

# "Improving the quality of life for Aurora"

## *AURORA CITY COUNCIL REGULAR SESSION MINUTES*

*Aurora City Hall, Council Chambers  
Monday, August 25th, 2014 at 7:00 p.m.*

### ***I. CALL TO ORDER:***

Mayor Marks 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 David L. Marks Chairman Pro Tem Linda Barton Councilman Steve Ramirez Councilwoman Lisa Rentfro Councilwoman Rosemary Henderson***

All council members were noted present.

### ***IV. APPROVAL OF MINUTES:***

*Special Session held on August 11, 2014 at 6:00 p.m.*

Chairman Pro Tem Barton moved to approve the minutes from the special session held on August 11<sup>th</sup> at 6:00 p.m. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Rentfro, Henderson Marks, Barton

NAYES: Ramirez

*Regular Session held on August 11, 2014 at 7:00 p.m.*

Councilwoman Henderson moved to approve the minutes from the regular session held on August 11<sup>th</sup> at 7:00 p.m. Chairman Pro Tem Barton seconded the motion. Motion passed with the following council members voting aye:

AYES: Marks, Ramirez, Barton, Rentfro, Henderson

NAYES: 0

*Special Session held on August 20, 2014 at 6:30 p.m.*

Councilwoman Henderson moved to approve the minutes from the special session held on August 20<sup>th</sup> at 6:30 p.m. Councilwoman Rentfro seconded the motion. Motion failed;

AYES: Henderson, Rentfro

NAYES: Marks, Ramirez

ABSTAIN: Barton

City Attorney Petrus stated if council did not want to approve the minutes they would need to provide the city clerk with direction. Council not liking what the minutes stated was not a reason to not approve them.

Councilwoman Henderson moved to approve the minutes from the special session held on August 20<sup>th</sup> at 6:30 p.m. Councilwoman Rentfro seconded the motion. Motion passed with the following council members voting aye:

AYES: Henderson, Marks, Rentfro

NAYES: Ramirez

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ABSTAIN: Barton

### *V. APPROVAL OF APPROPRIATIONS for August*

Councilman Ramirez moved to approve the appropriations for August as submitted. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Ramirez, Henderson, Rentfro, Marks

NAYES: 0

ABSTAIN: Barton

### *VI. PUBLIC COMMENT*

Paul Ward, 2 E. Plumb

Stated he additional questions, comments and concerns.

1. Why was their not a vote on the agenda from the deadlock vote at the last meeting concerning the city manager contract? City Clerk Needham stated that she had been informed by the City Attorney to not put the matter back on the agenda until council requested it.
2. He handed out signature sheets from the city manager contract signed by the women council members. One sheet had dates of the 14<sup>th</sup> and 15<sup>th</sup> of the month and the other sheet had the dates of the 18<sup>th</sup> and 19<sup>th</sup>. He inquired why the contract had ever left the office to be signed and where the women were when they were signed.
3. Councilwoman Henderson clarified that Chairman Pro Tem Barton had originally signed the contract the first time from her office and not Braum's. He asked Chairman Pro Tem Barton if she had been at Braums with Councilwoman Henderson. She stated she was. She had met her for dinner. When they got their food City Manager Randall was sitting alone so they sat with him. Later the Pates, Ike McRoberts, Jan Spring, and Dennis Lawrence came in for a social event.
4. He asked City Manager Randall how the women came to sign the contract at Braum's. City Manager Randall referred the question to the City Attorney. City Attorney Petrus stated he would research the matter. There are two different set of dates by the names. Why?
5. A records request had yielded a letter from City Attorney Petrus clarifying the dates of the 18<sup>th</sup> to the 20<sup>th</sup>.

Mr. Ward stated there is one thing for certain politics get nasty. He was concerned that the contract had left city hall to be signed. It should never leave the building he stated.

He was concerned that the raise was exorbitant and the city could not afford it. A \$9,000 pay increase was entirely too much. He stated he would address council every meeting with more information until action was taken to revote on the contract. What are we gonna do? You have to do something he stated. You don't have to act like third graders. A vote for a raise should be unanimous. You should show the community that you are unified in the decision and not try to tear each other apart. Slipping in a 3-2 vote is not appropriate.

Chairman Pro Tem Barton stated she had been on the City Manager Search Committee and several of the applicants that were interviewed stated their salary requirements none of which the city could afford. She stated that if we would have hired a city

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manager at \$74,000 to begin with and then gave them a 2% raise you wouldn't have even fussed. Mike has a great working relationship with MoDOT. AFB was going to relocate to a new location until the city manager got involved. He re-established the Enhanced Enterprise Zone that had never had a meeting since 2008. He would like to write a charter for this city. He actually wrote the charter for Carthage. He has great ideas. You need to just let him move forward.

Mr. Ward asked if he had expressed concern that he was going to move on. Chairman Pro Tem Barton said I don't know why he would even want to stay.

He again stated that the five council members had divided the community and he was asking for them to take a step back, go back through the evaluation process and come back with a unanimous decision. Contracts should never be allowed to be signed outside of city hall. He stated if something was not done he would be back again at the next meeting. Again he quoted state statute saying that when the entity is deliberately attempting to evade the Sunshine Law the governmental body may not purposely meet in groups with less than a quorum to discuss and or decide public business and then ratify those actions in a subsequent public meeting.

### Shannon Walker – Chamber of Commerce Director

She was not present to point a finger. She was heartbroken to have witnessed last Wednesday night's meeting. She asked why she continued to great things for the community. She was embarrassed by council's action. She was ready to throw in the towel. She had left early because she could not continue to see what the council was doing to one another. What will it take to get unification she asked?

Economic Development takes on a lot of different faces and a lot of work. Do you think your actions the other night would warrant a business wanting to locate in our town? Council should discuss things like rational adults not third graders. New businesses do not happen overnight. She hoped that new businesses owners were in the crowd at last Wednesday's meeting. You need to focus on the good and existing things happening in town. Put your personal feeling and agenda aside. She stated the four point Rotarian creed that the city should live by. In conclusion she stated you should treat your fellow council members as you would want to be treated. Agree to disagree. Put our city first.

### Leslie Horner – Owner Southwest Realty

As a real estate agent she had been to many meetings however she had not been present at last Wednesday evenings meeting. Recently she had a potential business client come sit through a city council meeting with her. She was embarrassed by what he witnessed. Council should be personal and act professionally and allow people to speak. Give them the floor.

Deals aren't made overnight and may never come to fruition. If it's not broke then don't try to fix it. Conduct yourselves the correct way. You should be courteous to City Manager Randall and to your city clerk that work for you. Act professionally. I want to see this town grow.

### Judy Dingman – Editor of the Aurora Advertiser

Asked the question again on what two ladies had called for the meeting to be held on August 18<sup>th</sup>. She stated she had been receiving conflicting information. Councilwoman

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Rentfro stated that she and Chairman Pro Tem Barton had called the meeting because Chairman Pro Tem Barton was leaving the next day and felt things needed to be discussed before her departure. Judy asked Mayor Marks why Councilwoman Rentfro had been so adamant at the last meeting that she had not been one that had requested the meeting. It's very frustrating to try to report when you are constantly getting conflicting information. So you called City Manager Randall and asked for him to have the City Clerk post the meeting? Yes. Even when the sunshine law states that the posting of an agenda should be exclusive of weekends and holidays. That is in conflict with the sunshine law. Even posting the meeting was in conflict. Councilwoman Rentfro stated she felt it was an emergency and could have been posted accordingly with a twenty-four hour notice.

Chairman Pro Tem Barton asked Judy why there had not been a retraction in the paper this week over the paper stating the Mayor was going to exercise his veto power. Judy replied the paper was working on another article for next week.

### *VII. COUNCIL FORUM*

Councilman Ramirez stated he felt he owed the citizens an apology. It's tough to keep your mouth shut when you're being attacked.

He had previously quoted numbers on past city manager salaries and asked for a correction to be made on Regina's Payne's calculations on the pay she had quoted for Dr. David Price. She had stated what we paid Mr. Price was equal to base salary of \$73,000 plus gas, phone. We were told to do the math - well that is what I did. His base salary was only \$8500 for the 3 months. That would amount to \$34,000 for a year for part time. Now if Mr. Price would have been paid full time - double the pay, you still only have a base pay of \$68000 a year. That is what we paid Tony, and I believe that is how we came up with Mr. Prices' pay.

#### Mayor Marks

His veto power was misquoted. He had been lead to believe that he did have that power. He had nothing against the City Manager. He had no issue with his raise if the city could afford it. In the contract there is a provision that if the city employees get a raise he should get that same raise. He did not agree with that provision. He felt that the contract needed to be discussed again and another vote taken.

#### Councilwoman Henderson

We keep talking about lack of funds. As long as there is dissention in the ranks it's hard to get any new business. She called for council to lay down their agendas and to get along and not divide the city.

#### Chairman Pro Tem Barton

We simply have to be united. She had lived in this city for years and had seen a lot of things. She had run for council to give back to the community. If I'm not helping then I will step back. I try to do everything for the betterment of the community. I want the truth. I hate gossip and want the whole story. It's had to make logical decisions when things are done in haste.

#### Shannon Walker

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Shannon clarified that her statement had been for everyone as a whole. Our goals should all be the same. We are not a perfect community however we need to unified.  
Councilman Ramirez

Mike I have nothing against you. I have a problem with your raise. The evaluation I did on you was not to tear you down or belittle you but to give you some areas on which to improve. It would not be fair to you if we did not give you some time for improvement to be made. I never said not to hire you or not to rehire you. I don't feel you need a contract and I think the raise you were voted is too high.

### **VIII. OLD BUSINESS**

### **IX. NEW BUSINESS**

#### *A. Public Hearing – 2014 Tax Levy*

Chairman Pro Tem Barton moved to open the public hearing. Time noted 8:03 p.m. Councilwoman Rentfro seconded the motion. Motion passed by a roll call vote with the following council members voting aye:

AYES: Barton, Henderson, Rentfro, Marks, Ramirez

NAYES: 0

City Manager Randall stated that the levy had been set by the state at the maximum they would allow for when considering the city's assessed valuations. The General Fund levy allowed would be 0.3781 and the Park Fund levy at 0.1471 per \$1,000 assessed valuation.

Councilman Ramirez moved to close the public hearing. Time noted 8:08 p.m. Chairman Pro Tem Barton seconded the motion. Motion passed by a roll call vote with the following council members voting aye:

AYES: Henderson, Marks, Ramirez, Rentfro, Barton

NAYES: 0

#### *B. First Reading of Bill No. 2014-3012*

*An Ordinance of the City of Aurora, Missouri levying taxes on all taxable real property for the fiscal year beginning January 1, 2014 to December 31, 2014*

Councilman Ramirez moved to approve the first reading of Bill No. 2014-3012.

Chairman Pro Tem Barton seconded the motion. Motion passed with the following council members voting aye:

AYES: Henderson, Marks, Ramirez, Rentfro, Barton

NAYES: 0

#### *C. Second and Final Reading of Bill No. 2014-3012 making Ordinance No. 2014-3012*

*An Ordinance of the City of Aurora, Missouri levying taxes on all taxable real property for the fiscal year beginning January 1, 2014 to December 31, 2014*

Chairman Pro Tem Barton moved to approve the second and final reading of Bill No. 2014-3012 which will now be known as Ordinance No. 2014-3012.

Councilman Ramirez seconded the motion. Motion passed with the following council members voting aye:

AYES: Rentfro, Henderson, Barton, Ramirez, Marks

NAYES: 0

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- D. *Discussion/Approval for Bike MS: Ozarks Ride 2014 would like permission to use Baldwin Park as a rest stop on Sunday, September 7, 2014 from 10:00 a.m. to 3:00 p.m.*

Councilman Ramirez moved to approve the request from Layla Harding with Bike MS to use Baldwin Park as a rest stop on September 7<sup>th</sup>. Councilwoman Henderson seconded the motion. All members voted in favor.

- E. *Resolution No. 2014-1356  
A Resolution of the City of Aurora, Missouri awarding the contract for the Interceptor Sewer Improvements*

Motion was made by Councilman Ramirez to approve Resolution No. 2014-1356 awarding the contract for the Interceptor Sewer Line to Rosetta Construction. Chairman Pro Tem Barton seconded the motion. Motion passed with the following council members voting aye:

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

- F. *Resolution No. 2014-1357  
A Resolution of the City of Aurora, Missouri awarding the contract for screening Project Improvements*

Motion was made by Councilman Ramirez to approve Resolution No. 2014-1357 awarding the contract for the Screening Project to Branco Construction. Councilwoman Rentfro seconded the motion. Motion passed with the following council members voting aye:

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

- G. *Resolution No. 2014-1358  
Resolution authorizing the City Manager to execute all documents with the Missouri Department of Natural Resources, State Revolving Fund Program for loans under the Missouri Clean Water Law (Section 644, RSMo)*

The City Manager was chosen as the city representative to sign all documents relating to this grant.

Councilwoman Rentfro moved to approve Resolution No. 2014-1358. Councilman Ramirez seconded the motion. Motion passed with the following council members voting aye:

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

- H. *Resolution No. 2014-1359  
A Resolution of the City of Aurora, Missouri awarding the Contract for the upgrade of the 9-1-1 Call Tasking System, the CAD/MAP Hardware, Software and Maintenance Services*

Chairman Pro Tem Barton moved to approve Resolution No. 2014-1359 awarding the contract to Zetron for a five year lease purchase of \$29,341.36 annually. Councilman Ramirez seconded the motion. Motion passed with the following council members voting aye:

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

### X. **REPORTS**

- A. *Board Liaison Reports*  
**SWMD**

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Several board members had attended the SWMD Conference. Educational training was discussed. A name change is being mandated by the state for a more regional feel.

*B. City Attorney Report*

City Attorney Petrus reported that the city was the high bidder at the County Tax Sale and had purchased the old creamery building for \$10,442.39 of which \$950.00 would be returned to the city for city taxes. The present lien holder will have until Aug. 24<sup>th</sup> 2015 to redeem the property.

*C. City Manager Report*

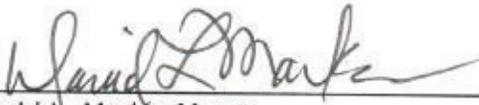
City Manager Randall reported on the following items:

- This past week a lot of discussion had taken place on the City Manager. He had been trying to listen intently. One unique fact is the City Manager cannot vote on anything. He can work hard and make recommendations. He works with staff and lot of other people so for him to take complete recognition for a particular thing sounds hollow. The city has had a lot of city mangers. The one commonality is they all worked for the benefit of the city. They were not infallible. They all made mistakes. He felt the city was at a cross roads. Either the city needed to stay the same or it needed to strive for a better community.
- City Staff met with concert promoter Rob Frank to go over last minute details. The concert will be a huge feather in the cap of the community.
- Public Works Superintendent Steve Woods asked that Bill Buehler of the Special Road District be given a special acknowledgement for the extra work they did on behalf of the city.

***XI. ADJOURNMENT***

Councilwoman Henderson moved to adjourn the meeting at approximately 8:35 p.m. Councilman Ramirez seconded the motion. All members voted in favor.

**APPROVED:**

  
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David L. Marks, Mayor

**ATTEST:**

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