

CITY OF WILLARD
BOARD OF ALDERMAN
REGULAR MEETING
August 13, 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: City Clerk, Dale Duvall; CFO, Karen Robson; City Administrator; Nicholas Heatherly; and Chief of Police, Tom McClain.

City Attorney Ken Reynolds was also present.

Citizens in attendance: Sam Baird, Mindy Latham, Lucille Murray, Jim Vaughn, Michael Katrosh, Bart Collins, Jared Rasmussen with Olsson Engineering, Mike Detkas with the Miller Valentine Group, Rich Kramer and Bill Tropepe.

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 Vincent and seconded by Alderman Simmons to approve the agenda with the addition of second read to item # 10 and the deletion of item #14. 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 Special Meeting on July 16, 2012

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

Approve the Minutes of the Special Meeting on July 9, 2012

Motion made by Alderman Simmons and seconded by Alderman Vincent to accept the minutes from the special meeting on 7-9-2012. Alderman Vincent-Aye, Alderman Johnson-Abstained, Alderman Simmons-Aye, Alderman Trapp-Abstained, Alderman Roggensees-Aye and Alderman Hemphill-Aye. Four votes aye. Two abstentions due to absence. Motion carried.

Approve the Minutes of the Regular Meeting on July 9, 2012

Motion made by Alderman Vincent and seconded by Alderman Trapp to accept the minutes from the regular meeting on 7-9-2012. 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.

Citizen Input

None

Financial Report

- a. **July Outstanding Invoices- Motion** made by Alderman Vincent and seconded by Alderman Roggensees 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.

- b. **Second Quarter Financials Report- Motion** made by Alderman Vincent and seconded by Alderman Simmons 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.
- c. **Second Quarter Utility Adjustment Report- Motion** made by Alderman Simmons and seconded by Alderman Vincent to approve the report. Alderman Vincent-Aye, Alderman Johnson-Aye, Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye and Alderman Hemphill-Aye. All votes aye. Motion carried.

Report from the City Administrator Alderman Roggensees asked if the monies that were requested in May for landscaping were issued and were they used. Alderman Roggensees also expressed concern that the Board was not made aware of the recent tax increase issue that was put on the ballot by the fire department. The City Administrator told the Board that he would look into the first question. He also stated that the city has no control or involvement with the fire department and that staff was not aware of the issue until it had passed. The City Administrator showed pictures of the recent sinkhole, patching and waterline breaks that public works has been working on.

Ethics Ordinance (2nd Reading)

First Reading: 07-09-2012

Second Reading: 08-13-2012

Council Bill No.: 12-33

Ordinance No.: 120813

“CODE OF ETHICS”

An ordinance of the City of Willard, Greene County, Missouri, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain officials.

Second read was conducted by the City Clerk.

Citizens Input –None

Discussion/Vote- Alderman Roggensees asked about this ordinance and the City Administrator informed him that it is simply a renewal of a state requirement that is done every two years.

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

Codification Ordinance (1st and 2nd Reading)

First Reading: 08-13-12

Second Reading: 08-13-2012

Council Bill No.: 12-34

Ordinance No.: 120813A

AN ORDINANCE

An ordinance adopting and enacting a new Code of Ordinance of the City of Willard; establishing the same; providing for the repeal of certain ordinances not included therein, except as herein expressly provided; providing for the manner of amending such Code of Ordinances; providing penalty for the violation thereof; and providing when this ordinance shall become effective.

First read was conducted by the City Clerk.

Citizen Input-None

Discussion/Vote- Alderman Vincent asked the purpose of this ordinance and the City Administrator stated that it was a renewal of a yearly ordinance that codifies the ordinances and new state statutes that have passed since December 2010.

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

Second read was conducted by the City Clerk.

Citizen Input-None

Discussion/Vote- None

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

2012 Budget Amendment Ordinance (1st Reading and 2nd Reading)

First Reading: 08-13-2012

Second Reading: 08-13-2012

Council Bill No.: 12-35

Ordinance No.:120813B

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.

Citizen Input- None

Discussion/Vote-None

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

Second read was conducted by the City Clerk.

Citizen Input-None

Discussion/Vote-None

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

Rezoning Ordinance for Great Southern Bank (1st Reading)

First Reading: 08-13-2012

Second Reading: 08-28-2012

Council Bill No.: 12-36

Ordinance No.:120828

AN ORDINANCE

AMENDING the Willard Land Use Regulations, Section 400.380A, City of Willard Zoning Map, by rezoning parcel #880723100009, as shown in the records of the Greene County Assessor's office, of the City of Willard.

First read was conducted by the City Clerk.

Citizen Input- Michael Katrosh addressed the Board and stated his concern about the potential for increased foot and vehicle traffic, the cost of improvements to the city and his concern that if the proposed project falls through, that apartments will be built at the site.

Jared Rasmussen of Olsson Engineering addressed the Board and explained that the public improvements that would need to be done for the development of the land would be a challenge for other types of housing to support financially and feasibly.

Mike Detkas of Miller- Valentine stated that the proposed project is similar to others that the company has done in other cities. Once granted the state and federal funds, the monies cannot be used for another type of project.

Discussion/Vote-The Board discussed the public improvements that would be needed for any development of the property. The City Administrator stressed that the proposed ordinance states that the Board of Alderman shall initiate a rezoning application for the property from R-3 to R-1 zoning if a building permit is not issued for the proposed project within 18 months of approval by the Board.

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

Replat of lots 17-19 in Cardinal Hills Subdivision (1st and 2nd Reading)

First Reading: 08-13-2012

Second Reading: 08-28-2012

Council Bill No.: 12-37

Ordinance No.: 120828A

AN ORDINANCE

AUTHORIZING the acceptance of the public streets and easements to the City of Willard as shown on the Re-Plat of Lots 17, 18 & 19 of Cardinal Hills Subdivision; and authorizing the City Clerk to sign the re-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.

Citizen Input- None

Discussion/Vote-Alderman Roggensees asked about the rush to do both readings at one meeting. The City Administrator explained that time was of the essence for the proposed project. The Mayor reiterated to the Board that this was only changing tree lot sizes, not the subdivision regulations or other changes.

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

Second read was conducted by the City Clerk.

Citizen Input- None

Discussion/Vote-None

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

First Reading: 08-13-2012

Second Reading: 09-10-2012

Council Bill No.: 12-39

Ordinance No.: 120910

AN ORDINANCE approving municipal code amendments to Title II, Public Health Safety and Welfare, Chapter 205, Animal Regulations, Article II, Dangerous Dogs, Section 205.090 and Section 205.120, of the Municipal Code of the City of Willard

First read was conducted by the City Clerk.

Citizen Input- None

Discussion/Vote-The city attorney explained that this amendment would take the responsibility off of the Board and onto the judge, a person trained to make such decisions and determinations.

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

First Reading: 08-13-2012

Second Reading: 09-10-2012

Council Bill No.: 12-40

Ordinance No.: 120910A

AN ORDINANCE

AUTHORIZING the Mayor, on behalf of the City of Willard, to execute an agreement between the City of Willard and the Missouri Highways and Transportation Commission to provide improvements or reconstruction of the intersection of Route 160 and Hunt Road in the City of Willard.

First read was conducted by the City Clerk.

Citizen Input- None

Discussion/Vote-Alderman Vincent asked what the cost would be for the city and the City Administrator said that the city would only be paying \$21,000 of the entire signal and sidewalk project.

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

First Reading: 08-13-2012

Second Reading: 09-10-2012

Council Bill No.: 12-41

Ordinance No.: 120910B

AN ORDINANCE approving municipal code amendments to Title I, GOVERNMENT CODE, ARTICLE II, Section 110.090, ORDER OF BUSINESS, of the Municipal Code of the City of Willard.

First read was conducted by the City Clerk.

Citizen Input- None

Discussion/Vote-The Board inquired why this ordinance was brought to them. The City Administrator explained that the current ordinance states items that are to be done at all open meetings of the board.

These items are not being done and so therefore the board is not following the ordinance. The city attorney expressed to the board that items can always be added to the agenda, if needed, prior to a meeting. That option would always be there. The new ordinance makes the order of business current with the meeting outline that is being followed. Alderman Roggensees expressed his concern for having this brought to them with little notice. The city clerk asked the board to please make this a priority if they did vote to postpone the ordinance. She told them that staff is trying to clean up discrepancies in the code book and this was one of the easier fixes.

Motion was made by Alderman Vincent and seconded by Alderman Simmons to approve the first read. Alderman Simmons-Aye, Alderman Trapp-Aye, Alderman Roggensees-Nay, Alderman Hemphill-Nay, Alderman Vincent-Aye and Alderman Johnson-Aye. Four votes aye. Two votes nay. Motion carried.

Old Business-

1. **Agenda/packet procedure**-The Board and staff discussed the possibility of receiving the packets for the meetings sooner than they currently are, in order to have more time to review them. The City Administrator told the board that staff was currently working on being able to provide the information sooner.
2. **2012 Audit presentation**-The Board and staff discussed the feasibility of changing auditing firms on a yearly or bi-yearly basis. Alderman Roggensees asked why the audit report seemed to be so “generic” in the information that it lists. The chief financial officer explained the difference between a performance audit and a financial audit, and that most cities do a yearly financial audit due to the high cost of a performance audit. The City Administrator told the board that bidding out the auditor was on staffs’ list of working items.
3. **Discussion of fence requirements in the land development regulations**-Alderman Roggensees asked about sight triangles and other fence restrictions that are enforced by the city. The City Administrator and the city attorney explained that the city cannot change what is on a legally recorded plat. There was discussion among staff and the board as to possibilities of changing what the developers are allowed to put on the plats. This item will be reviewed by staff and legal counsel.
4. **Discussion of informational brochures**-Alderman Roggensees asked the status of the informational brochures for citizens that had been discussed at a prior meeting. The City Administrator told the board that staff has not had the time to look into the subject and that he did not have a timeline as to when it would be done. There was discussion of issuing a deadline to have this done. The Mayor made it clear that he would veto such a vote.
5. **Discussion of law enforcement training, budget and staffing**-The board and staff discussed the budget and payroll of the police department. The Mayor requested that staff compile and present a spreadsheet of other cities payroll and lagers information for all employees, not just the police department.

The City Administrator informed the board that staff is working on the sidewalk for Mill St. After research was done, it was discovered that half of the sidewalk is on city property and the other half is on the owners properties. Staff is working on the legal documentation to complete the project.

Adjourn Meeting- Motion was made by Alderman Simmons and seconded by Alderman Roggensees to adjourn the open meeting. Alderman Simmons--Aye, Alderman Trapp-Aye, Alderman Roggensees-Aye, Alderman Hemphill-Aye, Alderman Vincent-Aye and Alderman Johnson-Aye. All votes aye. Motion carried.

Motion was made by Alderman Hemphill and seconded by Alderman Roggensees to open the closed meeting pursuant to section #610.020 # (3) personnel. Alderman Simmons--Aye, Alderman Trapp-Aye,

Alderman Roggensees-Aye, Alderman Hemphill-Aye, Alderman Vincent-Aye and Alderman Johnson-Aye. All votes aye. Motion carried.

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

Meeting adjourned at 9:25 p.m.

Dale Duvall, City Clerk

Tom Keltner, Mayor of Willard