

AURORA CITY COUNCIL TENTATIVE AGENDA

*Aurora City Hall, City Council Chambers,
Monday, December 30, 2013 at 7:00 p.m.*

I. Call to Order:

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

II. Roll Call:

Mayor Linda Barton
Councilman Ramirez
Chairman Pro Tem Rentfro
Councilwoman Colwell
Councilwoman Henderson

All Council members were noted present.

III. Agenda: Joint Session with Marionville City Council on the Police Consolidation

As the meeting was called to order Mayor Barton announced that this session was a joint session with Marionville City Aldermen and only the Council Members and Aldermen would be allowed to speak. There was no Community Forum or Public Comment on the agenda for the public to express their opinions.

A draft agreement was presented by City Manager Randall to the public which represented a model agreement between Prairie Village, Kansas and Mission Hills, Kansas which has been in force for forty years. The names were changed to present another possible option instead of a merger.

Mayor Duda stated the contract we are currently under is a legal document. If the police board is a problem then why can't we work that out?

City Manager Randall stated he didn't think the council wanted to pursue that agreement. Mayor Barton stated there were too many problems and too many unanswered questions still lingering. A lot of people don't know about this and others that do don't want it. Citizens from both communities deserve to have their own identity.

Mayor Duda stated the option prepared by City Manager Randall simply wouldn't work with their taxation issue. If they allowed their employees to be paid through Aurora they would lose their taxing ability. We would be in violation of our taxing agreement he said.

Mayor Barton stated it was a working document that could be tweaked just like the present agreement we are currently working under. She felt the issue should be on the ballot for citizens from both communities to vote on. They should have a voice in this decision. It isn't right for a few people to make the decision for everyone.

Mayor Duda again stated the current agreement was still in effect until February 1. Councilwoman Colwell stated she had not voted on the agreement herself. It had been done before her term began and she was not in favor of the agreement.

Mayor Barton asked if there was anything else anyone wanted to bring forward. She stated several problems she saw with the present agreement i.e. not enough revenue now or later to run both departments. If you want to give us more money we might consider continuing the agreement. Mayor Duda said you didn't save yourself by the budget you adopted that was \$79,000 in the hole. How did this help?

Councilman Ramirez interjected that Mayor Barton kept saying we. He stated he had not been included in any decisions to be part of the "we" she kept referring to. Didn't you know we were having budget problems? When did council discuss the matter of the agreement because I was not included in that conversation?

Mayor Duda stated that he did not like the seating arrangement in the council chambers tonight. He felt that the last meeting held together where both councils sat as a solid group at the black table together was more conducive to a more level playing field. Council agreed and the meeting was paused for everyone to move to the black table in the council chambers.

Marionville City Attorney, Paul Link stated the present agreement was a legal document and why not work with it. Mayor Duda stated that each city had their own city attorney retained to back them up, then why do we have them if they are both agreeing it's okay to move forward and we aren't listening to them.

Mayor Barton brought up an email received from Marshall Decker, both cities auditor, stating several problems he could foresee if a merger without any authority for creation was instated. Mayor Barton said we are a third class city with a City Manager form of government and Marionville is a fourth class city where the guidelines for operation are not the same. She stated that Marshall had an issue with putting money from each city in a separate fund for a police board to oversee. Mayor Duda stated this is not what the agreement is. Linda stated that public perception is that is what is being expected. Councilman Schatz from Marionville stated people are trying to quantify what a district is.

Several questions then arose as to a statement made from a previous meeting about three police clerks being hired to do paperwork and who was paying them? Mayor Duda stated that they were Marionville employees. In addition two new officers had been hiring making a total of four officers on Marionville payroll.

Mayor Barton stated then when you have a \$257,000 police budget that you are only offering the city \$35,370 for operations? City Clerk Bateman from Marionville explained

that salaries, benefits, and building maintenance had been removed from the total budget leaving \$35,370 to be paid to Aurora on a quarterly basis. Dispatching was separate and already being paid in quarterly installments totaling \$6,930.

City Attorney Woodard stated that the 911 tax was initiated from the telephone company and that it would have to be put on the ballot for a vote before anything could change in that respect. He went on to further reiterate that it should have already been done and that it was important that it should be put on the ballot as soon as possible. City Manager Randall requested a copy of the ballot language be sent to him by the city clerk.

City Attorney Woodard stated there were statutes available to cover this merger if both parties agreed. City Manager Randall stated RSMo.70.220 where subdivisions may do a cooperative agreement for common services with the last sentence shall be within the scope of power within the municipality. Also mentioned was RSMo. 78.610 where it talks about the duties of the City Manager exercising control over all departments created by council. He stated we were a third class city and Marionville was a different form of government. Marionville City Attorney stated the current document was using the same statute you are making issue with.

Alderman Schatz, Marionville, asked what part of blending the operation would not be under the City Manager's control. I think you are missing some information he said. The present board is not a policing district and we have no intention of pursuing a district. If that is a sticking point then do away with the police board.

Councilman Ramirez stated when this agreement was started we knew it would be an adventure and adjustments would have to be made here and there. Maybe we can work on dissolving the police board and put together another board like the park board to help us, but not to take over the operation. I don't know what happened but don't just throw everything out the window.

Mayor Barton thought there were other ways to do an agreement without doing a merger. Alderman Blankenship stated we have been down this road before. The only way we could get buy in from the citizens of Marionville was to not pay for police protection. We want a joint agreement but not to pay for the privilege he stated.

Mayor Barton stated Verona is closer to us than Marionville. What are we going to do when we get a call from them asking for us to take care of them? Alderman Blankenship stated they wanted the merger to provide supervisory positions. We would have more than sufficient numbers to supervise ¼ of the police force now.

Councilwoman Colwell stated she personally did not want the merger. She stated with a police board the city would have no control over its own police department. Mayor Duda stated then put the matter onto the shoulders of the Mayors of each city and the City Manager. Councilwoman Colwell said that she had voted against it every time because the citizens of each community needed to know. We have had 6 meetings on this. Where have you been? She stated she was not on the board until this past April.

Alderwoman Wilson from Marionville stated it's not what you want but what your citizens want. Mayor Barton said it's all just left a bitter taste in people's mouth.

Councilwoman Henderson summed it up by stating that if #4 in the Police Service Agreement was taken out dissolving the police department by December 31, 2014 and the Letter I striking everything past the word basis in the last sentence would solve the problem.

Chairman Pro Tem Rentfro referred back to the statement from the auditor. She felt the auditor was the most important person in the mix and should be consulted on the matter. Mayor Duda refuted that stating that since the idea of the police board was struck from the agreement previously his opinion was irrelevant. Mayor Barton asked City Clerk Needham how she thought the auditor looked at things presently. She stated he was fine with the present arrangement. He was against doing anything with a separate board that had no statutory authority. Alderman Blankenship stated that with dissolving the policing board he could see why she felt that way.

Alderwoman Wilson said that Chairman Pro Tem Rentfro stated they should meet with the auditor did that mean that when a new board comes after each election they would have to meet with the auditor? Mayor Duda said that is why we are getting rid of the policing board to get the politics to stop. Is this something we are going to have to do each year? Mayor Barton stated she didn't think so.

Mayor Barton asked if there were any other changes or additions that needed to be discussed. City Manager Randall stated that since both parties are agreeing not to dissolve their police departments and will continue as their own entity that is in effect functioning in a cooperative agreement as state statute suggests. Not a merger.

City Attorney Woodard suggested that something be done quickly so as not to leave Marionville in limbo. In absence of the agreement Marionville will have to redo agreement and their budget if the city chooses to deny their request. John felt that Aurora, if agreeable, needed to ratify the agreement in writing in a resolution. Councilwoman Colwell said she was not comfortable voting on it tonight. She wanted the council to sit down and discuss the matter.

Alderman Schatz said since the legality issue and the accounting issue had been addressed what are your other concerns? Chairman Pro Tem Rentfro stated her phone was ringing off the hook with constituents not wanting the merger to take place and wanting her to vote against it. She perceived many problems in the future that could potentially cost us more than we know. City Manager Randall said that we did acquire some of Marionville's overhead. Chairman Pro Tem Rentfro stated she had requested information on what the salaries are costing the city to cover Marionville. City Manager Randall said that everything is so intermingled that it would be very difficult to pull apart how much of the officers time is being spent in Marionville. Alderman Schatz asked how much over budget had the police department been this year. City Manager Randall stated it had not gone over budget. Chairman Pro Tem Rentfro stated but we hired a Deputy Chief we have never had before. It was explained that he was hired through a vacancy in the department.

Alderman Schatz stated that since it's not a budgetary issue. It's not costing either city an unforeseen amount then if all is in order then why not move forward with the present agreement.

Councilman Ramirez stated he had emailed City Attorney Woodard a statute that a vote could be changed at the next scheduled meeting if the council chose to do so. No action was dictated to change any vote.

Alderwoman asked Councilwomen Colwell and Rentfro what would change if they went home to think about it before taking a vote. Both agreed nothing.

Mayor Duda suggested changing the name of the agreement to the Police Services Cooperative Agreement along with taking out #4 in the agreement and striking the wording in the last sentence of Item I past the word basis. He asked his aldermen for a vote to re-enter into the agreement. Alderwoman Wilson made the motion and Alderman Schatz seconded the motion. All members except Alderman Clevenger voted for the motion.

Mayor Barton asked City Manager Randall if the council should vote on the issue tonight. He replied he recommended the vote in the form of a resolution. City Attorney Woodard agreed.

Mayor Duda said for the sake of not leaving us in limbo would the council consider voting to have a resolution put together to be voted on at the next council meeting? Councilwoman Henderson moved to have the resolution put together for approval at the next council meeting. Councilman Ramirez seconded the motion. Motion passed 3-2 with the following council members voting aye on the motion:

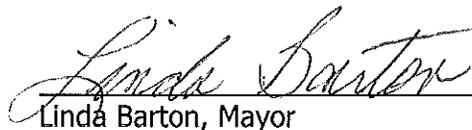
AYES: Henderson, Barton, Ramirez

NAYES: Colwell, Rentfro

IV. Adjourn

Councilwoman Colwell moved to adjourn the meeting at 8:15 p.m. Councilwoman Henderson seconded the motion. Motion passed 5-0 with all members voting in favor.

APPROVED:


Linda Barton, Mayor

ATTEST:


Kathie Needham, City Clerk, MMC/MPCC