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AURORA CITY COUNCIL MINUTES

Aurora City Hall, Council Chambers

Tuesday, May 12, 2015 at 6:30 p.m.

I. CALL TO ORDER:

Mayor Marks called the meeting to order at 6:30 p.m.

II. PLEDGE AND PRAYER:

Chairman Pro Tem Boyer led the council in prayer and the Pledge of Allegiance.

III. ROLL CALL: Mayor David L. Marks

Chairman Pro Tem Rick Boyer

Councilman Steve Ramirez

Councilwoman Linda Barton

Councilwoman Rosemary Henderson

All council members were noted present.

IV. APPROVAL OF MINUTES

Regular Session held on April 28, 2015 at 6:30 p.m.

Councilwoman Barton moved to approve the minutes from the regular session held on April 28, 2015 at 6:30 p.m. Councilwoman Henderson seconded the motion. Motion passed 5-0 with the following council members voting aye:

AYES: Henderson, Ramirez, Boyer, Marks, Barton

NAYES: 0

V. APPROVAL OF APPROPRIATIONS for April/May

Councilwoman Henderson moved to approve the appropriations for April/May. Councilwoman Barton seconded the motion. Motion passed 5-0 with the following council members voting aye:

AYES: Barton, Marks, Ramirez, Henderson, Boyer

NAYES: 0

VI. PUBLIC COMMENT

None

VII. COUNCIL FORUM

Councilwoman Henderson informed council that Steve Snyder from Images of the Ozarks was in attendance to show the council a short video clip of Mt. Vernon he had done. Steve has been contracted to do the same type video for Aurora to help entice economic development into the area. The video clip when finished can be utilized by anyone that would like a copy. It can also be shared through face book and other social media. Images of the Ozarks will retain the copyright however the city has the right to use it any way they choose.

Councilman Ramirez inquired where we were with hiring the 4 seasonal employees in public works. City Manager Randall stated he thought 1 had already been hired. They were going to stagger hiring them as they are only able to work 120 days according to the Affordable Care Act. Tentatively he thought they were to be hired by June 1.

Chairman Pro Tem Boyer inquired whether there were any leaks in the police fire facility. City Manager Randall responded that the bricks were very porous and they absorbed

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water like a sponge thus creating condensation inside the building. It was clarified that water was actually dripping through the ceiling and buckets were sitting around the facility collecting water.

Councilman Ramirez noted that he had been watching television from the fire department lounge and there was a crack so large in the wall you could actually see outside. He asked if there was any way you could go back on the builder for repairs. Chairman Pro Tem Boyer said he didn't feel there was a problem with the workmanship on the building it was just a settling problem. The foundation problem needs to be addressed. City Manager Randall stated they would get a structural person to look at the problem.

Mayor Marks brought up the Creamery purchase. He stated the city had bought it for \$10,000 and he had voted for it but through many conversations with realtors and individuals he has been told that the asbestos abatement would cost the city well over \$250,000 for removal due to the large amount of asbestos in the building. He wanted to cut the city's losses and walk away from the property.

Councilman Ramirez asked if it had ever been inspected. City Manager Randall replied it had not because the city was not in possession of the property. The city has dealt with asbestos on other demolition projects and he felt if the building was going to be utilized the area in question could be partitioned off to isolate the asbestos. Backing out of the deal doesn't solve the problem stated City Manager Randall. The city purchased the building to gain control of the problem. The owner cannot be found and bricks continue to fall off the building creating a huge liability problem for the city.

Chairman Pro Tem Boyer stated that the city is not under the same scrutiny as a private person to get rid of the asbestos. It is way more cost effective for a private individual to get rid of asbestos than it is for a city. City Manager Randall stated that if entrance could be gained to the building a contractor could do an assessment of the damage and give the city an estimate of the cost for repairs. Councilman Ramirez said bids would probably come in around \$250,000 to \$300,000 for the asbestos removal which was way more than the city could afford. Chairman Pro Tem Boyer said what about the total cost for repair for the entire building? City Manager Randall stated he had been inside the building and the inside was not as bad as the outside.

Council inquired about the time frame for getting ownership of the property. Mayor Marks stated he knew that time was drawing near for having to give notice to the owners that the city was going to take possession. City Attorney Reynolds stated there was a 90 day notification but he thought it could be done any time after the 90 day mark had occurred. He would check into the matter and let council know. Mayor Marks stated he didn't want to get stuck with the building just because we hadn't acted in the appropriate time frame. It just money we don't have to spend.

It was noted that through an auction the property had been acquired from a bank auction by a private individual and several days later that individual got out of the contract for purchase. City Manager Randall stated that was true and he had no idea why that occurred.

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In terms of repair UDAG Funds could be utilized. There is about \$100,000 that could be used to revitalize the property. City Manager Randall stated that in past years these funds had been loaned out for low interest loans for downtown property owners wanting to update their building facades. The money is now being repaid and the program has been discontinued as it was felt the city did not need to be in the banking business.

City Attorney Reynolds will check into the notifications on the property and will get back with council.

VIII. OLD BUSINESS

- A. Second and Final Reading of Bill No. 2015-3029 making Ordinance No. 2015-3029 An Ordinance calling for the election on the question of proposing a one-half cent Storm Water Control and Local Park Sales Tax and eliminate the current collection of park property taxes, designating the time of holding such election, and directing the said notice of said election to be published in form and at such times as provided by the Constitution and the laws of the State of Missouri, and the Ordinance of the City of Aurora, Missouri, and setting forth the form of the ballot to be used said election*

City Manager Randall stated that an amendment to the ordinance had been added to state that stated: "with the passage of the Storm Water Control and Park Sales Tax, it is the intention of the City of Aurora to provide financing for the parks at a minimum level (\$99,000) equal to the actual revenues received by the park levy, railroad/utility tax and surtax in 2014".

Park Board President Theresa Pettit stated she would like to add a provision to the ordinance that either the park board would receive 20% of the revenue from the sales tax or change to provision from \$99,000 to \$100,000. Council went over the entire spread sheet prepared by City Manager Randall evaluating the revenue versus the expense. It was determined that if the board wanted to hire an Activity Director funding could come from this source. In addition council would decide the budgetary split annually as they prepare the annual budget. Some years the park board might receive more money to fund need projects and some year the money could be contributed to storm water problems.

President Pettit inquired with the passage of the tax would the park board become advisory? City Manager Randall replied it would but he saw no reason for the board not to continue on.

Councilman Ramirez moved to table the second reading of Bill No. 2015-3029. Motion died from lack of a second.

Councilwoman Henderson moved to amend the ordinance by changing the amount of \$99,000 in Section 9 to \$100,000. Councilwoman Barton seconded the motion. Motion passed 4-1 with the following council members voting aye:

AYES: Boyer, Barton, Marks, Henderson

NAYES: Ramirez

Councilwoman Barton moved to approve the second and final reading of Bill No. 2015-3029. Chairman Pro Tem Boyer seconded the motion. Motion passed with the following council members voting aye:

AYES: Barton, Henderson, Boyer, Marks

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NAYES: Ramirez

IX. NEW BUSINESS

A. Resolution No. 2015-1406

A Resolution appointing membership to the Aurora Mercy Hospital Board of Trustees (Sadler)

Councilwoman Barton moved to approve Resolution No. 2015-1406 authorizing the appointment of Marcia Sadler to the Aurora Mercy Hospital Board of Trustees for a term expiring on May, 2019. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Henderson, Ramirez, Marks, Boyer, Barton

NAYES: 0

B. Resolution No. 2015-1407

A Resolution appointing membership to the Aurora Mercy Hospital Board of Trustees (Kahre)

Councilman Ramirez moved to approve Resolution No. 2015-1407 authorizing the appointment of Steve Kahre to the Aurora Mercy Hospital Board of Trustees for a term expiring on May, 2019. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Barton, Boyer, Ramirez, Marks, Henderson

NAYES: 0

C. Request from Empire District Electric to change a 175 MV Open Bottom light in Birchwood Trailer Park to a 150W HPS Open Bottom

Councilman Ramirez moved to approve the request from Empire District Electric to change out the street light in Birchwood Trailer Park. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Barton, Henderson, Ramirez, Marks, Boyer

NAYES: 0

D. Discussion/Vote on reinstating a city wide spring and fall cleanup

Discussion was held once again on reinstating a city wide spring and fall cleanup. City Manager Randall stated staff had discussed the matter and there were advantage and disadvantages to the matter. There can be very negative ramifications when citizens anticipate a cleanup. They save up until the cleanup and then they unload. That is the extreme. Also rural area people have been known to bring things in town to get rid of. Things are left that even the trash hauler won't accept.

Options were discussed:

- Charging citizens for pickups
- Having drop off boxes at the Public Works Facility for citizens to drop off their trash for a specified period of time
- Making citizens buy a tag and pay for the removal prior to its collection

Jim Doty, Doty Trash Service was in the audience and he spoke to the last time the city did a collection he provided dumpsters and man power and assisted the public works employees with the collection. He stated that curbside pickup would be cost prohibitive to the city. He felt that setting the dumpsters and making citizens bring it to the city's facility was a much better option. In addition, Jim stated there were many items that the

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landfill will no longer accept. Refrigerators would not be accepted until the Freon had been removed and he had no way to accomplish that. Tires had to be quartered before they would be accepted. Other unacceptable items were car batteries, paint cans, yard waste and hazardous materials.

It was suggested that Mt. Vernon did an annual cleanup and someone should check with them. City Manager Randall will contact City Administrator Max Springer, City of Mt. Vernon to see how they do their cleanup and the costs associated with it. This item will be placed on the agenda once more information has been received.

E. Discussion/Vote on mandatory trash pickup

Jim Doty, Doty Trash Service stated that he had come before city council five times on mandatory trash pickup and he was tired of having to fight for his business. He stated he had not gotten into council's personal businesses and he didn't appreciate them trying to get in the middle of his. A huge investment was put into his rebuilding his office downtown instead of somewhere outside the city limits. He supports all local businesses through his business and would appreciate someone appreciating him locating his business in this town. He stated the city needs to support their businesses. He didn't think the city needed any more negativity by putting a local business owner out of business. If you want a local hauler give me the contract. I will fight for it.

At one time he stated he had 92% of the business in town. Since then there are five haulers in town and the National companies will slit your throat and low ball their bid the first year then raise it until it gets back to the same level as he charges. He stated that the city will always go with the low bidder on a contract however the lowest bid was not always the best bid. He could not afford to be put out of business by another company.

Chairman Pro Tem Boyer felt like the city didn't need to get into the trash business.

Councilwoman Barton moved to not ever discuss the matter again or put it on the agenda for discussion. Councilwoman Henderson seconded the motion. Motion passed 4-1 with the following council members voting aye:

AYES: Marks, Barton, Boyer, Henderson

NAYES: Ramirez

F. Discussion/Vote on reinstating leaf and limb pickups

Council previously voted to eliminate limb collection not leaf pickup. Leaves have been raked to the streets clogging drainage ditches. Limbs are being left at curbside. Council asked are the property owners going to be ticketed. Problems have occurred in the past where property owners have taken advantage of the city picking up limbs by leaving huge piles of limbs from trees that have been cut down when the pickup was only for storm debris.

The general consensus of council was to leave it alone. Chief Witthuhn will give warnings to the violators and will ticket them if they do not respond to the warning.

G. Set date to shoot fireworks for Independence Day

Councilman Ramirez moved to allow fireworks on July 3rd and 4th until midnight and until 10:00 p.m. on Sunday, July 5th. Chairman Pro Tem Boyer seconded the motion. Motion passed 4-1 with the following council members voting aye:

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AYES: Ramirez, Marks, Boyer, Barton

NAYES: Henderson

H. Resolution No. 2015-1408

A Resolution appointing membership to the Aurora Park Board (Thach)

Councilman Ramirez moved to approve Resolution No. 2015-1408 authorizing the appointment of Ramona Thach to the Aurora Park Board for a term to expire on May 31, 2018. Councilwoman Barton seconded the motion. Motion passed with the following council members voting aye:

AYES: Ramirez, Henderson, Barton, Boyer, Marks

NAYES: 0

I. Resolution No. 2015-1409

A Resolution appointing membership to the Aurora Park Board (Forrestor)

Councilman Ramirez moved to approve Resolution No. 2015-1409 authorizing the appointment of Michel Forrestor to the Aurora Park Board for a term to expire on May 31, 2018. Chairman Pro Tem Boyer seconded the motion. Motion passed with the following council members voting aye:

AYES: Barton, Henderson, Boyer, Marks, Ramirez

NAYES: 0

J. Resolution No. 2015-1410

A Resolution appointing membership to the Aurora Park Board (Browning)

Councilman Ramirez moved to approve Resolution No. 2015-1410 authorizing the appointment of Julie Browning to the Aurora Park Board for a term to expire on May 31, 2016. Chairman Pro Tem Boyer seconded the motion. Motion passed with the following council members voting aye:

AYES: Henderson, marks, Ramirez, Boyer, Barton

NAYES: 0

K. Resolution No. 2015-1411

A Resolution appointing membership to the Aurora Park Board (Fleetwood)

Councilman Ramirez moved to approve Resolution No. 2015-1411 authorizing the appointment of Jessica Fleetwood to the Aurora Park Board for a term to expire on May 31, 2018. Councilman Boyer seconded the motion. Motion passed with the following council members voting aye:

AYES: Boyer, Henderson, Barton, Ramirez, Marks

NAYES: 0

City Clerk Needham swore in Jessica Fleetwood and Michel Forrestor.

L. *Approve Grand Opening for White Park Improvements on June 6, 2015*

Councilwoman Barton moved to approve the Grand Opening for White Park Improvements on June 6, 2015. Chairman Pro Tem Boyer seconded the motion. Motion passed with the following council members voting aye:

AYES: Marks, Henderson, Barton, Ramirez, Boyer

NAYES: 0

M. *Discussion/Vote on employee and department head evaluations*

Mayor Marks asked if employee and department head evaluations had been done. City Manager Randall replied that several had been accomplished however his philosophy

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coming into the position was he wanted to wait at least a year before doing an official evaluation to see if department heads had met certain goals and objectives and to get a feel for their supervision styles. The rest of the evaluations will be completed in the near future.

The present evaluation form does not allow for a lot of comment. Alternatives will be evaluated.

N. *Resolution No. 2015-1412*

A Resolution of the City of Aurora, Missouri adopting a Return to Work Program

This policy is being requested by Midwest Public Risk, the city's insurance carrier. They have a Loss Prevention Program that allows a 2% discount on the annual premium if certain requirements are met. The city presently has a safe driving policy in the safety manual. The last requirement will be for the council to watch a Public Official Liability Training Video.

Councilwoman Barton moved to approve Resolution No. 2015-1412 authorizing the Return to Work Program. Councilman Boyer seconded the motion. Motion passed with the amendment to read that employees will be paid their regular rate of pay upon their return from work comp. Motion passed with the following council members voting aye: AYES: Barton, Marks, Ramirez, Henderson, Boyer
NAYES: 0

O. *Resolution No. 2015-1413*

A Resolution of the City of Aurora, Missouri adopting Farmers Market Regulations

City Manager Randall proposed rules and regulations based on state statutes. The proposal starts with a definition of what a Farmers Market is. A Farmers Market vendor is one where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of their household income.

City Code 245.040 (7) stated vendors who sell products to advance a commercial enterprise will not be allowed to do so in City parks.

The exception to this rule is in the definition of Commercial Enterprise which is an individual or organization that has a profit motive. This would include, but it not limited to, individuals or organization involved in selling or trading goods, services or both to consumers with a profit motive. Commercial Enterprise does not include concessions sold in conjunction with recreational activities such as ball games swimming pool and other similar activities. Commercial Enterprise also does not include concessions sold in conjunction with limited duration Special Events approve by the City Manager.

Concessions are food and/or other merchandise sold in conjunction with recreational activities such as ball games, swimming pool and other similar activities. Such concession sales must be approved by the City Manager.

The following rules will apply:

71.630. No incorporated city, town or village in this state shall have power to levy or collect any tax, license or fees from any farmer, or producer or producers, for the sale of produce raised by him, her or them, when sold from his, her or their wagon, cart or

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vehicle, or from any person or persons in the employ of such farmer or producer in any such city, town or village.

144.527. 1. In addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, and section 238.235 all sales of farm products sold at a farmers' market.

A farmer, or producer or producers, who sell produce raised by him, her or them, when sold from his, her or their wagon, cart or vehicle, are required to obtain an Aurora Business license but will not be charged a fee for the license. The business license must prominently be displayed at the location of the business activity.

Farmers Markets will be required to obtain an Aurora Business License but will not be charged a fee for the license. The business license must be prominently displayed at the location of the business activity.

To obtain a business license, a Farmers Market must sign a form approved by the City Manager indicating that its products are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

Vendors who are not Farmers Markets must obtain a business license and pay the listed fee in accordance with the Aurora Municipal Code. Specifically, vendors who do not produce the products they sell must obtain a City of Aurora Business License and pay the associated fee. The business license must be prominently displayed at the location of the business activity.

Chairman Pro Tem Boyer moved to approve the regulations as presented by City Manager Randall. Councilwoman Henderson seconded the motion. Motion passed with the following council members voting aye:

AYES: Ramirez, Boyer, Barton, Marks, Henderson

NAYES: 0

X. *REPORTS*

A. Board Liaison Reports

Park Board

- Made recommendations for board memberships
- Received update on the Seniors workday
- Benches by the tennis courts did not get finished
- Eagle Scout project has been completed
- Angie Exeter will add more to the mural on the wall of the pool
- \$250 grant has been received from USTA for tennis court improvements
- Grand Opening for White Park will be held June 6, 2015
- Awaiting response from a couple of grant applications
- Causemomentum fund raising has ended and they exceeded expectations
- Run for the Park will be held June 27, 2015
- The Dug Out Club will build a press/media box (Grant Baker)
- Rick Jones will supply paint for the ramps at the Skate Park
- A review of all trees will start soon in White Park

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Airport Board

Discussed ALP

SWMD

Crane held their pickup last week. It yielded 4,000 lbs. of waste that did not go to the landfill. EFCO's cleanup yielded 4,748 lbs. and Lockwood yielded 3,700 lbs. of waste that people had to pay a fee to get rid of their waste. New officers were elected for the year.

B. City Attorney Report

City Attorney Reynolds spoke to the Greene County Commissioners about the shared policing between Aurora and Marionville. They are working toward a similar contract for jail sharing. Republic's jail will be utilized.

C. City Manager Report

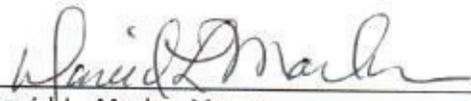
City Manager Randall reported on the following items:

- A request to hold a circus in Baldwin Park had been received.
- Information was distributed on the George Edmonds matter from last council meeting. It was determined that the animal ordinance was not worded correctly and needed revision. City Manager Randall will draft a new ordinance for council consideration.

XI. ADJOURNMENT

Councilwoman Henderson moved to adjourn the meeting at 9:45 p.m. Chairman Pro Tem Boyer seconded the motion. Motion passed with all members voting aye.

APPROVED:



David L. Marks, Mayor

ATTEST:



Kathie Needham, City Clerk, MMC/MPCC