

CITY OF WILLARD
BOARD OF ALDERMEN
JUNE 11TH, 2007
7:00 P.M.

Board present: Mayor Jamie Schoolcraft; Aldermen Charles Whitehead; Aldermen Bill Caplinger; and Aldermen Gordon O'Quinn. Aldermen Louie Amodeo was not present.

Also in attendance: City Administrator, Fred Gress; Municipal Court Clerk/Deputy City Clerk, Linda Murray; CFO, Karen Robson; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; Director of Parks and Recreations, Kerri Gates; Emergency Management Director, Donna Gordon; Chief of Police, Tom McClain; Officer Gary L. Dove; City Attorney, Doug Harpool; City Prosecutor, Kristoffer Barefield; and Planning & Zoning Executive Secretary, Lucille Murray.

Guest present: Melissa Smith and daughters, Ronnie Crighton, Dale and Mary Alday, Evans Ross, Laurie Ryan, Richard Simpson, Allen Jones, Tom Keltner, Brenda Keltner, Ron Glover, Gary Dove, Gerald Dove, Mr. Doves nephew Cordell, niece Emily, sister Angela, and mother Marrill.

Mayor Jamie Schoolcraft led the Pledge of Allegiance.

Swear in new Police Officer

Chief of Police, Tom McClain swore in Gary L. Dove as a Willard Police Officer.

City Attorney Doug Harpool opened the PUBLIC HEARING TO CONSIDER THE FOLLOWING AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS:

1. ADDING TO THE LAND DEVELOPMENT REGULATIONS THAT DEVELOPERS BE REQUIRED TO POST AN IRREVOCABLE BOND, IT WOULD REQUIRE TWO SIGNATURES, ONE FROM THE CITY AND ONE FROM THE DEVELOPER BEFORE THE BOND HOLDER COULD RELEASE.
2. TO ADDRESS WHAT A TRAVERN IS AND WHERE A TAVERN SHOULD BE LOCATED.
3. HOW ADULT ENTERTAINMENT SHOULD BE ADDRESSED.
4. LIQUOR LICENSES IN THE CITY.

City Administrator, Fred Gress: At last months Planning and Zoning Commission meeting the P&Z reviewed the request to add a definition for the term tavern to the Land Development Regulations. Presently it is not defined. They opted for the traditional approach that most zoning ordinances has which is a tavern is a place of business that generates more than fifty percent of its revenue by the sell of alcohol. Taverns are a permitted uses in C-2, M-1, and M-2 districts. The other item concerning an irrevocable bond, that item came about because of weather delays on a development where a redesign and a reconstruction of a active water way couldn't be done because of the wetness. We proposed that we establish a regulation that provides for an irrevocable bond be, a cash

bond be put in place that requires both the city to release and the developer to release. We're still working on the administrative rules on how and when that would be used so no action was taken on it at P&Z. Adult entertainment was also discussed and the Planning and Zoning Commission recommended that we leave it alone because as it now stands adult entertainment facilities can only locate in M-1 and M-2 zoning districts. Liquor licenses, that was changed about the time Casey's came to town. At that time there was a rule that there could only be one liquor license per one thousand population. That restriction was removed and it now is controlled by state liquor license laws which are really pretty substantial. Anyway there is so many different kinds it's really kind of hard to understand all of them. Nothing was done with that either, so that's where we stand.

City Attorney Doug Harpool: Is there any public comment?

Allen Jones: My name is Allen Jones, and I would really like to see the city go back to the old regulation that you have of one liquor license per one thousand residents, or as close as you can to that point. I think it's best for our city and people to try and limit the sale of alcohol in our town for our kids and for our future. So I appreciate your vote on that. Thanks.

City Attorney Doug Harpool: Any other comments?

Tom Keltner: My name is Tom Keltner and I do support the bond change. I think that's good for the city. It helps keep the land developers and other contractors in line. I would like to see the city go back to alcohol licenses governed by population, one license per one thousand. I think alcohol is a blight on our society and it needs to be regulated as fully as possible. Thank you.

City Attorney Doug Harpool: Any other comments?

Lady in audience: I just wondered what the current population is right now.

City Administrator Fred Gress: Well the two thousand census shows population of thirty one, almost thirty two hundred.

Mary Alday: And how many do you have right now for that thirty two hundred?

City Administrator Fred Gress: Tiger One, Go Convenience, Casey's. Does Murfins sell packaged? No. Top Hat, four or five, Cotners. It's not the law at this point.

Mary Alday: Right, but what they are asking are you already over?

City Administrator Fred Gress: Yeah. I think if you would take the number of utility customers that we have times say 2.5, the normal average occupancy, it would be at 4500 people or so.

Mary Alday: So that means that they wanted that that passed to go back and revert back to old law, you would have to take away license?

City Administrator Fred Gress: I don't believe you could take away a license. You would end up in court pretty quick on that. I'm sure of that.

Aldermen Bill Caplinger: Could we get your name ma'am.

Mary Alday: Mary Alday.

Aldermen Bill Caplinger: Thank you.

City Attorney Doug Harpool: Any other questions? If not, I recommend that the Public Hearing on this Land Use Developments be closed.

City Attorney Doug Harpool opened the PUBLIC HEARING TO CONSIDER THE ANNEXATION OF RIGHT-OF-WAY LOCATED IN THE MEADOWS SERVICE AREA ON FARM ROADS 101, 103, AND 106.

City Administrator Fred Gress: Very quickly the only thing that P&Z recommended which is what we had requested was we are annexing only right-of-way. No private property at all. It would be right-of-way for 103 from Farm Road 94 South to EE, 106 from 103 to AB, and then 101 North of 106 North to the end of that road which is at approximately the current lagoons in the Meadows area.

City Attorney Doug Harpool: Any comments? Yes ma'am, please come forward and state your name.

Mary Alday: I'm Mary Alday and me and Dale currently live at the corner of 103 and 106. I'd like to know how much right-of-way you take verses Greene County.

City Administrator Fred Gress: It's the existing right-of-way.

Mary Alday: So it wouldn't be anything more just the existing.

City Administrator Fred Gress: And the way the legal description is put together is that it describes exactly what right-of-way is there.

Mary Alday: And the purpose of this?

City Administrator Fred Gress: Getting access to our public infrastructure that we're going to acquire. And if we need to extend, the first computer model that we had in the Master Plan for the water says that we need to extend a larger volume line down 103. So we need right-of-way to be able to do that.

Mary Alday: O.k. you currently, I have five (5) acres less than $\frac{3}{4}$ of a mile from city hall here and I can't acquire water or sewer so why would you acquire right-of-way extending three (3) miles to my house?

City Administrator Fred Gress: We're purchasing the Meadows water and sewer system.

Mary Alday: Right.

City Administrator Fred Gress: We're putting ourselves in the position where we can operate and maintain that system. It will become part of our system once the.....

Mary Alday: So in order to do that you have to acquire all of the right-of-way to it?

City Administrator Fred Gress: Well we have to have right-of-way to be able to put a public improvement in. So that's the purpose of annexing the right-of-way.

Mary Alday: How will that affect me?

City Administrator Fred Gress: It doesn't affect you at all.

Mary Alday: Nothing at all?

City Administrator Fred Gress: We're only, we're only.....

Mary Alday: Taxes, nothing?

City Administrator Fred Gress: The City of Willard cannot extend City of Willard taxes to your private property because your not part of the city.

Mary Alday: Right.

City Administrator Fred Gress: Nor will you be we annex simply right-of-way.

Mary Alday: O.k.

City Administrator Fred Gress: Now water service that you know once we get large enough lines in to serve the area you may opt to hook up to the service.

Dale Alday: Is that voluntary?

City Administrator Fred Gress: That is voluntary. The current policy for the city is that if you want public services you will annex in the city. That is purely voluntary.

Dale Alday: O.k.

Mary Alday: Thank you.

City Attorney Doug Harpool: Any other following comments? If not, I recommend that the Public Hearing close.

Mayor Jamie Schoolcraft called the meeting to order.

Roll Call

Deputy City Clerk, Linda Murray called roll call. Charles Whitehead-present. Bill Caplinger-present. Mayor Schoolcraft-present. Gordon O'Quinn-present. Mr. Amodeo-not present.

Agenda Amendments/Approval of agenda

Mayor asked if there were any amendments to the agenda. City Administrator Fred Gress stated that he had one amendment. Fred requested that the board table item number fifteen (15), Dave Snider Lot Split. Aldermen Bill Caplinger stated that he would like to add the ordinance that we requested last month pertaining to the appointments and hirings of employees and firings by the Mayor to be done by the majority approval of the Board of Aldermen be added to the agenda. Mayor stated that if you are going to vote on an ordinance it has to be posted twenty four (24) hours before the meeting this was not. Mayor stated that it would be on the next agenda. Aldermen Bill Caplinger stated that the Mayor instructed the City Clerk not to put it on the agenda. We had it drawn up last month. What was the reason for..... Mayor stated that he had spoken with Missouri Municipal League and based on the switching of city attorneys they said it was in his rights to postponed it for two weeks and let the city attorney look over it and make sure we are compliant with all the state statues. Mayor asked if there were any other amendments to the agenda.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve the agenda with item number fifteen (15) being tabled. All votes yes. Motion carried.

Minutes 05/14/07

Mayor asked if there were questions or a motion. Aldermen Bill Caplinger stated that he thought that a lot of the discussion on the ordinance to be drafted by the city attorney was left out. Bill asked if there was an inability to hear it on the tape. Mayor stated that he did not know and the city clerk was not present at the meeting. Aldermen Bill Caplinger: It just seemed like we discussed more than just the appointments. We talked about hiring and firing and disciplinary actions. I think I had stated it to you as you know if you have the right to appoint tree board members and have to bring that to the Board of Aldermen that I felt that it was necessary that you discuss hiring and firing and demotions and disciplinary actions with us as well. It just seems like the minutes were kind of light. Mayor stated that he would address that with the city clerk and discuss this issue with her.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve the minutes with that one question.

City Administrator Fred Gress: Wait. Hold up. Part of our problem with the minutes is my humble opinion has been we don't restate the motion. So we're going to try and fix that tonight and from now on. So did you get that?

Deputy City Clerk, Linda Murray: The question was are we going to approve the minutes as they are stated here. And I understand that Bill Caplinger feels that some was left out and there was a question about particularly on 8 of 9 and other than that consideration it passed with a motion from Bill and a second from.....

City Administrator Fred Gress: Well they haven't voted yet. I'm trying to narrow down what the motion is.

Deputy City Clerk, Linda Murray: They made the motion but they haven't voted.

City Administrator Fred Gress: Right, o.k.

City Attorney Doug Harpool: It's the motion to approve the minutes as distributed?

Aldermen Bill Caplinger: As distributed with us inquiring.....

City Administrator Fred Gress: See there is the.....

Aldermen Bill Caplinger: about the request for the attorney to draft an ordinance.

City Administrator Fred Gress: So are we anticipating a modification to that section?

Aldermen Bill Caplinger: I would hope. I know there was more discussion on it than a paragraph and a half.

Deputy City Clerk: Could we restate that in a way that would be better detailed?

City Attorney Doug Harpool: Minutes open are to record action taken more than what's said. I realize it looks traditional like you guys have done it the other way. From a legal standpoint the only minutes you keep are the motions that occurred. Now there may be political or other issues why you want additional information. You could approve the minutes and then make a motion next time to revisit. That would be one possible way.

Aldermen Bill Caplinger: State that again.

City Attorney Doug Harpool: You could approve the minutes, would be one way of doing it and then the next meeting you could make a motion to amend the minutes of this meeting. That is legal. The other would be to defer approval of the minutes until the next meeting. That also is legal and permissible alternate.

Aldermen Bill Caplinger: I would like to stay and investigate that so I would like to defer, make a motion to defer the approval of the March 14th, minutes to the next meeting.

Deputy City Clerk, Linda Murray: We need to, do we need to remove the one.....

City Administrator Fred Gress: Yeah I don't want to be technical but you did get a second. So you do need to act on the motion the original motion.

Aldermen Bill Caplinger: We need to withdrawn.

Deputy City Clerk, Linda Murray: Withdrawn.

City Administrator Fred Gress: So do you want to withdrawn?

Aldermen Bill Caplinger: I would like to withdrawn my first motion.

Motion made by Bill Caplinger with second by Gordon O'Quinn to defer the approval of the May 14th minutes to the next regularly scheduled Board of Aldermen meeting. All votes yes. Motion carried.

Citizens Input

None

Financial Report

Motion made by Charles Whitehead with second by Gordon O'Quinn to approve the April financial statements. All votes yes. Motion carried.

Motion made by Bill Caplinger with second by Gordon O'Quinn to pay the outstanding bills. All votes yes. Motion carried.

Karen stated that she had included an analysis of the cell phones. She asked if anyone had any questions. Aldermen Bill Caplinger asked how long the contract was for. Karen stated that all of the contracts very. All phones are for a two year contract. Anything a phone is upgraded then you sign up for another two year period. Karen stated that she did not have that information but she can get that if they would like. Aldermen Bill Caplinger stated that the city has had some trouble with the phones when the Public Works have been on call. Bill stated he wondered if maybe changing carriers would help. Karen stated that the city has had a different carrier and we still had problems from time to time.

Police Department Report

Chief of Police, Tom McClain discussed the May monthly report. Incidents for the month of May were 500-15 felonies, 39 misdemeanors, 208 infraction violations. Some of the Police Officers over the past couple of weeks have been working the state grant which focuses on hazardous moving violations and the numbers are up as a result to that work. There were 238 service calls. That's generally where the Police are called to assist and aid the public. Chief McClain stated that the mission for the Police Department is three phase. One is to prevent crime, two is to enforce the law, and three is help people. Chief stated that last night some hooligans were out in an area that construction work is being done and did some significant damage to some buildings that are in progress. 292 incidents were handled by an officer.

Emergency Management

Director of Emergency Management Donna Gordon stated that she had two (2) block parties to promote the Neighborhood Watch Program and our CERT program. The first block party was in Fox Creek. There were approximately 40-60 people show up. Seven (7) people signed up to be block captains for the Neighborhood Watch Program. Donna stated that she would be scheduling a CERT class towards the end of the summer. The second block party was in Whispering Oaks. The subdivision had a bigger turn out but is also a bigger subdivision. The CERT trailer will be at the Party in the Park and also at the 4th of July activities. Donna stated that someone would man the trailer to explain the CERT Program.

The Citizen Corps and the CERT grant Donna has asked to extend until the end of May. Donna stated that you can't do a whole lot outside during the winter months.

Greene County Emergency Management Director Ryan Nicholls requested that Donna participate in the Statewide Earthquake Exercise scheduled for June 19-21.

Public Works Report

Director of Public Works, Charlie Jones stated that Public Works has been installing a lot of street signs. Installed pedestrian walkway on Jackson and put a 10-inch waterline across Jackson. Also Public Works has been helping the Parks Department putting in the irrigation system at the new soccer complex. Public Works installed the main lines and then the irrigation people will install the feeders for irrigation. They also installed electrical conduit and water line for the concession stand. Hauled mulch for the playground equipment and of course, lots of mowing. Helped the Police Chief take out the old evidence room at the Police Station. Also picked up dogs and cats.

Development Report

Randy Brown, Director of Development stated that the first apartment at the North Brooke is almost completed and the owners are now leasing the units. The contractor at Cardinal Hills has hauled in some fill dirt in but due to all the rain they have had they still have not completed the storm channel. Box culvert has been ordered for Hughes Road. The box culvert project is tentative scheduled for July 23rd.

Community Services Report

Director of Parks and Recreations, Kerri Gates stated that the swimming pool is now open. The pool was filled on a Monday, chemicals were added on Tuesday and the pool people said that there was a part broken on the pump filter. By the time the pool got repaired the pool didn't have enough chemicals in it, so the pool opened on a Tuesday instead of Monday. The pool was open for two (2) days and then the pump broke. Parks Department had to make an emergency purchase for a new pump in order to get the pool back in operation. Summer Camp has started. There are approximately 40-45 kids enrolled. Baseball and Softball is going on. Swimming lessons start June 12th. Kerri stated that a lot of upcoming events including dodgeball ball, adult volleyball, adult basketball, and the 4th of July event. The soccer fields are supposed to be done in two (2) weeks.

Proposed Amendments to the Land Development Regulations

City Administrator Fred Gress stated that the only item for consideration by the Board of Aldermen is an addition of the definition for the term tavern. Definition states, a establishment where fifty percent or more gross income is derived by the sell of alcoholic beverages by the drink by consumption on the property in where the serving of food and non-alcoholic beverages for consumption on the property.

Fred stated that we are now going to start having the first reading of all ordinances done at one meeting, and then the second reading will be done at the next Board of Aldermen meeting. Also, there might be an instance where we might do both readings at one meeting, but they would be few and far between.

BILL NO. 07-19

ORDINANCE NO. 070611

AN ORDINANCE ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS AND DESIGN STANDARDS FOR THE CITY OF WILLARD, MISSOURI; REPEALING OR AMENDING INCONSISTENT ORDINANCES AND PROVIDING FOR PENALTIES FOR VIOLATION HEREOF.

First reading by Deputy City Clerk, Linda Murray.

Motion made by Gordon O'Quinn with second by Bill Caplinger to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Aldermen Bill Caplinger asked when the city changed the ordinance that amended the one liquor establishment per one thousand population. City Administrator Fred Gress stated it was well over a year ago, when Casey's came to town. Aldermen Bill Caplinger asked how many we have in town now. Fred stated six (6). Mayor thought that some of those didn't fall under the same category. Fred stated that there were many different kinds of liquor licenses in the State of Missouri. P&Z had no comments on this issue. Board discussed number of businesses that served alcohol. Mayor stated that the board had a lot of opinions such as, can leave it the way it is, or send it back to Planning and Zoning again for them to look at. Also Mayor said that even if we had the one to per one-thousand the city is still not over the limit because they fall under different categories. And so it is a option to send it back to P&Z to address and look at other cities to see what they have.

Motion made by Bill Caplinger with second by Gordon O'Quinn to send the liquor licenses issue back to P&Z for another Public Hearing to find out what the community thinks. All votes yes. Motion carried.

Mayor asked if anyone had anymore discussion on any of the other amendments to the Land Development Regulations. No one spoke.

Annexation of right-of-way located in the Meadows service area on Fr. 101, 103, and 106.

City Administrator, Fred Gress that this action would provide for the annexation of public right-of-way only. No private property. Farm roads 103 from farm road 94 south of EE, 106 from 103 over to AB right-of-way, and 101 from 101 north to the end of the county

road at that point which is at the sewer lagoons in the existing Meadows service area. The purpose is really to acquire public right-of-way in the event that we make public infrastructure improvements such as a waterline down 103 we have that right-of-way so we can move right to construction. Fred also stated that that is in the five (5) year self supervised plan that DNR's reviewing and once they review it then it will become a budget proposal. This goes on whether or not have control of the Meadows system or not. That action will be at a later date.

BILL NO. 07-20

ORDINANCE NO. 070611A

AN ORDINANCE TO ANNEX RIGHT-OF-WAY PROPERTY CONTIGUOUS, COMPACT AND ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI.

First reading by Deputy City Clerk, Linda Murray.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Bids for Ordinance Codification

City Administrator Fred Gress stated that the city just received one bid today and he requested that this item be tabled to allow time to compare both bids. One bid was from Municipal Code Corporation and Sullivan Publications.

Motion made by Charles Whitehead with second by Gordon O'Quinn to table this item until the next Board of Aldermen meeting. All votes yes. Motion carried.

Park Board Appointments

Mayor Jamie Schoolcraft stated that the following Park Board appointments were up. Brian Stewart, Blaine Kennard, and Bryan Pfeifer. Mayor stated that he would like to reappoint Brian Stewart, Blaine Kennard, and Bryan Pfeifer to the Park Board.

Motion made by Bill Caplinger with second by Charles Whitehead to reappoint Brian Stewart, Blaine Kennard, and Bryan Pfeifer to the Park Board. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

On Call Policy

City Administrator Fred Gress discussed the On Call Policy. Board agreed to get legal opinion on this issue in the next two weeks and discuss at the next board meeting.

Motion made by Bill Caplinger with second by Gordon O'Quinn to table the On Call Policy and send it back to staff for review. All votes yes. Motion carried.

Weed-eating Crew

City Administrator Fred Gress stated that the city has the right to hire sixteen and seventeen year olds to run weed-eaters and small push mowers. Fred thought this would be a good idea to give some kids the opportunity to earn some money and also provide the city a service.

Motion made by Gordon O'Quinn with second by Charles Whitehead to approve staff to advertise for a young weed-eating crew. All votes yes. Motion carried.

Old Business

Aldermen Bill Caplinger asked the City Attorney if he thought it was legal to go into closed session at the last meeting to interview for a city attorney. City Attorney Doug Harpool stated that in his opinion it was legal. Aldermen Bill Caplinger stated that he had a court case in reference to a similar issue. City Attorney Doug Harpool stated that if Bill would give him the citation to the case he would be happy to look it up and see if that would change his opinion.

Aldermen Bill Caplinger discussed letter that City Administrator Fred Gress had sent to all four (4) aldermen. Aldermen Bill Caplinger publicly stated that he is against any closing or any sell of New Melville Road and closing and re-routing of 105 in any way shape or form.

Mayor Jamie Schoolcraft stated that the board would be going into closed session to discuss issues concerning Chapter 610.021 #1, #2, and #3.

Motion made by Bill Caplinger with second by Charles Whitehead to close the open session. All votes yes. Motion carried.

Meeting adjourned.

Kathy Blakemore, City Clerk