



City of Pleasant Valley Missouri
Meeting of the Board of Aldermen
June 1, 2020

Call to Order: A regular session 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, 2020 at 7:30 p.m. The City Clerk provided copies of the proposed ordinances and resolutions under consideration, for public examination, prior to the meeting.

Roll Call: Present were: Mayor David Slater, Alderman Anthony Crawford, Alderwoman Linda Jacoby, Alderman Loren Jones, Alderwoman Mary Langner, Alderwoman Ruth Mesimer and Alderman Rick Scarborough.

Absent was: Alderwoman Robin Martin and Alderman James Smith.

Others Present:

Staff present: Police Chief Gordon Abraham, Public Works Director Chris Cronk, City Clerk Georgia Fox and Assistant Fire Chiefs Michelle Shearer.

Public present: Tom Moss and Mike Smith.

Consent Agenda: Alderwoman Jacoby moved to approve the consent agenda. Alderman Jones seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

City Attorney and other Professional Service Providers: City Attorney Jerry Brant and Special Counsel Joe Lauber were both present at the meeting to meet with the Board in closed session.

Mayor Slater asked for a motion to take the agenda out of order so that Mike Smith could discuss his issue with the City Attorney before the closed session. Alderman Scarborough moved to take the agenda out of order. Alderwoman Jacoby seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Mr. Smith has several complaints regarding the properties along the north side of Kaill Road, Pleasant Valley Estates 2nd Plat. He has alleged that the greenspace is not mowed regularly by his neighbors, that the privacy fence encroaches on the 15 foot greenspace area, that accessory buildings in the backyards violate the restrictions and that RV's and other vehicles are parked in the backyards, too (*on concrete driveways*). Mr. Smith said he would like to know why the City will not enforce the covenants and restrictions set out in Ordinance 952, passed in 1979. The ordinance accepted the subdivision into the City. Section 3 of the ordinance requires the developer, Pleasant Valley Development Company, to place deed restrictions on the development and record said restrictions with the county. The developer did as the ordinance instructed. Part of the requirement in the ordinance was that the developer leave a 15 foot green space between the lots and the north side of the street. This land is not public land. It is private land. City Attorney Jerry Brant explained that the ordinance accepted the plat. It did not make the restrictions a city ordinance. Covenants and restrictions are a civil matter. The restrictions filed with the county did name the City, in addition to the homeowners, as a party that can enforce the restrictions. Mr. Brant said he has never seen this before, usually only property owners have enforcement power. However, for the City to enforce said restrictions, they would have to file a civil suit in Clay County. Again, it is not like enforcing an ordinance where the City could issue a citation requiring someone to come to municipal court. Mr. Brant is not certain the City would prevail in such a suit because it is unclear that the City has the authority to do so despite being named in the restrictions filed. Mr. Brant added that the City does not have a duty to enforce the private restrictions. In addition, Mr. Brant cited state statute 516.095 which puts a two year statute of limitations on covenants restricting the use of land. The two year period begins when the building or



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visible improvement that is in violation of the covenant is completed. Regarding the mowing of the greenspace, it is private property however the City could cite property owners for nuisance if it is not maintained. Regarding the restrictions, Mr. Smith has a right to enforce the restrictions, and can claim damages, if he chose to do so, assuming the statute of limitations period has not expired.

Alderwoman Jacoby moved to enter into closed session authorized by:

610.021, subsection 1, legal actions and privileged communications with City Attorney

610.021, subsection 11, specifications for competitive bidding

610.021, subsection 12, negotiated contracts prior to execution of contract

of the Missouri State Statutes. Alderman Crawford seconded the motion. The vote was as follows:

Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye,

Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent. 7:50pm

During closed session, no votes were taken nor motions made.

Alderwoman Jacoby moved to return to open session. Alderman Crawford seconded the motion.

The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent. 8:46pm

Both attorneys were excused.

Public Comments: Mike Smith, 8603 Kaill Road. *See City Attorney Section.*

Mayor's Comments: Mayor Slater provided the Board with a draft of a letter to Governor Mike Parson regarding changes to the CID and TDD Acts. The letter asks that the Governor veto HB 1854. Alderwoman Mesimer moved to approve sending the letter. Alderwoman Langner seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

The Mayor said that due to the upcoming election tomorrow, he would like to table the matter of appointments to the TIF and Planning and Zoning Commissions until the next meeting. There were no objections.

Aldermen Comments: Alderman Mesimer provided the Board with a copy of the recommendation from the Planning and Zoning Commission, dated 10/24/2019, regarding street light improvements. She made a motion to adopt the recommendation and move forward with the addition of lights as set out in the recommendation. The addition of 20 street lights was included in this year's budget. There was no second.

Alderwoman Mesimer expressed concerns with people keeping dumpsters/roll-offs on their property for long periods of time. There is no ordinance that limits the time period they can be kept. She moved to draft an ordinance to address the issue. There was no second.

Alderwoman Langner reported that since Clay County Health Center has moved to Phase 2, Step 2, of the reopening, the City Parks are now open, including the shelters and playgrounds.

Advisory Committees / Department Reports:

City Clerk: City Clerk Georgia Fox provided the Board with an Administration Report.

Public Works Department: Director Chris Cronk provided the Board with a copy of the 2019 Storm Water Improvements advertisement for bids. The deadline to return bids is July 9th at 9:30am. The bids will be reviewed and tentatively the contract will be awarded on July 20th.



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Fire Department: Assistant Chief Michelle Shearer informed the Board that Pleasant Valley Manor has reported a positive Covid-19 case. Clay County Health Center will be there tomorrow to test all employees and staff.

Police Department: Chief Gordon Abraham asked for approval of the Board to hire a service to mow a private property in town. Said property has had numerous nuisance violations and appearing in court on the violations does not seem to deter the owner. He continues to neglect mowing regularly. Several neighbors have complained to the police department. Alderwoman Jacoby moved to approve mowing the property and seeking reimbursement for the expense through a tax lien. Alderman Jones seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent. Chief Abraham will obtain bids from 3 companies before proceeding.

Chief Abraham also gave the Board an update on how reopening the court was going.

Personnel Committee: Alderwoman Jacoby, Personnel Chair, moved to accept the resignation of Karen Barens, Reserve Communications Officer, effective 6/1/2020. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Alderwoman Jacoby moved to accept the resignation of Nathan Overman, Fire Fighter / EMT, effective 5/22/2020. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Alderwoman Jacoby moved to approve the annual rate adjustment for Heather Harvey, Communications Officer, to step 7, \$17.94 per hour, effective 6/28/2020. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Alderwoman Jacoby moved to approve the annual rate adjustment for David Wickerham, Reserve Communications Officer, to step 10, \$14.35 per hour, effective 7/12/2020. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Alderwoman Jacoby moved to approve the annual rate adjustment for David Schnieder, Reserve Master Officer/Detective, to step 6, \$20.29 per hour, effective 6/14/2020. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Finance Committee: Alderman Anthony Crawford, Finance Chair, presented a recommendation to the Board regarding the CARES Act funds the City received from Clay County. He also encouraged the Board to vote in favor of the ordinance on the agenda which would change the City's financial year.

Old Business: No old business was discussed.

New Business: No new business was discussed.



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Consideration of Ordinances and Resolutions:

Council Bill 3377, “An Ordinance changing the fiscal year for the City of Pleasant Valley, Missouri” was read by title only by the City Clerk. Alderman Jones moved to approve the council bill and place it on second reading. Alderman Crawford seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Council Bill 3377, “An Ordinance changing the fiscal year for the City of Pleasant Valley, Missouri”, was read by title only by the City Clerk. Alderman Scarborough moved to approve the council bill as **Ordinance 3376**. Alderwoman Mesimer seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Council Bill 3375, “An Ordinance readopting ordinance No. 3299, establishing a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials in the City of Pleasant Valley, Missouri” was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the council bill and place it on second reading. Alderman Crawford seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Council Bill 3375, “An Ordinance readopting ordinance No. 3299, establishing a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials in the City of Pleasant Valley, Missouri”, was read by title only by the City Clerk. Alderwoman Mesimer moved to approve the council bill as **Ordinance 3374**. Alderman Crawford seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent.

Adjournment: There being no further business, Alderman Scarborough moved to adjourn. Alderwoman Jacoby seconded the motion. The vote was as follows: Crawford – aye, Jacoby – aye, Jones – aye, Langner – aye, Martin – absent, Mesimer – aye, Scarborough – aye, Smith – absent. Motion passed 6 ayes, 0 nays, 2 absent. Meeting adjourned 9:24pm.

Mayor David Slater

ATTEST: _____
Georgia Fox, City Clerk