

2017

City of Peculiar

Mayor and  
Board of Aldermen



## LEGISLATIVE POLICY

The City of Peculiar supports the home rule concept for all municipalities and the right contained therein of municipal self-determination. The City of Peculiar urges the General Assembly to refrain from enacting legislation in areas that can be better dealt with by local government.

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## City of Peculiar Policy

*The City of Peculiar supports the home rule concept for all municipalities and the right contained therein of municipal self-determination. The City of Peculiar urges the General Assembly to refrain from enacting legislation in areas that can be better dealt with by local government.*

### **Public Safety Sales Tax, Section 94.900**

As you aware, the courts ruled in a unusual case that affected this language of a statute that even had the City of Peculiar's name in it. As a result, it has limited our voters in Peculiar the right to vote on additional police officers in our community. We currently are not able to meet the relief factor with our Police Department. We ask for just a simple update in the language to allow our voters a right to vote on this sales tax issue. Below is the language that needs to be struck out and is the language which needs to replace the stricken language, which is highlighted.

### **Sales tax authorized (Blue Springs, Excelsior Springs, Harrisonville, Peculiar, St. Joseph)--proceeds to be used for public safety purposes--ballot language--collection of tax, procedure.**

94.900. 1. (1) The governing body of the following cities may impose a tax as provided in this section:

- (a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;
- (b) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;
- (c) Any city of the fourth classification with more than ~~two thousand six hundred but fewer than two thousand seven hundred~~ **four thousand six hundred but fewer than five thousand one hundred** inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;
- (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;
- (e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.

### **Senate Bill 572**

It's without saying that these two bills were in no way a fix on the issues. The City of Peculiar has never been a violator of the Macks Creek law, when it was passed or ever in effect. Bill 572 needs to be repealed and replaced with more realistic governance. We do not need to prohibit the Police Department from protecting the citizens, the Municipal court to hold offenders accountable or

prohibit a Nuisance Code official from holding violators accountable. There was checks and balances on every issue before these two bills. Here is a just one example of how many ordinances you have ill affected with SB572:

**SECTION I:** That Chapter 130, Section 130.190(B), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION II:** That Chapter 130, Section 130.260, be amended such new sub section 11 be added with the following language.

**SECTION III.** That Chapter 130, Section 130.290, be amended such that it is removed in its entirety and replaced with the following language:

**SECTION IV.** That Chapter 130, Section 130.310, be amended such that it is removed in its entirety and replaced with the following language:

**SECTION V.** That Chapter 205, Section 205.145, be amended such that it is removed in its entirety and replaced with the following language:

**SECTION VI.** That Chapter 210, Section 210.055(D), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION VII.** That Chapter 210, Section 210.125(D), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION VIII.** That Chapter 210, Section 210.150(E), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION IX.** That Chapter 210, Section 210.325(B), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION X.** That Chapter 210, Section 210.326(G), be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XI.** That Chapter 210, Section 210.327(D) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XII.** That Chapter 210, Section 210.328(E) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XIII.** That Chapter 210, Section 210.329(D) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XIV.** That Chapter 210, Section 210.385(D) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XV.** That Chapter 210, Section 210.410(B) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XVI.** That Chapter 215, Section 215.130(H) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XVII.** That Chapter 220, Section 220.090 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XVIII.** That Chapter 265, Section 265.060(A) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XIX.** That Chapter 270, Section 270.160 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XX.** That Chapter 340, Section 340.190(B) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXI.** That Chapter 340, Section 340.215(B) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXII.** That Chapter 340, Section 340.220 (C) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXIII.** That Chapter 350, Section 350.070(A), Subsection 6 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXIV.** That Chapter 380, Section 380.010(C) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXV.** That Chapter 380, Section 380.040(B) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXVI.** That the Traffic Code, Schedule I: Speed Limits, Table I-A Speed Limits penalty provision be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXVII.** That Chapter 400, Section 400.2320(C) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXVIII.** That Chapter 410, Section 410.240 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXIX.** That Chapter 415, Section 415.230 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXX.** That Chapter 420, Section 420.190(A) be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXXI.** That Chapter 430.150 be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXXII.** That Chapter 500, Section 500.0070, Subsections A, and B be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXXIII.** That Chapter 500, Section 500.0085, Subsections G be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXXIV.** That Chapter 500, Section 500.060, Subsections B be amended such that it is removed in its entirety and replaced with the following language:

**SECTION XXXV.** That Chapter 500, Section 500.065, Subsections D be amended such that it is removed in its entirety and replaced with the following language:

This is just the headers to the 14 pages of Municipal Code you changed with one bill. We will work with you to repeal and replace the more important areas of self-governance that need to be placed back in to your local communities.

## **CITY OF HARRISONVILLE ROAD ANNEXATION**

Three years back the City of Harrisonville made the request of the legislators to change 71.012 that would allow the City to annex outside its boundaries to aid in the County installing ramps to the “bridge with no exists”. The County voiced from the very beginning a joint effort with both cities. It came to light that the City of Peculiar and the City of Harrisonville had a previous annexation

agreement for this area that dated back to January 3, 2005. The description of that area outlines the whole proposed interchange as being in the Harrisonville annexation. However, the current administration and Board of Aldermen of the City of Peculiar do not support the agreement. The population of the City of Peculiar doubled from that date to current changing the demographics of the area. There have been meetings with both City officials and the State Delegation on this issue. The City of Peculiar has only requested the northwest corner of the proposed interchange as a future annexation for the City of Peculiar. The last correspondence was from the former Presiding Commissioner Gary Mallory who was trying to get the issue resolved between the cities. He stated to the Mayor of Peculiar that he had spoken with the Mayor of Harrisonville about the issue. If the City of Peculiar would agree to send Harrisonville an email stating that we only wanted the NW corner, Harrisonville would move forward with that change to the current agreement. That email was sent by the City Administrator of Peculiar on July 18, 2009. There has been no response to the email. The City Administrator of Peculiar talked to the City of Harrisonville Administrator a few weeks after that email. He said the Harrisonville BOA stated they would take it under consideration. Last several years there was an attempt by the City of Harrisonville to talk to the new legislator about moving forward with the road annexation they wanted to complete. On November 21, 2013 there was a meeting with the Mayor and City Administrators of both cities which was reaffirmed our August 22, 2012 request to amend the December 21, 2004 annexation agreement. The outline was shown of the area being requested; which we all respectively refer to the North West corner of the "bridge with no exists." Harrisonville agreed to take this to the BOA for consideration and approval.

#### ***MML Policy***

MML has not taken any public position on this issue. However, we feel they would be supportive.

#### ***City of Peculiar Policy***

Modify the current agreement to allow the City of Peculiar to annex the NW corner of the future hospital interchange. The Board of Alderman of Peculiar sent the agreement to Harrisonville in December 2013. We have yet to hear back from the City of Harrisonville. The City of Peculiar thanks the County and State Delegation for their good efforts and their ability to work with both Cities on this issue.

## **BACK TAXES COLLECTION**

Currently the State of Missouri collects all sales taxes due to the City of Peculiar and reissues those dollars to the City. The City of Peculiar was involved in litigation resulting in the annexation of a rock quarry. The City of Peculiar won the litigation and has requested through our State Representative the procedures

for back taxes owed to the City. The Missouri Department of Revenue stated that they have no such procedures or ability to collect those back taxes owed.

***MML Policy***

MML has not taken any public position on this issue. However, we feel they would be supportive.

***City of Peculiar Policy***

The City of Peculiar requests the State Delegation to mandate the Department of Revenue to implement procedures to address back taxes owed to a City for which they collect. I am sure that if back taxes were owed to the State of Missouri, the Department of Revenue would find a way to collect it.

**LANDLORD OCCUPATIONAL LICENSES/SUBMITTING TO CITY INSPECTION**

The City of Peculiar urges our State Delegation to address R.S.Mo. 94.270 which is, antiquated and needs to be revised. This statute lists the businesses and occupations that can be regulated, licensed and taxed by a fourth-class city. Landlords and rental property are not listed. Existing statutes and case law indicate that if an occupation or business is not expressly listed in the statute, it is not within a city's jurisdiction to regulate. This is an area where state law is limiting cities like Peculiar.

***MML Policy***

The Missouri Municipal League supports the City of Peculiar's position. (Current MML Policy)

***City of Peculiar Policy***

The City of Peculiar suggests that this statute be revised to include landlords, rental properties, rock quarry and mining operations, and whatever other businesses and occupations smaller cities feel the need to regulate. The City is pressed by the citizens to ensure that properties are protected from those who refuse to keep properties up to standard. This is a particular concern with properties for profit which is not being maintained. These are local decisions based on the local citizen's desires.

**The following are the positions of the Missouri Municipal League as well as the City of Peculiar's stance on those issues. These are just MML's positions not the background for each issue. There are some MML stances that the Board of Aldermen in Peculiar, MO does not support. However, there are many that they do support fully.**