

CITY OF WILLARD  
BOARD OF ALDERMEN

May 26, 2009

7:00 P.M.

Board present: Mayor, Jamie Schoolcraft; Aldermen Richard Simpson; Aldermen Doug Johnson; Aldermen Pat Lloyd; Aldermen Paul Hood; Aldermen Louie Amodeo; Aldermen Bryan Vincent.

Also in attendance: Deputy City Clerk, Kate Gould; CFO, Karen Robson; City Clerk, Dale Duvall; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; Director of Parks and Recreation, Kevin Mc Donald; Chief of Police, Tom McClain; Park Board and P&Z Vice Chairman, Lucille Murray; City Attorney, Doug Harpool; Officer Bill Lingenfiesler.

Guests: Gene Thomas, Patty McKee, Max McKee, Floyd Maggard, Bob Barker, Howard Sabourn, Steven Wagner, Susan Arnold, Sherry Kellogg, Dan Rose, Shirley Rose, Ron Creighton, Robert Mitchells, Roscoe and Barbara Killingsworth, Alice Detherage, Darrell Biellier, Jay King, Judy King, Terry Kathcart, Daril Van Stavern, Dave Van Stavern, David Hemphill, James Rekus, Tim Magee, Frank Martin, Scott Bryant.

Also in attendance: Sarah Overstreet as a representative of the Cross Country Times newspaper.

Mayor Jamie Schoolcraft led the Pledge of Allegiance.

Mayor Schoolcraft called the meeting to order.

**Roll Call**

City Clerk, Dale Duvall called roll call-Aldermen Richard Simpson-present; Aldermen Doug Johnson-present; Aldermen Pat Lloyd-present; Mayor Schoolcraft-present; Aldermen Paul Hood-present; Aldermen Louie Amodeo-present; Aldermen Bryan Vincent-present.

**Agenda Amendments/Approval of Agenda**

Mayor Schoolcraft stated that he would like to add Hwy 160 and Jackson intersection project to the agenda under the financial report.

**Motion** made by Aldermen Amodeo with second by Aldermen Simpson to approve the agenda with the amendment. Aldermen Simpson-I; Aldermen Johnson -I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All voted aye. Motion carried.

**Minutes 05/11//09**

**Motion** made by Aldermen Hood with second by Aldermen Amodeo to approve the minutes of the regular meeting on May 11, 2009. Aldermen Simpson-I; Aldermen Johnson -I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All voted aye. Motion carried.

**Citizens Input**

Steve Wagner stated that he opposes the “sewage lagoon” due to the smell that he feels is going to occur due to the plant. Heather Ramsey requested that several questions be answered. The

Mayor informed her that citizen input was really not a time for questions to be answered. Doug Harpool stated that we will be addressing the sewer bond issue on Thursday night at the meeting.

The Mayor told her that we could get her answers to her questions at a later date. The city clerk took a copy of her questions. Terry Cathcart stated that he opposed the sewer bond. Judy Keene had a list of questions for the board as well and a copy of those questions was made by the city clerk. Darrel Biellier asked who would be at the bond meeting on the 28<sup>th</sup> to answer questions. He stated that he was at the meeting to thank the city for fixing the drainage issue on Grand Prairie Drive, Langston and Wiley Drive last year. He had concern though with the ditches that were dug and need to be improved on due to standing water and such. He stated that the pond at Jackson Street Park needs to be taken care of on a regular basis.

### **Financial Report**

Financial Statements: Aldermen Simpson asked for clarification on a couple of the bills.

**Motion** made by Aldermen Lloyd with second by Aldermen Amodeo to pay the outstanding bills for April. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

Sidewalk Project Pay Request for Hunter-Chase: **Motion** made by Aldermen Vincent with second by Aldermen Johnson to approve the payment request of \$64,890.72. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

Bid letting for 160 and Jackson Street Intersection Improvements: **Motion** made by Aldermen Vincent with second by Aldermen Simpson to approve the low bid of \$34,742.153 from APAC.. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

**Clear Creek Resolution:** Aldermen Vincent wanted to know that if there is anything dumped or spilled over into Clear Creek would the city be held accountable. Doug Harpool informed him that a resolution is simply a statement of intent. He also stated that if the city did spill over into Clear Creek that the city could be sued under State and Federal environmental laws.

Furthermore, Mr. Harpool stated that the lagoons that we have taken over are also under the same laws in regards to spillage, be it accidental or otherwise. Aldermen Simpson stated that he had concerns regarding Fantastic Caverns. He also stated that there is no mention of the Caverns being affected. Mr. Harpool explained that the Resolution is open to amendment. Aldermen Vincent requested the Resolution be tabled but after Mr. Harpool explained that tabling it will kill it, Aldermen Vincent changed his Motion to a postponement to discuss at a later date.

**Motion** made by Aldermen Vincent with second by Aldermen Simpson to postpone the acceptance of the resolution until the next council meeting. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

**Ordinance to opt out of State Imposed Sales Tax Holiday:**

**BILL NO 09-13**

**ORDINANCE No. 090526A**

**AN ORDINANCE TO OPT OUT OF STATE IMPOSED SALES TAX HOLIDAY.**

First reading was conducted by the City Clerk, Dale Duvall.

**Motion** made by Aldermen Vincent with second by Aldermen Lloyd for the acceptance of the 1<sup>st</sup> reading of the ordinance. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

Second reading was conducted by the City Clerk, Dale Duvall.

**Motion** made by Aldermen Simpson with second by Aldermen Johnson for the acceptance of the 2<sup>nd</sup> reading of the ordinance. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried.

**Ordinance for Hwy Z Sidewalk Project:-** The City Clerk apologized for not getting Exhibit A to the Board until just prior to the meeting. Randy Brown stated that the paperwork needs to be sent in as soon as possible to assure funds. Aldermen Simpson stated that he wanted to wait until the next meeting to do both readings. Aldermen Vincent agreed.

**Motion** made by Aldermen Vincent with a second by Aldermen Simpson to postpone the acceptance of the 1<sup>st</sup> and 2<sup>nd</sup> reading until the next council meeting. Aldermen Simpson-I; Aldermen Johnson-N; Aldermen Lloyd-N; Aldermen Hood-N; Aldermen Amodeo-N; Aldermen Vincent-N. Two votes aye. Four votes nay. Motion failed.

**Motion** made by Aldermen Lloyd with a second by Aldermen Amodeo to conduct the 1<sup>st</sup> reading. Aldermen Simpson-N; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-N. Four votes aye. Two votes nay. Motion carried.

**AN ORDINANCE ACCEPTING THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AMERICAN RECOVERY AND REINVESTMENT ACT FEDERAL AID PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.**

First reading was conducted by the City Clerk, Dale Duvall.

**Motion** made by Aldermen Lloyd with a second by Aldermen Hood to approve the 1<sup>st</sup> reading. Aldermen Simpson-N; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-N. Four votes aye. Two votes nay. Motion carried.

**Old Business:-**Aldermen Vincent asked that a plaque be ordered with the Park Board member names to be placed under the plaque with the Aldermen names at the pool. The Mayor informed

him that it was being done. Aldermen Vincent also asked that the proposed cell tower at the recreation center be revisited. He stated that after much study he believes that there is no difference between tall football lights and the proposed cell tower. He now wants to have the cell tower placed at that location. Aldermen Amodeo stated that we had only asked for a better location not that we had killed the issue. Aldermen Vincent stated that he understood that, but that he wants to look at the proposed site at the recreation center. Randy Brown stated that T-Mobile understands our position and that they intended to start looking in the county and that they did not have interest in any other area that the city had proposed to them. He stated that he could invite them out here for another meeting. Doug Harpool said that the Board can show it as a new agenda item at the next meeting. There also can be a motion made by someone who was on the prevailing side. They can move to set aside the vote at which the Aldermen decided to not have the cell tower at the proposed location and then the item can be reconsidered and then be put back on the agenda. Mayor Schoolcraft stated that we will have T-Mobile out and have it as a new agenda item. Aldermen Johnson stated that we should not have it in the same proposed location but to put it in the corner area by the road of the recreation center. Aldermen Amodeo does not want T-Mobile to come back out with the assumption that we are reconsidering the same area. He is against that proposed area. Aldermen Hood asked if the Park Board had ruled on this. Randy Brown stated that they were against this site. The Park Board had suggested the soccer complex or by the old water tower. Mayor Schoolcraft stated that he would ask the Park Board to revisit the issue and bring it back to the Board.

Aldermen Vincent brought up the letter by Russ Campbell and requested that we contact the United States Fish and Wildlife Services and the Missouri Conservation Dept. regarding the proposed treatment facility. The Mayor informed him that they have been contacted. Aldermen Vincent stated that the Willard Cross Country Times mentioned that the Mayor mentioned was discussing alternative land sites for the proposed wastewater treatment plant.. The Mayor stated that it was a closed session real estate issue since no contract had been signed.. The Mayor said that he was asked about the land and that he had been approached by members in the audience re: other land. He then stated that it would be talked about in closed session. Aldermen Vincent also asked about 6/23/08 Addendum # 4 re: Archer Engineering-a study was to be conducted regarding increased capacity at the lagoons.

The Mayor informed him that the study was never done because DNR stated that the lagoons need to be replaced because they pose a serious risk to the environment. DNR stated that there would be no increased capacity at the lagoons, therefore no studies were done and no monies were paid to Archer for the studies. Aldermen Vincent asked if we would have experts at the sewer bond meeting on Thursday. The Mayor stated that DNR would be there and that they were at the first one. Aldermen Vincent and Simpson asked if the meeting will be recorded on Thursday. They both felt that it should be. Aldermen Simpson also stated that he knows the Greene County and Springfield were willing to come out and talk on Thursday. He asked that future negotiations be done in front of the Board of Aldermen. The Mayor stated that Greene County did know and had attended meetings about the sewer plant proposal that they are now denying knowledge of. Aldermen Vincent asked if residents would be allowed to speak at the hearing on Thursday. The Mayor stated that residents would be allowed to speak at the sewer hearing.

Mayor Jamie Schoolcraft stated that the board would be going into closed session to discuss Chapter 610.021(#1-Legal and #2-Real Estate)

**Motion** made by Aldermen Johnson with a second by Aldermen Lloyd to close the open session and open the closed session. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried. Meeting Adjourned.

Mayor Schoolcraft called the open session back to order.

**Motion** made by Aldermen Johnson and seconded by Aldermen Hood to reconsider and then take up and reconsider the Resolution . Aldermen Simpson-no; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-no. Four votes aye. Two vote-no. Motion carried. Meeting Adjourned.

Aldermen Johnson made a motion that the resolution be accepted. Aldermen Lloyd asked for Aldermen Johnson to change the approval of the resolution to read that changes could be made by the Board as seen necessary at the next meeting. Doug Harpool stated that the correct verbiage would be to approve the Resolution subject to amendment at the next Council meeting.

**Motion** made by Aldermen Johnson and seconded by Aldermen Lloyd to approve the Resolution subject to amendment at the next Council meeting. Aldermen Simpson-no; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-no. Four votes aye. Two vote-no. Motion carried. Meeting Adjourned.

**Motion** made by Aldermen Lloyd and seconded by Aldermen Simpson to adjourn the meeting. Aldermen Simpson-I; Aldermen Johnson-I; Aldermen Lloyd-I; Aldermen Hood-I; Aldermen Amodeo-I; Aldermen Vincent-I. All votes aye. Motion carried. Meeting Adjourned.

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Dale Duvall, City Clerk