



*City of Pleasant Valley Missouri
Meeting of the Board of Aldermen
October 17, 2016*

Call to Order: A regular 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 October 17, 2016 at 7:30 p.m. The City Clerk provided copies of the proposed ordinances prior to the meeting for the public.

Roll Call: Present were: Mayor David Slater, Alderman John Higgins, Alderwoman Linda Jacoby, Alderwoman Mary Langner, Alderman Jim Menaugh, Alderwoman Ruth Mesimer, Alderman Rick Scarborough and Alderman James Smith. There is one position in Ward 3 that is vacant.

Staff present: Police Chief Gordon Abraham, Fire Chief Robert Stinson, Public Works Director Chris Cronk, Court Administrator Kathy Bolek, Court Clerk Sarah Everhart and City Clerk Georgia Fox.

Consent Agenda: Alderwoman Jacoby moved to approve the consent agenda. Alderman Scarborough seconded the motion. After some discussion, Alderwoman Mesimer moved to remove the WSKF accounts payable item in the amount of \$5,040.16 from the consent agenda. Alderman Higgins seconded the motion. City Architect Mark Spurgeon, WSKF Architects, came forward to address the Board and answer questions. Mr. Spurgeon requested the City extend the WSKF contract in order to complete the construction phase services for the new fire station not to exceed \$5,000. The invoice for \$5,040.16 in the consent agenda was for \$1,277.50 for mechanical engineers, included under the existing contract, and \$3,722.50 for construction phase services already provided. Mr. Spurgeon provided a letter, in the Board's packet, asking for an extension of the contract not to exceed \$5,000. The \$5,000 includes the \$3,722.50 just mentioned. Alderwoman Mesimer asked Mr. Spurgeon if Fleshman Construction should be required to pay some of the expense since they were the reason for the delay in the project. Mr. Spurgeon said that WSKF's contract is with the City not with Fleshman so WSKF has no way to hold Fleshman liable. The City Attorney could review the contract between Fleshman Construction and the City to determine if the City could recoup expenses from Fleshman. The vote to amend the consent agenda by removing the WSKF accounts payable item was as follows: Higgins – nay, Jacoby – nay, Langner – nay, Menaugh – nay, Mesimer – nay, Scarborough – nay, Smith – aye, vacant – n/a. Motion failed. The vote was called on the original motion, to approve the consent agenda as presented, and was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – nay, Mesimer – aye, Scarborough – aye, Smith – nay, vacant – n/a. Motion passed.

City Attorney, Engineer, Architect, and other professional services: Mark Spurgeon addressed the Board under "consent agenda".

City Engineer Ron Cowger was also present to make a recommendation for the 2015 Storm Water project bid award. Mr. Cowger's recommendation is to award the contract to Triple C Underground LLC in the amount of \$155,700 plus alternate #1, if required, in the amount of \$6,970. Alderman Higgins moved to approve the recommendation. Alderman Smith seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. Mr. Cowger also requested a force account for the project in the amount of \$15,000. Alderman Higgins moved to approve the expenditure. Alderwoman Mesimer seconded the motion. The vote on the motion was as

follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. Mr. Cowger also requested \$4,000 for testing for the project. Alderman Higgins moved to approve the expenditure. Alderwoman Mesimer seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Alderman Smith moved to take the agenda out of order in order to allow Court Clerk Kathy Bolek to present her information and leave early. Alderman Higgins seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Advisory Committees / Department Reports:

Municipal Court: Court Administrator Kathy presented her monthly reports to the Board. There were no questions.

Mrs. Bolek asked permission to close the court office on Tuesday October 18th from 1pm to 2:30 for a lunch meeting between the clerks, the judge and the prosecutor. Alderwoman Jacoby moved to approve the request. Alderwoman Mesimer seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Mrs. Bolek announced that she would be resigning effective 10/24/16. (*voted on later under "Personnel Committee"*) There was some discussion regarding approval of temporary clerks in case of emergency but no decision was made at this time.

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

Mayor's Comments: Mayor Slater had no comments to make.

Aldermen Comments: There were no aldermen comments.

Advisory Committees / Department Reports, Continued:

City Clerk: City Clerk Georgia Fox provided a letter from One80 Development to the Board. Mrs. Fox reported that she received a call of someone interested in purchasing 8213 Pleasant Valley Road, currently owned by the City. The caller is interested in building a barber shop at this location. Mrs. Fox said she does not believe there is enough room on this parcel to build a commercial building. She also raised concerns with ingress and egress since it would be located so close to the intersection of Pleasant Valley Road and Sobbie Road. After further discussion, Alderman Higgins moved to instruct Director Cronk to measure the lot. If there is enough room, Alderman Higgins would like the City to have an appraisal done. Alderman Smith seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – nay, Menaugh – aye, Mesimer – nay, Scarborough – nay, Smith – aye, vacant – n/a. Motion passed.

Public Works Department: Public Works Director Chris Cronk provided the Board with a quote from Jim's Disposal for the bulky item pickup. Jim's is the only trash company that serves Pleasant Valley that would submit a quote. The quote was for 4 to 5 trucks, \$2,200 to 2,500, total. Alderman Scarborough moved to approve the quote. Alderman Higgins seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. The bulky item cleanup will be scheduled for Saturday November 12th. All items must be out on the curb by 7am.

Alderwoman Langner asked about the status of the house on North Road. Director Cronk responded that he needs to meet with Mayor Slater in order to proceed, based on Ord. No. 3199. The Ordinance appointed the Mayor as Building Commissioner. They plan to meet on the matter sometime in the next week or two.

Fire Department: Fire Chief Robert Stinson presented his monthly report to the Board.

Chief Stinson requested approval of an accounts payable item that was not on the consent agenda. It was an invoice from Heartland Tire in the amount of \$2,588.24 for 6 tires for the pumper (*originally approved as \$15k for all repairs to pumper at 9/6/16 meeting*). Alderwoman Jacoby moved to approve the bill. Alderman Higgins seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Chief Stinson also discussed the Assistance for Fire Fighter’s grant (AFG). After some discussion regarding the grant, Alderwoman Jacoby moved to direct Chief Stinson to submit a grant application for a new fire pumper truck to AFG. Alderman Higgins seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. Chief Stinson reported that the City was awarded an AFG in the past when they had the assistance of a grant writer. He believed \$600 would be enough to cover the expense if we used a grant writer for this application. Alderman Higgins moved to approve \$600 for a grant writer for the 2016 AFG application. Alderwoman Langner seconded the motion. The vote on the motion was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Police Department: Police Chief Gordon Abraham presented his monthly report to the Board.

Chief Abraham discussed the proposed burn ordinance with the Board. This topic will be taken up later in the meeting as well.

Chief Abraham reported that City staff had an ordinance prepared for consideration regarding open burning, on the agenda for later in the meeting. Alderman Higgins asked the Mayor if the matter could be discussed now. The Mayor said yes. Alderman Higgins said when he read this ordinance and took it literally, as would be appropriate with an ordinance; he will not be allowed to continue to burn yard waste such as leaves and limbs in his fire pit. Chief Stinson replied that DNR already has a prohibition on this type of burning in the metropolitan area which includes Pleasant Valley. The only exception is if the jurisdiction has an ordinance to approve certain types of burning. Chief Abraham responded that under the DNR regulations it is currently illegal to do any kind of burning on your property. This ordinance seeks to broaden citizen’s rights to burn by approving recreational and cooking types of burning and sets the parameters for which burning will be allowed. Alderman Higgins expressed concerns about people not being able to clean up their yards. Mayor Slater said that the City has an agreement with Gladstone so residents can take their yard waste to their recycling facility. Alderwoman Langner discussed past experiences with people in her neighborhood burning and complaints related to the thick smoke. Chief Abraham said there seems to be a lot of misperception about what is allowed and what is not in regard to burning. The hope of this ordinance is to clarify it for the public. Alderman Higgins still expressed objections to not allow burning of yard waste. Chief Stinson explained that in the past if the fire department received a complaint about burning DNR’s regulations were followed and the fire department responded by putting the fire out. The problem now is there are habitual offenders so, instead of taking the complaint to DNR to enforce their regulations, which include very steep fines; we are trying to take care of it with local law enforcement. Chief Stinson asked Alderman Higgins how he thought it should read, to allow what he wanted, but still keep the community safe. Alderman Higgins said he would like for it to be clearer, to distinguish the difference between someone burning leaves or wood in their fire pit with a spark arrestor and someone

burning it in a large bonfire or barrel. Alderman Scarborough asked Alderman Higgins if he was concerned about the size of the fire pit, the size of the wood, or the amount of wood. Alderman Higgins said he would like it to include yard waste in pits 3' by 2' but not larger. Chief Stinson replied that the ordinance states that as it is now written. Discussion of definitions and the ordinance continued with many board members commenting. Chief Stinson said leaves are one of the most dangerous materials to burn so he has concerns about allowing it. Alderman Smith said he uses a stand that has a mesh cage to put over his pit (spark arrestor) to burn yard waste. Chief Stinson said that would be allowed under this ordinance. Discussion continued but an agreement of all was not reached. Mayor Slater said we will vote on this ordinance later in the meeting and if it does not pass in its current form, it can be amended and brought back another time. Chief Abraham added that he had received two complaints on open burning just today and that it is getting to be the time of year that they receive quite a few complaints.

Chief Abraham reported to the Board that the total cost of replacing the police car #701, including equipment would exceed \$40,000 (not including insurance proceeds) approved at the last meeting. Total cost would be \$41,177.23. Alderwoman Mesimer moved to approve the replacement of the vehicle not to exceed \$42,000. Alderman Smith seconded the motion. The vote was as follows: Higgins – nay, Jacoby – nay, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – nay, vacant – n/a. Motion passed.

Personnel Committee: Alderwoman Jacoby, Personnel Chair, moved to accept the resignation of Kathy Bolek, Court Administrator, effective 10/24/16. Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – absent, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Alderwoman Jacoby moved to accept the resignation of Ed McIntire, Volunteer Police Officer, effective 10/1/16. Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – absent, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Alderwoman Jacoby moved to approve the annual rate adjustment for Laura Gunter, Fire Fighter / Medic, to step 5, \$14.07 per hour, effective 9/25/16. Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – absent, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Finance Committee: Alderman Higgins, Finance Chairman, noted the city's sales tax revenue was over the annual budget estimate so far this year.

Old Business: No old business was discussed.

New Business: No new business was discussed.

Consideration of Ordinances, Contracts and Resolutions:

Council Bill 3233, “An Ordinance to regulate outdoor burning within the City of Pleasant Valley, Missouri; to provide for the enforcement thereof, and matters related thereto by adopting Title II, Chapter 210, Section 210.1105”, was read by title only by the City Clerk. Alderwoman Jacoby moved to approve the bill and place it on second reading. Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – nay, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Council Bill 3233, “An Ordinance to regulate outdoor burning within the City of Pleasant Valley, Missouri; to provide for the enforcement thereof, and matters related thereto by adopting Title II, Chapter 210, Section 210.1105”, was read by title only by the City Clerk. Alderwoman Jacoby moved to approve the bill as Ordinance 3232. Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – nay, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough –

aye, Smith – nay, vacant – n/a. Motion passed. Alderman Higgins said “For the record, I would like to apologize to the residents of Pleasant Valley for this Board’s decision to regulate their lives with every fine tooth and comb to the point that we are not even allowed to burn leaves in a virtually controlled environment”. Mayor Slater thanked the City staff for their work on the ordinance and said he understood why this ordinance was necessary.

Council Bill 3237, “An Ordinance approving an agreement between the City of Pleasant Valley, Missouri, and Triple C Underground LLC, for services relating to the 2015 Storm Water Project”, was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the bill and place it on second reading. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Council Bill 3237, “An Ordinance approving an agreement between the City of Pleasant Valley, Missouri, and Triple C Underground LLC, for services relating to the 2015 Storm Water Project”, was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the bill as Ordinance 3236. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Council Bill 3238, “An Ordinance ratifying an intergovernmental agreement between the MARC Solid Waste Management District and the City of Pleasant Valley, Missouri”, was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the bill and place it on second reading. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Council Bill 3238, “An Ordinance ratifying an intergovernmental agreement between the MARC Solid Waste Management District and the City of Pleasant Valley, Missouri”, was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the bill as Ordinance 3237. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Closed Session: Alderwoman Jacoby moved to enter into closed session, authorized by 610.021, subsections 1 (legal), 3 (personnel) and 12 (contracts), RSMo.;

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

Alderwoman Mesimer seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. 9:35pm.

During closed session, a personnel matter was discussed in addition to legal matters. (*Please refer to the attached document for a personnel issue vote held in closed session which became public information after 72 hours.*)

Also during closed session, it was necessary for the Board to vote to extend the meeting. Alderwoman Mesimer moved to extend the meeting until 10:45pm. Alderman Higgins seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

No other votes were taken, nor motions made, during closed session.

Return to open session: Alderwoman Mesimer moved to return to open session. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. 10:40pm

Alderwoman Jacoby moved to appoint Sarah Everhart as Interim Court Administrator at step 3, \$16.44 per hour, effective 10/24/16. Alderman Higgins seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed.

Adjournment: There being no further business, Alderwoman Mesimer moved to adjourn. Alderwoman Jacoby seconded the motion. The vote was as follows: Higgins – aye, Jacoby – aye, Langner – aye, Menaugh – aye, Mesimer – aye, Scarborough – aye, Smith – aye, vacant – n/a. Motion passed. 10:45pm.

Mayor David Slater

ATTEST:

Georgia Fox, City Clerk