

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

August 23, 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
August 23, 2010
7:00 P.M.

Notice posted on August 19, 2010.

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a meeting at 7:00 p.m., August 23, 2010 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

PUBLIC HEARING TO CONSIDER THE PROPERTY TAX LEVY FOR 2010 FOR THE GENERAL FUND AND THE PARK FUND.

PLEDGE OF ALLEGIANCE

1. Call the meeting to order
2. Roll Call
3. Agenda Amendments/Approval of agenda
4. Special Recognition for Summer Camp Directors; Katie Rummel and Whitney Rand.
5. Approve the minutes of the regular meeting on August 11, 2010
6. Citizen Input General Topics *(5 minute limit per person)*
7. Financial Report
8. MODOT Future Plan Development Letter
 - a. Citizen Input
 - b. Discussion
9. Freedom Bank Sketch Plan
 - a. Citizen Input
 - b. Discussion/Vote
10. 2010 Real Estate Levy Ordinance (1st and 2nd Reading)
 - a. Citizen Input
 - b. Discussion/Vote
11. Water Rates Ordinance (1st Reading)
 - a. Citizen Input
 - b. Discussion/Vote

12. Springfield Animal Control Agreement
 - a. Citizen Input
 - b. Discussion/Vote
13. Old Business
14. ADJOURN OPEN SESSION
15. Closed Session (Chapter 610.021 #1 Legal, #2 Real Estate and #3 Personnel)
16. REOPEN MEETING
17. 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
August 11, 2010**

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

Staff present: City Clerk, Dale Duvall; CFO, Karen Robson; Director of Development, Randy Brown; Emergency Management Director, Stacy Winters; Parks and Recreation Director, Kevin McDonald; Court Clerk, Linda Murray; Chief of Police, Tom McClain; Willard Reserve Officer, Bill Lingenfielser; and City Attorney, Doug Harpool.

Also in attendance: Jim Vaughn, Paul Hood, Lucille Murray, Bill Caplinger, Sherri Eldred, Roscoe Killingsworth, David Gardner of Gardner Engineering and Jered Rasmusson of Olsson Engineering.

Sarah Overstreet with the *Willard Cross Country Times* was also in attendance.

Mayor Schoolcraft lead the Pledge of Allegiance.

City Attorney Doug Harpool opened the PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO BE ISSUED TO SHERRI ELDRED FOR AN IN-HOME DAYCARE IN R-1 DISTRICT.

There was no Citizen input.
There was no Board Input.

City Attorney Doug Harpool opened the PUBLIC HEARING TO CONSIDER THE PROPERTY TAX LEVY FOR 2010, GENERAL FUND TAX LEVY IS 0.3422& PARK TAX LEVY IS 0.1047.

There was no Citizen input.
There was no Board Input.

Call to Order

Mayor Schoolcraft called the meeting to order.

Roll Call

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

Agenda Amendments/Approval of Agenda

Motion made by Aldermen Vincent and seconded by Aldermen Simpson to approve the agenda. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen

Lloyd----, Aldermen Johnson----, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Approve the Minutes of the Regular Meeting on July 26, 2010

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

Approve the Minutes of the Regular Meeting on June 28, 2010

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

Citizen Input

Jim Vaughn addressed the Board about his concerns for the proposed speed limit change on Jackson St. He questioned the various speed zones within the City and expressed his unhappiness over the Police patrolling of his neighborhood in regard to speeding. It is his opinion the neighborhood is not being patrolled enough.

Financial Report-CFO Karen Robson

July Outstanding Bills- **Motion** made by Aldermen Vincent and seconded by Aldermen Simpson to pay the outstanding bills Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd----, Aldermen Johnson----, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Computer Service Tower Donations- Karen Robson asked the Board for permission to donate the old computers from the City to the City of Everton.

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

Paperless Meetings- Karen Robson spoke to the Board about the feasibility of doing paperless Board meetings. This would entail either purchasing netbooks for the Aldermen that needed one of the Aldermen could use their own computer. The meeting agenda and packet could be sent via email or placed on a flash drive for the Aldermen to use. Karen Robson stated that the City would be able to save on the cost of printing the packets and the labor time that is used putting the packets together and delivering them. Aldermen Hemphill asked about the time frame for recouping of the costs and Karen stated that she estimated about (1)one year to a (1 ½) years. This time would be lessened if the City did not have to purchase six (6) netbooks. Aldermen Vincent suggested to give it a test run for the next meeting. The City Clerk will deliver the hard copy of the packets along with a flash drive for each Aldermen to try out and see what they think. **Motion** made by Aldermen Simpson and seconded by Aldermen Magee to give the flash drive a test

run along with the hard copy packet for the next meeting. Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd---, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Doors for City Hall-Karen told the Aldermen that she is looking into alternatives for the locks on the doors at City Hall. Karen is looking into price quotes for key cards for one door access for all employees as well as rekeying all of City Hall.

Police Department Report-Chief Tom McClain

Police Chief Tom McClain gave his monthly report to the Board. The Chief addressed Citizen Jim Vaughn's question regarding the speed limits in the City stating that the speed limit is determined by traffic flow and congestion. The Chief also stated that speeding issues in neighborhoods are monitored if a complaint is received.

Emergency Management Report-Stacy Winters

Stacy Winters gave his monthly report to the Board. Stacy told the Board that he is working with Roy Blunts office on possible alternative funding for the storm shelter. Stacy has also spoke with Chris Upp of Conco who is very receptive to the idea. Stacy stated that Kevin McDonald and Stacy are looking into doing fundraisers to raise money for the shelter as well.

Public Works Report-Justin Reaves

Justin Reaves was not present for the meeting. Karen Robson advised the Board that the radius at Lester and Miller had been widened to accommodate the new O'Reillys. Karen also informed the Board that the sewer issue at Park Estates was finished as well as the storm drainage on Grand Prairie by Darrell Biellier's.

Development Report-Randy Brown

Randy Brown gave his monthly report to the Board. Randy told the Board that T-Mobile is in the beginning stages of the building of the cell tower. Randy stated that P&Z had recommended the approval of the site plan and that it would be brought to the Board soon.

Parks and Recreation Report-Kevin McDonald

Kevin McDonald gave his monthly report to the Board. Kevin discussed that Mighty Mites would be using the City baseball outfield to play football this year. The City is looking into taking over the program and this will give them the ability to look into it further. Mighty Mites will cover the lighting expenses and the City will supply the concessions to be sold. Kevin told the Board that summer rentals are going well and the aquatic center has been staying very busy. Kevin told the Board that the beginning stages of the Veterans Memorial Garden have begun.

Water Rates Ordinance Discussion

Karen Robson spoke to the Board about an ordinance that she has been working on with Utilities Supervisor, Kayme Steele. The new ordinance would cut out the reminder notice of an unpaid utility bill, saving the City approximately \$500-\$1000.00 a month in costs.

Aldermen Simpson asked about the increase of the deposit to \$100.00 from \$75.00 and Karen said that the deposit was increased due to the formula of doubling the 2-3 month average. The ordinance will be brought to the Board soon.

Speed Limit Change on Jackson Street 2nd Reading

BILL NO. 10-18

ORDINANCE NO. 10081110

AN ORDINANCE APPROVING A SPEED LIMIT CHANGE ON JACKSON STREET

Citizen Input for Bill NO. 10-18

There was no citizen input.

Discussion/Approval for Bill NO 10-18

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---, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Conditional Ues Permit for an In-Home Daycare for Sherri Eldred 1st and 2nd Reading

BILL NO. 10-19

ORDINANCE NO. 1000811A

AN ORDINANCE GRANTING A CONDITIONAL USE AND GRANTING A CONDITIONAL USE PERMIT PERMITTING AN IN-HOME DAYCARE AT 406 WATSON, WILLARD,MO, IN R-1 DISTRICT

Citizen Input for Bill NO. 10-19

There was no citizen input.

Discussion/Approval for Bill NO 10-19

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

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

Old Business

Randy Brown spoke to the Board about the Tiger II Grant and asked that the Board sign a resolution allowing the Mayor or designee to sign the application to start the process. City Clerk, Dale Duvall read Resolution 10-2 to the Board and then a vote was taken. **Motion** by Aldermen Simpson and seconded by Aldermen Magee to accept the signing of the resolution. . Aldermen Simpson-Aye, Aldermen Hemphill-Aye, Aldermen Lloyd---, Aldermen Johnson---, Aldermen Magee-Aye, Aldermen Vincent-Aye. All votes aye. Motion carried.

Aldermen Hemphill asked why the ordinance nominating Paul Link as City Attorney was not on the agenda and the Mayor responded that the appointment had been removed from the table by the Mayor on 7/27/10. Aldermen Hemphill asked the Mayor why the City Attorney was still the appointed Attorney when Doug Harpool had stated that he did not wish to stay on as legal counsel for the City. Aldermen Hemphill also stated that the Board did not want him as legal counsel for the City. The Mayor told Aldermen Hemphill that he wanted to keep Doug Harpool as the City Attorney.

Aldermen Simpson asked that the **written** records reflect that the Board is against this action to retain Doug Harpool and not Paul Link.

Adjourn

Motion made by Aldermen Simpson and seconded by Aldermen Magee to adjourn the open session and go into executive session pursuant to Chapter 610.021, (1) Legal and (3) Personnel). Aldermen Simpson-Aye; Aldermen Hemphill-Aye; Aldermen Lloyd---; Aldermen Johnson---; Aldermen Magee-Aye; Aldermen Vincent-Aye. All votes aye. Motion carried.

Meeting adjourned at 8:10 p.m.

Mayor Schoolcraft left at this point and was not present for closed session.

Adjourn the Executive Session

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

Meeting adjourned at 9:30 p.m.

Meeting adjourned.

Dale Duvall, City Clerk

Mayor Jamie Schoolcraft

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM #6

Citizen Input

ITEM DESCRIPTION:

This is a letter that the City received from Mr. James Rekus. He will be discussing this in Citizens Input.

July 28, 2010

James Rekus
6826 W. Farm Road 94
Springfield, MO 65803
Phone: 417-742-3601

To Whom It May Concern:

Re: Request for Waiver from Under-Road Boring fee.

Dear Sirs:

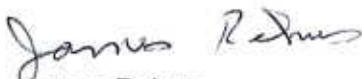
The purpose of this letter is to request that the City of Willard install a water meter to serve my residence at the standard established rate for such service. Since the Willard water service line is on the opposite side of Farm Road 94 from my property, boring under the road will be required. I am therefore asking that the City of Willard bear the costs of such boring. My expense would be limited to a standard "meter setting fee".

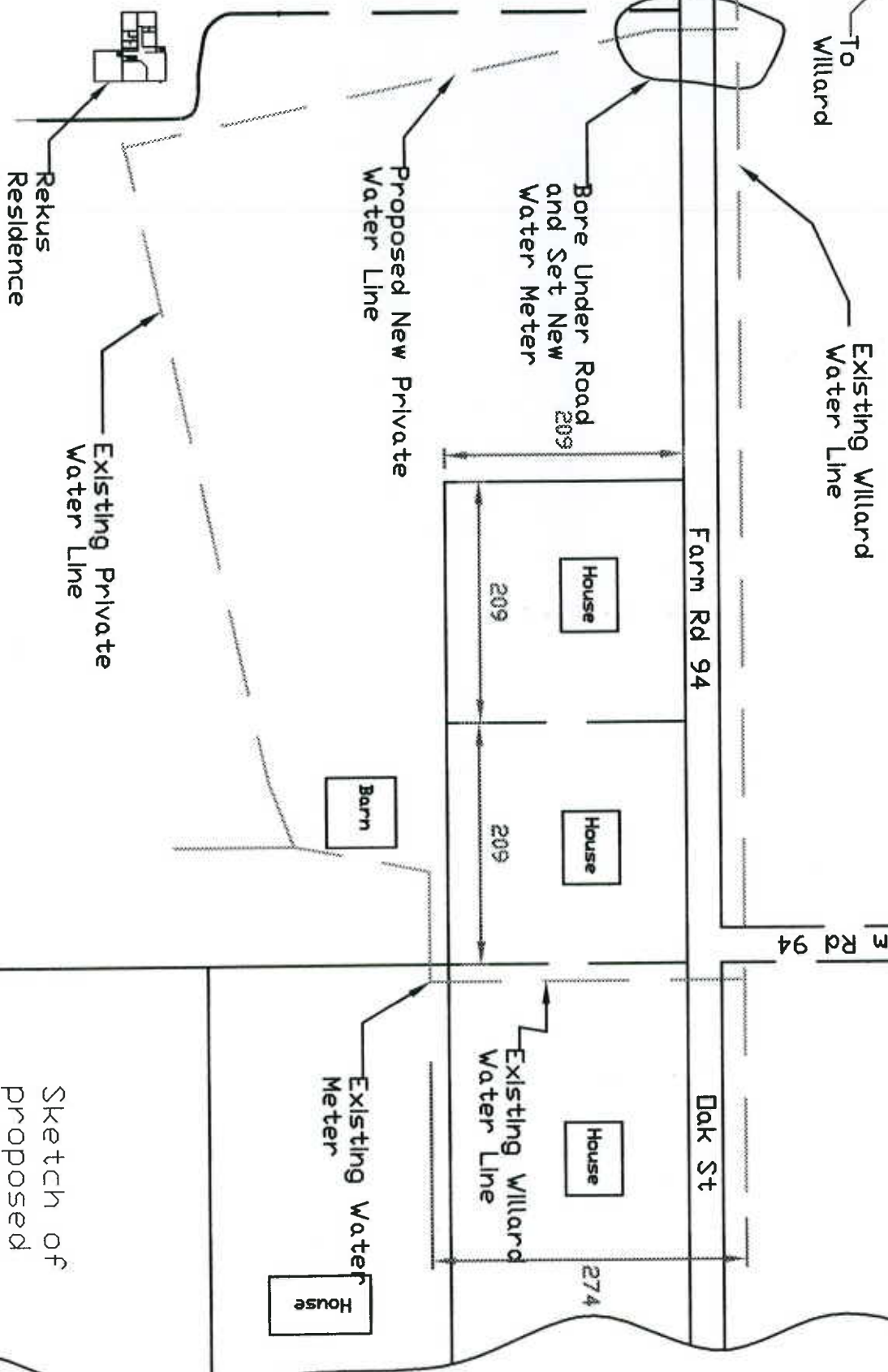
My reasoning for such is as follows: (Reference to the attached sketch will help clarify the layout of existing and proposed facilities.)

- At the time our home was constructed, approximately 15 years ago, our funds were in short supply, and we elected to temporarily connect to an existing water supply (The Meadows) serving a barn and livestock facility in existence at the time, thus saving a \$440 fee for setting a new meter. At that time, had we chosen to have a "new" meter installed, boring under the road would have still been required, but the costs for such boring would have been borne by The Meadows water company.
- The water supply presently serving us crosses a neighbour's property and the meter is actually located on a second neighbour's property (see sketch).
- If a situation were to develop whereby our neighbours' found the present situation unacceptable (i.e., water leaks which required major disturbance of their property, desired construction of new buildings on their property, etc.), we would have no water supply to our home.
- It would also be advantageous to the City of Willard operations/maintenance personnel to have the meter more accessible (closer to Farm Rd 94) as a result of being located on our property.

I am hereby requesting the opportunity to present this request to the appropriate Board or Commission to obtain confirmation that the City of Willard will bear the cost(s) of boring under Farm Road 94 in order to set a new meter that serves our residence.

Sincerely,


James Rekus



Sketch of
proposed
water meter
relocation
for Rekus

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 7 Finance Department

No Action required

ITEM DESCRIPTION:

Due to the time required with two teams of auditors, I have not had time to complete the July financial statements.

A complete set of July financials will be included for approval at the September 13, 2010 meeting.

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM # 8 and #9

ITEM DESCRIPTION:

This is the information on the permanent Freedom Bank to be constructed at 160 and AB Hwy.

This information was brought to the Board at the last meeting. Staff is asking for the approval of the Board for the Mayor to sign the letter that MODOT is requiring regarding future development in that area.

Staff also asks that the Board approve the sketch plan for the bank. The Planning and Zoning Commission approved the drawings at their meeting on August 11, 2010.

Please contact Randy Brown with any questions.

417-742-5308

Missouri Department of Transportation
District 8
Attn: Leo Cologna
3025 East Kearney Street
P.O. Box 868
Springfield, MO 65801

Dear Mr. Cologna:

It is the City of Willard's understanding the proposed development southeast of the intersection of U.S. 160 and State Route AB (as more defined in the attached Exhibit A) will add additional traffic to the current MoDOT system. It is, and will be, the City's stance that all future development associated with this proposed development will require a traffic study to be submitted to MoDOT for review and approval prior to acceptance by the City. It should be further defined that improvements as identified in said traffic study will be required to be designed, approved, and constructed prior to any future development, issuance of building permit, or final platting. It is the City's desire and intention to provide MoDOT joint control of the future and existing access to this development, and insure no future development within the U.S. 160 corridor be allowed to move forward without review and approval by MoDOT.

CITY OF WILLARD, MISSOURI

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



8-6-10

To: Mayor Jamie Schoolcraft
From: Randy Brown

RE: Review of the Freedom Bank Traffic Study and Sketch Plan

Dear Mayor,

I have reviewed the traffic study and sketch plan for the proposed Freedom Bank Development and would like to offer the following comments,

As we have previously discussed MO DOT has agreed to allow a street connection on AB HWY . The City of Willard must send a letter assuring that the City of Willard would protect MO DOTs interest concerning the intersection of AB /160 and other developments affecting the 160 corridor. Please see the attached draft letter that would satisfy MO DOTs concerns. I would recommend the BOA authorize you to sign the letter ,if approved as drafted ,providing all other requirements of the Willard Code have been met so that we can move forward with this project. Please see the attached comment letter from Gardner Engineering concerning the traffic impact study and sketch plan.

Director of Development

A handwritten signature in black ink that reads "Randy Brown".

Randy Brown

*Missouri
Department
of Transportation*



Kirk E. Juranas, P.E., District Engineer

*Springfield Area District
3025 East Kearney Street
M.O. Box 868
Springfield, MO 65801
(417) 895-7600
Fax (417) 895-7716
www.modot.org
Toll free 1-888 ASK MoDOT*

August 19, 2010

Randy Brown, Director of Development
City of Willard
224 W. Jackson
Willard, MO 65781

RE: WD0710DB – Freedom Bank
Highway 160 & Route AB

Dear Randy,

We have reviewed the Traffic Impact Study submitted for the Freedom Bank development at Highway 160 & Route AB. We have no comments, therefore, the Traffic Impact Study has been approved.

The developer will need to submit a set of roadway improvement plans for our review and approval for any improvements on MoDOT right of way.

If you have further questions, please do not hesitate to contact us.

Sincerely,

Dawne Gardner, AICP
Transportation Planning Specialist

Copy: Central Area Review Team – MoDOT
Kelly Turner – Olsson & Associates

Gardner Engineering
5548 N. Farm Road 79
Willard, MO 65781
417-343-0246 Bus / 417-742-0468 FAX

**Engineering Review of Sketch Plan
 As Submitted by Olsson Associates**

for

**Freedom Bank of Southern Missouri
at Highway 160 and Highway AB**

In the City of Willard, Missouri

Owner
 Schallert Brothers Seed Company
 Purdy, MO 65734

Developer
 Freedom Bank of Southern Missouri
 Cassville, MO 65625

REVIEW OF TRAFFIC IMPACT STUDY:

The Traffic Impact study indicates acceptable levels of service (LOS D or higher) for the existing traffic conditions as well as the developed conditions as a result of the proposed improvements. Future growth, at the Highway 160 and Highway AB Intersection at 2% per year through the year 2030 indicate a level of service rating of E for traffic from the North and will warrant the addition of a left turn lane on the North approach to the intersection. This additional lane is dictated by traffic from the North and is not relevant to the proposed project. As addressed in the study on page 25, the future widening of Route 160 to 4 lanes is recognized as a needed improvement and this future widening should address the additional left turn lane.

MODOT has requested assurance from the City of Willard that no further development will occur to the East of the proposed project that will allow additional traffic to enter Route AB until another traffic study is submitted and approved.

REVIEW OF SKETCH PLAN DATED 7/23/10:

- 1) The proposed sketch plan indicates an acceptable Right-of-Way for the new City Street of 60 feet in width as required by Section 400.1270(C) of the City Code for Collector Streets.
- 2) The existing Northern most entrance to the apartments from Route AB must be closed and rerouted to the new City Street as indicated on the sketch plan.
- 3) The proposed street must be constructed to the Eastern property line at this time. No access to the adjacent property will be allowed for new development on the adjacent property until approved by MODOT and the City of Willard as mentioned above.
- 4) If the stormwater detention basin is constructed on the North side of the site as shown, then the basin must capture enough onsite and offsite drainage to offset any runoff from the tract on the South side of the street. Stormwater outflow rate from the site to adjacent tributaries must be limited to predevelopment values.
- 5) An offsite drainage easement must be obtained for stormwater leaving the site.
- 6) The site appears to be well above the 100 Year floodplain. Add note and FEMA Map Number to confirm on Preliminary Plat submittal.
- 7) New City Streets require a Major Subdivision per Section 400.1020(A)(2) of the City Code. Need to label Lot Numbers and Subdivision Name. Additional Utility and Drainage Easements will need to be shown with Preliminary Plat Submittal.

Attached is an additional page showing the surrounding area that was printed from the Greene County assessor's site for informational purposes.



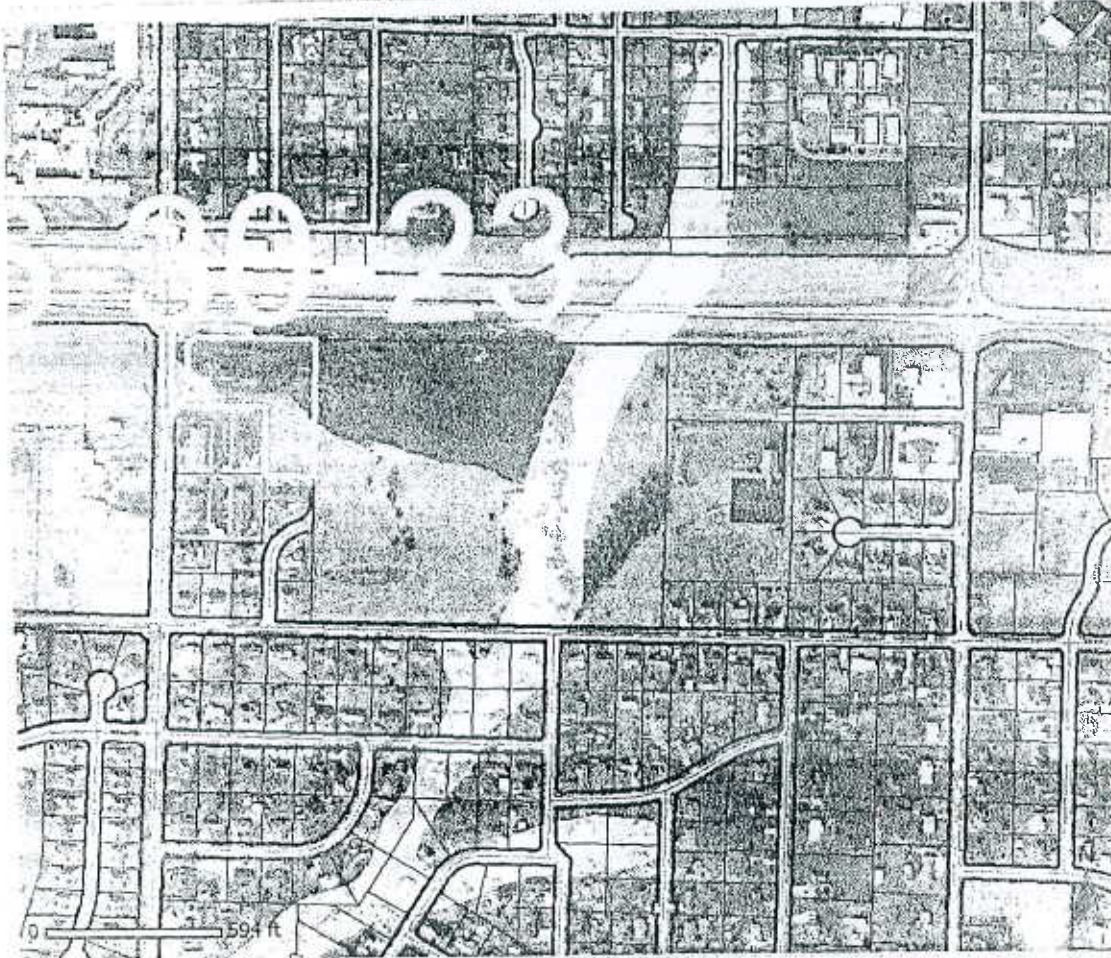
Greene County, MO

Attachment
A

Date Created: 8/3/2010

Map Scale: 1 in = 1000 ft

Overview



Legend

Rural Route
Photographic

Floodplains

Assessable Parcels

City Limits

Streets

Railroad

Ditch

Single Trunk Lines

Range Lines

Township Lines

Section Lines

Quarter Section Lines

Parcel Lines

Discontinuity

Waterway

Proposed

PROPERTY

ROWAY

Zoning

Other

County Boundary

Roads, Highways

Feature

Parcel ID 880726402051
 Sec/Twp/Rng 26-30-23
 Property Address S STATE HWY AB
 WILLARD

Alternate ID N/A
 Class R
 Acreage 3.28

Owner Name SCHALLERT BROS SEED CO
 Owner Address SCHALLERT BROS SEED CO
 5412 STATE HIGHWAY B
 PURDY MO 65734

District 180
 Brief Tax Description 3.28A M/L W 468.63 FT NW1/4 SE1/4 26/30/23 (EX PT PLATTED BRAYFIELD ESTS 1ST & 2ND & BRAYFIELD ESTS LOTS 1 & 2 & BRAYFIELD VILLAGE) (EX RDS) 26/30/23

Last Data Upload: 8/3/2010 3:56:22 AM

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM #10

Action Requested: Approval of 1st and 2nd Reading

ITEM DESCRIPTION:

This is the Real Estate Tax Levy for the Year 2010. Staff is asking for approval of 1st and 2nd read at this time.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE PROVIDING FOR THE GENERAL LEVY AND IMPOSITION OF ANNUAL TAX FOR GENERAL MUNICIPAL PURPOSES FOR THE YEAR OF 2010 AND FOR IMPOSITION OF ANNUAL TAX FOR PARKS.

WHEREAS, A STUDY HAS BEEN MADE BY THE Board of Aldermen of the City of Willard as to the need to impose and levy a tax for general municipal purposes and for public parks, and,

WHEREAS, the Board of Aldermen has available to it from the County Clerk an abstract from his assessment books of all property within the City subject to taxation; and

WHEREAS, a public meeting was advertised in the *Springfield News Leader* and also the *Willard Cross Country Times*, both newspapers in general circulation in Greene County, Missouri, giving the public at least 15 days notice as to the date and time for the public meetings. Said public meetings, to receive residents comments about said tax rate were held on the 11th of August 2010 and the 23rd of August 2010.

WHEREAS, after due consideration of the public comment and assessments provided:

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

Section 1. There is hereby levied and imposed a general tax municipal purposes, at the rate of 0.3422 on each One Hundred Dollars(\$100) assessed valuation on all real property, property of railroad companies, and telephone and telegraph companies and utilities within the City Limits of the City of Willard, Missouri, as the same is now fixed by law, or as the same may be changed during 2010, all for the purpose of general revenue, except what property may be exempt by State Law.

Section 2. There is hereby levied and imposed a general tax, for public parks, at the rate of 0.1047 on all real property, property of railroad companies and telephone and telegraph companies and utilities within the City Limits of the City of Willard, Missouri, as the same is now fixed by law, or as may be exempt by State Law.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

TIM MAGEE

BRYAN VINCENT

ATTESTED BY:

Dale Duvall, City Clerk

APPROVED BY:

Jamie Schoolcraft, Mayor,

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM #11

Action Requested: Approval of 1st Reading

ITEM DESCRIPTION:

This is the Water Rates Ordinance that Karen Robson discussed with the Board at the meeting on August 11, 2010. Staff is asking for approval of 1st reading at this time.

Second reading will be done at the regular Board meeting on September 13, 2010.

AN ORDINANCE

AN ORDINANCE RELATING TO THE RATES TO BE CHARGED FOR THE USE OF WATER FROM THE WATER WORKS SYSTEM OF THE CITY OF WILLARD, MISSOURI, PROVIDING FOR A METHOD FOR THE COLLECTION OF SAME, PROVIDING FOR DEPOSITS AND FEES FOR THE USE OF WATER SOLD FROM SAID SYSTE, PROVIDING FOR AND ESTABLISHING THE COSTS OF THE METER AND INSTALLATION, AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

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

Section 1: The City does hereby approve the following:

Section 2: Ordinance Number 071113B is hereby repealed.

Section 3: All premises using the City water supply must be equipped with an adequate water meter furnished by the City, but paid for by the customer, provided that such water service may be supplied temporarily by the City at a flat fate of charge until such meter may be installed.

Before any premises are occupied, a water meter shall be installed as herein required, an application shall be made for such water service or no water shall be furnished such premises.

Section 4: Meters shall be installed in a location that will be easy of access, and located in the front utility easement.

Section 5: Except as provided for bulk at a flat rate, every user of water from the municipal water system of the City of Willard, Missouri, shall use said water only after it has been metered in a water meter to be furnished, installed, and regulated, and controlled by said City and the applicant for each meter, on behalf of him or her, shall pay for said water used at the following monthly rate:

For the first 1,000 gallons used in each month, the rate shall be \$12.00.

For the next 1,000 gallons or portion thereof used in each month, the rate shall be \$2.00.

For each additional 1,000 gallons or portion thereof used each month, the rate shall be \$2.00 per 1,000 gallons or portion thereof.

These rates shall hereby be reviewed on a yearly basis.

Section 6: In the event that less than 1,000 gallons is used in any one month by a user, the minimum rate of \$12.00 shall be charged and paid.

Section 7: Residential builders will sign up for water service at the time of purchase of the building permit. A \$100.00 deposit will be paid at that time. When the residence is sold, the developer will be billed for all water used as per the meter and a one month base sewer rate. The final bill will be deducted from the deposit with the developer responsible for any overage.

Section 8: That in addition to the above rates, every user of the water system utilizing a 5/8" meter to a 1 inch meter, shall pay an additional fee to provide the funding for water testing as required by Missouri law. These fees shall be as follows:

Annual Missouri Primacy Fee

Unmetered Customers and those with Meters Less than or equal to one inch

<u>Water System Service Connections</u>	<u>Fees</u>	<u>Annual Missouri Primacy Fee</u>	
1-1000	\$ 3.24	Customers with Meters Greater than 1 inch	
1001-4000	3.00		
4001-7000	2.76	<u>Meter Size</u>	<u>Fee</u>
7001-10,000	2.40	>1 inch-≤4 inches	\$ 7.44
10,000-20,000	2.16	>2 inches-≤4 inches	41.16
20,001-35,000	1.92	> 4 inches	82.44
35,000-50,000	1.56		
50,001-100,000	1.32		
>100,000	1.08		

The fee may be charged and billed as a one-time fee each fiscal year in a particular month, or divided equally and billed monthly in accordance with the policy as may be established from time to time by the Board of Aldermen. The annual fee shall be charged on a fiscal year basis of August 1 to July 31 of each year.

Section 9: All meters shall be read by the City each month and an accurate record of all readings shall be kept in the City Finance Dept.

Section 10: After the meters have been read as herein provided, the City Finance Dept shall as soon thereafter as is reasonable and before the 25th day of the month send to each user a written statement stating the amount of water used and the charge therefore as of the last meter reading date. Thereafter, all bills shall be due and payable at the City Hall on or before the 10th day of the month following the use of the water.

If any customer of the Willard Water System does not agree with the billing they receive, they must contact City Hall by the 10th of the following month. At that time, their account will be reviewed and the appropriate steps taken.

Any bills not paid in full by the 28th of each month shall be subject to disconnect. No disconnect will be done on amounts due less than twenty five (\$ 25.00) dollars. Notice shall be given of the disconnect day on each monthly bill and no further notice shall be given. If the customer wishes to make arrangements to pay their bill at an alternate time, they must come to City Hall to complete a payment arrangement form (Attachment A).

After a user has been disconnected by reason of delinquent water bills a service fee of \$50.00 and all past due bills shall be paid before water service is restored. If said water user is also connected with the wastewater treatment facility, the fee shall be \$50.00. If necessary to remove the meter, the reconnect fee will be \$ 100.00. Water service shall be restored by the end of the business day after full payment has been made for penalties and all outstanding amounts due.

Section 11: The City may adjust the customer's utility bill once per year when any such customer usage exceeds said customer's normal usage by more than one hundred percent (100%) as a result of a water leak and only for one (1) billing cycle. Said adjustment shall be computed by deducting the charge for normal water usage by such customer from the amount of the bill in question, and then charging such customer for fifty (50%) percent of the remainder.

Section 12: No connections with a water main shall be made by any person other than a City employee. All such connections shall be made by or under the supervision of the Public Works Director. Applications for such connections must be made to the City Clerk.

No fee shall be paid for the connection, as each new owner of a site where there has not previously been a water meter installed shall pay to the City the costs for the meter. Fees for the installation of said meter shall be paid according to the schedule established below. The cost for the meter and the cost of installation shall be paid prior to obtaining water service.

For a ¾" meter - \$ 1000.00	2" meter - \$ 2,500.00
1" meter - 1200.00	3" meter - 3,500.00

These charges shall be for installation of the meter pit and all necessary hardware, including the appropriate meter size. For all other meter installations, limited to meter installation only, the charge will be \$ 650.00.

Section 13: Application to have water turned on shall be made in writing to the Utility Clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Ordinance as conditions governing the use of the City water supply by the Applicant.

A deposit of one hundred (\$ 100.00) dollars for business and non-business use shall be paid with each such application. This sum shall be retained by the City, to ensure payment of all bills, for a one (1) year term. If all bills have been timely paid for a period of one (1) year, the applicant may request a review of his payment history in order to have the deposit credited against the depositor's future bills.

Section 14: The Treasurer of the City of Willard is hereby authorized to apply any deposits now held or hereafter paid for water connection to water bills due or hereafter coming due from any individual or business who have timely paid all sums as due for water bills for the next preceding twelve (12) months.

Should an individual or business fail to timely pay a water bill or bills, then the deposit held may be applied against the sums then due or coming due, until such time as said deposit is used in its entirety.

Section 15: No water shall be turned on for service in new construction in which the plumbing does not comply with the ordinances of the City; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Ordinance. All plumbing fixtures, and methods of installation shall comply with the requirements of the applicable City ordinances.

Section 16: It is hereby declared unlawful and an offense for any person or persons to knowingly use water from the said municipal system unless said water is metered as provided herein. No water from the City water supply shall be turned on for service into any premises by any person but the Director of Public Works or some person authorized by him to perform this service, except in case of emergency.

No person shall attach a device to a water line to receive water without benefit of a meter installed by the City. Also, no person shall damage or destroy city owned property such as the water meter or the electronic radio transmitter. Such will be a direct violation of this ordinance and will be subject to a citation and fine as defined in Section 21.

Section 17: No water shall be resold or distributed by the recipient thereof for the City supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

Section 18: All water meters installed as herein provided are hereby declared to be and to remain the exclusive property of the City of Willard, Missouri, and it is hereby declared unlawful and an offense for any persons to damage, destroy, steal, or tamper with in any manner whatsoever with any water meter or with any other part of said water system.

Section 19: Each family unit and each business of any kind whatsoever shall have a separate and individual meter; provided, however, that if an individual is operating a business from his or her chief place of residence, and said operation is otherwise permissible under the ordinances of the City, one meter shall be sufficient for both business and the dwelling. Provided further, however, where there is or has been constructed multi-family living units providing living quarters for three or more families' units in one complex, the owner thereof must provide one meter for each family unit.

Section 20: The term "family unit" as used herein shall have the same meaning as that commonly applied to the word "family" and shall mean any number of persons more than one, living together under the same roof with someone of their number as head who controls the affairs of the household, and upon whom the others or some of them, are by reason of same legal or moral obligation dependent.

Section 21: The acceptance and the use of water supplied through said municipal system shall constitute a consent by the owner and occupant of the premises that any officer, servant, or employee of said city may come on the premises and enter the buildings on said premises for which water is being supplied for the purpose of carrying out the provisions of this Ordinance or any other Ordinance relating to said water system or for any cause reasonably necessary to the efficient and proper operation of said water system.

Section 22: Any complaints about reading of water meters or computation of water bills shall be made to the Board of Aldermen through the City Clerk and shall be made in writing signed by the user and state the exact nature of the complaint.

BILL NO. _____

ORDINANCE NO. _____

Section 23: Any person or entity that shall violate the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than \$10.00 and not more than \$100.00 together with costs.

Further, whenever in the determination of the Board of Aldermen as shown by its records or after hearing thereon, any person or entity is not complying with or is violating any of the provisions of this Ordinance, the meter to such user's premises shall be disconnected and removed if applicable and that premises denied the further use of water from said system until there has been compliance with all provisions of this Ordinance.

Section 24: Sewerage services or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner or the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

Section 25: This ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 26: All ordinances in conflict with the provisions herein contained are hereby repealed.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Willard, Missouri, and approved by the Mayor of said City this _____ day of _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DAVID HEMPHILL

PAT LLOYD

BILL NO. _____

ORDINANCE NO. _____

YES

NO

DOUG JOHNSON

TIM MCGEE

BRYAN VINCENT

SEAL

APPROVED:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

CITY OF WILLARD BOARD OF ALDERMEN



AGENDA ITEM #12

Action Requested: Approval for the Mayor to sign the agreement.

ITEM DESCRIPTION:

This is the Springfield Animal Control Agreement. It is to allow us to take stray animals to the Animal Control Center in Springfield.

Staff is asking for approval for the Mayor to sign the agreement.

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CITY OF WILLARD	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE JUNE 30, 2011	CONTRACT NUMBER:	
() NEW CONTRACT		(X) RENEWAL OF CONTRACT NO. _____	
CITY OF SPRINGFIELD, MISSOURI		CITY OF WILLARD, MISSOURI	
CITY OF SPRINGFIELD 840 BOONVILLE, PO Box 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864-1645 FAX: (417) 864-1551 ATTN: DAN WICHMER DEPT: LAW DEPARTMENT		CITY OF WILLARD 224 WEST JACKSON, PO Box 187 WILLARD, MO 65781 PHONE: 417-742-3033 ATTN: KEN REYNOLDS DEPT: CITY ATTORNEY	

AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of August, 2010 by and between the City of Springfield, a municipal corporation of the State of Missouri, hereinafter referred to as "Springfield" and City of Willard, a political subdivision of the State of Missouri, hereinafter referred to as the "Willard."

Whereas, Springfield and Willard desire to enter into an agreement to cooperate in public health and safety issues related to animal control in the City of Willard described in more detail in the attached **Exhibit A**, in association with the Springfield-Greene County Health Department; and

Whereas, such cooperation is authorized by Section 70.220 of the Revised Statutes of Missouri; and

Whereas, the benefits of such cooperation will aid in controlling animals and will provide for the welfare of animals which will inure to the benefit of the citizens of both the City and Willard.

NOW, Therefore, for the consideration herein expressed and other good and valuable consideration, it is agreed by and between the City and Willard as follows:

1. **Animal control services.** Springfield, through its Springfield-Greene County Health Department agrees to provide for the holding and disposal of animals in accordance with the terms and conditions set forth in the attached **Exhibit A**, the contents of which are hereby incorporated by reference as if fully set out herein

2. **Pickup and delivery.** Willard shall be responsible for the pickup of animals within the city limits of Willard that are subject to delivery to the City under the terms of this agreement. Willard shall acquire and maintain the necessary equipment for the humane care and control of animals taken into custody.

3. **Willard responsible for the safety and well-being of animals until delivery to the City.** Willard will provide humane care and handling of animals taken into custody until delivery into the custody of the City. The City reserves the right to refuse acceptance of any animal that is in need of immediate veterinary care.

4. **Liability.** Springfield and Willard both acknowledge and agree that Springfield's performance or nonperformance of the tasks set out in this Agreement shall not result in any liability to Springfield, its officers, agents and employees, and that no waiver of Springfield's official immunity, governmental tort immunity, public duty immunity, or other legal immunities or protections is intended, expressed or implied by anything in this Agreement, or with respect to the performance or nonperformance, breach or

default by any party of any of the terms and conditions contained herein. This Agreement is not intended to create any rights, privileges or interests in favor of any third person or party.

5. **Termination.** This Agreement may be terminated without cause by either party upon the provision of thirty days written notice to the other. This Agreement may be terminated for cause by either party upon the provision of 10 days written notice to the other party.

6. **Term.** The term of this agreement shall be for a period ending June 30, 2011, unless sooner terminated, and may be extended upon the mutual agreement of both parties in writing signed before the expiration hereof. If extended as provided in this paragraph, this agreement shall be automatically renewed thereafter on a month to month basis under the same conditions and terms, unless either party provides written notice of termination to the other party at least thirty (30) days before the end of the then current term, and unless the agreement is otherwise terminated as set forth herein, provided that such automatic renewals shall not continue past midnight on June 30, 2019.

7. **Conflicts.** No salaried officer or employee of Springfield, and no member of the Springfield City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Applicable federal regulations and provisions in Section 105.450 et seq. RSMo. shall not be violated.

8. **Notices.** All notices required or permitted hereinunder and required to be in writing may be given by first class mail addressed to Springfield attention City Attorney, 840 Boonville, Springfield, Missouri 65802 and to Director of Springfield-Greene County Health Department at 227 E. Chestnut Expressway, Springfield, Missouri 65802 and Willard City Attorney, at 224 West Jackson, PO Box 187, Willard, MO 65781.

9. **Venue.** This agreement and every question arising hereunder shall be construed or determined according to the law of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

10. **Entire Agreement.** This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

11. **Execution and Effective Date.** This Agreement shall not be effective until it has been approved and ratified by ordinances passed by each of the parties' respective governing bodies, and duly executed on their behalf by their respective chief executive officers.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

City of Willard

Attest: _____
City Clerk, City of Willard

By: _____
_____, Mayor of Willard

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefore.

Mary Mannix-Decker, Director of Finance

City of Springfield

By: _____
Collin Quigley, Assistant City Manager

APPROVED AS TO FORM:

Marianne Landers Banks, Assistant City Attorney

Attest: _____
City Clerk, City of Springfield



EXHIBIT A

WILLARD'S ROLE

Under the terms of the contract, the City of Willard will deliver dogs and cats to the Springfield Animal Shelter any day of the week, but during daily time periods specified by the City of Springfield. A record of the time, date, and location of Willard's acquisition of the animal will be provided by the City of Willard. Upon transfer of the animal, Willard will relinquish all rights to custody and/or control of the animal.

SPRINGFIELD'S ROLE

After the animal (dog or cat) is received at the Springfield Animal Shelter, it will be treated, handled, and managed in the same fashion as the other animals. All animals will ultimately be returned to the owner, sent to an adoption agency, rescued by a licensed rescue group, or euthanized.

Springfield will provide for the City of Willard timely written reports containing the names and addresses of all animal owners that retrieve animals that were picked up by Willard officials and transferred to the Springfield Animal Shelter.

The City of Springfield will comply with all state rules and regulations pertaining to the operation of municipally owned animal shelters. Each animal will be held for the required five days to allow rightful owners opportunity to reclaim their animal. Animals under bite quarantine will be held for ten days. Upon claiming of an animal by the rightful owner, customary shelter fees will be required from the owner. The dog or cat will not be returned to the owner unless the fee is paid.

FINANCIAL TERMS

The City of Willard will pay the City of Springfield \$40 for each dog transferred and \$25 for each cat transferred. Any animal brought to the City of Springfield's shelter for quarantine, court order, or other extraordinary circumstance will be charged the daily fees as established by the current Fee Schedule adopted by Springfield City Council. These fees shall not apply if the animal is being held at the discretion of the City of Springfield to facilitate a rescue, adoption, or owner claim. Willard shall reimburse the City for any veterinary expenses incurred while an animal is being held pursuant to this contract. Willard will be billed monthly by the City of Springfield.