

"Improving the quality of life for Aurora"

AURORA CITY COUNCIL REGULAR SESSION MINUTES Aurora City Hall, Council Chambers Tuesday, December 10, 2013 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:

Councilwoman Colwell led the council in prayer and the Pledge of Allegiance.

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

All Council members were noted present.

IV. APPROVAL OF MINUTES:

Regular Session held on November 26, 2013 at 7:00 p.m.

Councilwoman Rentfro moved to approve the minutes as submitted for the regular session held on November 26, 2013 at 7:00 p.m. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Colwell, Rentfro, Barton

NAYES: 0

V. APPROVAL OF APPROPRIATIONS for November/December

Councilwoman Colwell moved to approve the appropriations for November/December as submitted. Chairman Pro Tem Ramirez seconded the motion. Motion passed with the following council members voting aye on the motion:

AYES: Ramirez, Henderson, Barton, Rentfro, Colwell

NAYES: 0

VI. PUBLIC COMMENT

Julie Browning

Spoke on behalf of Jeramy Kee from the YMCA about the Adult Basketball Contract. She stated that 3-4 churches had made contact with the YMCA inquiring about the service. Eighty children has already signed up for youth basketball. The league will start in January for eight weeks and will culminate with an end of season tournament.

Heidi Davis Ryan

Statutory information was passed out to council, the press and the Police Chief on the upcoming police merger. She started her presentation with the merger must be beneficial to both cities. Basically Marionville had equal amounts of pros and cons, according to her spreadsheet, and Aurora had 10 cons and 4 pros. She stated the merger would cost Aurora tax payers a lot of money in the long run if allowed to move forward. She was uncertain who had prepared the present document the city was working under but she felt it was a convoluted agreement. There was no statutory authority to do the merger except for dispatching. Reading the law she stated there was no area of coverage specified nor did it specify the city limits to be covered by either

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city. The present agreement would need to be rewritten if the city wanted to do a mutual aid agreement with Marionville.

She stated there were four levels of jurisdiction that are covered through state statutes:

- City
- County
- State
- Federal

She stated if the new Police Board was not covered through the city it must be covered through one of the other levels of jurisdiction and if they were not covered through the city then their funding should come from the other funding source. It was illegal, according to her research, for the present board to be in place.

The City had not passed legislation to enact the Police Board nor had they appointed membership to the board. She stated the present board should be abolished. Nothing had been passed through the legislature to allow this kind of merger. She inquired who had appointed membership to the Police Board. Why had meetings not been noticed nor minutes taken? She asked Mayor Barton how many meetings had taken place and was told the board had been meeting regularly for the last year. Why was this being allowed to happen when it was illegal? Why is the board preparing bylaws? The bylaws instated by the city and should be reviewed and approved by both entities. Taxpayers from both cities' citizens should be allowed to vote on the matter. She recommended the board be abolished immediately. If the City Council wanted to create the board then legislation should be enacted by the city and the contract should be abolished.

The following people were notated to be on the Police Board:

Flora Walker
Steve Allen
Both Mayors
David Price was the Chairperson
Glen White
Shannon Walker
Allison Pope

Kay Leffinwell, a Marionville citizen stated she had felt there was a problem with individuals being chosen to represent the city that were not taxpayers and that did not live in either city.

She stated according to the Ethics Commission David Price was not eligible to hold office for one year after his termination with the city. Why then has he been appointed as Chairman of the Police Board? Judy Dingman, editor of the Advertiser stated she thought Mayor Barton had made the motion to install David as Chairperson. Mayor Barton recanted the statement.

Another rumored problem was there was nothing stated in the agreement that specifically spelled out Marionville was to contribute \$250,000 toward the budget for operations.

Melisa Briggs asked who had drawn up the agreement. City Attorney Woodard stated that he had drawn up the original Letter of Understanding that he thought was still in

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existence. Marionville's attorney wrote up the present agreement which both city's agreed to in August. City Attorney Woodard stated that he was unaware of any other document being used. Regina Payne asked the city council if they had representation when the document was signed. Mayor Barton stated they were acting under the guidance of David Price who was the Interim City Manager at the time. Ms. Ryan stated you should not take anyone's word for granted.

City Attorney Woodard stated that Ms. Ryan was correct in her statement that there was no statutory authority for the present agreement.

Chief Witthuhn stated that Councilwoman Rentfro, Mayor Barton, Chairman Pro Tem Ramirez and Kay Leffingwell had all previously voted to approve the merger. Several of the named persons commented that they had only approved a temporary agreement.

With many questions left unanswered this item will be referred to the next council agenda for further discussion.

VII. COMMUNITY FORUM

Chairman Pro Tem Ramirez stated that some disturbing rumors were surfacing about him committing an assault or crime against a city employee. He asked for this to be put on the next agenda for discussion.

VIII. OLD BUSINESS

- A. *Second and Final Reading of Bill No. 2013-2973 making Ordinance No. 2013-2973
An Ordinance of the City of Aurora, Missouri amending the 2013 Fiscal Year Budget*

Councilwoman Henderson moved to approve the second and final reading of Bill No. 2013-2973 this bill will now be known as Ordinance No. 2013-2973. Mayor Barton seconded the motion. Motion passed 3-2 with the following council members voting aye on the motion:

AYES: Barton, Henderson, Colwell
NAYES: Rentfro, Ramirez

- B. *Second and Final Reading of Bill No. 2013-2974 making Ordinance No. 2013-2974
An Ordinance of the City of Aurora, Missouri amending Title I "Government Code", Chapter 130 "Personnel", Division 2 "Classification", Section 130.270 "Benefits of Seasonal and Temporary Personnel" of the Municipal Code of Ordinances*

Councilwoman Colwell moved to approve the second and final reading of Bill No. 2013-2974 this bill will now be known as Ordinance No. 2013-2974.

Councilwoman Rentfro seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Henderson, Colwell, Ramirez, Rentfro, Barton
NAYES: 0

- C. *Second and Final Reading of Bill No. 2013-2975 making Ordinance No. 2013-2975
An Ordinance of the City of Aurora, Missouri approving and adopting the 2014 Fiscal Year Budget*

Councilwoman Henderson moved to approve the second and final reading of Bill No. 2013-2975. Mayor Barton seconded the motion. Motion failed due to a 3-2 vote in the negative.

AYES: Henderson, Barton
NAYES: Rentfro, Ramirez, Colwell

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Councilwoman Rentfro moved to table this matter until another budget workshop can be held on December 23rd, 2013 at 6:00 p.m.

IX NEW BUSINESS

- A. *Presentation of Service Awards*
- | | | | |
|-----------------|-----------------|-----------------|-----------------|
| <u>5 years</u> | <u>15 years</u> | <u>20 years</u> | <u>25 years</u> |
| Tim Swadley | Steve Ancheus | Daryl Jones | Terry Ash |
| Chris Mooneyham | | | Pat Jenkins |
| Volunteer Fire | | | |
| Jeff Seward | | | |
| Dean Lyon | | | |
| Ryan Henbest | | | |
| April Wood | | | |

Mayor Barton presented the service awards to those attending the meeting.

- B. *Resolution No. 2013-1281*
A Resolution approving a Medical/Dental/Vision Reimbursement Policy for 2014

Councilwoman Colwell moved to approve Resolution No. 2013-1281 which authorizes the 2014 Medical/Dental/Vision Reimbursement Policy. Mayor Barton seconded the motion. Motion passed by a 5-0 vote with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Rentfro, Colwell, Barton
NAYES: 0

- C. *Resolution No. 2013-1282*
A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute an agreement with MFA Oil Company to provide fuel for all city equipment in 2014

Councilwoman Rentfro moved to approve Resolution No. 2013-1282 awarding the contract for fuel for 2014 for all city equipment to MFA Oil Company in exchange for a 2 cent pump discount. Chairman Pro Tem Ramirez seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Rentfro, Colwell, Barton
NAYES: 0

- D. *Resolution No. 2013-1283*
A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute a contract for 2014 with Blevins Asphalt for the supply and delivery of tack and prime oil and for the asphalt overlay and chip and seal of designated city streets

Councilwoman Rentfro moved to approve Resolution No. 2013-1283 authorizing the execution of a contract with Blevins Asphalt for 2014 public works projects. Chairman Pro Tem Ramirez seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Ramirez, Rentfro, Barton, Colwell, Henderson
NAYES: 0

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- E. *Resolution No. 2013-1284*
A Resolution of the City of Aurora, Missouri authorizing the Mayor to execute an agreement with Bailey Quarries for the supply and delivery of specified crushed aggregates and general quarry products

Councilwoman Colwell moved to approve Resolution No. 2013-1284 authorizing the execution of a contract with Bailey Quarries for the delivery of crushed aggregates for 2014. Chairman Pro Tem Ramirez seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Colwell, Rentfro, Barton

NAYES: 0

- F. *Resolution No. 2013-1285*
A Resolution appointing membership to the Aurora Building Board of Appeals

Councilwoman Colwell moved to approve Resolution No. 2013-1285 appointing, Jeff Heller, Richard Werner, David White and Bud Jones (Alternate) to three year terms on the Building Board of Appeals. Councilwoman Rentfro seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Barton, Rentfro, Ramirez, Colwell, Henderson

NAYES: 0

- G. *First Reading of Bill No. 2013-2976*
An Ordinance of the City of Aurora, Missouri, amending Title II Public Health Safety and Welfare, Chapter 220 "Nuisances", Article I "General Provision", Section 220.030 "Enumeration of Public Nuisances" to the Municipal Code

Upon final passage of this ordinance, fines will be associated with dumping of trash in recycling containers.

Councilwoman Rentfro moved to approve the first reading of Bill No. 2013-2976. Chairman Pro Tem Ramirez seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Ramirez, Rentfro, Barton, Colwell, Henderson

NAYES: 0

- H. *Resolution No. 2013-1286*
A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute an agreement with the Ozarks Regional YMCA for an adult basketball program

Councilwoman Henderson moved to approve Resolution No. 2013-1286 approving a contract with the YMCA for Adult Basketball in 2014. Chairman Pro Tem Ramirez seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Henderson, Ramirez, Rentfro, Barton

NAYES: Colwell

- I. *Resolution No. 2013-1287*
A Resolution of the City of Aurora, Missouri, authorizing and directing the Mayor to enter into an agreement with Sunbelt Environmental

Bids were taken for demolition on three different properties. The bid was broken into three parts; demolition of the structure; asbestos testing; and hazardous waste disposal. It was known the property at 36 W Church had asbestos siding and the other structures were unknown. The contractors were informed they would need to bid the structure at 36 W Church according to prevailing wage. The contractors mistakenly then

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bid all three structures at prevailing wage even though it was unknown whether any asbestos presiding in the other two locations. City Manager Randall asked that the City Council reject the bids submitted for 300 W. St. Louis and 409 E. College. It is anticipated these properties will be rebid after the first of the year.

The Planning and Zoning Budget included sufficient funding to demolish the structure at 36 W. Church in the current fiscal year. Sunbelt indicated it could possibly demolish the structure within the current year. Several options were given to council to review. Discussion was held on the city going ahead of awarding the contract to Sunbelt and getting the property demolished this year so a parking lot could be constructed. The Department of Labor does not require prevailing wage to be paid on demolitions, however if in conjunction with new construction it does require prevailing wage rates.

Chairman Pro Tem Ramirez wanted to demolish the structure and let it sit until later to save money. City Manager Randall stated it would have to be rebid without prevailing wages. You can't let it sit with the idea that you are trying to get around paying prevailing wages. It was not known what the time frame that the property would need to sit vacant before construction could begin. Chairman Pro Tem Ramirez stated he wasn't trying to get around paying prevailing rates just wanted to get one project done before year end. He stated the council needed to wait until next election the next members might not share this council's opinion.

Mayor Barton stated the only thing the lot could be used for was a parking lot. Councilwoman Rentfro stated that when the last fund raiser was done council approved the lot to be used as a parking lot. Judy Dingman stated Sharon Sumners, years ago, had asked for gravel to be put in for a parking lot and was denied due to city code requirements.

Councilwoman Colwell moved to deny the bid on the property's located at 300 W. St. Louis and 409 E. College. Councilwoman Rentfro seconded the motion. Motion passed 4-0 with the following council members voting aye on the motion:

AYES: Barton, Rentfro, Colwell, Henderson

NAYES: 0

Councilwoman Henderson moved to award the bid to Sunbelt for the property located at 36 W Church. Councilwoman Colwell seconded the motion. Motion passed with the following council members voting aye on the motion;

AYES: Barton, Henderson, Ramirez, Colwell, Rentfro

NAYES: 0

X. REPORTS

A. Board Liaison Reports

Solid Waste Management

Will meet again in January.

Airport Board

Meets Wednesday evening.

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B. City Attorney Report

Working on various contracts..

C. City Manager Report

City Manager Randall reported on the following items:

- Tax collections are currently at 41% with 59% left to collect. According to the City Collector the city usually collects 97-98% of billed taxes by the second week in January.
- The electric motor for the rotor at the wastewater plant has been received and installed and is up and running.
- Umbrella for the pool has been received.
- Street crews have worked very hard the past several days with snow and ice removal. Salt was put down but if temperatures don't get high enough it won't work.
- The Airport runway was cleaned twice due to a local business needing to get their plane in.
- The Fire Department has reported several accidents due to the severe weather.

XI. CLOSED SESSION PURSUANT TO RSMO 610.021 (1)

Legal actions, cause 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.

Motion was made by Councilwoman Colwell to go into Closed Session time noted 8:00 p.m. pursuant to 610.021 (1). Councilwoman Rentfro seconded the motion. Motion passed by a roll call vote with the following council members voting aye on the motion:
AYES: Rentfro, Henderson, Colwell, Ramirez, Barton
NAYES: 0

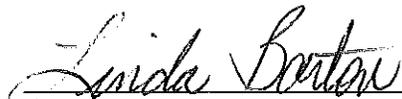
Motion was made by Councilwoman Colwell to remove Steve Ramirez as Chairman Pro Tem. Councilwoman Rentfro seconded the motion. Motion passed 4-0 with the following council members voting by roll call vote aye on the motion:
AYES: Henderson, Barton, Rentfro, Colwell
NAYES: 0

Motion was made by Councilwoman Colwell to come into open session at approximately 8:45 p.m. Councilwoman Henderson seconded the motion. Motion passed 5-0 by a roll call vote with the following council members voting aye on the motion:
AYES: Henderson, Barton, Rentfro, Colwell, Ramirez
NAYES: 0

XII. ADJOURNMENT

Councilwoman Rentfro moved to adjourn the meeting at 8:46 p.m. Councilwoman Henderson seconded the motion. Motion passed with every council member voting aye on the motion.

APPROVED:



Linda Barton, Mayor

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ATTEST:



Kathie Needham, City Clerk, MMC/MPCC

Posted December 6th, 2013 by Kathie Needham, City Clerk