



***City of Pleasant Valley Missouri
Meeting of the Board of Aldermen
June 1, 2015***

Call to Order: A meeting of the Pleasant Valley Board of Aldermen was called to order at City Hall, 6500 Royal, Pleasant Valley, Clay County, Missouri, by Mayor David Slater on Monday, June 1, 2015 at 7:30 p.m. The City Clerk provided copies of ordinances under consideration for the public prior to the meeting.

Roll Call: Present were: Daniel Bohn, John Higgins, Linda Jacoby, Jesse Jordan, Ruth Mesimer, Rick Scarborough and James Smith. Wayne Maroon was not present.

Staff present: Police Chief Mark Dumolt, Police Captain Jared McGinley, Fire Chief Robert Stinson, Public Works Director Chris Cronk, Court Clerk Kathy Bolek, Human Resource Manager Steve Smith, City Attorney Tom Capps, Municipal Judge Michael Svetlic, City Prosecutor Shawn Blair and City Clerk Georgia Fox.

Consent Agenda: Alderwoman Jacoby made a motion to approve the consent agenda. The motion was seconded by Alderman Scarborough. Alderwoman Mesimer requested three typographical error changes to the May 18th minutes. The first and second motion was changed to approve the consent agenda as amended. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

City Attorney, Engineer, Architect, and other professional services: Judge Michael Svetlic gave his State of the Court address to the Board. Judge Svetlic thanked the Board for the opportunity to speak to them on an annual basis to give the State of the Court address. He also thanked the support staff that result in the efficient and professional court administration. He thanked the Chief of Police and police staff for the outstanding job they do in providing security during court sessions. He stated that many divisions in Clay County do not have adequate security for their court sessions but this is not the case for Pleasant Valley.

He spoke about the effort that is made to review and ensure that court fines and costs are not excessively high or low but within the median range.

Despite the increase in violations in the last year, the court has managed the extra work without an increase to staff or dockets or increased time for a defendant to wait for trial.

Judge Svetlic spoke of the future impact of Missouri Senate Bill 5. The bill was passed by the state government as a reaction to events that occurred in Ferguson Missouri. He explained that the federal investigation found that there was an abuse of citizen's rights in Ferguson and other St Louis County courts. However, there were no accusations or findings against our court or any court on the west side of the state. Examples of such abuses were:

- Court would start at 7:00pm in Ferguson. At 7:01pm the doors were locked. Anyone who was outside was given a warrant for their arrest or assigned a failure to appear violation.
- They also kept doors locked until just before court time forcing people to wait outside in bad weather conditions.
- Court staff were rude and not helpful in providing payment and court information. In addition, the information could not be obtained on their website either.

How these matters are handled in Pleasant Valley court:

- Late attendance- Our door is always open until the end of the court session. If someone shows up at the end of the docket they are seen at that time.
- Doors locked prior to court- Our doors are never locked prior to court so that people have a place to wait in comfort when it is too hot or cold outside.
- Court staff and information- Our staff is courteous and goes out of their way to provide information to the public including payment options and other court information.

The Judge summarized by saying that the problems of Ferguson and other courts were not the problems of our court, however, we and others were included in the state's reaction to address these matter. Some of the legislation's requirements are things we already have in place:

- Requirement: Persons who are held in custody should be brought before the court prior to their court date. Response: We already do this by video conferencing in order to dispose of those cases, hold original arraignments and determine if bonds should be set at a lower amount or if a defendant should be released.
- Requirement: Defendants in municipal custody cannot be held for more than 24 hours without a warrant after their arrest. Response: This has never been done in our division nor will it ever be done and we didn't need a law to make sure it wasn't done. (*direct quote*)
- Requirement: Defendants are not detained in order to coerce payments of fines and costs. Response: We never did it and we never will.
- Requirement: A municipal court cannot assess fines and costs above what is legally authorized by Missouri law. Response: We have never assessed fines and costs above what is allowed. Currently there is a state class action suit against some jurisdictions in Jackson County regarding warrant fees which is a tack on fee that is not authorized under state law. We do not assess such fees.
- Requirement: Municipal court must hold proceedings in a court room that is open to the public and large enough to reasonably accommodate the public, parties and attorneys. Response: We've always done that and we didn't need a law to tell us to. (*direct quote*)
- Requirement: The court shall not assess a fine totaling in excess of \$300 except for other than minor traffic offenses. Response: Our court cost and fines never exceed \$300 for minor traffic offenses unless there is an agreement to accept those as a reduced charge for more serious offenses such as driving while suspended, DWI, etc., and only by agreement of all parties do we assess fines in excess of \$300.
- Requirement: The court shall not sentence a person to confinement except the court may sentence a person to confinement for violations involving alcohol, controlled substances or endangering the health or welfare of others. Response: Judge Svetlic stated that he does not confine people without good cause and he never will. He assured the Board that he will never embarrass the City by doing such a thing. He continued by saying he found the actions of the courts who practiced this to be abhorrible. He said he does not hesitate to give jail time to certain cases, such as DWI or driving while revoked, because they not only affect the health and welfare of the residents of Pleasant Valley but also the people outside the City.
- Requirement: No court cost shall be assessed for cases that are dismissed. Response: We don't do that either. (*quote*)

“So you see a lot of these regulations that SB 5 put on us we don't have to change because we conduct ourselves in a manner that I think we can be proud of” said the Judge. “We will continue to have people looking over our shoulder as a result of Ferguson. I encourage city

officials, residents and anyone from the public to attend some of our court sessions. I think you will be impressed with the way we conduct ourselves and the court in an efficient and professional manner and also with the way that justice is administered in this city” said Judge Svetlic. The Judge stated he will fully implement all of the recommendations of SB 5 by the effective date of August 28, 2015. He said they will get a jump on it and be one of the first to say we are in full compliance with the requirements of this bill.

Judge Svetlic went on to say that other provisions of SB 5 are that they have lowered the Mack’s Creek law, regarding the fines to general revenue ratio, from 30% to 20% and in St Louis County down to 12.5%. We are at 18%, and are always under 20%, so he is not worried about us having any trouble staying below the new 20% requirement.

Judge Svetlic thanked the Board again for their time and opened the discussion up to questions. Alderman Higgins told the Judge that he had received very good reports from residents who attended court sessions regarding the Judge’s disposition and kindness shown to defendants. The Judge replied that he appreciated his comments. Alderman Higgins asked if the 20% would drop in future years. The Judge replied that SB 5 did not require a reduction in future years but that future legislation can always change the percentage. Alderman Scarborough also thanked the Judge and commented that he had attended a few court sessions and was always very impressed with the Judge and City Prosecutor’s efficiency and fairness. Alderman Scarborough asked City Prosecutor Shawn Blair how SB 5 affects the prosecution aspect. Prosecutor Blair responded that overall he does not feel it will have a significant impact and discussed a few provisions of the legislation as they pertain to the prosecutions options. Alderman Scarborough asked if there was anything the court needed from the Board of Aldermen. The Prosecutor responded saying they had no city legislative concerns at this time. This concluded the discussion.

Public Comment: No one from the public was present to address the Board.

Mayor’s Communication: Mayor Slater discussed the out of state sales tax changes. Missouri use to collect sales tax if a vehicle was purchased out of state and remit it to the City. Recently the state changed this and the City must have a use tax in order to collect this money. The Mayor suggested this issue be put on the ballot in November. Part of the reason the Mayor brought the issue up is it encourages people to purchase their vehicles in another state. The general consensus of the Board was in favor of putting the issue on the ballot. Alderman Scarborough made a motion to have the City Clerk obtain a sample ordinance from MML. Alderwoman Mesimer seconded the motion. During discussion Alderman Bohn asked that the Board include an exemption for anyone serving in the military. The vote was as follows: Bohn-aye, Higgins- nay, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

The Mayor asked the Board to give some consideration to possible nominees for the MML Civic Leadership Award. The deadline is June 27th. There was no further discussion on this topic.

The Mayor reported that he has received several calls from citizens requesting the Public Work’s Department perform work on their private property. The Public Works Director reported that he received weekly calls regarding this matter as well. The Mayor explained that this would be a violation of the Missouri Constitution, Article 6, Section 23 which states “No county, city or other political corporation or subdivision of the state shall grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this constitution.” City Attorney Tom Capps added that the rule of thumb is if there is a condition

that exists on the City's property that is causing the problem on private property then the City could take action to remedy the condition.

Aldermen Comments: Alderman Smith discussed the responsibility of clearing drainage tubes in the City. After some discussion, the City Clerk said she would provide the Board with the current city code regarding tubes at the next meeting.

Advisory Committees/Department Reports

City Clerk: City Clerk Georgia Fox provided the Board with a new fire station status report. There was no further discussion.

The City Clerk asked Attorney Capps to discuss the proposed adult entertainment business regulations. Attorney Capps reported that he and the City Clerk had been working together on the ordinance and they expect to have something ready for the next regular meeting.

The City Clerk reported that she had spoken to Lagers regarding some questions the Board had at the previous meeting. In regard to doing a cost study, Lagers said that they will separate the information for general, fire and police so the Board could determine what options they wanted and what they did not. Regarding the question if an employee can have Lagers at two different jobs they said they can and that Lagers would treat it as two separate accounts. Alderwoman Mesimer made a motion to approve the cost study at a cost of \$875. Alderman Higgins seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

The City Clerk reported that SEMA had not responded yet regarding attending a public hearing on the Flood Plain Management code changes that they have requested of the City. Once they respond she will set up a public hearing and notify everyone of the date. The state's deadline to pass this legislation is August 3rd.

The subject of occupancy permits was discussed. The consensus of the Board was not to continue to pursue it at this time. The City Clerk stated that the system already in place is that when a report from a tenant is received about a building codes violation, the Building Inspector will investigate and if he finds violations the City will contact the owner with a list of repairs and allow them a predetermined amount of time to make said repairs. The Inspector then does a final inspection to check for compliance. The Clerk said they have had great success with this as all owners have complied in a timely manner.

Public Works: Director Chris Cronk had nothing to report at this time.

Fire Department: Fire Chief Robert Stinson had nothing to report at this time.

Police Department: Police Chief Mark Dumolt announced that Captain McGinley will graduate from the Missouri Police Chief's Charitable Foundation Command College on Friday May 29th. At this time Chief Dumolt presented Captain McGinley with a certificate of recognition.

Municipal Court: Court Clerk Kathy Bolek had nothing to report at this time.

Personnel Chair: Alderman Bohn, Personnel Chair, made a motion to accept the resignation of Christopher Young, Fire Fighter / Paramedic, effective June 1, 2015. Alderwoman Jacoby seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

Finance Chair: Alderman Higgins, Finance Committee Chair, called a Finance Committee meeting on Tuesday June 9th at 6:30pm.

Old Business: No old business was discussed.

New Business: No new business was discussed.

Consideration of Ordinances, Contracts and Resolutions:

Council bill 3170, appointing the Michael J. Svetlic as Municipal Judge and setting salary, was read by title only. Alderwoman Mesimer made a motion to approve the bill and place the bill on second reading. Alderman Scarborough seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

Council bill 3170, appointing the Michael J. Svetlic as Municipal Judge and setting salary, was read by title only. Alderwoman Mesimer made a motion to approve the bill as Ordinance 3169. Alderwoman Jacoby seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

Council bill 3171, appointing the Shawn Blair as City Prosecutor and setting salary, was read by title only. Alderwoman Mesimer made a motion to approve the bill and place the bill on second reading. Alderman Jacoby seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

Council bill 3171, appointing the Shawn Blair as City Prosecutor and setting salary, was read by title only. Alderwoman Mesimer made a motion to approve the bill as Ordinance 3170. Alderman Scarborough seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

Adjournment: There being no further business, Alderman Scarborough made a motion to adjourn. Alderwoman Mesimer seconded the motion. The vote was as follows: Bohn- aye, Higgins- aye, Jacoby- aye, Jordan- aye, Maroon- absent, Mesimer- aye, Scarborough- aye and Smith- aye. Motion passed.

9:30pm adjourned.

Mayor David Slater

ATTEST:

Georgia Fox, City Clerk