

**"Improving the quality of life for Aurora"**

**AURORA CITY COUNCIL REGULAR SESSION MINUTES**  
*Aurora City Hall, Council Chambers*  
*Tuesday, January 14, 2014 at 7:00 p.m.*

**I. CALL TO ORDER:**

Mayor Barton called the meeting to order at 7:00 p.m.

**II. PLEDGE AND PRAYER:**

Councilman Ramirez led the council in prayer and the Pledge of Allegiance.

**III. ROLL CALL:** *Mayor Linda Barton*  
*Councilman Steve Ramirez*  
*Chairman Pro Tem Lisa Rentfro*  
*Councilwoman Doris Colwell*  
*Councilwoman Henderson*

All council member were noted present except Chairman Pro Tem Rentfro.

**IV. APPROVAL OF MINUTES:**

*Regular Session held on December 23, 2013 at 6:00 p.m*

Councilwoman Colwell moved to approve the minutes from the regular session held on December 23, 2013 at 6:00 p.m. Councilman Ramirez seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Barton, Colwell

NAYES: 0

*Special Joint Session with Marionville City Council on December 30, 2013*

Councilman Ramirez moved to approve the minutes from the join session with Marionville held on December 30, 2013 at 6:00 p.m. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Barton, Colwell, Henderson, Ramirez

NAYES: 0

*Special Session held on January 8, 2014 at 2:00 p.m*

Councilwoman Henderson moved to approve the minutes from the special session on January 8, 2014 at 2:00 p.m. Councilwoman Colwell seconded the motion. Motion passed 3-0 with the following council members voting aye on the motion:

AYES: Barton, Henderson, Colwell

NAYES: 0

ABSTAIN: Ramirez (Not in attendance)

**V. APPROVAL OF APPROPRIATIONS for December/January**

Councilwoman Colwell moved to approve the appropriations for December/January with the exception of invoices from Barton Service and Squibb Media. Councilwoman Henderson seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Ramirez, Barton, Colwell, Henderson

NAYES: 0

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### *VI. PUBLIC COMMENT*

Heidi Ryan – 1406 Mary Lane

Ms. Ryan stated we hear crime is down but there are no numbers to prove this. This past year has been an exploratory adventure for both cities. You would think the department would keep stats but apparently when requested they state there are none. Rumors have it that Aurora businesses are being boycotted. I have seen changes in the newspaper that concern me. No. 1 Marionville according to the Police Cooperative Agreement is to close their facility. It is not Aurora's responsibility to house their officers. There are additional costs to Aurora for doing this. It's like a kid moving home and their parents supporting them again. Marionville is trying to cram the agreement down our throats instead of not being a burden to us. The contract does not cover everything and needs to be reviewed again. We don't want to leave anything to chance. Aurora has more than enough officers to patrol our town, \$35,300 from Marionville is not enough to patrol Marionville.

David Arnsmeier – 100 N. Mill, Marionville, MO.

Mr. Arnsmeier expressed his gratitude to the council for allowing him the opportunity to express his opinions. He stated he stood in opposition to the Police Service Cooperative Agreement. He had been the previous Mayor when the police taxation was voted in. He stated this agreement nullifies the voice of the people. It states the Aurora Police Chief will be over both cities. Marionville voted taxation in to have their own department.

#### Considerations:

**Safety.** With the closure of the Marionville police station it translates to 5 to 7 minute delays in response time. What if a major disaster such as New Town, CT happened? It may never happen but if it did happen how could the council look the family in the eye and explain why it took so long for an officer to appear.

**Communities.** No matter the pluses and minuses this agreement divides both cities. The contract renews annually which each city will have to revisit annually. The politics in each community is complicated. The agreement put each city in the other city's business. It leaves too much up to perspective. I believe the outcome will be a disaster.

**Legality.** Mr. Arnsmeier stated his concern about the implementation of the ¼ cent sales tax. Marionville has a ½ cent tax for the day to day operation of the department. In addition they have a ¼ cent tax that is dedicated to capital improvements according to RSMo. 94.577.

When the ¼ cent tax was set up there was an error on the ordinance stating it was for the park. The state came back and said that could not be done. That is when the ½ cent tax was implemented according to RSMo. 94.577 for capital improvement in order to keep the ¼ cent tax. Henry Clapper, Attorney from Marionville defined equipment as something with a two year life span.

State Auditor guidelines very reviewed in regards to the Police Service Cooperative Agreement which clearly states reporting falls to the Aurora with the Police Chief becoming a defacto Chief to Marionville.

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A records request was given to the City of Aurora to list what inventory from Marionville that was in its possession according to the tax that was paid by Marionville citizens. The reply was the department did not have any inventory from Marionville.

In 2002 the ¼ cent tax was implemented and was reissued by voters again in 2006. This past week a records request was given to the Department of Revenue asking for documentation on the tax. A copy of the 2002 tax was received. Was it a mistake maybe or it may have never been sent into the Department of Revenue after it was done in 2006. The legal ramifications of the tax not being corrected documented may have to be decided in court.

Future. Council needs to look at the agreement from the Marionville citizens point of view. There could be a back lash and the possibility exists that the tax may be repealed which could result in the loss of the department all together. The tax was implemented by the people for the people of Marionville to have their own department.

Council was strongly encouraged to vote against the agreement.

### Mayor Duda, Marionville, Mo.

The agreement has been in place for a year now. Several people voiced their opinions at the last meeting that the arrangement was working. Mayor Duda stated that it was not in the agreement Marionville agreed to to close the Marionville Police Station by December 31, 2014. He was corrected by Mayor Barton that the agreement did state that. Mayor Duda stated the agreement needed to be amended by striking that statement.

### Debbie Sallee, 105 Chicago, Marionville, Mo.

Ms. Sallee is married to a Marionville officer and stated she was for the merger. She personally went to each council member in Marionville garnering support for the agreement. As a wife she understood the intent of the agreement. She stated her offense to Mr. Arnsmeier's personal agenda in running for council. In reference to response time of 5-7 minutes she stated her husband had been involved in a shooting in Marionville and was all alone with no backup until Aurora officers showed up. Only one officer on duty at a time in Marionville is not enough. You need backup. Both police departments have said the agreement is working. The prosecutor and attorney like the arrangement. Convictions are being made with the combined documentation of both departments functioning as one. Council needs to consider how they can best serve their citizens.

### *VII. COMMUNITY FORUM*

Councilwoman Colwell stated she wanted to amend the minutes from the September 4, 2013 meeting. She state she had not voted for the Police Service Agreement as was previously stated in the minutes.

City Attorney Woodard had previously implied to her that minutes could be changed with the consent of the city council.

Councilman Ramirez rebutted the statement by stating according to State Statutes minutes could only be changed at the next meeting with the consent and approval of the council.

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Judy Dingman, editor of the Aurora Advertiser stood up and said her minutes reflected the same as the City Clerk's that not only did she vote for it she made the motion to approve it.

### **VIII. OLD BUSINESS**

- A. *Resolution No. 2014-1294  
A Resolution of the City of Aurora, Missouri authorizing the Mayor to execute a Police Service Cooperative Agreement with the City of Marionville*

With no City Attorney on staff yet there were things she felt needed to be changed before adoption of the agreement. Mayor Barton handed out amendments she felt pertinent to the city council for review. She felt these amendments needed to be added to the Police Service Cooperative Agreement before passage.

After review council agreed that the old H needed to be completely taken out of the agreement Marionville adopted and amend it with the new H and that I needed to be amended by putting the budgeted money amounts in.

Motion was made by Councilman Ramirez to strike the old H in the Police Service Cooperative Agreement. Councilwoman Henderson seconded the motion. Motion passed 3-1 with the following council members voting aye on the motion:

AYES: Ramirez, Henderson, Barton

NAYES: Colwell

Motion was made by Councilman Ramirez to accept the new H and I to be inserted in the Police Service Cooperative Agreement. Councilwoman Henderson seconded the motion. Motion passed 3-1 with the following council members voting aye on the motion:

AYES: Ramirez, Henderson, Barton

NAYES: Colwell

Councilman Ramirez moved to approve Resolution No. 2014-1294 which instates the Police Service Cooperative Agreement. Councilwoman Henderson seconded the motion. Motion passed 3-1 with the following council members voting aye on the motion:

AYES: Henderson, Barton, Ramirez

NAYES: Colwell

### **IX. NEW BUSINESS**

- A. *Resolution No. 2014-1289  
A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute an agreement with the Aurora Chamber of Commerce*

Councilwoman Colwell moved to approve Resolution No. 2014-1289 authorizing an agreement with the Aurora Chamber of Commerce. Councilwoman Henderson seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Henderson, Barton, Ramirez, Colwell

NAYES: 0

## "Improving the quality of life for Aurora"

- B. *Resolution No. 2014-1290*  
*A Resolution of Aurora, Missouri authorizing and directing the Mayor to execute an agreement with the Aurora Historical Society*

Councilwoman Henderson moved to approve Resolution No. 2014-1290 authorizing an agreement with the Aurora Historical Society. Councilman Ramirez seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Colwell, Barton

NAYES: 0

- C. *Resolution No. 2014-1291*  
*A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute an agreement with Main Street Aurora*

Councilman Ramirez moved to approve Resolution No. 2014-1291 authorizing an agreement with Main Street Aurora. Councilwoman Colwell seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Barton, Colwell, Ramirez, Henderson

NAYES: 0

- D. *First Reading of Bill No. 2014-2979*  
*An Ordinance of the City of Aurora, Missouri amending Title I "Government Code", Division 7 "Separation", Section 130.540 "Resignation" of the Municipal Code of Ordinances*

Upon final passage this ordinance would allow the City Manager, at his discretion, to waive the restriction on a salaried person to give a four week notice when terminating employment with the city if he deemed the employees appointment to their new position would be jeopardized by having to give a four week notice.

City Manager Randall stated that typically most employers only required a two week notice although there are two sides to each termination. It would be protection for the city to keep the terminating employee for four weeks but when looking at a long term employee that would like to accept employment with another employer how it might jeopardize their appointment to their new position if their job would have to be held open for a month when the new employer wanted an employee to start immediately.

Councilman Ramirez felt the requirement should only be allowed to be waived by the City Council and the resignation should be done in writing, never verbally. In management, he felt a four week notice was typical.

City Manager Randall stated that there could be extenuating circumstances that you would want some flexibility in determining the outcome. Every case would individually be determined.

Councilwoman Henderson moved to approve the first reading of Bill No. 2014-2979. Mayor Barton seconded the motion. Motion passed 3-1 with the following council members voting aye on the motion:

AYES: Barton, Colwell, Henderson

NAYES: Ramirez

### X. *REPORTS*

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### A. *Board Liaison Reports*

#### Hospital Board

Financial reports were given from Mercy. Medicare/Medicaid benefits will be cut further in 2014.

#### Solid Waste Management

The board discussed the different types of grants available from the district. The board then toured the Monett Recycling Center which collects everything from glass to chemicals.

#### Planning and Zoning

A public hearing was held to determine off street parking requirements for a small commercial business located within in a residential area. Staff will review present ordinances and bring back a recommendation to the board.

Verizon has chosen three locations for the placement of a new cell phone tower along Church Street. The board approved the location located with the M-2 zoning area.

Tammi Creason, Gardner Capital requested approval of Brookside Terrace Estates final plat to include variances from construction. The board is recommending to city council to make the final approval.

### B. *City Attorney Report*

No City Attorney report.

### C. *City Manager Report*

City manager Randall reported to council on the following items:

- The house next to the community center has been completely demolished and all debris removed. The lot has been restored to mow able condition.
- The survey crew from Alegeir Martin & Associates have finished topographical surveying for the wastewater grant project. A public hearing will be held by DNR on February 24, 2014 at 6:30 p.m.
- Public Works is filling potholes which are the result of the extreme cold temperatures.
- Public Works has a sufficient supply of salt for the rest of the winter while other surrounding cities don't.
- The Transportation Department has located parts to fix the wrecked truck they have in their fleet.
- The Building Inspector is actively managing 30 permits monthly. OACAC has completed 10 apartment renovations and will be starting on the last 8 units.
- P&Z met for a public hearing to establish guidelines on parking when a commercial business is located within a residential area.
- The City Manager will be meeting with Diane May of the Southwest Local Government Agency to discuss the possibility of her semester class updating the Land Use Map for the City of Aurora. The only cost to the city would be for materials.
- City Collector has received 106% of budget for tax collections.

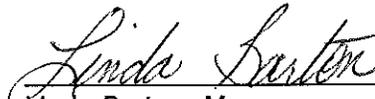
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- Department of Revenue figures show a + \$3,682 with the same time frame from last year. It also shows from 2011 to 2012 a negative \$48,807 from the same time period. Statistics show an improvement in sales tax figures over last year. The economy seems to be holding its own.

***XI. ADJOURNMENT***

Councilwoman Colwell moved to adjourn the meeting at 8:00 p.m. Councilman Henderson seconded the motion. Motion passed with all members voting aye.

APPROVED:

  
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Linda Barton, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathie Needham, City Clerk, MMC/MPCC