bid on the Downtown Streetscape Project within the City; and

WHEREAS, pursuant to Resolution No. R-2189-15, the project was approved in the amount of \$1,107,869.57 without alternates; and

WHEREAS, after additional review it is necessary to add the available alternates in the amount of \$49,810.00 and an additional \$50,000.00 to cover any future Change Orders; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

THAT the Board of Aldermen find it is in the best interest of the City to authorize the expenditure of funds with National Streetscapes Inc. in the amount not to exceed \$1,207,679.57 is hereby authorized and approved; and

FURTHER THAT the City Administrator, or designee, is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney



Change Order No.: 1

Date: 05/12/2016

Project Title: Downtown Streetscape, STP-3301(477)

TO: National Streetscape, Inc.
 ADDRESS: 1402 B Southwest 40 Highway, Blue Springs, MO 64015

You are hereby directed to make the following changes from the Contract

1. Description and reason for change: (Attach supplemental sheets if required).

This change order is to bring existing and new line items to their current measured quantities.

2. Estimate of cost of work affected by this Change Order.

(A) ITEM NO.	(B) ITEM DESCRIPTION	(C) UNITS PREVIOUSLY PROVIDED FOR	(D) UNITS	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN	(I) AMOUNT OF UNDERRUN
17.	EW #7 STORM DRAINAGE PIPE, 12" RCP	12.0	LF	4.0	-8.0	\$97.75		(\$782.00)
104.	EW #1 Demo Ex. Pipe & MH to 24" below grade	0.0	EA	1.0	1.0	\$2,800.00	\$2,800.00	
105.	EW #2 Additional Surveying & Coordination	0.0	EA	1.0	1.0	\$2,355.00	\$2,355.00	
106.	EW #3 Arrow Boards for Traffic Control	0.0	EA	2.0	2.0	\$2,800.00	\$5,600.00	
107.	EW #6 10 Add. Stop Signs for Traffic Control	0.0	LS	1.0	1.0	\$730.00	\$730.00	
108.	EW #7 15" RCP at 10004 E. 63rd Street	0.0	LS	1.0	1.0	\$5,409.60	\$5,409.60	
Totals:							\$16,894.60	(\$782.00)

Total Overrun = **\$16,112.60**

3. Settlement of cost of the above change to be made at Contract unit prices, except as noted:

Costs were based on bid prices, and mutually agreed costs.
 Contract time remains the same.

1. CONTRACT AMOUNT	\$1,157,679.57
2. OVERRUN THIS ORDER (H-I)	\$16,112.60
3. OVERRUN PREVIOUS (LINE 4 ON PREV. ORDERS)	\$0.00
4. TOTAL OVERRUN TO DATE (2+3)	\$16,112.60
5. TOTAL (1+4)	\$1,173,792.17

The Terms of Settlement Outlined Above are Hereby Agreed to: **National Streetscape, Inc.**
 Name: _____
 Title: _____
 Date: _____

City of Raytown Approval:

Approved by Chris St. Clair
 Project Inspector (GBA)

Date

Submitted by Jason Hanson
 City Engineer

Date

Approved by Kati Horner Gonzalez
 Acting Public Works Director

Date

Missouri Department of Transportation Approval:

Project Number STP-3301 (477)

Project Title Raytown Downtown Streetscape

Item Number	Description of Work Unit Item	Units of Measure	Number of Units	Unit or Lump Sum Price	Amount
Demolition: Sheet CV 103, Station 210+75, LT (Re: RFI 7)					
	Demolish existing pipe and manhole to 24" below grade.	LS	1	\$ 2,800.00	\$ 2,800.00
Total					\$2,800.00

Project Number STP-3301 (477)

Project Title Raytown Downtown Streetscape

Item Number	Description of Work Unit Item	Units of Measure	Number of Units	Unit or Lump Sum Price	Amount
Additional Surveying					
NEW	Additional Surveying and Contractor Evaluation Time Required due to Erroneous Survey Data.	EA	1	\$ 2,355.00	\$ 2,355.00
Total					\$2,355.00

2/17/16 – Verified control points shown on plans. The plan bearing and distance between CP-101 and CP-104 calculates N90°00’00”E, 772.50 feet, we measured N90°00’00”E, 772.50 feet, therefore we accepted the control points to be correct. We realized the alignment data was in error, so we adjusted the alignment to match the control point stationing shown on the plans. We set new project control and staked out the alignment.

- 4.0 hours, one-man-survey crew @ \$130 = \$520.00

2/24/16 – Analyze RFI 1 response from Transystems. The RFI indicated that the control point coordinates shown on the plans were in error. New coordinate were provided, these new coordinates are not for the same point, therefore we were unable to determine the extent of the previously surveyed data. We were forced to start over from the beginning.

- 1.5 hours, Land Surveyor @ \$130.00 = \$195.00

2/26/16 - Verified control points provided in RFI 1. The RFI bearing and distance between CP-101 and CP-102 calculates N79°47’38”E, 772.54 feet, measured N80°03’04”E, 783.74 feet.

- 8.0 hours, one-man survey crew @ \$130.00 = \$1040.00

8.0 hours, lost contractor evaluation time @\$75.00 = \$600.00

Project Number STP-3301 (477)

Project Title Raytown Downtown Streetscape

Item Number	Description of Work Unit Item	Units of Measure	Number of Units	Unit or Lump Sum Price	Amount
Addition of Arrow Boards for Traffic Control					
NEW	Arrow Boards (for up to 120 days)	EA	2	\$ 2,800.00	\$ 5,600.00
Total					\$5,600.00

Project Number STP-3301 (477)

Project Title Raytown Downtown Streetscape

Item Number	Description of Work Unit Item	Units of Measure	Number of Units	Unit or Lump Sum Price	Amount
Additional Stop Signs needed for Traffic Control					
1	Delivery, set up, rental, and tear down of 10 Stop signs with 4-way placards.	LS	1	\$ 730.00	\$ 730.00
Total					\$730.00

Project Number STP-3301 (477)

Project Title Raytown Downtown Streetscape

Item Number	Description of Work Unit Item	Units of Measure	Number of Units	Unit or Lump Sum Price	Amount
Removal of existing deteriorated CMP to be replaced with 15" RCP under new driveway for Foxx Drugs from New Drop Inlet STA 9 +88.5, 75.23 Lt to existing Curb Inlet at approximate station 94+95, 13 Lt.					
1	Installation of 15" Reinforced Concrete Pipe	LF	48	\$ 100.50	\$ 4,824.00
2	15% Restocking fee of 12" Reinforced Concrete Pipe	LF	16	\$ 2.85	\$ 45.60
3	Transportation Cost - Load Return and Delery	HR	3	\$ 130.00	\$ 390.00
4	Modify structure to accommodate larger pipe.	LS	1	\$ 150.00	\$ 150.00
5	Deduct portion of 12" Reinforced Concrete Pipe	LF	-8	\$ 97.75	\$ (782.00)
Total					\$4,627.60

CITY OF RAYTOWN
Request for Board Action

Date: May 12, 2016
To: Mayor and Board of Aldermen
From: Teresa Henry, City Clerk

Bill No.: 6409-16
Section No.: III-A-9

Department Head Approval: _____

Finance Director Approval: _____ (only needed if fiscal impact)

City Administrator Approval: _____



Action Requested: Request approval of ordinance to authorize a question regarding a Local Use Tax to be placed on the August 2, 2016 ballot.

Recommendation: Approve the Ordinance.

Analysis: Municipalities have until November of 2016 to receive voter approval to continue to impose the local use tax on vehicles purchased by their residents from out-of-state vendors. Political subdivisions that had a use tax in place prior to July 6, 2013, need not get voter approval to continue to receive this revenue stream. All other municipalities must seek voter approval to continue to impose the local use tax on purchases of vehicles, trailers, and out-board motors from out-of-state or person-to-person sales.

Alternatives: Failure to adopt this ordinance would leave the city without the funds

Budgetary Impact:

Not Applicable

Additional Reports Attached:

AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL TO DISCONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE PRIMARY ELECTION CALLED AND TO BE HELD IN THE CITY ON AUGUST 2, 2016

WHEREAS, the City has not previously approved and imposed a local use tax under Section 144.757 RSMo; and

WHEREAS, the City is required under the provisions of Section 32.087 RSMo to submit to the qualified voters of the City the question of repealing the application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer; and

WHEREAS, the City is required to submit the question to its voters no later than the general election in November 2016;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Sections 32.087 RSMo, the Board of Aldermen has determined that it would be appropriate to submit the determination of the issue of whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer to the voters.

SECTION 2. This proposition shall be submitted to the qualified voters of the City of Raytown, Missouri, for their approval, as required by the provisions of Section 32.087 RSMo, at the Primary election hereby called and to be held in the City on August 2, 2016. The ballot of submission shall contain substantially the following language:

Shall the City of Raytown, Missouri discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for the City of Raytown, Missouri and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

SECTION 3. If the ballot question set forth in Section (2) of this ordinance receives a Majority of the votes cast in favor of the proposal, the local sales tax shall cease to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer. The effective date of the cessation shall be the first day of the second calendar quarter after the election. If a majority of the votes cast are opposed to the ballot question then the local sales tax shall continue to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

SECTION 4. Within ten (10) days after the approval or disapproval of the proposition by the qualified voters of City of Raytown, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

SECTION 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 17th day of May, 2016.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney



FINANCE DIRECTOR'S OFFICE
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133-3993
PHONE: 816-737-6084 - FAX: 816-737-8370
E-MAIL: MARKL@RAYTOWN.MO.US

MEMORANDUM

Date: 03/28/2016

To: Finance Committee

From: Mark Loughry, Finance Director

Re: Use Tax on motor vehicle sales

Committee,

The City of Raytown and all entities that collect sales tax in the State of Missouri will be required to have a Use Tax in place by November of 2016, if they want to continue to collect sales tax on out of state vehicle purchases. The MML has put together some educational material and a model ordinance required to hold the necessary election necessary for implementing the tax. I am including those documents with the agenda.

This is a subject that has been on our radar for some time and the deadline to address it is getting closer. There has been discussion that a majority of Eastern Jackson County Communities will take this matter up simultaneously. This will allow for a joint media campaign that will overlap and put forward a consistent message. The communities would like to proceed with the necessary election in August of this year so staff would like to begin discussion on the topic in April with possible action by the BOA in May.

Sincerely

Mark Loughry, CPM
Finance Director

Motor Vehicle Sales Tax

Campaign Tool Kit



January 2016



MISSOURI MUNICIPAL LEAGUE LOCAL USE TAX CAMPAIGN ROADMAP & TOOL KIT

OBJECTIVE: To provide a plan and the tools to Missouri cities that they can use to help gain passage of the local motor vehicle sales tax.

BACKGROUND: In January of 2012 the Missouri Supreme court issued the “Street Decision” creating a loophole in the Missouri sales tax laws allowing vehicles purchased out of state or from an individual to be exempted from the local sales tax. For a short period, Missouri cities that did not have a local use tax in place lost the tax revenues they once had from vehicle sales. In 2013, the Missouri Legislature provided municipalities with temporary relief from the tax loophole. The legislature re-imposed the local sales tax on out-of-state vehicle purchases along with person-to-person sales, but required that cities must receive voter approval to keep the loophole closed by November of 2016.

HISTORY OF THE MOTOR VEHICLE SALES AND USE TAX ISSUE:

- The sales tax was implemented in the 1930s as a temporary tax, prior to local sales tax or use tax. The highway use tax was implemented before the statewide use tax as a complement to the sales tax. The “highway use tax” was historically imposed on motor vehicles, boats, trailers and outboard motors. This tax was first levied in the late 1930s based on the reasoning that everyone who uses the roads should pay for upkeep. Those purchasing vehicles that would use the roads would finance improvements to the roads with this tax. The highway use tax applies to purchases from private individuals and purchases from dealers outside Missouri. From the late 1990s through 2012, local sales tax was also applied to the highway use tax transactions.
- In the “Street” decision, the Missouri Supreme Court ruled that the imposition of the local sales taxes on highway use tax transactions was not authorized by law. The Supreme Court ruling said that local use tax should apply to highway use tax transactions; even though statutes say the local use tax does not apply to highway use tax. Legal experts believe the MO Supreme Court decision controls and local use taxes that have been properly adopted by voters do apply to highway use tax transactions. This means that a local use tax adopted prior to July 6, 2013 applies to purchases of vehicles, trailers, boats and outboard motors from anyone except a Missouri auto or boat dealer.

HOW MANY DOLLARS ARE WE TALKING ABOUT? The Missouri Department of Revenue has projected lost revenue for each city in Missouri. If you do not already have this information, you may obtain it from the MML (this data is from 2013 and DOR has not updated it; it is available on the MML web page for the motor vehicle sales tax). You will want and need it to educate your council and the voters.

KEY POINTS: These are the key points to make in any communications to help someone understand the issue. They are attached as a separate document and are included here as well.

Background

- <City Name> residents used to pay city sales tax and on vehicles bought out of state when we licensed them. All tax was paid in Missouri, not in the state where the vehicle was purchased.
- A 2012 change in the interpretation of the law changed everything. Now unless the voters approve continuing the motor vehicle sale tax when a <City Name> resident licenses a car purchased out of state or from an individual, they will no longer pay city sales tax. (They don't pay sales tax in the state where they made the purchase, either.)

- But if a <City Name> resident purchases a vehicle from a Missouri car dealer, they must still pay local sales tax. This means that with tax, the same car sold at the same price will cost more if purchased locally than if it is purchased from out-of-state dealers. This puts local dealers at a disadvantage, encouraging <City Name> residents to do business outside of Missouri.
- <City Name> needs these tax dollars for basic services like street and sewer maintenance and police and fire protection.

The Ballot measure (MAKE SURE YOU DISTINGUISH WHETHER YOUR BALLOT LANGUAGE IS TO CONTINUE OR DISCONTINUE):

- <City Name>'s Motor Vehicle Sales Tax will be on the <Date> ballot.
- Attention should be paid to whether the city is using the ballot language in the statute the calls for discontinuing the sales tax on motor vehicle sales or if the city has decided to modify this language and use the "continue language. In the first instance the supports will be seeking a no vote. While in the second supports would seek the traditional yes vote.
- Examples of both types of ordinances are available on the League web site.

Why is the Sales Tax on Motor Vehicles important to <City Name>?

- <City Name> has depended on this important revenue source in the past to fund ongoing city projects. The <\$ amount> in projected annual lost revenue could fund (# pothole replacements, # police officers, # firemen, etc).
- <City Name> auto dealers will be at a competitive disadvantage to out-of-state businesses, who don't charge sales tax on our vehicle purchases. These out-of state businesses don't create local jobs or reinvest in our community. It's not fair or wise that tax breaks encourage <City Name> residents to leave Missouri to make large purchases. It's time to close this harmful loophole.
-

Does the Motor Vehicle Sales Tax apply to private vehicle sales?

If the voters do not approve continuing the sales tax on motor vehicle sales private vehicle sales will no longer be subject to the local sales taxes. The state sales tax will still apply.

Benefits from the Local Motor Vehicle Tax

Why is the Motor Vehicle Sales Tax necessary?

It provides an important source of local funding and levels the playing field for local businesses, which would otherwise be at an unfair competitive disadvantage to out-of-state business when local taxes are avoided.

How much annual revenue does <City Name> expect to generate from the Motor Vehicle Sales Tax?

<Fill in the blank>



What local services will the local Motor Vehicle Sales Tax fund?

The Motor Vehicle Sales Tax will go into <City Name>'s general revenue fund, providing funding resources for city services from street repair to police and fire protection. [insert appropriate info. i.e., "The expected revenues would be enough to repair 10,000 pot holes in our streets, fund the salaries of two additional policemen, or purchase a new fire truck."]

Will the local Motor Vehicle Sales Tax have other local benefits?

In addition to providing an important source of revenue for city services, the local Use Tax is an important tool in leveling the playing field for local businesses. With no local use tax in place, local residents have an incentive to cross state lines to buy instead of buying locally. This costs us local jobs and sends [tens of thousands of] dollars out of our local economy.

Election information

What is the date of the election when the Local Motor Vehicle Sales Tax will be on the ballot?

The <City Name> Use Tax measure has been placed on the [date] ballot.

Can I vote absentee?

Yes. Absentee votes will be accepted until <_____>. Contact <_____ at _____> to obtain an absentee ballot.

CITY GOVERNMENT – GETTING STARTED

There are a variety of fundamental things a city needs to do to put a campaign into motion.

- Get unanimous approval from your City Council to proceed.
- Get the issue on the ballot at a regular or special election.
- Initiate the formation of a citizens committee to run the campaign.
- Give the committee the tools it needs to be successful.
- Support the committee's efforts with a public information campaign.

GET UNANIMOUS APPROVAL FROM YOUR COUNCIL: In many cases, getting a tax issue of any kind passed is tough. If you don't have unanimous support from your Council, you may not generate the level of community support you need to win. Educate your Council. Get your Mayor on board. Let them know what the potential is and what your projected losses are. You'll want and need them behind the issue to get it passed.

GET THE ISSUE ON THE BALLOT: Assuming you have City Council approval to proceed, you must get the issue on the ballot by working with the campaign officials in your city/council. An issue must be certified

for an election 10 weeks prior to election day. Keep in mind that you will probably be expected to pay for the election if it is not a regular election, but there may be certain advantages to having a special election that you will want to consider. One critical consideration is the affect that another issue may have on this one. For example, two taxes on one ballot are probably negative for both.

INITIATE THE FORMATION OF A CITIZENS COMMITTEE: A City cannot spend out of its budget to influence voters and most campaigns need some level of persuasion to be successful. Therefore, encourage a small group of community leaders/volunteers to get together and form a Citizens Committee. Encourage them to come up with a positive “catchy” name for their committee that voters will perceive favorably, such as “Yes <Our City> Committee”.

GIVE THE COMMITTEE THE TOOLS IT NEEDS: A Citizens Committee will be challenged with many things: fundraising; volunteer leadership and time; learning about the issue; developing campaign materials; planning expertise; the voting public. This Tool Kit has been developed to provide nearly everything that a committee will need to execute a successful campaign.

SUPPORT THE COMMITTEE’S EFFORTS WITH A PUBLIC INFORMATION CAMPAIGN: Although a city cannot spend city funds to influence a vote, it can spend public dollars to inform voters and to encourage them to vote. Here are a couple of suggestions and there are tools in the tool kit to do this.

- Meet with the local media and let them know what you are trying to accomplish.
- Provide them with the key points of the campaign and press releases.
- Put newsletter articles about the issue/election in your city newsletter. Make sure you keep your article neutral.
- Twitter
 - Many cities have a Twitter following and use Twitter to get information out quickly and at no real cost.
 - Tweet frequently throughout the campaign with short messages that keep the issue in front of interested persons.
 - Sample tweets are included in the Tool Kit. Remember to keep them purely informational, not persuasive in nature.

ETHICS FOR CITY EMPLOYEES: Missouri Revised Statutes: Chapter 115. Election Authorities and Conduct of Elections. Section 115.646.

- Public funds expenditure by political subdivision officer or employee, prohibited—personal appearances permitted.
 - 115.646. No contribution of expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

CITIZENS COMMITTEE – GETTING STARTED

OPEN A COMMITTEE BANK ACCOUNT: In order to fund a citizens campaign, the committee must set up a bank account in the committee’s name. This will give it a place to deposit contributions and a record of all expenditures made. The committee should require two signatures on each check. Although it will most likely not write many checks, the account can serve as a useful tool to keep track of transactions. Be sure to print/say your committee’s name on anything you buy, print or communicate in the media.

RESEARCH: In order to gauge public awareness, understanding and support and to identify key issues to be addressed in a campaign, phone research was conducted in December 2012 with registered voters living in Missouri cities with a population greater than 2,000, excluding Kansas City, St. Louis and any city who already has a Local Use Tax in place. Here is an overview of the research findings. A complete copy is available as part of the Tool Kit. PLEASE KEEP IN MIND THAT THIS RESEARCH WAS DONE PRIOR TO THE PASSAGE OF HB 184 IN 2013. AT THAT TIME THE THOUGH WAS PASSAGE OF A USE TAX WOULD PLUG THE VEHICLE SALES LOOPHOLE.

RESEARCH SUMMARY: There is a high percentage of those surveyed who are already aware of this issue (45%), say they understand it and will likely support it if it is put to a local vote. (Note that many people will tell you that they understand, even when they don’t.) The primary reasons why someone would likely support it are fairness to local businesses, interest in supporting local jobs, and the financial impact on a community. There is an obvious need for education so those who are unaware or undecided about the issue can become informed. It is believed that an informed voter is a more supportive voter.

Other than those who do not support taxes or government in general, the key barriers to overcome with your campaign communications are:

- A misunderstanding about double taxation
- A general lack of information and understanding about the issue
- Waste in government spending or lack of knowledge about where dollars go
- A copy of the complete research report is available from the MML.

CITIZENS CAMPAIGN OBJECTIVES:

- Educate voters on the issue through press coverage, advertising, community presentations and small group discussions.
- Develop grassroots support through volunteer recruitment and empowerment.
- Raise enough dollars through fundraising to fund a media campaign.
- Analyze past issue campaigns and estimate how many yes votes will be needed to pass the issue.
- Communicate how many dollars would be raised through this tax and how the dollars could potentially be used.
- Run an active public relations and media program.
- Identify yes voters and capture their contact information (electronic and mail).
- Encourage yes voters to vote absentee if necessary.
- Get yes voters registered and to the polls to vote.

KEYS FOR SUCCESS:

- Ask well-respected community leaders to head up your campaign. Have one co-chair lead the committees and the other co-chair serve as the Treasurer of your committee and be the key fundraiser. Their names will be communicated frequently during the campaign and you want people who are well-thought of and liked associated with your issue.
- Find qualified people to head up individual committees and communicate clearly their roles and responsibilities. Make the entire committee aware of everyone's individual roles.
- Get the business community behind you. Go to the Chamber of Commerce and ask for their public support.
- Plan as far ahead as possible. It takes time to do everything necessary to run an effective campaign. Start early and work the plan.
- Have a plan. Use the tools in this tool kit.
- Keep the issue simple. Try to make it as easy as possible to understand and support it.
- Make sure you have a large enough budget to fund your campaign.
- Focus on identifying and getting YES voters to the polls. There will always be NO voters so you need to run the numbers and know how many YES voters you need to win.
- Keep in mind that you can change an UNDECIDED voter into a YES vote through education. This is a very important audience to concentrate on. You will probably not however change a NO vote into a YES, so recognize they are out there, but use as little of your budget on them as possible.
- Use all the tools available to you. Have your council come out in support and talk it up. Meet with your media and ask for their help in getting the message out.
- Meet with your committee regularly. Set up regular meeting times where you can come together, share ideas, discuss challenges, get status updates and keep everything on track.
- Remember, a city cannot use public funds to persuade voters but they can inform voters. This is an issue that needs education. Use public funds to inform voters and let the citizens committee use its resources to persuade the voter.

SAMPLE ORGANIZATION CHART (ATTACHED) – RESPONSIBILITIES

- Co-Chair/Leadership: Responsible for recruiting and directing volunteer leaders, planning and running meetings, delegating tasks and overall follow-through.
- Co-Chair/Treasurer: Responsible for recruiting fundraisers, fundraising, securing support from the business community, maintaining records and filing necessary paperwork.
- Administrative Support: Responsible for helping co-chairmen with any administrative tasks.
- Website: Responsible for securing ISP to host website, getting the website posted and getting any necessary changes made to the website template provided by MML.
- Events: Responsible for planning and executing any events, like rallies, community-event tie-ins, parades, etc.
- Volunteers: Responsible for recruiting and coordinating any volunteers needed.
- Public Relations: Responsible for planning the details of the promotional campaign/budget, customizing any MML-provided tools (print ads, radio spots, billboards, community presentation), buying media, providing information to the media and distributing email and direct mail to supporters.

- Voter Registration: Responsible for getting voters registered.
- Speaker's Bureau: Responsible for recruiting, training and coordinating community speakers and lining up speaking opportunities.
- Neighborhood Coffees: Responsible for securing coffee hosts, providing them with information and helping them coordinate coffee events.
- Phone Bank: Responsible for recruiting people to make calls to supporters encouraging them to get out and vote.
- Supporters: Responsible for soliciting email and mail addresses and managing mail lists.

VOLUNTEER RECRUITMENT & EMPOWERMENT

- Choose the best people you can find and ask them to help. Busy people get things done. You need workers. Don't be afraid to ask.
- Ask people to refer others.
- Go for a cross-section of the community, so you get broad feedback, input and coverage.
- Recruit church leaders (clergy and lay members) to help. They carry a lot of weight in their congregations.
- Clearly communicate individual responsibilities to both the person and the team.
- Meet regularly and encourage people to attend. This will increase the level of communications and accountability.
- Put a campaign scheduler on your team to help keep things on track.
- Praise in public. Discuss any individual concerns in private.
- Have one person responsible for talking with the media. Make sure they're informed and prepared.
- Keep meetings to no more than one hour.
- Get people their jobs to do and get out of their way. Different people have different ways of getting things done.
- Support each other in any way you can. Be flexible and help out where it's needed.

FUNDRAISING STRATEGIES:

- Find someone to run your fundraising committee who is well-respected and doesn't have any reservations about asking others for funds.
- Encourage your chairman to recruit others like him to help.
- Establish a budget and a goal. Know how much you need to raise.
- Go to the business community. They are the ones (besides the city) who will be most affected by this issue. Car dealers, retailers of large ticket items and realtors will be some of your best prospects.
- Put together a call list of those most likely to contribute. Send them a letter and follow it up with a phone call (preferably from someone they know). If necessary, make a personal visit. It is harder to say no to someone in person and even harder to say no to a friend. Make arrangements to pick up checks, if necessary.
- Go for some large contributions, perhaps from a bank or large business/industry in town.

MEDIA STRATEGIES:

- **Public Relations**
 - It is in the best interest of your local media to support or stay neutral on this issue.
 - Provide the media in your community with information, such as talking points, a brochure, news releases and anything else you think will be helpful.
 - Distribute news releases regularly throughout the campaign. Templates are included.
 - Have your committee leaders and PR representatives meet with the editorial media, discuss the issue and what you're trying to do.
 - Ask for coverage of the issue and the releases you distribute.
 - Give the media a contact person and information for quotes. This should most likely be your co-chair/leader.
 - Ask for an editorial endorsement. If you get it, great. If not, maybe it will cause them to not come out against it.
 - Keep in mind that most media keep advertising and editorial separate, so don't expect to get coverage just because you're buying media.
 - Get people of all walks of life to write letters to the editor in support of your issue. Use key messaging.
- **Newspaper Ads**
 - Meet with your local newspaper and let them help you put your budget together.
 - Try to negotiate the rate. Many times, they offer a civic rate which is lower and will allow you to leverage/expand your buy.
 - Use frequency as a guide for your communications. It is typically better to run more, smaller ads than fewer big ones.
 - Nearly 50% of the registered voters who were surveyed indicated that they receive local news from their local newspaper. Make newspaper advertising the core of your budget.
- **Online Advertising**
 - Many times, local newspapers have online editions. More and more people are getting their news over the Internet. Make this a part of your budget. Plan to spend approximately 20% of the amount you spent in print, online.
 - Have a link in your ad to the website where people can go to find more information.
- **Radio Advertising**
 - (2) 30:second radio spots have been included in the Tool Kit. Customize these with your campaign details.
 - Meet with your local station(s) and let them help you put together your budget. Plan to spend 20% of the amount you spend in the newspaper, on radio spots.
 - Buy every station you can afford to buy. This should help you reach a broad audience and will encourage the station to give you air time for radio shows.
 - Use a well-known, popular person to record your radio spots. This will usually attract more attention to your spots and can sometimes carry some weight with local voters.
 - Your local radio station should be happy to record your announcer. Set up an appointment with the station and plan to spend 15-30 minutes there.

- Be sure to ask for a copy of your radio spots when you're finished.
 - Ask to be on their talk shows or do interviews for news or community information programming.
- Website
 - Consider creating a web site.
- Brochure/Direct Mail
 - A brochure is a core piece of any public information campaign. The one included in the Tool Kit has been designed to provide information and encourage yes votes, so it must be paid for by the committee.
 - Artwork for the brochure can be customized with the information specific to your campaign. You can change out copy and photos to meet your need and provide the digital files to your local printer to print. Buy enough to put one in the hands of as many voters as possible.
 - Direct mail is an effective, but expensive tool to put your message in the hands of your voters.
 - Build your direct mail list (database in Excel) throughout your campaign so you can use it when you are ready.
 - The brochure has been designed as a self-mailer so you can seal it, put a stamp on it, address it and drop it in the mail. It can also be used as a handout, leave behind or be enclosed with a letter in an envelope.
 - If you have the budget, mail the brochure to as many identified yes voters as you can. More importantly, send it to those people who you believe are undecided.
 - Using the provided theme artwork, develop, print and mail a postcard to your entire list of yes voters right before the election, reminding them how important it is to vote on this issue. Without their support and vote, it may not pass.
- Email
 - Email is a fast, inexpensive way to put information into the hands of your supporters or others who are interested in receiving more information.
 - Email can be used individually, which can take a lot of time, or similar to direct mail in that you build an email list (database in Excel) and a tool like MailChimp or Constant Contact and send emails to the people on your list.
 - Use emails to send information throughout the campaign and as a reminder to get out and vote.
- Facebook
 - Facebook has become a part of daily life. Many go to bed and wake up to Facebook. Use that to your advantage.
 - Consider using Facebook as a PRIVATE tool to help build a grassroots organization, generate support, keep fans up to date and communicate with each other. It would be very risky to the campaign to set up a public Facebook presence that gives negative voters a forum to sway others, that otherwise they would not have.
 - Details for how to proceed are included in the tool kit.
- Billboards

- Billboards can be a very lowcost way to reach lots of people in a short amount of time.
- Work with your local billboard companies to identify the best possible location that delivers the highest traffic count in areas where you think your supporters and undecided persons live, work and play.
- Artwork is provided. You may customize it and provide it to the billboard company(s) you are working with to produce the billboard art.
- Plan to post your billboard(s) as soon as you can get them up. In working on a 10-week campaign cycle, it will probably only be up 2 months at the most. However, this will make thousands of impressions with your audience.
- Door Hangers
 - If you plan to canvas neighborhoods and go door to door to get your message out, you can use the Door Hanger artwork provided in the tool kit.
 - Customize the door hanger with the information specific to your campaign and give the digital files to your local printer to produce.
 - Buy enough to put one on every door in the neighborhoods you plan to visit.
 - Door to door canvassing should be scheduled late in the campaign and used as a rallying event. The best time is right before the election.
- General Promotional Recommendations
 - Use frequency as a guide for your communications. Try to tell the same story to the same targeted people as many times as you can afford.
 - Keep all your communications vehicles consistent in look, design and copy. Use the templates provided in the tool kit or customize your own, but make sure everything looks like everything else. This will reinforce the message to your audience any time they see something.

COMMUNITY PRESENTATIONS: Community presentations can be a very effective way to get your message out to groups of all sizes, when a presenter is prepared and engaging. A PowerPoint presentation has been provided as part of the tool kit.

- Set up a speakers bureau consisting of experienced presenters who are available throughout the campaign to deliver the presentation.
- Customize the PowerPoint presentation to your specific campaign.
- Contact civic organizations and request the opportunity to present.
- Make sure you have equipment available (laptop computer and projector with extension cords) that you can provide to the presenters. Make sure they are scheduled to arrive a few minutes early, who their contact person is, and how long they have available to them.
- Provide brochures to the speaker so they can pass them out at the conclusion of the presentation.
- Prepare your presenter with the talking points and answers to questions that may arise.
- Consider hosting a town hall meeting. Although these are not typically well attended, you should get media coverage if you invite them and it will give citizens the opportunity to voice their opinion. Be sure to have refreshments.



SAMPLE TIMELINE -- ATTACHED: A sample campaign of 10 weeks is attached.

CAMPAIGN THEME: It is important to your overall campaign to have a theme that your citizens committee can rally around, that you can communicate frequently to the community and voters can easily remember when they go to the polls. A proposed theme has been developed to aid in your campaign planning, although you can of course develop a theme of your own. The theme, “Vote Yes for <Our City>”, is simple, direct, easy to recall and plays to a citizens’ civic pride. It also calls them to take positive action by voting yes. This theme has been developed with a graphic, which is included and incorporated into the tool kit materials.

TOOL KIT ITEMS (Each provided separately from this document):

The tool kit has been prepared with files that can be customized with your campaign information, such as election date, campaign contact name and phone number and website. The theme, “YES for Our City,” may be customized to your city name if you choose. Supporting fonts and graphics are included for all materials when necessary.

- Research report of registered Missouri voters
- Sample Organization chart for campaign committee
- Sample Campaign timeline
- Committee checklist of action steps
- Key talking points
- Website files
- PowerPoint community presentation
- Campaign brochure
- Billboard artwork
- Radio scripts
- Newspaper and online ads
- Facebook strategy, ads and posts
- Twitter posts
- Door hanger artwork
- News release template and ideas
- Newsletter article and ideas

FREQUENTLY ASKED QUESTIONS ON THE USE TAX AND THE SALES TAX ON VEHICLES

By League Staff

Each day your Missouri Municipal League staff answers dozens of questions on municipal issues. This edition focuses on the use tax and the administrative fee on vehicle sales. Some of the information in the column comes from the information available on the Missouri Department of Revenue's website. As with all legal matters, municipal officials are urged to consult their city attorney for guidance in the specific problems faced by their municipality. Answers provided in this column should serve only as a general reference.

WHAT IS THE USE TAX?

Use tax is imposed on the storage, use or consumption of tangible personal property in this state on products purchased from out-of-state. The use tax is applied to the same type of products that are subject to sales tax. Products that are exempt from the sales tax would be exempt from the use tax. The state use tax rate is 4.225%. Cities and counties may impose an additional local use tax. The amount of use tax due on a transaction depends on the combined (local and state) use tax rate in effect at the Missouri location where the tangible personal property is stored, used or consumed. In general terms, while the sales tax rate is based on the point of sale, the use tax rate is determined based on the point of delivery. Local use taxes are distributed in the same manner as sales taxes.

WHAT IS THE RATE OF THE USE TAX?

The state of Missouri imposes a use tax at 4.225% the same as the retail sales tax. Local jurisdictions that have the power to impose a sales tax may also impose a use tax. The local use tax rate is imposed at the same rate as the total of the jurisdictions local option sales taxes.

HOW DOES THE USE TAX DIFFER FROM THE TRADITIONAL SALES TAX?

In most circumstances the purchases made from brick and mortar retail stores are subject to the imposition of a sales tax based on the tax rate of jurisdiction in which the retailer is physically located. On the other hand, the use tax is imposed on purchases made from out-of-state vendors and the rate of the tax depends on the use tax rate in the jurisdiction that the purchaser is having the item shipped to.

WHAT IF I BUY SOMETHING FROM A MISSOURI RETAILER USING THE INTERNET, WILL THE USE TAX APPLY?

No. The use tax does not apply if the purchase is from a Missouri retailer. Typically in such a situation the sales tax based on the vendor's location would apply to the purchase.

WILL THE USE TAX APPLY TO EVERY PURCHASE MADE FROM OUT-OF-STATE VENDORS?

Out-of-state vendors that have contracts with the state of Missouri or vendors with a physical nexus in Missouri are required to collect the use tax. Consumers who make purchases from vendors that do not collect the use tax are required to report those purchases on their income tax when their annual purchases from non-collecting vendors exceed \$2,000. Purchases made from vendors who do not collect the use tax of less than \$2,000 are still subject to the use tax however there is no mechanism that guarantees collection.

WON'T PASSAGE OF THE FEDERAL MARKETPLACE FAIRNESS AKA INTERNET TAX MAKE PASSAGE OF A LOCAL USE TAX A MOOT POINT?

The Marketplace Fairness Act is a federal legislation that would require vendors across the nation to collect the use tax on behalf of their consumer's state of residence. Only cities that have passed the use tax would benefit from such Federal legislation. Further, state level action may still be needed to enter into any National level compact on tax collection. Issues such as product exemption and sales tax holidays will likely need to be sorted out. For instance, in some states exempt clothing from sales tax but consider mittens to sports gear that is subject to taxation. Other states exempt food but not consider candy bars to be food.

WHAT ABOUT VEHICLE PURCHASES? ARE THEY TREATED DIFFERENTLY THAN OTHER PURCHASES?

Yes, the purchase of vehicles, trailers, boats and outboard motors are treated differently than other retail purchases. Currently, the local sales tax is not paid at the time of purchase for these products. For instance when Missouri residents purchase a car at an auto dealership no sales tax is paid on the purchase. Instead, when those products are registered with the Missouri Department of Revenue, the local sales tax will be imposed based on the address of the registrant (which may be a different jurisdiction from the location of the auto dealer who sold the car).

WHAT WAS THE STREET DECISION?

In January 31, 2012, the Missouri Supreme Court ruled that only cities with a use tax could collect local sales tax on purchases from out-of-state (as well as person to person sales). Purchases from Missouri auto dealers were still subject to the tax. The Missouri Department of Revenue estimated that approximately 20 percent of vehicle (and trailers, boats and outboard motors) sales occur from out-of-state vendors or person to person sales and that this would result in a loss in revenue to local jurisdiction of approximately \$20.5 million.

WHAT WAS THE RESPONSE TO THE STREET DECISION?

In response to this momentous court decision the Missouri Municipal League sought relief from the Missouri Legislature. In 2013, the Legislature passed SB 182. This legislation re-imposed the local sales tax on vehicle sales (and person-to-person sales) in the form of an administrative fee. The legislation requires that cities that did not have a use tax in place prior to August of 2013 must receive voter approval to continue this administrative fee by November of 2016. Cities that don't gain voter approval

to continue the tax by November of 2016 will lose the revenue stream after that date. Further, the law does not

DON'T WE NEED TO PASS A USE TAX TO ENSURE THAT THE CITY CONTINUES TO RECEIVE SALES TAX ON OUT-OF-STATE VEHICLE PURCHASES?

No. While it is true that cities that had a use tax in place prior to the enactment of SB 182 (August, 2013) will continue to receive revenue from out-of-state vehicle purchases without seeking voter approval for the administrative fee. For cities that don't currently have a use tax, passage of a new use tax may not prevent the loss of revenue after November of 2016. Language in SB 182 found in section 32.087 refers to municipalities "in which voters have previously approved a local use tax". This language calls into question whether a new use tax passed after August 28, 2013 will to capture the administrative fee on vehicle sales. Therefore, the prudent course for cities that did not have the use tax in place prior to August of 2013 is to seek voter approval for the continence of the administrative fee on vehicle purchases.

WHAT HAS THE MISSOURI MUNICIPAL LEAGUE DONE TO ADDRESS THE STREET DECISION LOOPHOLE?

The Missouri Municipal League was instrumental in the passage of SB 182. League staff, together with the auto dealers association and municipal officials across the state worked tirelessly to see this bill passed. This legislation has prevented the loss of approximately \$40 million in much needed revenue to Missouri cities.

WHERE CAN WE GET BALLOT LANGUAGE OR SAMPLE ORDINANCES FOR THE ADMINISTRATIVE FEE OR USE TAX?

The Missouri Municipal League has prepared model ordinances for both the use tax and the administrative fee on vehicles sales. These ordinances are available on the League "1-Stop-Shop" under "taxes". Or simply contact League Headquarters and request a copy.

City	Total Local Sales Tax Remitted on Vehicle and Marine Sales in 2011	21% of Total Sales Tax Remitted (ESTIMATED Taxes on Out-of-State and Individual Sales)
ADRIAN	\$55,992.47	\$11,758.42
ADVANCE	\$30,027.89	\$6,305.86
AIRPORT DRIVE	\$14,555.93	\$3,056.75
ALBA	\$8,200.35	\$1,722.07
ALBANY	\$44,429.96	\$9,330.29
ALEXANDRIA	\$1,486.12	\$312.08
ALLENDALE	\$226.76	\$47.62
ALTON	\$8,870.10	\$1,862.72
AMSTERDAM	\$1,643.94	\$345.23
ANDERSON	\$25,694.56	\$5,395.86
ANNAPOLIS	\$8,721.74	\$1,831.57
APPLETON CITY	\$24,941.14	\$5,237.64
ARBYRD	\$4,926.74	\$1,034.62
ARCADIA	\$6,280.05	\$1,318.81
ARCHIE	\$14,655.45	\$3,077.64
ARGYLE	\$2,036.90	\$427.75
ARNOLD	\$297,354.51	\$62,444.45
ARROW ROCK	\$1,445.08	\$303.47
ASBURY	\$1,967.78	\$413.23
ASH GROVE	\$12,541.38	\$2,633.69
ASHLAND	\$70,287.73	\$14,760.42
ATLANTA	\$2,595.28	\$545.01
AUGUSTA	\$2,076.54	\$436.07
AURORA	\$135,919.68	\$28,543.13
AUXVASSE	\$19,426.71	\$4,079.61
AVA	\$30,750.66	\$6,457.64
AVONDALE	\$3,912.85	\$821.70
BAGNELL	\$1,464.80	\$307.61
BAKERSFIELD	\$249.02	\$52.30
BALLWIN	\$555,529.31	\$116,661.16
BALLWIN (T1)	\$3,887.52	\$816.38
BALLWIN (X1)	\$109,862.41	\$23,071.11
BALLWIN (X2)	\$1,854.58	\$389.46
BALLWIN (X3)	\$1,613.91	\$338.92
BALLWIN (X4)	\$19,441.24	\$4,082.66
BALLWIN (X5)	\$42,952.86	\$9,020.10
BALLWIN (X6)	\$2,521.90	\$529.60
BALLWIN (X7)	\$2,505.28	\$526.11
BALLWIN (X8)	\$62,035.46	\$13,027.45
BATES CITY	\$7,188.47	\$1,509.58
BATTLEFIELD	\$61,150.09	\$12,841.52
BELL CITY	\$5,685.75	\$1,194.01
BELLA VILLA	\$2,208.25	\$463.73

BELLA VILLA (X1)	\$190.62	\$40.03
BELLE	\$25,335.75	\$5,320.51
BELLEFONTAINE NEIGHBORS	\$48,603.21	\$10,206.67
BELLERIVE	\$2,668.97	\$560.48
BELLFLOWER	\$4,090.55	\$859.02
BEL-NOR	\$8,638.76	\$1,814.14
BEL-RIDGE	\$15,273.30	\$3,207.39
BEL-RIDGE (T1)	\$1,706.75	\$358.42
BEL-RIDGE (T2)	\$3,331.45	\$699.60
BELTON	\$679,735.49	\$142,744.45
BENTON	\$15,176.00	\$3,186.96
BERGER	\$1,063.54	\$223.34
BERKELEY	\$229,577.59	\$48,211.29
BERKELEY (T1)	\$2,523.51	\$529.94
BERKELEY (T2)	\$71.06	\$14.92
BERNIE	\$40,799.59	\$8,567.91
BERTRAND	\$9,027.34	\$1,895.74
BETHANY	\$43,442.14	\$9,122.85
BETHEL	\$2,426.87	\$509.64
BEVERLY HILLS	\$7,581.48	\$1,592.11
BEVIER	\$6,592.48	\$1,384.42
BILLINGS	\$7,642.73	\$1,604.97
BIRCH TREE	\$6,646.10	\$1,395.68
BIRMINGHAM	\$2,093.36	\$439.61
BISMARCK	\$17,950.18	\$3,769.54
BLACK JACK	\$42,777.63	\$8,983.30
BLACKBURN	\$2,069.25	\$434.54
BLACKWATER	\$2,686.89	\$564.25
BLAIRSTOWN	\$528.66	\$111.02
BLAND	\$7,112.38	\$1,493.60
BLOOMFIELD	\$26,472.28	\$5,559.18
BLOOMSDALE	\$7,946.23	\$1,668.71
BLUE EYE	\$1,350.96	\$283.70
BLUE SPRINGS	\$1,211,515.97	\$254,418.35
BOLIVAR	\$194,021.84	\$40,744.59
BONNE TERRE	\$87,443.96	\$18,363.23
BOONVILLE	\$105,317.78	\$22,116.73
BOURBON	\$16,972.73	\$3,564.27
BOWLING GREEN	\$62,098.73	\$13,040.73
BRANSON	\$204,954.09	\$43,040.36
BRANSON WEST	\$7,908.75	\$1,660.84
BRASHEAR	\$1,608.97	\$337.88
BRAYMER	\$6,665.79	\$1,399.82
BRECKENRIDGE	\$3,234.34	\$679.21
BRECKENRIDGE HILLS	\$63,112.35	\$13,253.59
BRENTWOOD	\$317,484.74	\$66,671.80
BRENTWOOD (T5)	\$2,262.42	\$475.11
BRENTWOOD (T6)	\$1,050.96	\$220.70
BRENTWOOD (T7)	\$484.87	\$101.82
BRENTWOOD (T9)	\$4,880.56	\$1,024.92
BRIDGETON	\$455,556.88	\$95,666.94
BRIDGETON (T2)	\$2,674.25	\$561.59

BRIDGETON (T3)	\$1.98	\$0.42
BRIDGETON (T4)	\$4.49	\$0.94
BRIDGETON (X1)	\$103.88	\$21.81
BRIDGETON (X2)	\$1,244.69	\$261.38
BROOKFIELD	\$73,667.75	\$15,470.23
BROWNING	\$2,502.45	\$525.52
BRUMLEY	\$526.30	\$110.52
BRUNSWICK	\$14,995.42	\$3,149.04
BUCKLIN	\$5,427.79	\$1,139.84
BUCKNER	\$64,309.10	\$13,504.91
BUFFALO	\$32,339.07	\$6,791.21
BULL CREEK VILLAGE	\$550.20	\$115.54
BUNCETON	\$3,453.99	\$725.34
BUNKER	\$4,661.95	\$979.01
BUTLER	\$97,001.22	\$20,370.26
BUTTERFIELD	\$1,484.53	\$311.75
BYRNES MILL	\$28,382.26	\$5,960.27
CABOOL	\$34,090.25	\$7,158.95
CALEDONIA	\$889.85	\$186.87
CALHOUN	\$7,227.79	\$1,517.84
CALIFORNIA	\$85,454.33	\$17,945.41
CALLAO	\$2,551.10	\$535.73
CALVERTON PARK	\$5,057.91	\$1,062.16
CAMDENTON	\$65,948.38	\$13,849.16
CAMERON	\$117,438.20	\$24,662.02
CAMPBELL	\$23,890.13	\$5,016.93
CANTON	\$36,019.07	\$7,564.00
CAPE GIRARDEAU	\$1,324,034.04	\$278,047.15
CAPE GIRARDEAU CNTY	\$1,185,868.99	\$249,032.49
CARDWELL	\$5,416.51	\$1,137.47
CARL JUNCTION	\$224,959.33	\$47,241.46
CARROLLTON	\$64,777.55	\$13,603.29
CARTERVILLE	\$38,179.90	\$8,017.78
CARTHAGE	\$299,736.49	\$62,944.66
CARUTHERSVILLE	\$102,128.35	\$21,446.95
CASSVILLE	\$48,708.56	\$10,228.80
CENTER	\$8,913.55	\$1,871.85
CENTERTOWN	\$3,279.25	\$688.64
CENTERVILLE	\$1,740.18	\$365.44
CENTRALIA	\$89,090.68	\$18,709.04
CHAFFEE	\$48,613.31	\$10,208.79
CHAMOIS	\$5,045.97	\$1,059.65
CHARLACK	\$8,102.01	\$1,701.42
CHARLESTON	\$78,168.04	\$16,415.29
CHESTERFIELD	\$811,069.83	\$170,324.66
CHESTERFIELD (X1)	\$45,805.53	\$9,619.16
CHILHOWEE	\$2,055.47	\$431.65
CHILLICOTHE	\$254,698.78	\$53,486.74
CLARENCE	\$16,794.30	\$3,526.80
CLARK	\$4,657.15	\$978.00
CLARKSBURG	\$3,797.80	\$797.54
CLARKSVILLE	\$5,527.53	\$1,160.78

CLARKTON	\$16,256.53	\$3,413.87
CLAYCOMO	\$23,698.33	\$4,976.65
CLAYTON	\$537,710.85	\$112,919.28
CLEVELAND	\$18,945.63	\$3,978.58
CLEVER	\$30,056.13	\$6,311.79
CLIMAX SPRINGS	\$973.37	\$204.41
CLINTON	\$250,337.68	\$52,570.91
COLE CAMP	\$20,911.85	\$4,391.49
COLLINS	\$746.41	\$156.75
COLUMBIA	\$2,704,685.57	\$567,983.97
CONCORDIA	\$60,765.09	\$12,760.67
CONWAY	\$9,136.18	\$1,918.60
COOL VALLEY	\$20,658.54	\$4,338.29
CORDER	\$5,587.22	\$1,173.32
COTTLEVILLE	\$81,823.83	\$17,183.00
COUNTRY CLUB HILLS	\$11,696.55	\$2,456.28
COUNTRY CLUB HLS(T1)	\$799.85	\$167.97
COUNTRY CLUB VILLAGE	\$10,791.24	\$2,266.16
CRAIG	\$3,029.60	\$636.22
CRANE	\$17,004.83	\$3,571.02
CREIGHTON	\$2,823.39	\$592.91
CRESTWOOD	\$322,336.50	\$67,690.66
CRESTWOOD (T2)	\$2,532.15	\$531.75
CRESTWOOD (X1)	\$21,111.89	\$4,433.50
CREVE COEUR	\$790,580.91	\$166,021.99
CREVE COEUR (T1)	\$2,841.97	\$596.81
CREVE COEUR (X1)	\$4,581.57	\$962.13
CREVE COEUR (X2)	\$1,720.83	\$361.37
CREVE COEUR (X3)	\$48,131.57	\$10,107.63
CREVE COEUR (X4)	\$2,335.64	\$490.48
CROCKER	\$22,638.44	\$4,754.07
CRYSTAL CITY	\$93,645.71	\$19,665.60
CRYSTAL LAKE PARK	\$2,570.52	\$539.81
CRYSTAL LAKES	\$3,751.25	\$787.76
CUBA	\$64,086.62	\$13,458.19
CURRYVILLE	\$1,272.75	\$267.28
DARDENNE PRAIRIE	\$303,936.47	\$63,826.66
DE SOTO	\$92,222.63	\$19,366.75
DEARBORN	\$9,741.89	\$2,045.80
DEEPWATER	\$9,319.63	\$1,957.12
DELLWOOD	\$37,322.70	\$7,837.77
DELLWOOD (T1)	\$452.95	\$95.12
DELTA	\$3,978.91	\$835.57
DES PERES	\$297,424.22	\$62,459.09
DES PERES (T1)	\$12,706.56	\$2,668.38
DES PERES (X1)	\$22,766.10	\$4,780.88
DES PERES (X2)	\$6,466.90	\$1,358.05
DES PERES (X3)	\$3,850.30	\$808.56
DES PERES (X4)	\$543.31	\$114.10
DES PERES (X5)	\$349.66	\$73.43
DES PERES (X6)	\$3,991.14	\$838.14
DESLOGE	\$118,743.54	\$24,936.14

DEXTER	\$213,739.26	\$44,885.24
DIAMOND	\$26,858.15	\$5,640.21
DIGGINS	\$1,517.93	\$318.76
DIXON	\$24,927.90	\$5,234.86
DONIPHAN	\$23,892.90	\$5,017.51
DOOLITTLE	\$9,838.43	\$2,066.07
DREXEL	\$19,734.13	\$4,144.17
DUDLEY	\$2,777.86	\$583.35
DUENWEG	\$27,871.48	\$5,853.01
DUQUESNE	\$48,851.88	\$10,258.89
DUTCHTOWN	\$455.77	\$95.71
EAGLEVILLE	\$3,824.10	\$803.06
EAST LYNNE	\$4,732.75	\$993.88
EAST PRAIRIE	\$87,332.29	\$18,339.78
EASTON	\$1,253.14	\$263.16
EDGAR SPRINGS	\$1,491.40	\$313.19
EDGERTON	\$4,892.01	\$1,027.32
EDINA	\$12,390.82	\$2,602.07
EDMUNDSON	\$25,617.92	\$5,379.76
EL DORADO SPRINGS	\$58,763.23	\$12,340.28
ELDON	\$94,985.54	\$19,946.96
ELLINGTON	\$17,977.54	\$3,775.28
ELLISVILLE	\$551,013.37	\$115,712.81
ELLISVILLE (X1)	\$72.80	\$15.29
ELLISVILLE (X10)	\$136.24	\$28.61
ELLISVILLE (X11)	\$2,888.52	\$606.59
ELLISVILLE (X2)	\$3.71	\$0.78
ELLISVILLE (X3)	\$8,049.21	\$1,690.34
ELLISVILLE (X4)	\$1,182.40	\$248.30
ELLISVILLE (X5)	\$4,168.23	\$875.33
ELLISVILLE (X7)	\$3,252.49	\$683.02
ELLISVILLE (X8)	\$1,915.46	\$402.25
ELLISVILLE (X9)	\$2,996.66	\$629.30
ELLSINORE	\$3,571.24	\$749.96
ELSBERRY	\$23,581.97	\$4,952.21
EMINENCE	\$10,666.03	\$2,239.87
EMMA	\$2,117.73	\$444.72
EOLIA	\$6,030.36	\$1,266.38
ESSEX	\$6,998.95	\$1,469.78
EUREKA	\$279,166.84	\$58,625.04
EUREKA (T3)	\$4,464.02	\$937.44
EUREKA (X1)	\$1,784.57	\$374.76
EUREKA (X2)	\$4,187.72	\$879.42
EUREKA (X3)	\$440.30	\$92.46
EUREKA (X4)	\$498.45	\$104.67
EVERTON	\$3,677.43	\$772.26
EWING	\$5,682.32	\$1,193.29
EXCELSIOR SPRINGS	\$294,699.65	\$61,886.93
EXETER	\$4,690.13	\$984.93
FAIR GROVE	\$28,977.98	\$6,085.38
FAIR PLAY	\$6,280.88	\$1,318.98
FAIRFAX	\$8,561.48	\$1,797.91

FAIRVIEW	\$3,560.42	\$747.69
FARBER	\$3,704.64	\$777.97
FARMINGTON	\$306,258.55	\$64,314.30
FAYETTE	\$27,578.28	\$5,791.44
FENTON	\$212,634.95	\$44,653.34
FENTON (T1X2)	\$3,510.78	\$737.26
FENTON (T2)	\$247.21	\$51.91
FENTON (T3X1)	\$628.58	\$132.00
FENTON (X1)	\$176.35	\$37.03
FENTON (X2)	\$158.70	\$33.33
FENTON (X3)	\$1,944.33	\$408.31
FERGUSON	\$378,683.11	\$79,523.45
FERGUSON (T1)	\$2,876.62	\$604.09
FERGUSON (T2)	\$3,222.77	\$676.78
FERGUSON (T3)	\$41.58	\$8.73
FERRELVIEW	\$2,965.10	\$622.67
FESTUS	\$283,530.64	\$59,541.44
FISK	\$4,355.91	\$914.74
FLINT HILL	\$12,576.32	\$2,641.03
FLORDELL HILLS	\$2,307.93	\$484.66
FLORISSANT	\$461,849.13	\$96,988.32
FLORISSANT (T1)	\$3,903.15	\$819.66
FLORISSANT (T2)	\$603.67	\$126.77
FLORISSANT (X1)	\$273.81	\$57.50
FLORISSANT (X10)	\$4,832.47	\$1,014.82
FLORISSANT (X11)	\$2,230.67	\$468.44
FLORISSANT (X2)	\$359.08	\$75.41
FLORISSANT (X3)	\$284.12	\$59.67
FLORISSANT (X4)	\$12,435.09	\$2,611.37
FLORISSANT (X5)	\$3,762.56	\$790.14
FLORISSANT (X6)	\$3,406.15	\$715.29
FLORISSANT (X7)	\$7,756.31	\$1,628.83
FLORISSANT (X8)	\$8,925.44	\$1,874.34
FLORISSANT (X9)	\$344.62	\$72.37
FOLEY	\$2,026.55	\$425.58
FORDLAND	\$8,751.31	\$1,837.78
FOREST CITY	\$2,866.57	\$601.98
FORISTELL	\$14,595.84	\$3,065.13
FORSYTH	\$35,839.91	\$7,526.38
FRANKFORD	\$4,570.98	\$959.91
FRANKLIN	\$800.45	\$168.10
FREDERICKTOWN	\$54,122.37	\$11,365.70
FREEBURG	\$4,858.37	\$1,020.26
FREEMAN	\$5,952.52	\$1,250.03
FREMONT HILLS	\$14,800.01	\$3,108.00
FRONTENAC	\$242,835.24	\$50,995.40
FULTON	\$199,701.15	\$41,937.24
GAINESVILLE	\$3,792.89	\$796.51
GALENA	\$2,549.78	\$535.45
GALLATIN	\$28,864.98	\$6,061.65
GARDEN CITY	\$31,988.30	\$6,717.54
GASCONADE	\$1,468.90	\$308.47

GERALD	\$24,840.44	\$5,216.49
GIDEON	\$11,078.74	\$2,326.54
GILLIAM	\$2,779.55	\$583.71
GILMAN CITY	\$6,515.24	\$1,368.20
GLADSTONE	\$839,276.53	\$176,248.07
GLASGOW	\$23,113.56	\$4,853.85
GLENDALE	\$110,372.27	\$23,178.18
GOLDEN CITY	\$14,764.81	\$3,100.61
GOODMAN	\$10,914.70	\$2,292.09
GOWER	\$21,574.31	\$4,530.60
GRAIN VALLEY	\$433,993.50	\$91,138.63
GRANBY	\$46,784.13	\$9,824.67
GRANDIN	\$1,833.65	\$385.07
GRANDVIEW	\$646,678.39	\$135,802.46
GRANT CITY	\$17,473.29	\$3,669.39
GRANTWOOD	\$11,580.19	\$2,431.84
GRAVOIS MILLS	\$5,310.34	\$1,115.17
GREEN CASTLE	\$547.59	\$114.99
GREEN CITY	\$7,492.38	\$1,573.40
GREEN PARK	\$19,652.78	\$4,127.08
GREEN RIDGE	\$10,102.24	\$2,121.47
GREENDALE	\$7,087.87	\$1,488.45
GREENFIELD	\$9,273.37	\$1,947.41
GREENTOP	\$4,730.65	\$993.44
GREENVILLE	\$7,624.88	\$1,601.23
GREENWOOD	\$142,984.35	\$30,026.71
HALE	\$7,755.30	\$1,628.61
HALF WAY	\$393.37	\$82.61
HALLSVILLE	\$19,678.42	\$4,132.47
HAMILTON	\$24,605.70	\$5,167.20
HANLEY HILLS	\$8,068.75	\$1,694.44
HANNIBAL	\$415,565.27	\$87,268.71
HARDIN	\$5,354.41	\$1,124.43
HARRISBURG	\$4,033.31	\$846.99
HARRISONVILLE	\$195,288.87	\$41,010.66
HARTSBURG	\$934.99	\$196.35
HARTVILLE	\$7,549.43	\$1,585.38
HAWK POINT	\$5,454.52	\$1,145.45
HAYTI	\$71,217.52	\$14,955.68
HAYTI HEIGHTS	\$4,006.39	\$841.34
HAZELWOOD	\$645,332.74	\$135,519.87
HAZELWOOD (T1)	\$11,051.15	\$2,320.74
HAZELWOOD (T2)	\$2,962.19	\$622.06
HAZELWOOD (T3)	\$268.69	\$56.42
HAZELWOOD (X1)	\$17,981.11	\$3,776.03
HAZELWOOD (X2)	\$156,581.74	\$32,882.16
HENRIETTA	\$5,905.49	\$1,240.15
HERCULANEUM	\$122,979.66	\$25,825.73
HERMANN	\$49,971.73	\$10,494.06
HERMITAGE	\$5,156.78	\$1,082.92
HIGBEE	\$8,109.71	\$1,703.04
HIGGINSVILLE	\$123,765.76	\$25,990.81

HIGH HILL	\$2,246.53	\$471.77
HIGHLANDVILLE	\$8,897.67	\$1,868.51
HILLSBORO	\$37,345.43	\$7,842.54
HILLSDALE	\$5,890.21	\$1,236.94
HOLCOMB	\$9,005.32	\$1,891.12
HOLDEN	\$32,662.04	\$6,859.03
HOLLISTER	\$67,006.97	\$14,071.46
HOLT	\$16,934.10	\$3,556.16
HOLTS SUMMIT	\$119,252.86	\$25,043.10
HOMESTOWN	\$735.41	\$154.44
HOPKINS	\$8,758.57	\$1,839.30
HORNERSVILLE	\$7,160.56	\$1,503.72
HOUSTON	\$28,759.03	\$6,039.40
HOWARDVILLE	\$1,555.05	\$326.56
HUMANSVILLE	\$8,248.09	\$1,732.10
HUME	\$2,845.52	\$597.56
HUNNEWELL	\$1,261.27	\$264.87
HUNTSVILLE	\$24,958.63	\$5,241.31
HURLEY	\$1,501.42	\$315.30
IBERIA	\$10,378.12	\$2,179.41
INDEPENDENCE	\$2,833,327.90	\$594,998.86
INDIAN POINT (VILLAGE OF)	\$2,738.84	\$575.16
INNSBROOK (VILLAGE OF)	\$10,060.47	\$2,112.70
IRON MOUNTAIN LAKE	\$82.52	\$17.33
IRONDALE	\$3,015.62	\$633.28
IRONTON	\$22,154.07	\$4,652.36
JACKSON	\$366,938.15	\$77,057.01
JAMESPORT	\$7,436.59	\$1,561.68
JANE	\$507.76	\$106.63
JASPER	\$30,553.97	\$6,416.33
JEFFERSON CITY	\$1,138,911.89	\$239,171.50
JENNINGS	\$130,349.91	\$27,373.48
JENNINGS (T1)	\$6,046.84	\$1,269.84
JENNINGS (T2)	\$600.91	\$126.19
JENNINGS (T3)	\$88.37	\$18.56
JENNINGS (T4)	\$782.87	\$164.40
JENNINGS (T7)	\$324.32	\$68.11
JENNINGS (X1)	\$723.04	\$151.84
JONESBURG	\$18,344.78	\$3,852.40
JOPLIN	\$2,055,241.04	\$431,600.62
JOSEPHVILLE	\$3,743.09	\$786.05
KAHOKA	\$26,209.18	\$5,503.93
KANSAS CITY	\$13,051,372.78	\$2,740,788.28
KEARNEY	\$280,934.47	\$58,996.24
KELSO	\$9,755.29	\$2,048.61
KENNETT	\$177,354.31	\$37,244.41
KEYTESVILLE	\$974.32	\$204.61
KIDDER	\$2,118.60	\$444.91
KIMBERLING CITY	\$66,644.31	\$13,995.30
KIMMSWICK	\$1,509.01	\$316.89
KING CITY	\$18,323.21	\$3,847.87
KINGDOM CITY	\$1,258.64	\$264.31

KINLOCH	\$2,291.84	\$481.29
KIRBYVILLE	\$1,227.70	\$257.82
KIRKSVILLE	\$276,067.56	\$57,974.19
KIRKWOOD	\$828,105.62	\$173,902.18
KIRKWOOD (T2)	\$43,136.04	\$9,058.57
KIRKWOOD (X1)	\$35,190.56	\$7,390.02
KNOB NOSTER	\$63,599.21	\$13,355.83
KOSHKONONG	\$3,843.94	\$807.23
LA BELLE	\$5,484.42	\$1,151.73
LA GRANGE	\$9,505.98	\$1,996.26
LA MONTE	\$20,198.69	\$4,241.73
LA PLATA	\$17,656.48	\$3,707.86
LACLEDE	\$2,971.18	\$623.95
LADDONIA	\$5,958.00	\$1,251.18
LADUE	\$682,591.02	\$143,344.11
LAKE LOTAWANA	\$49,077.89	\$10,306.36
LAKE OZARK	\$86,294.44	\$18,121.83
LAKE ST LOUIS	\$494,370.63	\$103,817.83
LAKE WINNEBAGO	\$12,411.76	\$2,606.47
LAKESHIRE	\$6,164.16	\$1,294.47
LAMAR	\$96,909.09	\$20,350.91
LANAGAN	\$5,295.60	\$1,112.08
LANCASTER	\$6,236.64	\$1,309.70
LATHROP	\$37,690.83	\$7,915.08
LAURIE	\$15,157.54	\$3,183.08
LAWSON	\$52,252.24	\$10,972.97
LEADINGTON	\$7,403.41	\$1,554.72
LEADWOOD	\$10,149.16	\$2,131.32
LEBANON	\$328,662.82	\$69,019.19
LEE'S SUMMIT	\$3,076,711.22	\$646,109.36
LEETON	\$8,179.14	\$1,717.62
LEVASY	\$1,771.52	\$372.02
LEWISTOWN	\$7,063.37	\$1,483.31
LEXINGTON	\$122,311.50	\$25,685.42
LIBERAL	\$6,462.53	\$1,357.13
LIBERTY	\$1,016,501.34	\$213,465.28
LICKING	\$30,384.58	\$6,380.76
LILBOURN	\$13,836.33	\$2,905.63
LINCOLN	\$18,290.40	\$3,840.98
LINN	\$16,392.88	\$3,442.50
LINN CREEK	\$5,773.80	\$1,212.50
LOCKWOOD	\$9,950.33	\$2,089.57
LOMA LINDA	\$14,923.61	\$3,133.96
LONE JACK	\$33,443.73	\$7,023.18
LOUISIANA	\$63,292.83	\$13,291.49
LOWRY CITY	\$13,618.29	\$2,859.84
MACKS CREEK	\$1,428.72	\$300.03
MACON	\$83,909.26	\$17,620.94
MADISON	\$6,937.71	\$1,456.92
MAITLAND	\$4,719.94	\$991.19
MALDEN	\$65,464.97	\$13,747.64
MALTA BEND	\$1,627.67	\$341.81

MANCHESTER	\$190,134.10	\$39,928.16
MANCHESTER (T1)	\$15,950.99	\$3,349.71
MANCHESTER (X1)	\$4,203.23	\$882.68
MANCHESTER (X2)	\$4,794.82	\$1,006.91
MANCHESTER (X3)	\$52,571.83	\$11,040.08
MANCHESTER (X4)	\$127,708.45	\$26,818.77
MANSFIELD	\$12,398.48	\$2,603.68
MAPLEWOOD	\$251,441.31	\$52,802.67
MAPLEWOOD (T1)	\$2,366.71	\$497.01
MAPLEWOOD (T2)	\$911.75	\$191.47
MARBLE HILL	\$17,815.15	\$3,741.18
MARCELINE	\$36,551.41	\$7,675.80
MARIONVILLE	\$38,272.12	\$8,037.15
MARLBOROUGH	\$42,506.06	\$8,926.27
MARQUAND	\$2,407.69	\$505.61
MARSHALL	\$202,777.49	\$42,583.27
MARSHFIELD	\$155,393.45	\$32,632.62
MARSTON	\$14,529.95	\$3,051.29
MARTHASVILLE	\$23,823.90	\$5,003.02
MARTINSBURG	\$8,310.24	\$1,745.15
MARYLAND HEIGHTS	\$177,016.58	\$37,173.48
MARYLAND HEIGHTS(T1)	\$47,860.10	\$10,050.62
MARYLAND HEIGHTS(T2)	\$1,120.26	\$235.26
MARYLAND HEIGHTS(T3)	\$324.00	\$68.04
MARYLAND HEIGHTS(X1)	\$8,194.24	\$1,720.79
MARYLAND HEIGHTS(X2)	\$13,192.53	\$2,770.43
MARYLAND HEIGHTS(X3)	\$7,368.13	\$1,547.31
MARYVILLE	\$216,179.42	\$45,397.68
MATTHEWS	\$22,545.93	\$4,734.65
MAYSVILLE	\$18,773.42	\$3,942.42
MEMPHIS	\$23,328.67	\$4,899.02
MERRIAM WOODS	\$20,325.52	\$4,268.36
META	\$3,214.51	\$675.05
MEXICO	\$191,285.01	\$40,169.85
MIDDLETOWN	\$1,343.27	\$282.09
MILAN	\$18,527.52	\$3,890.78
MILL SPRING	\$185.98	\$39.06
MILLER	\$12,340.06	\$2,591.41
MINER	\$34,405.94	\$7,225.25
MOBERLY	\$338,567.40	\$71,099.15
MOKANE	\$2,674.17	\$561.58
MOLINE ACRES	\$9,256.44	\$1,943.85
MOLINE ACRES (T1)	\$620.30	\$130.26
MONETT	\$148,027.89	\$31,085.86
MONROE CITY	\$48,070.02	\$10,094.71
MONTGOMERY CITY	\$39,750.06	\$8,347.51
MONTROSE	\$6,443.90	\$1,353.22
MOREHOUSE	\$10,014.23	\$2,102.99
MORLEY	\$8,150.42	\$1,711.59
MORRISON	\$1,691.80	\$355.28
MORRISVILLE	\$2,657.99	\$558.18
MOSBY	\$2,085.34	\$437.92

MOSCOW MILLS	\$41,596.62	\$8,735.29
MOUND CITY	\$22,798.62	\$4,787.71
MOUNT VERNON	\$88,660.52	\$18,618.71
MOUNTAIN GROVE	\$71,339.02	\$14,981.19
MOUNTAIN VIEW	\$40,977.04	\$8,605.18
NAYLOR	\$7,644.45	\$1,605.34
NEELYVILLE	\$1,684.31	\$353.70
NEOSHO	\$330,984.75	\$69,506.80
NEVADA	\$187,776.20	\$39,433.00
NEW BLOOMFIELD	\$9,992.40	\$2,098.40
NEW CAMBRIA	\$2,322.34	\$487.69
NEW FLORENCE	\$8,578.55	\$1,801.50
NEW FRANKLIN	\$20,254.51	\$4,253.45
NEW HAVEN	\$47,825.96	\$10,043.45
NEW LONDON	\$26,114.04	\$5,483.95
NEW MADRID	\$76,401.53	\$16,044.32
NEW MELLE	\$13,408.93	\$2,815.87
NEWBURG	\$3,206.22	\$673.31
NIANGUA	\$4,972.24	\$1,044.17
NIXA	\$319,519.81	\$67,099.16
NOEL	\$20,664.66	\$4,339.58
NORBORNE	\$8,507.52	\$1,786.58
NORMANDY	\$45,584.08	\$9,572.66
NORMANDY (T1)	\$1,418.07	\$297.79
NORTH KANSAS CITY	\$131,239.37	\$27,560.27
NORTHMOOR	\$7,349.07	\$1,543.30
NORTHWOODS	\$38,598.54	\$8,105.69
NORWOOD	\$10,197.43	\$2,141.46
OAK GROVE	\$164,048.11	\$34,450.10
OAK GROVE (VILLAGE)	\$4,350.19	\$913.54
OAKLAND	\$14,456.27	\$3,035.82
OAKS (VILLAGE)	\$1,759.72	\$369.54
OAKVIEW	\$9,095.88	\$1,910.14
ODESSA	\$162,100.04	\$34,041.01
O'FALLON	\$2,502,678.99	\$525,562.59
OLD MONROE	\$7,413.94	\$1,556.93
OLIVETTE	\$287,049.16	\$60,280.32
OLIVETTE (T1)	\$1,144.59	\$240.36
ORAN	\$24,387.71	\$5,121.42
ORONOGO	\$50,946.89	\$10,698.85
ORRICK	\$16,520.42	\$3,469.29
OSAGE BEACH	\$161,001.86	\$33,810.39
OSCEOLA	\$9,869.77	\$2,072.65
OTTERVILLE	\$4,594.54	\$964.85
OVERLAND	\$258,226.23	\$54,227.51
OWENSVILLE	\$43,709.90	\$9,179.08
OZARK	\$383,829.31	\$80,604.15
PACIFIC	\$104,710.85	\$21,989.28
PAGEDALE	\$50,359.46	\$10,575.49
PAGEDALE (T1)	\$577.39	\$121.25
PALMYRA	\$76,770.50	\$16,121.81
PARIS	\$22,541.28	\$4,733.67

PARK HILLS	\$193,932.45	\$40,725.81
PARKVILLE	\$185,133.37	\$38,878.01
PARKWAY	\$7,972.22	\$1,674.17
PARMA	\$16,671.81	\$3,501.08
PASADENA HILLS	\$5,660.76	\$1,188.76
PASADENA PARK	\$3,177.96	\$667.37
PATTONSBURG	\$1,266.81	\$266.03
PECULIAR	\$151,204.69	\$31,752.98
PEERLESS PARK	\$12,709.17	\$2,668.93
PERRY	\$26,031.60	\$5,466.64
PERRYVILLE	\$188,082.41	\$39,497.31
PEVELY	\$95,408.18	\$20,035.72
PHILLIPSBURG	\$387.13	\$81.30
PIEDMONT	\$47,828.51	\$10,043.99
PIERCE CITY	\$26,722.72	\$5,611.77
PILOT GROVE	\$15,123.02	\$3,175.83
PILOT KNOB	\$11,838.47	\$2,486.08
PINE LAWN	\$12,745.30	\$2,676.51
PINEVILLE	\$13,672.43	\$2,871.21
PLATO	\$498.85	\$104.76
PLATTE CITY	\$157,867.92	\$33,152.26
PLATTE WOODS	\$10,113.27	\$2,123.79
PLATTSBURG	\$51,691.68	\$10,855.25
PLEASANT HILL	\$278,288.74	\$58,440.64
PLEASANT HOPE	\$9,843.74	\$2,067.19
PLEASANT VALLEY	\$120,201.32	\$25,242.28
POLO	\$7,091.08	\$1,489.13
POPLAR BLUFF	\$332,297.91	\$69,782.56
PORTAGE DES SIOUX	\$3,655.20	\$767.59
PORTAGEVILLE	\$71,423.66	\$14,998.97
POTOSI	\$24,308.38	\$5,104.76
PRESTON	\$1,809.06	\$379.90
PRINCETON	\$10,886.67	\$2,286.20
PURCELL	\$480.50	\$100.90
PURDY	\$14,353.56	\$3,014.25
PUXICO	\$8,792.60	\$1,846.45
QUEEN CITY	\$9,961.42	\$2,091.90
QULIN	\$5,393.85	\$1,132.71
RANDOLPH	\$750.12	\$157.53
RAYMORE	\$672,130.13	\$141,147.33
RAYTOWN	\$789,155.19	\$165,722.59
REDINGS MILL	\$1,860.02	\$390.60
REEDS SPRING	\$16,117.48	\$3,384.67
REPUBLIC	\$333,255.24	\$69,983.60
RICH HILL	\$22,320.98	\$4,687.40
RICHLAND	\$36,023.09	\$7,564.85
RICHMOND	\$135,680.97	\$28,493.00
RICHMOND HEIGHTS	\$280,691.87	\$58,945.29
RICHMOND HEIGHTS(T2)	\$4,147.76	\$871.03
RICHMOND HEIGHTS(T3)	\$70.55	\$14.81
RIDGEWAY	\$9,878.74	\$2,074.54
RISCO	\$4,197.30	\$881.43

RIVER BEND	\$24.75	\$5.20
RIVERSIDE	\$48,513.85	\$10,187.91
RIVERVIEW	\$7,747.19	\$1,626.91
ROCHEPORT	\$4,533.75	\$952.09
ROCK HILL	\$141,168.97	\$29,645.48
ROCK HILL (T1)	\$483.52	\$101.54
ROCK HILL (T3)	\$870.40	\$182.78
ROCK HILL (T4)	\$84.55	\$17.75
ROCK PORT	\$34,154.41	\$7,172.43
ROCKAWAY BEACH	\$11,979.00	\$2,515.59
ROCKVILLE	\$1,207.55	\$253.59
ROGERSVILLE	\$62,778.78	\$13,183.54
ROLLA	\$440,907.31	\$92,590.54
ROSEBUD	\$6,544.75	\$1,374.40
RUSSELLVILLE	\$9,847.36	\$2,067.95
RUTLEDGE	\$112.11	\$23.54
SADDLEBROOKE	\$1,037.67	\$217.91
SAGINAW	\$3,958.47	\$831.28
SALEM	\$76,073.55	\$15,975.45
SALISBURY	\$23,785.08	\$4,994.87
SARCOXIE	\$23,977.93	\$5,035.37
SAVANNAH	\$140,362.44	\$29,476.11
SCOTSDALE	\$712.71	\$149.67
SCOTT CITY	\$105,065.50	\$22,063.76
SEDALIA	\$503,470.46	\$105,728.80
SELIGMAN	\$8,511.13	\$1,787.34
SENATH	\$21,637.47	\$4,543.87
SENECA	\$62,471.37	\$13,118.99
SEYMOUR	\$20,690.53	\$4,345.01
SHELBINA	\$32,678.33	\$6,862.45
SHELBYVILLE	\$9,031.82	\$1,896.68
SHELDON	\$10,623.24	\$2,230.88
SHREWSBURY	\$192,786.69	\$40,485.20
SIKESTON	\$660,706.66	\$138,748.40
SILEX	\$1,364.49	\$286.54
SILVER CREEK	\$9,032.70	\$1,896.87
SKIDMORE	\$3,453.07	\$725.14
SLATER	\$47,567.16	\$9,989.10
SMITHTON	\$5,296.12	\$1,112.19
SMITHVILLE	\$201,559.44	\$42,327.48
SOUTH WEST CITY	\$10,053.88	\$2,111.31
SPARTA	\$23,119.33	\$4,855.06
SPICKARD	\$2,035.99	\$427.56
SPRINGFIELD	\$3,522,955.97	\$739,820.75
ST ANN	\$289,121.56	\$60,715.53
ST ANN (T1)	\$3,563.21	\$748.27
ST CHARLES	\$1,237,092.68	\$259,789.46
ST CLAIR	\$70,551.85	\$14,815.89
ST ELIZABETH	\$4,749.14	\$997.32
ST GEORGE	\$4,764.32	\$1,000.51
ST JAMES	\$80,688.04	\$16,944.49
ST JOHN	\$52,663.32	\$11,059.30

ST JOHN (T7)	\$1,192.76	\$250.48
ST JOHN (T8)	\$445.36	\$93.53
ST JOSEPH	\$2,067,133.29	\$434,097.99
ST LOUIS	\$11,407,379.33	\$2,395,549.66
ST MARTINS	\$14,405.48	\$3,025.15
ST MARY	\$4,884.66	\$1,025.78
ST PETERS	\$1,144,378.77	\$240,319.54
ST ROBERT	\$144,825.78	\$30,413.41
ST THOMAS	\$2,682.94	\$563.42
STANBERRY	\$17,135.14	\$3,598.38
STE GENEVIEVE	\$115,462.02	\$24,247.02
STEELE	\$52,232.68	\$10,968.86
STEELVILLE	\$17,753.59	\$3,728.25
STELLA	\$453.57	\$95.25
STEWARTSVILLE	\$33,705.52	\$7,078.16
STOCKTON	\$39,056.39	\$8,201.84
STOUTLAND	\$615.63	\$129.28
STOVER	\$17,621.05	\$3,700.42
STRAFFORD	\$34,236.11	\$7,189.58
STRASBURG	\$193.55	\$40.64
STURGEON	\$18,157.93	\$3,813.16
SUGAR CREEK	\$47,247.51	\$9,921.98
SULLIVAN	\$119,739.96	\$25,145.39
SUMMERSVILLE	\$5,805.02	\$1,219.05
SUNRISE BEACH	\$19,548.55	\$4,105.20
SUNSET HILLS	\$290,441.64	\$60,992.74
SUNSET HILLS (X1)	\$2,032.03	\$426.73
SUNSET HILLS (X2)	\$2,896.17	\$608.19
SUNSET HILLS (X3)	\$8,749.07	\$1,837.30
SUNSET HILLS (X4)	\$11,155.50	\$2,342.65
SUNSET HILLS (X5)	\$5,584.56	\$1,172.76
SUNSET HILLS (X6)	\$208.84	\$43.86
SWEET SPRINGS	\$34,979.76	\$7,345.75
TANEYVILLE	\$2,402.70	\$504.57
TAOS	\$14,084.96	\$2,957.84
TARKIO	\$56,544.73	\$11,874.39
THAYER	\$29,680.43	\$6,232.89
THEODOSIA	\$341.52	\$71.72
TIPTON	\$25,092.26	\$5,269.38
TOWN AND COUNTRY	\$396,957.52	\$83,361.08
TOWN AND COUNTRY(X1)	\$73,859.59	\$15,510.51
TOWN AND COUNTRY(X2)	\$2,692.89	\$565.51
TRACY	\$3,156.73	\$662.91
TRENTON	\$142,536.80	\$29,932.73
TRIMBLE	\$13,744.50	\$2,886.34
TROY	\$194,042.21	\$40,748.86
TRUESDALE	\$6,351.50	\$1,333.82
TUSCUMBIA	\$1,608.43	\$337.77
TWIN OAKS	\$11,057.97	\$2,322.17
TWIN OAKS (X1)	\$1,243.73	\$261.18
UNION	\$242,872.49	\$51,003.22
UNIONVILLE	\$14,665.76	\$3,079.81

UNITY VILLAGE	\$407.77	\$85.63
UNIVERSITY CITY	\$559,989.96	\$117,597.89
UNIVERSITY CITY (T1)	\$5.47	\$1.15
UPLANDS PARK	\$2,475.61	\$519.88
URBANA	\$3,446.65	\$723.80
URICH	\$8,089.53	\$1,698.80
VALLEY PARK	\$82,751.10	\$17,377.73
VALLEY PARK (T1)	\$24,167.80	\$5,075.24
VALLEY PARK (T2X6)	\$1,368.96	\$287.48
VALLEY PARK (T3)	\$163.50	\$34.33
VALLEY PARK (X1)	\$5,248.08	\$1,102.10
VALLEY PARK (X2)	\$15,327.26	\$3,218.72
VALLEY PARK (X3)	\$688.29	\$144.54
VALLEY PARK (X4)	\$344.02	\$72.24
VALLEY PARK (X5)	\$977.59	\$205.29
VALLEY PARK (X6)	\$4,012.19	\$842.56
VAN BUREN	\$8,536.91	\$1,792.75
VANDALIA	\$41,160.12	\$8,643.63
VANDIVER	\$938.65	\$197.12
VELDA	\$4,067.92	\$854.26
VELDA VILLAGE HILLS	\$3,565.82	\$748.82
VERONA	\$11,025.00	\$2,315.25
VERSAILLES	\$48,358.25	\$10,155.23
VIBURNUM	\$11,287.83	\$2,370.44
VIENNA	\$5,225.68	\$1,097.39
VILLAGE OF FOUR SEASONS	\$55,451.02	\$11,644.71
VINITA PARK	\$8,811.84	\$1,850.49
VINITA TERRACE	\$1,058.64	\$222.31
WALNUT GROVE	\$7,296.68	\$1,532.30
WARDELL	\$7,501.52	\$1,575.32
WARDSVILLE	\$23,317.58	\$4,896.69
WARRENSBURG	\$318,840.34	\$66,956.47
WARRENTON	\$115,217.02	\$24,195.57
WARSAW	\$47,233.68	\$9,919.07
WARSON WOODS	\$60,252.04	\$12,652.93
WASHBURN	\$2,984.03	\$626.65
WASHINGTON	\$342,774.70	\$71,982.69
WAVERLY	\$28,322.24	\$5,947.67
WAYLAND	\$3,910.73	\$821.25
WAYNESVILLE	\$174,340.29	\$36,611.46
WEAUBLEAU	\$4,271.44	\$897.00
WEBB CITY	\$354,928.83	\$74,535.05
WEBSTER GROVES	\$437,355.89	\$91,844.74
WEBSTER GROVES (T1)	\$9,474.79	\$1,989.70
WELDON SPRING	\$74,655.53	\$15,677.66
WELLSTON	\$7,519.65	\$1,579.13
WELLSVILLE	\$19,449.10	\$4,084.31
WENTZVILLE	\$1,164,467.21	\$244,538.11
WEST PLAINS	\$210,323.81	\$44,168.00
WEST SULLIVAN	\$690.49	\$145.00
WESTON	\$46,228.66	\$9,708.02
WESTPHALIA	\$5,594.73	\$1,174.89

WHEATLAND	\$6,098.98	\$1,280.79
WHEATON	\$3,299.34	\$692.86
WILBUR PARK	\$2,131.82	\$447.68
WILDWOOD	\$324,015.75	\$68,043.31
WILDWOOD (X1)	\$3,336.60	\$700.69
WILLARD	\$92,668.51	\$19,460.39
WILLIAMSVILLE	\$2,011.21	\$422.36
WILLOW SPRINGS	\$33,261.77	\$6,984.97
WINCHESTER	\$6,579.24	\$1,381.64
WINDSOR	\$46,901.94	\$9,849.41
WINDSOR PLACE	\$3,646.62	\$765.79
WINFIELD	\$21,114.37	\$4,434.02
WINONA	\$18,443.48	\$3,873.13
WOODS HEIGHTS	\$6,644.60	\$1,395.37
WOODSON TERRACE	\$91,520.58	\$19,219.32
WRIGHT CITY	\$61,045.43	\$12,819.54
WYACONDA	\$2,119.28	\$445.05
WYATT	\$3,397.46	\$713.47

Model Ordinance after the Street v. Director of Revenue Decision and SS for HB 184 Local Use Tax and Options on Out of State Vehicle Purchases

The Missouri Municipal League has previously published a model ordinance for adopting a local use tax. The legal underpinning of that tax has changed due to the Missouri Supreme Court's decision in *Street v. Director of Revenue* 361 S.W.3d 355 (Mo. banc 2012) and the subsequent enactment of Senate Substitute for House Bill 184 (HB184). The Street case arose when Craig Street sought judicial relief after he was required to pay local sales taxes to license a boat, outboard motor, and trailer he purchased from a dealer in Maryland. In January of 2012 The Supreme Court of Missouri delivered an opinion in which it determined that the purchase was not subject to local sales tax because such taxes may only be imposed to the same extent as the state sales tax, which only applies to in-state purchases. Further, although a local use tax could potentially be imposed on the purchase, the county in which Street resided had not adopted a local use tax. The decision also implicated the state imposition of taxes on out of state sales of motor vehicles, trailers, boats, and outboard motors. The Missouri Legislature in 2013 reacted to the decision by passing HB184 effective August 29, 2013.

HB184 prohibited state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. The taxing of these items was placed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser was continued for the purpose of determining what local tax rate should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax. Additionally HB184 required all local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A final requirement within HB184 creates a referendum action to repeal the tax at any time. Language repealing the tax must be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it.

To assist municipalities in complying with the provisions of the statutes after passage of HB184 the following model ordinance with use and cautionary notes has been prepared.

MODEL ORDINANCE UNDER RSMo 32.087 (HB184)

This sample ordinance is to be considered only as a guide for local adoption.

See Notes on Use at the end of this sample.

Always have ordinances of this type reviewed by legal counsel.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL TO DISCONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE (SPECIAL) (GENERAL) (PRIMARY) ELECTION CALLED AND TO BE HELD IN THE CITY ON (DAY)____, (DATE)____, 20____.

WHEREAS, the City has not previously approved and imposed a local use tax under Section 144.757 RSMo; and

WHEREAS, the City is required under the provisions of Section 32.087 RSMo to submit to the qualified voters of the City the question of repealing the application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer; and

WHEREAS, the City is required to submit the question to its voters no later than the general election in November 2016;

NOW, THEREFORE, BE IT ORDAINED BY THE (CITY COUNCIL) (BOARD OF ALDERMEN) (BOARD OF TRUSTEES) OF ____ (CITY) ____, AS FOLLOWS:

Section 1. Pursuant to the provisions of Sections 32.087 RSMo, the (City Council) (Board of Aldermen) (Board of Trustees) has determined that it would be appropriate to submit the determination of the issue of whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer to the voters.

Section 2. This proposition shall be submitted to the qualified voters of ____ (Municipality's Name) ____, Missouri, for their approval, as required by the provisions of Section 32.087 RSMo, at the election hereby called and to be held in the City on ____ (Day of Week) ____, the _____ day of _____, 20____. The ballot of submission shall contain substantially the following language:

Shall the (Municipality's Name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for (Municipality's Name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Section 3. If the ballot question set forth in Section (2) of this ordinance receives a majority of the votes cast in favor of the proposal, the local sales tax shall cease to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer. The effective date of the cessation shall be the first day of the second calendar quarter after the election. If a majority of the votes cast are opposed to the ballot question then the local sales tax shall continue to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

Section 4. Within ten (10) days after the approval or disapproval of the proposition by the qualified voters of (Municipality) , Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

[Insert normal signature blocks]

NOTES ON USE

Ordinances of this nature which have significant fiscal impact should be reviewed by an attorney on behalf of the municipality.

The model above is for use by municipalities which have not previously adopted a use tax. But can be modified by jurisdictions with a use tax who choose to submit the question or in municipalities receiving a referendum petition under the statute.

While RSMo 144.757 provides different language for municipalities not within St. Louis County, municipalities within St. Louis County and the City of St. Louis, RSMo 32.087 does not contain separate categories or wording.

The provisions of HB184 require cities which have not adopted a use tax prior to August 29, 2013 to either submit the question of repeal as provided in the ordinance to the voters, which may lead to repeal of the sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer, or if the question is not submitted to the voters by November 2016, the local sales tax on those items ceases on March 1, 2017.

Any municipality with a previously adopted use tax may choose to submit the repeal of the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer at any time, including after November 2016.

A referendum requirement is included in 32.087 RSMo which requires the question of repeal to be submitted to the voters after receipt of a petition signed by fifteen percent (15%) of the registered voters of the municipality voting in the last gubernatorial election.

Additional "Whereas" clauses may be added to give context to the ordinance such as the following:

WHEREAS, a fair and sound tax policy would require the same tax rate be charged on purchases made from businesses located outside Missouri as are charged by businesses in (Municipality Name) eliminating a competitive advantage of out-of-state businesses;

WHEREAS, maintaining a local sales tax will continue the policy of eliminating an advantage out-of-state dealerships currently enjoy over local dealerships;

WHEREAS, a petition to place the question of repeal has been received reflecting signatures of at least fifteen percent (15%) of the registered voters of the municipality voting in the last gubernatorial election;

Due to the somewhat unique method chosen by the legislature to address the issue of out of state purchases of motor vehicles, trailers, boats, and outboard motors, some uncertainty may exist as to the impact of a vote to repeal as contemplated in RSMo 32.087. The timing of the vote may

add to the uncertainty of liability under the Hancock Amendment. For those municipalities within St. Louis county an analysis of the impact on the special pool tax arrangement should be considered.

Any deviations from the statutory language in the ballot question may put the validity of the tax at risk. Reliance on the word “substantially” to alter language should be done only after consulting with an attorney. The Supreme Court has construed The term ‘substantially’ in the context of use in a taxation statute has been construed as synonymous with the following words: ‘practically,’ ‘nearly,’ ‘almost,’ ‘essentially’ and ‘virtually.’ Statements appearing elsewhere in the ordinance carry less risk.

The classification of a municipality may have an impact on the flexibility it has to alter statutorily designated language.

Issues common to tax issue ballot questions include the following:

Statutory class cities are creatures of the General Assembly, possessing only those powers expressly granted to them by statute, those powers necessarily or fairly implied in or incidental to their express powers, and those powers essential to the declared objects of the municipality. Reasonable doubt as to whether a power has been delegated to a municipality is resolved in favor of non-delegation.

The Missouri Supreme Court has stated that where statutes provide that ballots be in a certain form without prescribing what results would follow if they were not used as required, the statutes would be considered directory rather than mandatory. The test as set out is “whether or not the voters were afforded an opportunity to express and that they did fairly express their will.” State ex rel. City of Memphis v. Hackman, 202 S.W. 7, 14 (Mo Banc 1918); Ginger v. Halferty, 193 S.W.2d 503, 505 (Mo. 1946); City of Raytown v. Kemp, 349 S.W.2d 363, 369 (Mo. banc 1961).



FINANCE DIRECTOR'S OFFICE

10000 EAST 59TH STREET

RAYTOWN, MISSOURI 64133-3993

PHONE: 816-737-6084 - FAX: 816-737-8370

E-MAIL: MARKL@RAYTOWN.MO.US

MEMORANDUM

Date: 03/28/2016

To: Finance Committee

From: Mark Loughry, Finance Director

Re: Gasoline Tax

Committee,

I am attaching the documents provided by City of Peculiar in regards to their gasoline sales tax. The documents include the state statute, three staff reports and required ordinances for adoption. This was a multi-year process that required numerous attempts before final passage. The first month's collections came in just under \$13,000.00 which is more than they were estimating.

Sincerely

Mark Loughry, CPM
Finance Director

Apportionment of motor vehicle fuel tax--director of revenue responsible for apportionment--limitation on local fuel taxes--fuel taxes not part of total state revenues or expenses of state government.

Section 30(a). 1. A tax upon or measured by fuel used for propelling highway motor vehicles shall be levied and collected as provided by law. Any amount of the tax collected with respect to fuel not used for propelling highway motor vehicles shall be refunded by the state in the manner provided by law. The remaining net proceeds of the tax, after deducting actual costs of collection of the department of revenue (but after June 30, 2005, not more than three percent of the amount collected) and refunds for overpayments and erroneous payments of such tax as permitted by law, shall be apportioned and distributed between the counties, cities and the state highways and transportation commission as hereinafter provided and shall stand appropriated without legislative action for the following purposes:

(1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and of such moneys generated by this additional five percent, five percent shall be apportioned and distributed solely to cities not within any county in this state. After such distribution to cities not within any county, the remaining proceeds in the county aid road trust fund shall be apportioned and distributed to the various counties of the state on the following basis: One-half on the ratio that the county road mileage of each county bears to the county road mileage of the entire state as determined by the last available report of the state highways and transportation commission and one-half on the ratio that the rural land valuation of each county bears to the rural land valuation of the entire state as determined by the last available report of the state tax commission, except that county road mileage in incorporated villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be excluded in such determination, except that, if the assessed valuation of rural lands in any county is less than five million dollars, the county shall be treated as having an assessed valuation of five million dollars. The funds apportioned and distributed to each county shall be dedicated, used and expended by the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to such other provisions and restrictions as provided by law. The moneys generated by the additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall not be used or expended for equipment, machinery, salaries, fringe benefits or capital improvements, other than roads and bridges. In counties having the township form of county organization, the funds distributed to such counties shall be expended solely under the control and supervision of the county commission, and shall not be expended by the various townships located within such counties. "Rural land" as used in this section shall mean all land located within any county, except land in incorporated villages, towns, or cities.

(2) Fifteen percent of the remaining net proceeds shall be apportioned and distributed to the various incorporated cities, towns and villages within the state solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the payment of principal and interest on indebtedness on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. The amount apportioned and distributed to each city, town or village shall be based on the ratio that the population of the city,

town or village bears to the population of all incorporated cities, towns or villages in the state having a like population, as shown by the last federal decennial census, provided that any city, town or village which had a motor fuel tax prior to the adoption of this section shall annually receive not less than an amount equal to the net revenue derived therefrom in the year 1960; and

(3) All the remaining net proceeds in excess of the distributions to counties, and to cities, towns and villages under this section shall be apportioned, distributed and deposited in the state road fund and shall be expended and used solely as provided in subsection 1 of section 30(b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the apportionment, distribution and deposit of the funds monthly in the manner required hereby.

3. Except for taxes or licenses which may be imposed uniformly on all merchants or manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee upon, measured by or with respect to the importation, receipt, manufacture, storage, transportation, sale or use, on or after the first day of the month next following the adoption of this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is approved by a vote of the people of any city, town or village subsequent to the adoption of this section, by a two-thirds majority. All funds collected shall be used solely for construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets and for the payment and interest on indebtedness incurred on account of road and street purposes.

4. The net proceeds of fuel taxes apportioned, distributed and deposited under this section to the state road fund, counties, cities, towns and villages shall not be included within the definition of "total state revenues" in section 17 of article X of this constitution nor be considered as an "expense of state government" as that term is used in section 20 of article X of this constitution.

(Adopted March 6, 1962)

(Amended November 6, 1979)

(Amended August 4, 1992)

(Amended by Initiative November 2, 2004)

CROSS REFERENCE:

Federal census results to be used for distribution of revenue, when, RSMo 66.351

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices - 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Aldermen

From: Nick Jacobs

Date: May 19, 2014

Re:

GENERAL INFORMATION

Applicant: Staff

Status of Applicant: City Clerk

Requested Actions: Placing a One Penny Motor Vehicle Fuel Tax on August 5, 2014 Ballot

Purpose: To allow the Voters of Peculiar to vote on a revenue stream for roads.

Property Location (if applicable):

PROPOSAL

The City of Peculiar receives fuel tax from the State based on census 10 year populations, not to the point of purchase. Flying J and Casey's receives a lot of car traffic off of 71 Highway. Flying J receives an even larger amount of truck traffic. 1 penny would help aid our aging road system in Peculiar. We have many new housing additions in Peculiar but the property taxes are in no way close to addressing the infrastructure needs. The City of Peculiar in 5 years will be facing some direr road conditions as the new developments will start needing their streets overlaid. If we do not find a way to address future street repairs, we will not be able to sustain growth and repairs of our roadway systems in the City. Therefore, we are in hope that the penny will aid us in addressing some of the street issues in the community.

We are estimating that this one penny could possibly bring in around \$80,000 annually. We should use the first year in collection to base our data on future budgeting of these dollars for road improvements.

This Bill would need 2 readings at the May 19, 2014 BOA Meeting to be placed on the August 5th, 2014 Primary Election as the certification date is May 27, 2014.

PREVIOUS ACTIONS

- Failed to receive the required 2/3 voter approval on the ballot April 2010
- Failed to receive the required 2/3 voter approval on the ballot November 2010
- Failed to receive the required 2/3 voter approval on the ballot April 2014 by .5%

KEY ISSUES

- Aid in addressing current street repairs
- Aid in future street repairs
- Visitors to the community paying for City street repairs
- More citizens currently talking about the need to approve this tax.
- Must be approved at May 19, 2014 BOA Meeting to be placed on August Ballot
- We are unsure the total amount this 1 penny would generate
- It takes 2/3 or 66.67% of the votes cast to approve this provision.

STAFF COMMENTS AND SUGGESTION

~~We would run the issue again before the citizens. We have received numerous citizens requesting us to run the ballot issue again.~~

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

STAFF CONTACT: Nick Jacobs, City Clerk
njacobs@cityofpeculiar.com

BILL NO. 2014-17
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A LOCAL FUEL TAX TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING, AND CLEANING OF ROADS AND/OR STREETS; AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS INCURRED FOR ROAD AND STREET PURPOSES, THE USE THEREOF BEING SUBJECT TO SUCH OTHER PROVISIONS AND RESTRICTIONS AS PROVIDED BY LAW, AT THE RATE OF ONE CENT (\$0.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(a) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE ELECTION CALLED AND TO BE HELD IN THE CITY ON AUGUST 5, 2014.

WHEREAS, the City is authorized, under Article IV Section 30(a) of the Missouri Constitution, to impose a local fuel tax at a rate of one cent (\$0.01) per gallon to be imposed on all merchants for the sale of fuel used for propelling motor vehicles within the City; and

WHEREAS, the proposed City fuel tax cannot become effective until approved by a two-thirds majority of the voters at a general, primary, or special election at the municipal, county, or state level.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Peculiar, Missouri as follows:

Section 1. Pursuant to the authority granted by and subject to the provisions of Article IV Section 30(a) of the Missouri Constitution, a motor vehicle fuel tax on both gasoline and diesel fuel shall be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness incurred for road and street purposes, the use thereof being subject to such other provisions and restrictions as provided by law.

Section 2. The rate of the tax shall be one cent (\$0.01) per gallon.

Section 3. The tax shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Article IV Section 30(a) of the Missouri Constitution, at the election hereby called and to be held in the City on the 5th day of August, 2014. The ballot of submission shall contain substantially the following language:

Shall the City of Peculiar, Missouri, impose a motor vehicle fuel tax, including both gasoline and diesel fuel, at a rate of (\$0.01) per gallon to be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness incurred for road and street purposes, the use thereof being subject to such other

provisions and restrictions as provided by law?

- YES
- NO

If you are in favor of the question, place an "X" in the box opposite "YES." If you are opposed to the question, place an "X" in the box opposite "NO."

SECTION II: The effective date of this ordinance shall be _____, 2014

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

Alderman Ford _____
 Alderman McCrea _____
 Alderman Fines _____

Alderman Ray _____
 Alderman Roberts _____
 Alderman Turner _____

Approved:

Attest:

Holly Stark, Mayor

Nick Jacobs, City Clerk

RESOLUTION NO. 2015-45

A RESOLUTION OF THE BOARD OF ALDERMEN, OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A SPECIAL ELECTION ON NOVEMBER 3, 2015

WHEREAS, a Special Municipal Election Day in Missouri has been determined to be November 3, 2015.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR

Section 1. A Special Election will be held on November 3, 2015 for the purpose of bringing a question before the qualified voters.

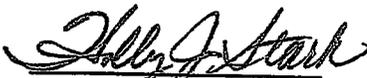
Section 2. The effective date of this ordinance shall be the 3rd day of August, 2015.

THIS RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE THIS 3RD DAY OF AUGUST, 2015.

Alderman Ford	AYE	Alderman McCrea	AYE
Alderman Hammack	AYE	Alderman Turner	AYE
Alderman Ray	AYE	Alderman Roberts	ABSENT

Approved:

Attest:


Holly Stark, Mayor


Janet Burlingame, City Clerk



City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Grant Purkey

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Aldermen
From: Janet Burlingame
Date: August 17, 2015
Re: Motor Fuel Fee Issue Bill No. 2015-19

GENERAL INFORMATION

Applicant: Staff
Status of Applicant: City Clerk
Requested Actions: Placing a One Penny Motor Fuel Fee on November 3, 2015 Ballot.
Purpose: To allow the Voters of Peculiar to vote on a revenue stream for roads.
Property Location (if applicable):

PROPOSAL

The City of Peculiar receives fuel tax from the State based on census 10 year populations, not to the point of purchase. Flying J and Casey's receives a lot of car traffic off of I-49. Flying J receives an even larger amount of truck traffic. One (\$.01) penny would help aid our aging road system in Peculiar. We have many new housing additions in Peculiar but the property taxes are in no way close to addressing the infrastructure needs. The City of Peculiar in 5 years will be facing some direr road conditions as the new developments will start needing their streets overlaid. If we do not find a way to address future street repairs, we will not be able to sustain growth and repairs of our roadway systems in the City. Therefore, we are in hopes that the one (\$.01) penny will aid us in addressing some of the street issues in the community.

We are estimating that this one (\$.01) penny could possibly bring in around \$80,000 annually. We should use the first year in collection to base our data on future budgeting of these dollars for road improvements.

This Bill would need 2 readings, scheduled for the August 3rd and August 17th 2015 BOA Meeting to be placed on the November 3, 2015 Special Election as the certification date is August 25, 2015.

PREVIOUS ACTIONS

- Failed to receive the required 2/3 voter approval on the ballot April 2010
- Failed to receive the required 2/3 voter approval on the ballot November 2010
- Failed to receive the required 2/3 voter approval on the ballot April 2014.
- Failed to receive the required 2/3 voter approval on the ballot August 2014.

KEY ISSUES

- Aid in addressing current street repairs.
- Aid in future street repairs.
- Visitors to the community paying for City street repairs.
- More citizens currently talking about the need to approve this fee.
- Must be approved at August 17, 2015 BOA Meeting to be placed on November 2015 Ballot.
- We are unsure the total amount this 1 penny would generate.
- It takes 2/3 or 66.67% of the votes cast to approve this provision.
- The estimate cost of election to place the proposed "Motor Fuel Fee" issue on the November 3, 2015 ballot is \$3,700.00.

STAFF COMMENTS AND SUGGESTION

We would run the issue again before the citizens. We have received numerous citizens requesting us to run the ballot issue again.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

STAFF CONTACT: Janet Burlingame, City Clerk
jburlingame@cityofpeculiar.com

**BILL NO. 2015-19
ORDINANCE NO. 08172015**

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A MOTOR FUEL FEE TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIRING OF ROADS AND STREETS AT THE RATE OF ONE CENT (\$.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(A) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE SPECIAL ELECTION CALLED AND TO BE HELD IN THE CITY ON NOVEMBER 3, 2015

WHEREAS, the City is authorized, under Article IV Section 30(a) of the Missouri Constitution, to impose a Motor Fuel Fee at a rate of one cent (\$.01) per gallon to be imposed on all merchants for the sale of fuel used for propelling motor vehicles in the City; and

WHEREAS, the proposed City Motor Fuel Fee cannot become effective until approved by a two-thirds majority of the voters at a municipal, county or state general, primary or special election;

NOW, THEREFORE, be it ordained by the Board of Aldermen of Peculiar, Missouri, as follows:

Section 1. Pursuant to the authority granted by, and subject to, the provisions of Article IV Section 30(a) of the Missouri Constitution, a fee, on gasoline, diesel fuel, and/or blended fuels to be used to fund the construction, reconstruction, maintenance and repairing of roads and streets of the City.

Section 2. The rate of the fee shall be one cent (\$.01) per gallon.

Section 3. This fee shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Article IV Section 30(a) of the Missouri Constitution, at the special election hereby called and to be held in the City on Tuesday, the third (3rd) day of November, 2015. The ballot of submission shall contain substantially the following language:

Question 1:

Shall the City of Peculiar, Missouri impose a Motor Fuel Fee on and paid by gasoline filling stations selling diesel fuel, gasoline, and/or blended fuels, in an amount not to exceed one cent (\$.01) per gallon based on the gallons of motor vehicle fuel sold, the proceeds of which shall be used solely for construction, reconstruction, maintenance and repairing of roads and streets?

YES

NO

INSTRUCTIONS TO VOTERS: To vote, darken in the oval completely next to your choice, like this: If you are in favor of any question submitted upon this ballot, darken the oval to the left of the word "YES". If you are opposed to any question submitted upon this ballot, darken the oval to the left of the word "NO". If you tear, deface, or make a mistake and wrongfully mark any ballot, you must return it to the election judges and receive a new ballot.

Section 4. This Ordinance shall be in full force and effect on or after the first day of the month next following the adoption of this Ordinance.

First Reading: August 3, 2015

Second Reading: August 17, 2015

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS 17th DAY OF AUGUST, 2015, BY THE FOLLOWING VOTE:

Alderman Hammack AYE

Alderman Turner AYE

Alderman Ray AYE

Alderman McCrea AYE

Alderman Ford AYE

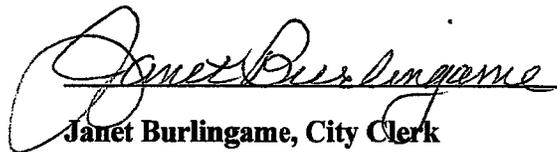
Alderman Roberts AYE

APPROVED:

ATTEST:



Holly Stark, Mayor



Janet Burlingame, City Clerk



NOTICE OF ELECTION

Notice is hereby given to the qualified voters of the City of Peculiar, that a special election has been called to be held in the City of Peculiar on Tuesday, November 3, 2015, commencing at 6:00 a.m. and closing at 7:00 p.m., on the question contained in the following sample official ballot:

**OFFICIAL BALLOT
SPECIAL ELECTION
CITY OF PECULIAR
CASS COUNTY, MISSOURI
TUESDAY, NOVEMBER 3, 2015**

QUESTION 1:

Shall the City of Peculiar, Missouri impose a Motor Fuel Fee on and paid by gasoline filling stations selling diesel fuel, gasoline, and/or blended fuels, in an amount not to exceed one cent (\$.01) per gallon based on the gallons of motor vehicle fuel sold, the proceeds of which shall be used solely for construction, reconstruction, maintenance and repairing of roads and streets?

YES

NO

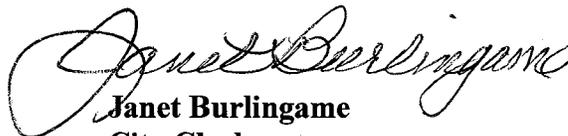
INSTRUCTIONS TO VOTERS: To vote, darken in the oval completely next to your choice, like this: If you are in favor of any question submitted upon this ballot, darken the oval to the left of the word "YES". If you are opposed to any question submitted upon this ballot, darken the oval to the left of the word "NO". If you tear, deface, or make a mistake and wrongfully mark any ballot, you must return it to the election judges and receive a new ballot.

Polling Place:

#26 – West Peculiar-City – Peculiar Lions Club Community Center, 500 Schug Ave., Peculiar, Missouri

Given under my hand the official seal of the City of Peculiar, Missouri this 17th day of August, 2015.




Janet Burlingame
City Clerk
City of Peculiar

**OFFICIAL BALLOT
SPECIAL ELECTION
CITY OF PECULIAR
CASS COUNTY, MISSOURI
NOVEMBER 3, 2015**

QUESTION 1:

Shall the City of Peculiar, Missouri impose a Motor Fuel Fee on and paid by gasoline filling stations selling diesel fuel, gasoline, and/or blended fuels, in an amount not to exceed one cent (\$.01) per gallon based on the gallons of motor vehicle fuel sold, the proceeds of which shall be used solely for construction, reconstruction, maintenance and repairing of roads and streets?

YES

NO

INSTRUCTIONS TO VOTERS: To vote, darken in the oval completely next to your choice, like this: ● If you are in favor of any question submitted upon this ballot, darken the oval to the left of the word "YES". If you are opposed to any question submitted upon this ballot, darken the oval to the left of the word "NO". If you tear, deface, or make a mistake and wrongfully mark any ballot, you must return it to the election judges and receive a new ballot.

KAPKE & WILLERTH L.L.C.
ATTORNEYS AT LAW

GEORGE E. KAPKE
JOE F. WILLERTH
JONATHAN S. ZERR*
G. EDWARD (TED) KAPKE, JR.**
ERIN D. LAWRENCE**
ZACHARY L. ENTERLINE

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Email direct to
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April 20, 2016

Mark Loughry
Director of Finance
City of Raytown
10000 E. 59th Street
Raytown, MO 64133

Re: Opinion on Gasoline Tax

Dear Mr. Loughry:

Pursuant to your inquiry of April 14, 2016, you requested the undersigned to research an issue and opinion if there was any limit on the amount of fuel tax created pursuant to Article IV, Section 30(a) of the Missouri Constitution and, further, to what purposes could the fuel tax proceeds be used. Specifically, could they be used for storm water improvements. I attach, for you or your Committee's use, a copy of Article IV, Section 30(a) of the Missouri Constitution which provides that the City of Raytown is authorized, under Article IV, Section 30(a) of the Missouri Constitution, to impose a local fuel tax at the rate of _____ cents per gallon to be imposed on all merchants for the sale of fuel for filling motor vehicles within the City. The proposed fuel tax cannot become effective until approved by two-thirds (2/3) of the majority of the voters at a general primary or special election. I previously forwarded you material indicating the City Council of Peculiar adopted an ordinance calling for a special election on November 3, 2015, which approved a one cent per gallon tax. I also would note to you that the City of Charleston, Missouri, on April 14, 2015, adopted a fuel tax of two cents per gallon on diesel fuel only. Section 30(f) of the Missouri Constitution provides an additional tax of one and one-half cents on regular motor fuel, and three and one-half cents on diesel motor fuel. These appear to apply to the base fuel tax applicable in all cities.

With respect to your opinion on the use of funds collected under this special tax pursuant to Article IV, Section 30(a)(1), specifically provides funds apportioned and distributed to each county and expended by each county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to other provisions and restrictions as provided by law.

Mark Loughry
April 20, 2016
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This specific language has been used in all ballots and proposed ordinances on the tax providing as follows:

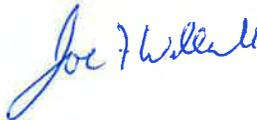
The City of Raytown, Missouri, impose a motor fuel fee on and paid by gasoline filling stations selling diesel fuel, gasoline or blended fuels in an amount not to exceed one cent (\$.01) per gallon based on the gallons of motor fuel sold, proceeds of which shall be used solely for construction, reconstruction, maintenance and repairing of roads and streets.

I would note Article IV, Section 30(d) of the Missouri Constitution provides that no state revenues from highway users which are to be allocated, distributed or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). It is, therefore, my opinion that the sole use of the funds as authorized in this section would be for construction, reconstruction, maintenance, repair, policing, signing, lighting, cleaning of roads and streets or interest on indebtedness incurred for such purposes and not for other purposes such as storm water improvements, even if located within the roads. I found no litigation filed or case law on this provision which is relevant to issues you have raised. I would suggest that you may wish to consult with the Department of Revenue to see if their position on Section 30(a) is consistent with mine that there is no limitation on the amount that the local entity can place on tax on fuel in Section 30(a)(3)(3). There is confusing language in Section 30(a)(1) on the amount to be placed in a special trust fund, but I believe that applies only to the overall state fuel tax and not the special tax imposed by a city.

Please review the enclosed. You may wish to consult with the Department of Revenue on my conclusions. Thank you for your attention to this matter.

Very truly yours,

KAPKE & WILLERTH L.L.C.



Joe F. Willerth

JFW:dkg
Enclosures

COPY

Bill No. 3712
Ordinance No. 2852

AN ORDINANCE IMPOSING A TAX OF TWO CENTS PER GALLON ON DIESEL FUEL SOLD WITHIN THE CITY SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SUBMISSION OF THE PROPOSED TAX TO THE QUALIFIED VOTERS OF THE CITY FOR APPROVAL AT A SPECIAL ELECTION TO BE HELD ON AUGUST 4, 2015

Whereas, Article IV, Section 30(a)3 of the Missouri Constitution provides that a city may impose a tax on the sale or use of fuel used for propelling motor vehicles, the proceeds of which must be used solely for the construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for payment and interest on indebtedness incurred on account of road and street purposes, if said tax is approved by a two-thirds majority of qualified voters of the city; and

Whereas, the City Council of Charleston, Missouri wishes to impose a tax of two cents per gallon on diesel fuel only sold by fuel vendors located within the city limits, said tax to apply only to diesel fuel and not to unleaded fuel of any kind; and

Whereas, the City Council of Charleston, Missouri wishes to call a special municipal election to be held on August 4, 2015 to submit to the qualified voters of the city a proposition authorizing the city to collect said tax if approved by a two-thirds majority of the qualified voters of the city casting ballots at said election;

Now, Therefore, be it ordained by the City Council of Charleston, Missouri as follows:

Section 1. Tax on Diesel Fuel Sales, Subject to Voter Approval. The City Council hereby imposes a tax of two cents (\$.02) per gallon on diesel fuel only used for propelling motor vehicles sold by fuel vendors within the city limits of Charleston, Missouri, the proceeds of which shall be used solely for the construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for payment and interest on indebtedness incurred on account of road and street purposes, provided, however, that said tax is approved by a two-thirds majority of the qualified voters of the city casting ballots at a special municipal election to be held on August 4, 2015.

Section 2. Special Election Called. The City Council hereby calls a special municipal election to be held on Tuesday, August 4, 2015, as required by Article IV, Section 30(a)3 of the Constitution of the State of Missouri, for the purpose of submitting to the qualified voters of the city of Charleston, Missouri, the following question:

"Shall the City of Charleston, Missouri impose a fuel tax of two cents (\$.02) per gallon on diesel fuel only sold at fuel vendors within the city limits, the proceeds of which to be used exclusively for the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and streets within the city and for the payment and interest on indebtedness incurred for those purposes?"

Section 3. Notice of Election. The City Clerk hereby is authorized and directed to deliver to the County Clerk of Mississippi County, Missouri, as the Election Authority authorized by Section 115.023 RSMo, to conduct said municipal election, a written notice of said special election by not later than May 26, 2015, being the tenth Tuesday prior to the special election as required by Section 115.125 RSMo., and shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

Charleston, Missouri

Notice is hereby given that a special election will be held in the City of Charleston, Missouri on Tuesday, August 4, 2015 for the purpose of submitting to the qualified voters of the City of Charleston, Missouri for approval the question set forth on the following official ballot form. The form of the official ballot to be used at the special election will be as follows:

OFFICIAL BALLOT

City of Charleston, Missouri

Special Election

August 4, 2015

Shall the city of Charleston, Missouri impose a fuel tax of two cents (\$.02) per gallon on diesel fuel only sold at fuel vendors within the city limits, the proceeds of which to be used exclusively for the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and streets within the city and for the payment and interest on indebtedness incurred for those purposes?"

[] YES

[] NO

INSTRUCTIONS TO VOTERS:

If you are in favor of the question, mark the box next to YES.

If you are opposed, mark the box next to NO.

Section 4. Collection of Tax. If the imposition of said tax is approved by a two-thirds (2/3) majority of the qualified voters of the City of Charleston casting ballots at said special election, then the two cents (\$.02) per gallon tax on diesel fuel only sold at fuel vendors within the city limits of Charleston, Missouri will take effect on October 1, 2015.

Thereafter, all fuel vendors within the city limits shall file monthly written reports with the City Collector accurately revealing the number of gallons of diesel fuel sold for that month and simultaneously submit to City Collector payment in the amount of two cents (\$.02) per gallon of diesel fuel sold. The monthly reports and fuel tax payments shall be due not later than thirty (30) days after the end of each month. City will have the right to periodically audit the reporting of gallons of diesel fuel sold by fuel vendors along with the associated payment related to those reported gallons sold. The City Collector, City Manager and Mayor are authorized to take all actions on behalf of the city necessary or convenient to enforce the collection of said tax.

Section 5. Severance. The provisions of this ordinance are hereby declared to be severable so that should any section, subsection, paragraph, phrase, sentence, or clause be declared invalid for any reason whatsoever, such decision shall not affect or invalidate the remaining portions of this ordinance which shall remain in full force and effect.

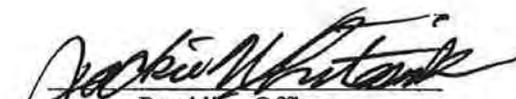
Section 6. Effective Date. This ordinance shall be effective immediately upon its passage and approval

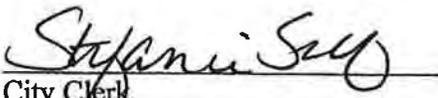
COPIES OF THIS ORDINANCE HAVE BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS CONSIDERATION BY THE CITY COUNCIL, AND THE SAME HAS BEEN READ TWO (2) TIMES BY TITLE AS REQUIRED BY SEC. 77.080 RSMO.

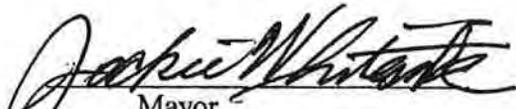
THE FOREGOING ORDINANCE IS PASSED BY A MAJORITY OF THE COUNCIL ON THIS 14th DAY OF APRIL, 2015.

Attest:


City Clerk


Presiding Officer


City Clerk


Mayor

Missouri Constitution Section



←Article: 040291

Article: 04030b1→

Article IV
EXECUTIVE DEPARTMENT
Section 30a
August 28, 2015

Apportionment of motor vehicle fuel tax--director of revenue responsible for apportionment--limitation on local fuel taxes--fuel taxes not part of total state revenues or expenses of state government.

Section 30(a). 1. A tax upon or measured by fuel used for propelling highway motor vehicles shall be levied and collected as provided by law. Any amount of the tax collected with respect to fuel not used for propelling highway motor vehicles shall be refunded by the state in the manner provided by law. The remaining net proceeds of the tax, after deducting actual costs of collection of the department of revenue (but after June 30, 2005, not more than three percent of the amount collected) and refunds for overpayments and erroneous payments of such tax as permitted by law, shall be apportioned and distributed between the counties, cities and the state highways and transportation commission as hereinafter provided and shall stand appropriated without legislative action for the following purposes:

(1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and of such moneys generated by this additional five percent, five percent shall be apportioned and distributed solely to cities not within any county in this state. After such distribution to cities not within any county, the remaining proceeds in the county aid road trust fund shall be apportioned and distributed to the various counties of the state on the following basis: One-half on the ratio that the county road mileage of each county bears to the county road mileage of the entire state as determined by the last available report of the state highways and transportation commission and one-half on the ratio that the rural land valuation of each county bears to the rural land valuation of the entire state as determined by the last available report of the state tax commission, except that county road mileage in incorporated villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be excluded in such determination, except that, if the assessed valuation of rural lands in any county is less than five million dollars, the county shall be treated as having an assessed valuation of five million dollars. The funds apportioned and distributed to each

county shall be dedicated, used and expended by the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to such other provisions and restrictions as provided by law. The moneys generated by the additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall not be used or expended for equipment, machinery, salaries, fringe benefits or capital improvements, other than roads and bridges. In counties having the township form of county organization, the funds distributed to such counties shall be expended solely under the control and supervision of the county commission, and shall not be expended by the various townships located within such counties. "Rural land" as used in this section shall mean all land located within any county, except land in incorporated villages, towns, or cities.

(2) Fifteen percent of the remaining net proceeds shall be apportioned and distributed to the various incorporated cities, towns and villages within the state solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the payment of principal and interest on indebtedness on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. The amount apportioned and distributed to each city, town or village shall be based on the ratio that the population of the city, town or village bears to the population of all incorporated cities, towns or villages in the state having a like population, as shown by the last federal decennial census, provided that any city, town or village which had a motor fuel tax prior to the adoption of this section shall annually receive not less than an amount equal to the net revenue derived therefrom in the year 1960; and

(3) All the remaining net proceeds in excess of the distributions to counties, and to cities, towns and villages under this section shall be apportioned, distributed and deposited in the state road fund and shall be expended and used solely as provided in subsection 1 of section 30(b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the apportionment, distribution and deposit of the funds monthly in the manner required hereby.

3. Except for taxes or licenses which may be imposed uniformly on all merchants or manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee upon, measured by or with respect to the importation, receipt, manufacture, storage, transportation, sale or use, on or after the first day of the month next following the adoption of this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is approved by a vote of the people of any city, town or village subsequent to the adoption of this section, by a two-thirds majority. All funds collected shall be used solely for construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets and for the payment and interest on indebtedness incurred on account of road and street purposes.

4. The net proceeds of fuel taxes apportioned, distributed and deposited under this section to the state road fund, counties, cities, towns and villages shall not be included within the definition of "total state revenues" in section 17 of article X of this constitution nor be considered as an "expense of state government" as that term is used in section 20 of article X of this constitution.

(Adopted March 6, 1962)

(Amended November 6, 1979)

(Amended August 4, 1992)

(Amended by Initiative November 2, 2004)

CROSS REFERENCE:

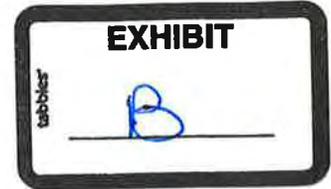
Federal census results to be used for distribution of revenue, when, RSMo 66.351

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Missouri General Assembly

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Missouri Constitution Section

[←Article: 04030c1](#)

[Article: 040311→](#)

Article IV
EXECUTIVE DEPARTMENT
Section 30d
August 28, 2015

Prohibition against diverting revenue for non-highway purposes--severability of provisions--effective date.

Section 30(d). 1. No state revenues derived from highway users which are to be allocated, distributed or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). No state revenues derived from highway users which are to be allocated, distributed or deposited in the state road bond fund pursuant to subdivision (3) of subsection 2 of section 30(b) shall be diverted from the highway purposes and uses specified in said subdivision (3).

2. All of the provisions of sections 29, 30(a), 30(b), 30(c) and 30(d) shall be self executing. All of the provisions of sections 29, 30(a), 30(b), 30(c) and 30(d) are severable. If any provision of sections 29, 30(a), 30(b), 30(c) and (30(d) is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of these sections shall be and remain valid.

3. The provisions of sections 29, 30(a), 30(b), 30(c) and 30(d) shall become effective on July 1, 2005.

(Adopted by Initiative November 2, 2004)

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Missouri General Assembly

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