

**CITY OF WILLARD
BOARD OF ALDERMAN
REGULAR MEETING
December 10, 2012**

Board present: Alderman Trapp-present, Alderman Roggensees-present, Alderman Hemphill-present, Mayor Keltner-present, Alderman Vincent-present and Alderman Simmons –present and Alderman Johnson-present.

Staff present: Dale Duvall, City Clerk; Nicholas Heatherly, City Administrator; Randy Brown, Director of Development; Whitney Shoffner, Director of Community Services; Justin Reaves, Public Works Director; Reaves; Tom McClain, Police Chief; Bill Lingensfielser, Reserve Police Officer; Amanda Allen, Kendall McTeer, Dustin Long, Jeremiah Tayman, Steve Purdy and Bob Bell.

City Attorney Ken Reynolds was also present.

Citizens in attendance: Jim Vaughn, Kelly Schlinder, Kirk Reisner of Advisor Insurance, Deanna Allen, Blaine Kennard, C. Williams, Don Lee, Beby Lee, Steve Horn, Amber Jacobson, Tina Woods, Ralph Tate, Trevor Hoffman, Andrew Smith, Ryan Peppson of Olsson Associates, Linda Shoffner, Brooke Kaufmann, Beth Jones, Steve Hill and Greg Williams of Connell Insurance.

Call to Order

Mayor Tom Keltner called the meeting to order at 7:00 pm.

Roll Call

The City Clerk called the roll call. Alderman Trapp-present, Alderman Roggensees-present, Alderman Hemphill-present, Mayor Keltner-present, Alderman Johnson-present, Alderman Vincent-present and Alderman Simmons-present.

Agenda Amendments/Approval of Agenda

Motion made by Alderman Hemphill and seconded by Alderman Vincent to approve the agenda. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Approve the minutes of the regular meeting on November 13, 2012

Motion made by Alderman Simmons and seconded by Alderman Trapp. Alderman Vincent-Aye, Alderman Johnson-Abstained, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. Five votes aye. One abstention due to absence. Motion carried.

Ceremonial Matters – The City Clerk conducted the oaths of office for Police Officer, Jeremiah Tayman and Police Officer Steve Purdy.

Citizen Input

Steve Horn, Amber Jacobson, Brooke Kaufman, Don Lee and Linda Shoffner all spoke to the Board in praise and recognition of Director of Community Services, Whitney Shoffner and all that she has and is doing for the Parks Department. They spoke of their disagreement of the error made in the hiring process of the position, all stating that they believe that Whitney is the best person for the job and that she has not been treated properly or fairly by some of the Board members and a few others.

Financial Report

November outstanding invoices - Motion made by Alderman Simmons and seconded by Alderman Vincent to approve the invoices. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Questions for the City Administrator and Department Heads

Alderman Hemphill asked the Public Works Director if there was a water loss report to show the Board. The Director and the City Administrator stated that there was not but that could make one to present to the Board. The Mayor asked for the report to be presented to the Board monthly. The City Administrator agreed to make that change.

Alderman Vincent asked the City Administrator about the progress on the Mill St. sidewalk project. The City Administrator advised him that we have one homeowner who does not want to sign and that staff is working to see if there is a remedy.

Staff discussion of the Planning and Zoning Commission's recommendation for the rezoning request from R-3 to C-2 for the Goodwyn/Freedom Bank Minor Subdivision

The City Administrator reviewed the staff report for the rezoning request.

PUBLIC HEARING TO CONSIDER THE REQUEST FOR REZONING FROM R-3 TO C-2 FOR A PORTION OF THE GOODWYN/FREEDOM BANK MINOR SUBDIVISION

The public hearing was opened by the City Attorney at 7:18 p.m.

Ryan Jeepson of Olsson Associates addressed the Board and explained the new rezoning request. The City Administrator also briefly spoke about the project, showing on a map, the areas included in the rezoning request.

There was no further comment.

The public hearing was closed by the City Attorney at 7:25 p.m.

Discussion/Vote on the ordinance for the rezoning request from R-3 to C-2 for the Goodwyn/Freedom Bank Minor Subdivision (1st and 2nd Reading)

First Reading: 12-10-2012

Council Bill No.: 12-53

Second Reading: 12-10-2012

Ordinance No.: 121210

AN ORDINANCE

AMENDING the Willard Land Use Regulations, Section 400.380A, City of Willard Zoning Map, by rezoning part of the Minor Subdivision for Goodwyn/Freedom Bank from R-3 Multi-Family Residence District to C-2 General Commercial District, all within the City of Willard, and declaring an emergency.

First read was conducted by the City Clerk

a. Citizen Input-None

b. Discussion/Vote-Alderman Vincent and Alderman Simmons both spoke in favor of this rezoning request. **Motion** made by Alderman Simmons and seconded by Alderman Vincent to approve the first read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Second read was conducted by the City Clerk

a. Citizen Input-None

b. Discussion/Vote- **Motion** made by Alderman Vincent and seconded by Alderman Hemphill to approve the second read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Discussion/Vote on the ordinance for the proposed final plat for the ATM Commercial Subdivision. (1st and 2nd Reading)

AN ORDINANCE

AUTHORIZING the acceptance of the public streets and easements to the City of Willard as shown on the Preliminary Plat of ATM Commercial Subdivision for Phase 1, generally located in the southeast corner of State Hwy AB and State Hwy 160, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the Mayor to execute all agreements and easements necessary to ensure compliance with all requirements of the Land Development Regulations of the City of Willard, and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and staff recommend that the Board of Aldermen accept the public streets and easements).

First read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- The City Administrator spoke briefly about this final plat request. **Motion** made by Alderman Vincent and seconded by Alderman Simmons to approve the first read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Second read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- **Motion** made by Alderman Hemphill and seconded by Alderman Trapp to approve the second read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Amendment to the Order of Business Ordinance (1st Reading)

AN ORDINANCE

Amending Title I, Government Code, Chapter 110, Mayor and Board of Aldermen, Article II, Order of Business, Section 110.090 Order of Business of the Willard Municipal Code, by amending Section 110.090, of the Municipal Code of the City of Willard.

First read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- Alderman Roggensees asked for item # 9 to read “department reports” instead of communication with staff. Alderman Hemphill asked for “new business” to be added as a regular agenda item. After discussion among the Board the City Administrator stated that staff would revise the ordinance and bring it back to the Board at the next meeting. There was no motion made to pass the first read.

AN ORDINANCE

AMENDING *the Willard Land Use Regulations, Section 400.380A, City of Willard Zoning Map, by rezoning Part of Tract 1 and all of Tract 3 of the Crighton and Goodwyn Enterprises, Inc. Minor Subdivision located at the Southwest corner of Hughes Road and U.S. Highway 160 all within the City of Willard, and declaring an emergency.*

First read was conducted by the City Clerk

- a. Citizen Input-Ralph Tate, attorney for the developer asked if there were any questions. There were no questions presented.
- b. Discussion/Vote-**Motion** made by Alderman Vincent and seconded by Alderman Hemphill to approve the first read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Second read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- **Motion** made by Alderman Simmons and seconded by Alderman Hemphill to approve the second read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

2013 Proposed Liability and Property Insurance Renewal Ordinance(1st and 2nd Reading)

The City Administrator reviewed the pricing sheet for both companies that staff was presenting as an option for the city's insurance.

AN ORDINANCE (Option 1)

ACCEPTING the proposal of Savers Property and Casualty Insurance Company through Missouri Rural Services Corporation to provide property and casualty insurance for the City of Willard, and authorizing the Mayor to execute all necessary documents, on behalf of the City of Willard, to accept and declaring an emergency.

First read was conducted by the City Clerk

- a. Citizen Input-Kirk Reisner of Advisor Insurance spoke to the Board regarding his bid for Savers Insurance. Mr. Reisner explained the difference between insurance and coverage in an insurance "pool". Mr. Williams of Connell Insurance spoke to the Board about his company's bid for Midwest Public Risk.
- b. Discussion/Vote-The Board decided after discussion, to go with Midwest Public Risk due to the difference between the two companies in the bid pricing. No motion was made on option 1.

AN ORDINANCE (Option 2)

ACCEPTING the proposal of Midwest Public Risk to provide property and casualty insurance for the City of Willard, and authorizing the Mayor to execute all necessary documents, on behalf of the City of Willard, to accept and declaring an emergency.

First read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote-.**Motion** made by Alderman Simmons and seconded by Alderman Vincent to approve the first read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Second read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- **Motion** made by Alderman Vincent and seconded by Alderman Trapp to approve the second read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

2012 Year-End Budget Amendment (1st and 2nd Reading)First Reading: 12-10-2012Second Reading: 12-10-2012Council Bill No.: 12-57Ordinance No.: 121210D

AN ORDINANCE

ADOPTING an amendment to the 2012 budget of the City of Willard, a copy of which is attached hereto as Exhibit "A", and declaring an emergency.

First read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote-. The City Administrator answered questions by the Board on a few of the line items. **Motion** made by Alderman Simmons and seconded by Alderman Johnson to approve the first read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Nay. Five votes aye. One vote Nay. Motion carried.

Second read was conducted by the City Clerk

- a. Citizen Input-None
- b. Discussion/Vote- **Motion** made by Alderman Vincent and seconded by Alderman Trapp to approve the second read. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill- Nay. Five votes aye. One vote Nay. Motion carried.

Discussion of proposed changes to the Employee Manual

The Mayor stated that he wanted to change the employee manual to disallow dating among co-workers. The Board discussed this and Alderman Hemphill asked if the Board could get copies of 3 or 4 other local city's policies to see how they handle this matter. The City Administrator stated that staff would take care of this and bring it back to the Board.

Discussion and Action of Board of State Minimum Wage Changes

The City Administrator stated that the minimum wage was increasing to \$7.35/hr, on 1/1/13. Although this would not affect the City much, a vote was needed to implement the new wage. **Motion** made by Alderman Roggensees and seconded by Alderman Hemphill to approve the increase. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill- Aye. Five votes aye. One vote Nay. Motion carried.

Discussion/Clarification of the Park Board's Bylaws

The Mayor turned this item over to Alderman Roggensees, as it was added per his request. Alderman Roggensees stated that the Park Board was looking for clarification as to whether the Board of Aldermen needed to approve the Park Board by-laws. The City Attorney stated that since the Park Board is an Advisory board, the Board of Aldermen does not need to approve it. The Board of Aldermen's vote will always supersede the Park Board's bylaws. The Park Board is also not allowed to circumvent state law or municipal ordinance.

Discussion/Vote of the Management of the City Clerk

The Mayor turned this item over to Alderman Roggensees, as it was added per his request.. Alderman Roggensees stated that he wanted the Board to discuss whether the supervisory duties of the City Clerk should be turned over from the City Administrator back to the Board. The Board asked for staff to look into how other cities handle this situation. The City Administrator stated that they will do so and bring the information back to the Board.

Old Business

Alderman Hemphill asked about the copier bids that the City had received and recused himself, due to conflict of interest, so that the Board and staff could discuss the bids. The City Administrator reviewed the bids with the Board and informed them that staff recommended American Business Systems. No motion or vote needed.

The City Clerk reminded the Board that candidate filing for the April 2, 2013 election starts on 12-11-12 and ends on 01-15-13. The Clerk also asked the Board if staff could send them the planning and zoning agenda and a draft of the minutes, instead of the entire packet. The Board stated that they were fine with that.

Adjourn meeting

Motion made by Alderman Simmons and seconded by Alderman Vincent to adjourn. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill- Aye. All votes aye. Motion carried.

Dale Duvall, City Clerk

Tom Keltner, Mayor of Willard