

"Improving the quality of life for Aurora"

AURORA CITY COUNCIL REGULAR SESSION AGENDA
Aurora City Hall, Council Chambers
Monday, December 23, 2013 at 6:00 p.m.

I. CALL TO ORDER:

Mayor Barton called the meeting to order at 6:00 p.m.

II. PLEDGE AND PRAYER:

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

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

All council members were noted present.

IV. APPROVAL OF MINUTES:

Regular Session held on December 10, 2013 at 7:00 p.m.

Councilwoman Colwell moved to approve the minutes from the regular session held on December 10, 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, Colwell, Rentfro, Barton

NAYES: Ramirez

V. APPROVAL OF APPROPRIATIONS for December

Councilman Ramirez moved to approve the appropriations for December as submitted. Councilwoman Colwell seconded the motion. Motion passed 3-0 with the following council members voting aye on the motion:

AYES: Ramirez, Rentfro, Colwell

NAYES: 0

ABSTAIN: Henderson, Barton

VI. PUBLIC COMMENT

Bob Duda, Mayor of Marionville-500 S. Central, Marionville, MO.

Requested to be on the agenda three times on Friday and was denied. He wanted to make sure that anyone from Marionville that wanted to speak would be recognized. Mayor Barton stated they would be if they signed up to speak. The signup sheet was passed around the room.

Jeff Schatz, Councilman-Marionville, MO.

Aurora had been instrumental in helping Marionville see the attributes of the Police Service Agreement and getting it passed. If the agreement is not a good idea then vote no. He wondered why Aurora now thought the agreement was illegal after all this time. It had been reviewed by both cities attorney's. If this was a personal issue then it needed to be buried. This is too big a deal to make a decision on personal issues.

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Jessica Wilson, Councilwoman- 700 S. Central, Marionville, MO.

She stated she was a huge supporter of the Police Department and felt that our officers needed to be appreciated. She felt Aurora had a personal agenda and should have questioned the agreement earlier if they felt there were problems. When she heard the rumor that Aurora was thinking about pulling out of the agreement she went to Facebook with a survey and found that most people were for the merger. While she didn't necessarily agree she put her differences aside because it wasn't about her.

She wondered if the legality of the contract was the issue. She reminded council you were elected by the citizens of the community and must do what's right for them.

Donna White – Councilwoman -602 Lincoln, Marionville, Mo.

She stated that Marionville residents support Aurora's businesses, doctors and shopping locations. She asked the council to honor the contract that was signed and asked they be honest with their opinions.

DJ Outhouse, Aurora Officer

Was very concerned about what he was led to believe when hired. When coming to Aurora he had heard about the arrangement between both cities he wondered how it would work. He had previously worked with a SWAT team where you had to have the proper number of people in order to act. A large number of people are always needed to reduce the amount of liability.

Once an officer is hired and trained you can never put a price on that. Officers never know what they will be facing each day and a price cannot be attached to that either. By combing departments all officers are looking out for one another. That benefits both cities. To split the departments would make each city pay the price all over again.

Aaron Vaughn, Aurora Officer

When the merger began both cities received something for what they were doing. Great returns on the investment are now being seen. More cases are being cleared. Because both cities are so close, they benefit by a combined force. Mutual Aid contracts are not the best choice as you have to wait for permission from the county before response can be initiated.

Paul Link, Marionville Attorney – 1901 C S. Ventura, Springfield, MO.

There is nothing illegal about the contract that is presently in place between both entities. He had looked at the propaganda to defeat this measure and none of it was true.

70.220 is the operating statute that allows this type of merger. It's not a limiting factor. Chapter 70 of the Missouri State Statutes is what gives authority for this type contract. This merger is a new concept that is happening around the state. He had discussed this with attorneys around the state where these type agreements are being put into place. The agreement fits the statutes as we are here today. Robert vs City of Maryville shows collaboration with both cities and is an example of how two cities can work together.

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If the council does not like the contract it can always be tweaked. Reality enforces statutes and ordinances. A contract should not constantly be changing. Chapter 72 does not apply to the contract. Thus far there is no case law on police service agreements.

Questions arose as to where the funding was supposed to come from. He stated both cities would appropriate money.

Mark Webb, Prior Police Chief from Marionville- present Police Chief of Bolivar

He had been the police chief of Marionville since 2009. He knew from inception of his employment with the city that he would not be able to provide adequate service for the community with the amount of funding he was allotted. He had previously worked for 32 years with the Springfield Police Department and knew that to be successful both cities needed to work together. He had approached Aurora's past police chief with the idea which fell on deaf ears. He tried again with Chief Witthuhn and found he was very interested in the concept. The first step was to get Aurora to dispatch for Marionville. Once this was accomplished the ground work was in place. He stated that Marionville's problems are Aurora's problems. Protection would be gained by joining together. The concept was experimental and on the cutting edge. Both communities knew it had never been done before. At first more resistance was given from Marionville.

Now the division is processing more cases efficiently and in a timely manner. With limited resources both forces have focused efforts to handle the same criminals. This agreement has worked very well and deserves another chance.

Don Trotter, Prosecuting Attorney for Lawrence County

He felt the merger was working. What alarms him is that criminals work both cities together. They are getting away with things. The only thing stopping them is the merger. It reduces his amount of work. Investigations only have to be done once. They only have to go through one office instead of two. The professionalism in Aurora police officers has greatly increased. He felt he had a personal stake in the merger because it made his job easier. He felt the only people to gain by dismantling the merger would be the criminals. Criminals are losing under the merger. He felt both cities needed to figure out how to make it work.

Justin Heffner- 505 E. Kirkwood Drive, Aurora, MO.

Justin has been in the military since 2003 and presently is a bounty hunter. He has helped apprehend criminals off the street. He felt the only problem here is politicians with a pen.

David Price – 904 W Pleasant, Aurora, MO 65605

David is the current Chairman of the Police Board. He was nominated by Chief Witthuhn and Mayor Barton for the position. He stated the board was trying to push forward keeping both communities in mind. Marionville is too small to serve and Aurora has a need to go assist. There have been bumps in the road along the way but only good things have come from this merger. Marionville deserves to have 24/7 police protection. He asked for the council to allow the contract to continue. If they wanted him to step down because of previous problems he would be glad to do if it allowed the contract to continue.

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Cheryl Weinrich- 38 W. St. Louis, Aurora, MO.

If the contract was working great we should have known it before now. We have seen financial hiccups which could be a major concern. She stated she was not on either side. On the inception she thought if it didn't work out we could always change our minds. She stated Dr. Price this is not about you but the Police Board sucks. The board should have been created and membership appointed by each city, not self-appointed. The city needs to work through its financial side. Aurora has to kick in a lot more funding than Marionville.

Heidi Davis Ryan – 1406 Mary Lane, Aurora, MO

We need to take care of our citizens first. The Economic Development in this city sucks. She stated she had no problem rendering aid to Marionville however the merger does not need to take effect to do it. There are too many unanswered questions. The contract should have covered all bases instead of being one sided.

Garry Earnest, Deputy Police Chief for Aurora

Garry stated he had been involved since inception of the plan and he saw both sides. Thirty one states have mergers in place. He called the Attorney General's Office for help in establishing whether the agreement was legal and was told they could not render that decision. They did say we were not breaking any laws. The department has 100 years of experience in the top ranking officials. This agreement was not a taxing district like a fire district. It would be operated by both cities paying their own part. Officers from both cities fall under different pay and guidelines. To bring it all together would one contract would make things more efficient for the officers. Right now the officers don't know who their boss is.

Statistically, Marionville officers have handled 11% of calls. Mutual Aid contracts are set up to assist and would not play a part of the present agreement. Council should allow the agreement to continue and to review the merger. It has created 3 clerk assistants to help with paperwork which allows the officers to stay on the road.

Councilwoman Rentfro asked now that Aurora is dispatching for Marionville do you have to get permission from the county before you can do mutual aid. Mutual Aid has to be requested by the entity before response is initiated.

Mayor Barton asked who appointed the members on the police board. She stated she was not against the merger but the way it was put together. This should be put on the ballot and let each citizen of each community vote on whether they want it. The board should be appointed by each city and the members should come from the residents living in both communities. She felt the merger could work if done the right way. We need to just back up and start the process again. We have done Marionville's dispatching since 2011 and Lawrence County is still collecting the taxation revenue. This needs to be put on the ballot and changed. Our revenue is still down and with Mt. Vernon getting a new Wal-Mart supercenter our revenue next year will even be less than this year.

John Woodard, Aurora City Attorney

The Intergovernmental Agreement that initiated this merger was a legal document operating under the statutes. He had spoken with Don Trotter, Lawrence County Prosecutor and found the agreement was working very well. In his opinion he felt the

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agreement should remain in place with the stipulation that both cities review all aspects of the merger along with their auditors for compliance with state statutes and to determine the percentage that should be payable by each city. Each council is charged with financial oversight and has to be accounted for by law. The council's from each city need to run the agreement, not an outside board. He felt the taxation collection should be immediately put on the ballot for citizens to vote on. In his closing statement he said he was totally against an outside board having anything to do with the contract.

VII. COMMUNITY FORUM

Councilman Ramirez stated he was disappointed that after he had requested to be on the next city council agenda to talk about malicious rumors about himself his request was denied. Mayor Barton told him that she had already informed him that City Attorney Woodard had stated that item was confidential and it would not be allowed on the council agenda for discussion. He stated he would be the bigger person and would drop the issue but he was still disappointed.

VIII. OLD BUSINESS

- A. *Second and Final Reading of Bill No. 2013-2976 making Ordinance 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 this ordinance will allow for a penalty for persons caught dumping trash in recycling bins.

Councilman Ramirez moved to approve the second and final reading of Bill No. 2013-2976, this bill will now be known as Ordinance No. 2013-2976. Councilwoman Rentfro seconded the motion. Motion passed 5-0 with the following council members voting aye on the motion:

AYES: Barton, Henderson Rentfro, Colwell, Ramirez

NAYES: 0

IX. NEW BUSINESS

- A. *Discussion/Approval of 2014 Budget*

Councilwoman Rentfro stated of the discussion with the fact that the city was \$79,000 over budget. Because of the new supercenter coming to Mount Vernon she felt that revenues would drastically be reduced.

Motion was made by Councilwoman Rentfro that the "Police Service Agreement" dated August 8, 2013 between the City of Aurora, Missouri and the City of Marionville, Missouri be terminated before it takes effect on January 1, 2014.

City Attorney Woodard stated the only way to break the contract would be to cut funding through the 2014 budget. City Manager Randall reminded council that the incoming revenue and expenditure from Marionville was instated in the 2014 budget in Department 26 of the General Fund Budget and would have to be removed if the council wanted to cut funding to terminate the contract.

Councilwoman Rentfro withdrew her motion.

Councilwoman Rentfro made another motion that the 2014 Budget shall appropriate no money to pay for the obligations imposed by the Aurora/Marionville Police Consolidation

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as outline in the "Police Service Agreement, dated August 8, 2013, or any other prior agreements." All money appropriated in 2014 for Salaries and Benefits in the Aurora Police Department budget is intended for the Aurora Police Department and not for the obligations created by the Aurora/Marionville Police Consolidation as outlined in the "Police Service Agreement." All expenses and revenues shown for Department 26, titled, "Marionville Consolidation", shall be removed from the Aurora 2014 Budget.

Councilwoman Colwell seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Rentfro, Colwell, Henderson, Barton

NAYES: Ramirez

Councilman Ramirez stated that changing this in the budget will not change being \$79,000 in the hole.

Judy Dingman, editor of the Aurora Advertiser wanted to know who wrote the motions Councilwoman Rentfro had prepared. Councilwoman Rentfro stated she did. Judy asked if the motions had been handed out to council prior to the meeting. Councilwoman Rentfro stated they had not. Judy questioned why Doris Colwell had a copy of the motion when Lisa noted she had just passed a copy to the city clerk. She also mentioned people in the audience were suspecting the item had been discussed prior to the meeting.

B. Consideration of Aurora/Marionville Police Consolidation

A Marionville officer stated she had never had her life defined by a dollar amount before. She wanted to know what her life was worth. Mayor Barton told her that was not the issued with defunding the contract. There was a lot more to it than that.

Mayor Duda stated the contract you just voted out was the one that went into effect January 1, 2014. You still have one in place. City Attorney Woodard stated that the Letter of Understanding had been superseded when the Police Service Agreement was put into place. No agreement presently exists, stated City Attorney Woodard.

Mayor Duda stated you canceled a meeting for next week we had scheduled to discuss this. You moved the meeting up an hour and changed the date so we couldn't attend. Mayor Barton replied that was not true. The issue at hand tonight was to pass the annual budget.

Councilwoman Rentfro made the motion that the City of Aurora does not recognize the Police Service Board or give them any authority. Councilwoman Colwell seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Colwell, Barton, Henderson, Rentfro

NAYES: Ramirez

C. First Reading of Bill No. 2013-2978

An Ordinance of the City of Aurora, Missouri approving and adopting the 2014 Fiscal Year Budget

Upon final passage council asked for all funding for the police merger to be struck from the budget.

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Motion was made by Councilwoman Rentfro to approve the first reading of Bill No. 2013-2978 as amended. Councilwoman Colwell seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Henderson, Colwell, Rentfro, Barton

NAYES: Ramirez

*D. Second and Final Reading of Bill No. 2013-2978 making Ordinance No. 2013-2978
An Ordinance of the City of Aurora, Missouri approving and adopting the 2014 Fiscal Year
Budget*

Councilwoman Rentfro moved to approve the second and final reading of Bill No. 2013-2978 which now be known as Ordinance No. 2013-2978. Mayor Barton seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Rentfro, Henderson, Barton, Colwell

NAYES: Ramirez

*E. Resolution No. 2013-1288
A Resolution of the City of Aurora, Missouri authorizing and directing the Mayor to execute an
agreement for trash removal at all city owned public facilities within the city*

Bids were taken for trash removal at all city owned facilities for a three year period with three bids being received. Doty Trash was apparent low bidder.

Mayor Barton moved to approve Resolution No. 2013-1288 awarding the three year contract for trash removal at all city owned facilities to Doty Trash Service.

Councilwoman Henderson seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Rentfro, Barton, Colwell, Henderson

NAYES: Ramirez

F. Appointment of a Chairman Pro Tem

Councilman Ramirez nominated Rosemary Henderson. Motion died for lack of a second.

Councilwoman Colwell nominated Councilwoman Rentfro for the position. Mayor Barton seconded the motion. Motion passed 4-1 with the following council members voting aye on the motion:

AYES: Colwell, Barton, Henderson, Rentfro

NAYES: Ramirez

X REPORTS

A. Board Liaison Reports

Recycling meeting will be held in January.

Theresa Pettit stated the park board meeting had been rescheduled and Steve was not able to attend. The largest obstacle for being awarded the tennis grant has been overcome. The board is wrapping up the final details of the Independent Master Plan. City manager Randall brought another grant opportunity to them to pursue. Survey is almost complete.

B. City Attorney Report

No City Attorney report was given.

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C. *City Manager Report*

City Manager Randall reported on the following items:

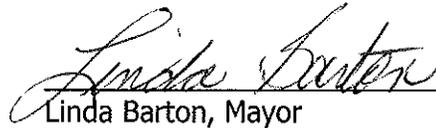
- Survey crews are finishing topography mapping for the wastewater grant.
- Transportation Department will be sending out a few trucks tonight to assist with slick spots.
- Survey results were passed out showing a negative response to paying for curbside recycling.
- City Manager Randall stated there were strong feelings on both sides of the issue on the police consolidation and it was his recommendation that at the most expedient time each city needed to find a way to cooperate.

Mayor Barton stated she didn't know how to proceed. City Attorney Woodard thought a joint session with Marionville would be in order. John thought that each city should choose two delegates to sit down and pull together the ground rules. Mayor Duda thought the two council's should sit down together to meet. Mayor Barton agreed and a joint meeting was set for Monday, December 30th at Aurora City Hall at 7:00 p.m. The purpose of the meeting is to set new guidelines and see what is important to each city.

XI. ADJOURNMENT

Councilwoman Colwell moved to adjourn the meeting at 7:45 p.m. Councilwoman Rentfro seconded the motion. All members voted in favor.

APPROVED:



Linda Barton, Mayor

ATTEST:



Kathie Needham, city Clerk, MMC/MPCC