

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ALDERMEN

Regular Meeting

October 25, 2010

7:00 PM - Willard City Hall

224 W. Jackson Street

Mayor

Jamie Schoolcraft

Board Members

Board President: Richard Simpson

David Hemphill

Doug Johnson

Pat Lloyd

Tim Magee

Bryan Vincent

www.cityofwillard.org

CITY OF WILLARD
BOARD OF ALDERMEN
October 25, 2010
7:00 P.M.

Notice posted on October 22, 2010.

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a meeting at 7:00 p.m., October 25, 2010 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

Police Athletic League Presidential Fitness Awards presented by Chief of Police, Tom McClain

PLEDGE OF ALLEGIANCE

1. Call the meeting to order
2. Roll Call
3. Agenda Amendments/Approval of agenda
4. Approve the minutes of the regular meeting on October 12, 2010
5. Approve the minutes of the regular meeting on September 27, 2010
6. Citizen Input General Topics (*5 minute limit per person*)
7. Financial Report
 - a. City Hall Doors
8. 2011 Proposed Budget Ordinance (2nd Reading)
 - a. Citizen Input
 - b. Discussion/Vote
9. Nuisance Abatement Ordinance (2nd Reading)
 - a. Citizen Input
 - b. Discussion/Vote
10. Annexation for the Willard High Schools II Transition Ordinance (1st Reading)
 - a. Citizen Input
 - b. Discussion/Vote
11. Discussion of the draft of the Open Meetings policy and Agenda Ordinance
12. Old Business
13. ADJOURN OPEN SESSION
14. Closed Session (Chapter 610.021 #1 Legal, #2 Real Estate and #3 Personnel)
15. REOPEN MEETING
16. ADJOURN MEETING

THE TENTATIVE AGENDA OF THIS MEETING ALSO INCLUDES A VOTE TO CLOSE PART OF THE MEETING PURSUANT TO CHAPTER 610.021(1) LEGAL, (2) REAL ESTATE AND (3) PERSONNEL REVISED STATUTES OF MISSOURI, THE SUNSHINE LAW, AS NOW EXISTING OR HEREAFTER AMENDED.

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

Dale Duvall, City Clerk

**CITY OF WILLARD
BOARD OF ALDERMEN
REGULAR MEETING
October 12, 2010
7:00 pm**

Board present: Aldermen Richard Simpson, Aldermen David Hemphill, Mayor Jamie Schoolcraft, Aldermen Pat Lloyd, Aldermen Tim Magee and Aldermen Bryan Vincent. Aldermen Doug Johnson was not present.

Staff present: CFO, Karen Robson; Emergency Management Director, Stacy Winters; Parks and Recreation Director, Kevin McDonald; Public Works Director, Justin Reaves; Chief of Police, Tom McClain; Willard Reserve Officer, Bill Lingenfielser; and City Attorney, Paul Link.

Also in attendance: Kurt Hamilton and Mrs. Hamilton, David Gardner, Valorie Simpson, Nancy Simpson, Bill Rekus, Don Johnson, Lucille Murray and Paul Hood.

Kate Gould with the Cross Country Times was also present.

Mayor Schoolcraft led the Pledge of Allegiance.

Call to Order

Mayor Schoolcraft called the meeting to order.
Attorney Paul Link conducted the following two public hearings:

Public Hearing to consider the request for annexation for the Willard School District for the land for the transition house.

There was no citizen input.
There was no Board input.
The public Hearing was closed.

Public Hearing to consider the proposed annual budget for year 2011.

There was no citizen input.
There was no Board input.
The public Hearing was closed.

Roll Call

City Clerk, Dale Duvall called the roll call. Aldermen Simpson-present, Aldermen Hemphill-present, Aldermen Lloyd-present, Mayor Schoolcraft-present, Aldermen Johnson-----, Aldermen Magee-present, Aldermen Vincent-present.

Kurt Hamilton, an Eagle Scout candidate who had done some landscaping for the memorial told the Board that he thinks that the memorial is a great addition to the City and that he is proud to be involved.

Agenda Amendments/Approval of Agenda

Aldermen Lloyd asked for a line item to discuss changing the current ordinance # 100412A, item #16 dealing with closed session. Aldermen Lloyd would like to discuss when and by whom closed session is added to the agenda. Mayor Schoolcraft stated that the line item would be the new #14. **Motion** made by Aldermen Lloyd and seconded by Aldermen Hemphill to approve the agenda with the above amendment. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Approve the Minutes of the Regular Meeting on September 27, 2010

City Clerk, Dale Duvall explained to the Board that there was no audio from the meeting on September 13, 2010 or September 27, 2010. She stated that there was a problem with the audio disk. **Motion** made by Aldermen Vincent and seconded by Aldermen Lloyd to approve the minutes of the meeting on September 27, 2010. Aldermen Simpson-Nay, Aldermen Hemphill-Nay, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Nay, Aldermen Vincent-Aye. Two votes aye. Three votes nay. Motion does not carry.

Citizen Input-None

Financial Report-CFO Karen Robson

August Financials- **Motion** made by Aldermen Vincent and seconded by Aldermen Hemphill to approve the August financials. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

September Invoices- **Motion** made by Aldermen Vincent and seconded by Aldermen Hemphill to pay the unpaid invoices. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

September Utility Adjustment Report- **Motion** made by Aldermen Lloyd and seconded by Aldermen Magee to approve the adjustments. . Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Police Department Report-Chief Tom McClain

Police Chief Tom McClain gave his monthly report to the Board.

Emergency Management Report-Stacy Winters

Stacy Winters gave his monthly report to the Board.

Public Works Report-Justin Reaves

Justin Reaves gave his monthly report.

Justin spoke to the Board about the request from Mr. Rekus that had been brought to the Board previously. Justin stated that Mr. Rekus was requesting that the City pay for a portion of his water/sewer connection fee. Mr. Rekus told the Board that the Meadows would have paid for it if they still owned the system. The Board made no motion to vote on the request and so the request was denied.

Development Report-Randy Brown

Randy Brown was not present and so no report was given.

Parks and Recreation Report-Kevin McDonald

Kevin McDonald gave his monthly report to the Board.

Building and Constuction Fee Changes Ordinance 2nd Reading

BILL NO. 10-27

ORDINANCE NO. 101012

AN ORDINANCE APPROVING THE BUILDING AND CONSTRUCTION FEES CHANGE AMENDMENT.

Citizen Input for Bill NO. 10-27

There was no citizen input.

Discussion/Approval for Bill NO 10-27

Aldermen Hemphill asked the City Attorney if the fee changes had been looked over to verify that the fees were acceptable. Paul Link stated that Doug Harpool had looked at them and that they look fine.

Second reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Vincent and seconded by Aldermen Lloyd to accept the second reading. Aldermen Simpson-Nay, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen

Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. Four votes aye. One vote nay. Motion carried.

2011 Proposed Budget Ordinance 1st Reading

BILL NO. 10-28

ORDINANCE NO. 101025

AN ORDINANCE APPROVING THE 2011 PROPOSED BUDGET.

Citizen Input for Bill NO. 10-28

There was no citizen input.

Discussion/Approval for Bill NO 10-28

Aldermen Lloyd asked about the 5% raise that is on the proposed 2011 budget. Karen Robson explained that it would be a 3% cost of living increase and that 2% would be on a merit basis.

First reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Vincent and seconded by Aldermen Lloyd to accept the first reading. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson--, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Nuisance Violation Ordinance 1st Reading

BILL NO. 10-29

ORDINANCE NO. 101025A

AN ORDINANCE AMENDING THE NUISANCE VIOLATION ORDINANCE.

Citizen Input for Bill NO. 10-29

There was no citizen input.

Discussion/Approval for Bill NO 10-29

First reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Hemphill and seconded by Aldermen Magee to accept the first reading. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson--, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Order of Business

Aldermen Lloyd stated that he does not believe that closed session needs to be a item that is on every agenda. He believes that the Mayor should be the one that determines if closed session is to be included on the agenda on a case by case situation. Aldermen Lloyd stated that it is not his intent to make it difficult for

Aldermen to bring items to closed session. His intent is to make sure that all of the Aldermen have access to the information that will be discussed in closed session. Aldermen Hemphill asked for clarification and asked if Aldermen Lloyd was recommending that the Mayor be the one that determines if a closed session is needed and take it off of the agenda as a consistent line item. Aldermen Lloyd stated that yes that is what he was asking for. Aldermen Vincent stated that he does not have a problem having the three item listed on the agenda. He is also fine with the Aldermen getting approval prior to closed session being added. Paul Link stated that there is not a law regulating whether the line item is included on a regular basis. The City Attorney will bring back options to be discussed.

Old Business

Aldermen Hemphill made a motion to remove Aldermen Vincent from the position of Board President. **Motion** by Aldermen Hemphill and seconded by Aldermen Simpson. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Nay, Aldermen Johnson--, Aldermen Magee-Aye, Aldermen Vincent-Aye. Four votes aye. One vote nay. Motion carried.

Aldermen Hemphill made a motion to nominate Aldermen Magee to the position of Board President. **Motion** by Aldermen Hemphill and seconded by Aldermen Simpson. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson--, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Adjourn

Motion made by Aldermen Lloyd and seconded by Aldermen Hemphill to adjourn the open session and go into executive session pursuant to Chapter 610.021, (1) Legal. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Adjourn the Executive Session

Motion made by Aldermen Lloyd and seconded by Aldermen Hemphill to adjourn the executive session and go into open session and adjourn. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Meeting adjourned.

Dale Duvall, City Clerk

Mayor Jamie Schoolcraft

**CITY OF WILLARD
BOARD OF ALDERMEN
REGULAR MEETING
September 27, 2010
7:00 pm**

Board present: Aldermen Richard Simpson; Aldermen David Hemphill; Mayor Jamie Schoolcraft; Aldermen Pat Lloyd; Aldermen Doug Johnson; Aldermen Tim Magee and Aldermen Bryan Vincent.

Staff in attendance: City Clerk, Dale Duvall; Chief Financial Officer, Karen Robson; Parks and Recreation Director, Kevin McDonald; Sports Coordinator, Shawn Trent; Purchasing Officer, Kayme Steele; Director of Development, Randy Brown; Emergency Management Director, Stacy Winters; Police Chief, Tom McClain; Reserve Police Officer Bill Lingenfiesler; and City Attorney, Doug Harpool.

Guest present: Jim Rekus, Lucille Murray, Jared Rasmussen of Olsson Engineering, Rick Steinberg, Richard East, Blaine Kennard, Becky Miller, Paul Hood, Dave Helton, Jacob Broz, Alvina Broz, and Don Johnson.
Kate Gould as free lance reporter for the Cross Country Times was also present.

Mayor Schoolcraft led the Pledge of Allegiance.

Mayor Schoolcraft called the meeting to order.

Roll Call

Aldermen Simpson-present; Aldermen Hemphill-present; Aldermen Lloyd-present; Mayor Schoolcraft-present; Aldermen Johnson-present; Aldermen Magee-present; and Aldermen Vincent-present.

Agenda Amendments/Approval of Agenda

The Mayor stated that item # 9(Veterans Memorial) would be moved up to before # 6-Financials. Aldermen Hemphill asked that Item # 8 (Roles and Responsibilities) be moved to Closed session. The Mayor declined the request.

Motion by Aldermen Lloyd and seconded by Aldermen Johnson. Aldermen Simpson-Nay; Aldermen Hemphill Nay; Aldermen Lloyd-Aye; Aldermen Johnson-Aye; Aldermen Magee-Aye; and Aldermen Vincent-Aye. Four (4) votes Aye. Two (2) votes Nay. Motion carried.

Approve Minutes of the September 13, 2010 Meeting

Motion by Aldermen Vincent and seconded by Aldermen Johnson. Aldermen Simpson-Aye; Aldermen Hemphill-Aye; Aldermen Lloyd-Aye; Aldermen Johnson-Aye; Aldermen Magee-Aye; and Aldermen Vincent-Aye. All votes aye. Motion carried.

Citizen Input

None

Veterans Memorial Ordinance 1st and 2nd Reading

BILL NO. 10-24

ORDINANCE NO.100927A

AN ORDINANCE APPROVING THE CONSTRUCTION OF A VETERANS MEMORIAL.

Blaine Kennard spoke to the Board about the Veterans Memorial that the Veterans sub-committee has been working on.

Citizen Input for Bill NO. 10-24

Eagle Scout Jacob Broz spoke about the Memorial that is being built. He stated that he is very proud to be involved with this project and that he thinks that it is a great tribute to those who have served for our country.

Discussion/Approval for Bill NO. 10-24

First reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Lloyd and seconded by Aldermen Johnson to accept the first reading. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Citizen Input for Bill NO. 10-24

There was no citizen input.

Discussion/Approval for Bill NO. 10-24

Second reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Simpson and seconded by Aldermen Hemphill to accept the second reading. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Financial Report-CFO Karen Robson

Karen told the Board that due to time constraints with the Auditors and other City business she was not able to finish the financials. She stated that she would bring them to the next Board meeting.

Budget Workshop

There was no input from the Board on the 2011 budget.

Employee Manual Discussion

The Board discussed the employee manual and Aldermen Simpson stated that he wanted:

1. To have the Department Heads individually meet with the Board and discuss their job duties and what changes they believed would be helpful.
2. Karen Robson to meet with the Department Heads and give a report at the next Board meeting.

Motion by Aldermen Hemphill and seconded by Aldermen Simpson to follow through with Aldermen Simpson's idea. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Nay, Aldermen Johnson-Nay, Aldermen Magee-Aye, Aldermen Vincent-Nay. Three (3) votes aye. Three (3) votes Nay. Mayor Schoolcraft-Nay. Four (4) votes Nay. Three (3) votes Aye. Motion denied. Aldermen Vincent asked to have the Department Heads meet with Karen Robson and the Mayor to discuss:

1. Any way the job description changes could help the City.
2. Put into writing any changes to the 2008 policy manual that Department heads felt would be helpful.
3. Any other concerns that the Department Heads have.

Motion by Aldermen Lloyd and seconded by Aldermen Johnson to approve the above. Aldermen Simpson-Nay, Aldermen Hemphill-Nay, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Nay, Aldermen Vincent-Aye. Three (3) votes aye. Three (3) votes Nay. Mayor Schoolcraft-Aye. Four (4) votes aye. Three (3) votes Nay Motion carried.

Roles and Responsibilities of Aldermen, the Board President and the Mayor

City Attorney, Doug Harpool handed out a packet to the Board with various statutes regarding the duties and powers of the Mayor and the Board.

Motion made by Aldermen Vincent and seconded by Aldermen Lloyd to remove Aldermen Simpson from the position as Board President. Aldermen Simpson-Nay, Aldermen Hemphill-Nay, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Nay, Aldermen Vincent-Aye. Three (3) votes aye. Three (3) votes Nay. Mayor Schoolcraft-Aye. Four (4) votes aye. Three (3) votes Nay Motion carried.

Motion by Aldermen Johnson and seconded by Aldermen Lloyd to appoint Aldermen Vincent as the Board President. Aldermen Simpson-Nay, Aldermen Hemphill-Nay, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Nay, Aldermen Vincent-Aye. Three (3) votes aye. Three (3) votes Nay. Mayor Schoolcraft-Aye. Four (4) votes aye. Three (3) votes Nay Motion carried.

Municipal Code Ordinance (2nd Reading)

BILL NO. 10-23

ORDINANCE NO. 100927

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTIONS 705.060, 705.070, 705.090, 715.100, AND 705.120 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO WATER SERVICE.

Citizen Input for Bill NO. 10-23

There was no citizen input.

Discussion/Approval for Bill NO 10-23

Second reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Vincent and seconded by Aldermen Lloyd to accept the second reading. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Building and Construction Fee Changes Ordinance(1st Reading)

BILL NO. 10-25

ORDINANCE NO. 101013

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO 500.330 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO THE BUILDING AND CONSTRUCTION FEES.

Citizen Input for Bill NO. 10-25

There was no citizen input.

Discussion/Approval for Bill NO 10-25

Aldermen Simpson stated concern regarding the increase in fees. The City Attorney stated that he would double check them before the 2nd reading on October 13, 2010. First reading by title was conducted by City Clerk, Dale Duvall. **Motion** by Aldermen Lloyd and seconded by Aldermen Johnson to accept the first reading. Aldermen Simpson-Nay, Aldermen Hemphill-Nay, Aldermen Lloyd-Aye, Aldermen Johnson-Aye, Aldermen Magee-Aye, Aldermen Vincent-Aye. Four (4) votes Aye. Two (2) votes Nay. Motion carried.

Second reading will be conducted at the Board meeting on October 12, 2010.

Old Business

Aldermen Lloyd asked about the red box on the water bills and was told by Karen Robson that the verbiage would be changed on the next bill and that many citizens had expressed being upset.

Adjourn

Mayor Schoolcraft stated that the Board would be going into executive session pursuant to Chapter 610.021 (1) Legal and (3) Personnel. **Motion** made by Aldermen Vincent and seconded by Aldermen Hemphill to adjourn the open session and go the executive session. Aldermen Simpson-Aye; Aldermen Hemphill-Aye; Aldermen Lloyd-Aye; Aldermen Johnson-Aye; Aldermen Magee-Aye; Aldermen Vincent-Aye. All votes aye. Motion carried.

Adjourn the Executive Session

Motion made by Aldermen Hemphill and seconded by Aldermen Lloyd to adjourn the executive session and go into open session and adjourn. Aldermen Simpson-Aye; Aldermen Hemphill-Aye; Aldermen Lloyd-Aye; Aldermen Johnson-Aye; Aldermen Magee-Aye; Aldermen Vincent-Aye. All votes aye. Motion carried.

Meeting adjourned at 9:00 pm.

Dale Duvall, City Clerk

Jamie Schoolcraft, Mayor

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM #8/ **Department-Finance**

INFORMATION ONLY-NO ACTION NECESSARY:

The September, 2010, financial statements and accompanying documentation will be available at the November 8, 2010 meeting.

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # *Ta*
Department-Finance

INFORMATION ONLY-NO ACTION NECESSARY:

One of the aldermen had inquired about getting the doors to City Hall rekeyed and an access control system for the door next to the time clock.

I have spoken to one company and following is their proposal. If the board wants to move forward with this, I will get additional quotes for consideration.

The attached quote is for the access control system only. We would have to get another company to rekey the other doors and install a striker plate on the door next to the time clock. This would bring the cost up approximately \$600.00.

The police department has also been looking into improving the security of their front entrance. They have been looking into the cost. Neither of these items have been included in the 2010 or 2011 budget.

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 8 2011 Budget

ACTION REQUESTED: Approval of 2nd reading.

Staff is asking for approval of the 2011 budget.

**Karen Robson
CFO**

BILL NO _____

ORDINANCE _____

AN ORDINANCE

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF WILLARD, MISSOURI FOR THE YEAR 2011.

WHEREAS, a study had been made by the Board of Aldermen as to the anticipated revenue, expenditures, and expenses of the City for the year of 2011; and

WHEREAS, two public hearings having been held, after legal notice thereof, as to the overall budget and the anticipated revenues and expenditures by categories.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI AS FOLLOWS:

Section 1: The City does hereby adopt the annual budget for the year 2011 set forth on the attached Schedule A, which is incorporated herein by references as if set forth in full.

Section 2: The appropriate officers of the City are authorized to make all payments and issue checks for the City treasury in payment of items reflected in the approved budget.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in so far any portion thereof shall conflict with this Ordinance.

Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

READ TWO TIMES AND PASSED at the meeting of the Board of Aldermen of the City of Willard, Missouri, on the 25th day of October 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DAVID HEMPHILL

PAT LLOYD

DOUG JOHNSON

TIM MAGEE

BRYAN VINCENT

ATTESTED BY:

DALE DUVALL, CITY CLERK

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 9 Nuisance Abatement Ordinance

ACTION REQUESTED: Approval of 2nd reading.

This will allow the Director of Development to issue nuisance violations without the Police Department's involvement.

**Dale Duvall
City Clerk**

BILL NO. 10-28

ORDINANCE NO. 101025A

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 215.030 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO NOTICE TO ABATE NUISANCES.

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title II. Public Health, Safety and Welfare, Chapter 215: Nuisances, Article I. Generally, Section 215.030 as follows:

SECTION 215.030: NOTICE TO ABATE

- A. Whenever ~~[a Police Officer]~~ **the Director of Development** of the City, **or the City's Designee**, shall ascertain or have knowledge that a nuisance exists on any premises in the City, he/she shall, by written notice, notify the person or persons occupying or having possession of said premises to abate or remove such nuisance within the time to be specified in such notice, not less than ten (10) days, provided that, if such house or premises is not occupied and the owners having the right of possession are non-residents, the ~~[Police Officer]~~ **Director of Development** of the City, **or the City's Designee**, shall notify the non-resident owners by posting a notice of his/her request to abate or remove such nuisance within the time to be specified in such notice upon such house or premises and by sending a copy of such notice by registered mail to the last known address of the non-resident owners. In the event of non-resident owners of unoccupied premises, the time specified in such notice shall not be less than ten (10) days.
- B. No person notified as provided in this Section shall fail, neglect or refuse to comply with said notice and for the abatement of said nuisance within the time specified in such notice.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

BILL NO. 10-28

ORDINANCE NO. 101025A

yes

NO

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 10 Annexation Request

ACTION REQUESTED: Approval of 1st reading

Willard School Annexation – Planning and Zoning recommended approval at the 9-28-10 meeting. Staff recommends approval. The public hearing was held on 10-12-10 and no comments have been issued. Please see attached comment letter that was sent to the P/Z Commission.

Randy Brown
Director of Development

City of Willard

224 West Jackson, P.O. Box 187 • Willard, MO 65781 • Phone 417-742-3033 • Fax 417-742-3080



9-24-10

To : Mayor Jamie Schoolcraft
Board of Aldermen
Planning and Zoning Commission

From: Randy Brown

RE: Willard School Annexation

Dear Mayor, BOA, and P/Z members

I have reviewed the annexation petition and drawing submitted by Willard Schools and offer the following comment, this property will become a part of the parent property where the High School is located. It is the Schools intent to construct a Transition House that will allow kids with disabilities to hone their life skills that will help them attain independent living. Conco has sold the parcel to the School District and the only other adjacent owner is Ozark Greenways. Staff recommends approval of this annexation.

Sincerely,

A handwritten signature in cursive script that reads "Randy Brown".

Randy Brown

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE ANNEXING A CERTAIN ADJACENT, UNINCORPORATED AREA INTO THE CITY OF WILLARD, MISSOURI.

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

WHEREAS, on August 25, 2010, a verified petition, signed by all of the owners of the real estate described below and requesting annexation of the area into the City of Willard, Missouri, was filed with the City Clerk; and

WHEREAS, the real estate is adjacent and contiguous to the present corporate limits of the City of Willard, Missouri; and

WHEREAS, a public hearing concerning this matter was held at the City Hall in Willard, Missouri, at ____ p.m. on October 12, 2010; and

WHEREAS, notice of this public hearing was published on September 29, 2010 and October 6, 2010, in the Cross Country Times, a weekly newspaper of general circulation in the County of Greene, Missouri; and

WHEREAS, at the public hearing, all interested persons, corporations, and political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Willard, Missouri, within seven days after the public hearing; and

WHEREAS, the Board of Aldermen of the City of Willard, Missouri, do find and determine that the annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to the area within a reasonable time after annexation; and

WHEREAS, the Board of Aldermen of the City of Willard finds that it is in the best interest of the City and its citizens to annex the property described in the verified Petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Willard, Missouri, as follows:

Section 1: Pursuant to §71.012 RSMo, the following-described real estate is hereby annexed into the City of Willard, Missouri, to-wit:

BILL NO. _____

ORDINANCE NO. _____

A TRACT OF LAND LYING IN PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 30 NORTH, RANGE 23 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 25, THENCE NORTH 02°20'31" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, 111.50 FEET; THENCE NORTH 88°00'27" WEST, 400.07 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 88°00'27" WEST, 406.71 FEET; THENCE NORTH 39°22'33" EAST, 234.55 FEET; THENCE SOUTH 52°49'04" EAST, 323.40 FEET TO THE POINT OF BEGINNING, CONTAINING 37,899 SQUARE FEET (0.87 ACRES), ALL LYING IN GREENE COUNTY, MISSOURI, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

Section 2: The boundaries of the City of Willard, Missouri, are hereby altered so as to encompass the above-described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3: The City Clerk of the City of Willard is hereby ordered to cause three certified copies of this ordinance to be filed with the Greene County Clerk.

Section 4: The Director of Development and other pertinent City personnel are hereby authorized and directed to conform all maps, directories, drawings, plats, and other appropriate documents to the altered corporate limits of the City of Willard as herein provided.

Section 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.

Section 6: This ordinance being necessary for the preservation of the public peace, health, and safety of the citizens of the City of Willard, an emergency is hereby declared to exist, and this ordinance shall be in force and take effect from and after the date of its passage and approval.

Section 7: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

BILL NO. _____

ORDINANCE NO. _____

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 11

Open Meetings, Records and Agenda Policy

ACTION REQUESTED: Approval of draft with one of the four alternatives.

This ordinance draft deals with the open records policy in relation to sunshine requests. There is also a section that addresses the agenda and who is allowed to place an item on the agenda, for open or closed session.

At the end of this draft there are four alternatives given.

Staff is asking that the Board approval of option # 3.

The ordinance will be brought to the Board at the next meeting for first reading.

Dale Duvall
City Clerk

The highlighted sections are
an addition to the present ordinance.
The present ordinance would be
repealed & replaced with the new
one.

BILL NO. _____

ORDINANCE NUMBER _____

OPEN MEETINGS AND RECORDS AND AGENDA POLICY

~~AN ORDINANCE PRESCRIBING THE MISSOURI OPEN MEETINGS AND
RECORDS LAW ENACTED BY THE MISSOURI GENERAL ASSEMBLY.~~

WHEREAS, Chapter 610 of the Revised Statutes of Missouri, the "Sunshine Law" provides the now public records are to be maintained and provided to the public.

WHEREAS, Section 610.028(2) of the Open Meetings and Record law requires each political subdivision to provide a reasonable written policy in compliance with Sections 610.010 to 610.030 RSMo.,

NOW THEREFORE, BE IT RESOLVED THAT the Board of Aldermen of the City of Willard hereby adopt the following policy to apply to all governmental bodies and committees of this municipality:

1. All meetings, records and votes are open to the public, except the governmental body may close any meeting, record or vote relating to the following:
 - a. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to litigation involving a public governmental body shall be upon final disposition of the matter voted upon; or upon the signing by the parties of the settlement agreement unless the settlement agreement is ordered closed by a court; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
 - b. Lease, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes, vote or public record approving a contract relating to the lease, purchase or sale of real estate by a public governmental body shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate.
 - c. Hiring, firing, disciplining or promoting an employee of a public. Governmental body. However, any vote on a final decision, when taken by a public governmental body to hire, fire, promote or discipline an

employee of a public governmental body must be made available to the public with a record of how each member voted within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice before such decision is made available to the public.

- d. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological or alcoholism or drug dependency diagnosis or treatment.
- e. Testing and examination materials, before the test or examination is given or if it is to be given again before so given again.
- f. Welfare cases if identifiable individuals.
- g. Preparation, including any discussions or work product for negotiations with employee groups.
- h. Software codes for electronic data processing and documentation thereof.
- i. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- j. Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted or all bids are rejected.
- k. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
- l. Records that are protected from disclosure by law.
- m. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- n. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records.
- o. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any

critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008. 2012.

- p. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.

When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security of safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records.

Records that are voluntarily submitted by a nonpublic entity shall be reviewed within ninety days of submission to determine if retention of documents is necessary in furtherance of a security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental, body or destroyed.

This exception shall sunset on December 31, 2012.

- q. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer system computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data tile or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer

network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open.

- r. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.
2. All records that may be closed hereby are deemed closed records unless the governmental body votes to make them public. Before closing a meeting to the public, a majority of a quorum of the governmental body must vote to do so in a public vote. The vote of each member of the governmental body on the question of closing the meeting or vote and the reason for closing the meeting by reference to a specific exception shall be announced at a public meeting and entered into the minutes.
3. Notice shall be given in accordance with Chapter 610 of the Revised Statutes of Missouri. A summary of the notice requirements are provided herein.
 - a. The governmental body shall give notice of the time, date and place of a closed meeting and the reason for holding it by reference to a specific exception. The notice shall be the same as in (4) below. No other business may be discussed in a closed meeting that does not directly relate to the specific reason announced to close the meeting to the public. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
 - b. The governmental body shall give notice of the time, date, place and tentative agenda of each meeting. The notice shall be placed on the appropriate bulletin board at city hall at least 24 hours, exclusive of weekends and holidays, prior to the meeting. ~~If an emergency makes it impossible to give 24 hours notice, the reason must be reflected in the minutes.~~ Notice also shall be given to any representative of the news media who requests notice of a particular meeting.

- c. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting on less than ~~twenty~~ 24 hours notice, or at a place that is not reasonably accessible to the public, or at time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
 - d. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.
4. The taping of public meetings shall be allowed in accordance with Chapter 610 of the Revised Statutes of Missouri. A summary of what is allowed is provided herein:
- a. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of Section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.
5. Emails among members of public bodies is governed in accordance with Chapter 610 of the Revised Statutes of Missouri. A summary of the requirement is provided herein:
- a. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions above.
6. The City Clerk is the custodian of records and shall provide these records in accordance with Chapter 610 of the Revised Statute of Missouri. A summary of the production required is provided herein:

- a. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian shall provide public access to all public records as soon as possible but no later than the third business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the date the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date the request for the statement is received. The custodian may designate deputy custodians in the following departments: Finance Department, Water Department, and Municipal Court.

7. The fees for copying public records is governed by Chapter 610 of the Revised Statutes of Missouri. The specific fee schedule for the city of Willard is provided herein:

- a. ~~The custodian shall charge \$.10 cents per page, \$10.00 per hour for duplicating time, and the actual cost of research time. The custodian shall receive (or may require) payment prior to duplicating copies.~~

~~Fees for providing access to public records maintained on computer facilities, recording, tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public, governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.~~

~~The custodian may designate deputy custodians in the following departments: Finance Department, Water Department, and Municipal Court.~~

- a. The first twenty (20) pages of any records request shall be provided at no cost.
- b. The custodian shall charge \$.10 per page beginning with the twenty-first (21) page of any records request.
- c. The Custodian shall charge \$5.00 for records produced in a CD or DVD format.
- d. Research time for staff shall be charged in six (6) minute intervals based on the employee's wages.
- e. A cost deposit shall be required for any estimate of fees exceeding \$20.00 or 75% of the cost, depending on the magnitude of the request.
- f. Elected and appointed officials of the City shall not be charged any fees for records requested unless the Custodian reasonably believes that the request will take a substantial amount of research time and duplication time to fill. In that instance, the fees to be charged that elected or appointed official shall be placed on the agenda for the next Board of Aldermen meeting where a vote shall be taken on the fees to be charged.
- g. Records requested may be produced without charge or at a reduced charge when the Board of Alderman determine that a waiver or reduction of the fee is in the public interest. A request for no fee or reduction in fee shall be placed on the agenda of the next Board of Aldermen meeting where a vote shall be taken on the fees to be charged.

AGENDA ALTERNATIVE 1:

8. Setting agenda for open meetings and requesting closed sessions:

- a. The agenda for the open meetings and closed meetings shall be established by the **City Administrator** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting. **If the City does not have a City Administrator**, the agenda for the open meetings and closed meetings shall be established by **the Mayor** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting.
- b. Any member of the Board of Aldermen and/or the Mayor may request an agenda item be added to an open or closed meeting and may request a closed session be held, such request shall be made to the **City Administrator**; however, **if the City does not have a City**

Administrator, the requests shall be made to the **Mayor**. Any such requests must be made at least **three business days** prior to the meeting.

AGENDA ALTERNATIVE 2:

8. Setting agenda for open meetings and requesting closed sessions:

- a. The agenda for the open meetings and closed meetings shall be established by the **City Administrator** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting. If the City does not have a City Administrator, the agenda for the open meetings and closed meetings shall be established by **the Board of Aldermen and the Mayor** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting.
- b. Any member of the Board of Aldermen and/or the Mayor may request an agenda item be added to an open or closed meeting and may request a closed session be held, such request shall be made to the **City Administrator**; however, if the City does not have a City Administrator, the requests shall be made to **the City Clerk**. Any such requests must be made **by noon two business days** prior to the meeting.

AGENDA ALTERNATIVE 3:

8. Setting agenda for open meetings and requesting closed sessions:

- a. The agenda for the open meetings and closed meetings shall be established by the **City Administrator** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting. If the City does not have a City Administrator, the agenda for the open meetings and closed meetings shall be established by **the City Clerk**.
- b. Any member of the Board of Aldermen and/or the Mayor may request an agenda item be added to an open or closed meeting and may request a closed session be held, such request shall be made to the **City Administrator**; however, if the City does not have a City Administrator, the requests shall be made to **the City Clerk**. Any such requests must be made **by noon two business days** prior to the meeting.

AGENDA ALTERNATIVE 4:

8. Setting agenda for open meetings and requesting closed sessions:

- a. The agenda for the open meetings and closed meetings shall be established by the **Mayor** who shall provide such information to the City Clerk by noon two business days before any open or closed meeting.
- b. Any member of the Board of Aldermen and/or the City Administrator may request an agenda item be added to an open or closed meeting and may request a closed session be held, such request shall be made to the **Mayor**. Any such requests must be made at least **three business days** prior to the meeting.

AGENDA ALTERNATIVE 5: [any of the above paragraphs with the following change]

- b. ~~and may request a closed meeting be held~~ An agenda item for a closed session shall be included in the agenda of each open meeting.