

Date:09-Feb-1999

COUNCIL MINUTES

REGULAR MEETING

FEBRUARY 9, 1999

The Park Hills City Council met in regular session Tuesday, February 9, 1999, at the Park Hills Council Chambers. Mayor Martin opened the meeting at 7:00 p.m. and the invocation was given by Councilwoman House. Roll call was as follows: Present; Councilmen McFarland, Naucke, Hays and Simmons, Councilwomen House, Easter and Dickerson and Mayor Martin. Councilman Clark was absent.

MINUTES

A motion was made by Councilwoman Easter and seconded by Councilman Naucke to approve the minutes of the meeting held January 12, 1999. Roll call vote was as follows: Ayes; Councilmen Simmons, Hays, Naucke and McFarland and Councilwomen Dickerson, Easter and House. Nays; None. Motion carried.

PUBLIC HEARINGS

A Request from Bob and Shirley Vineyard for the approval of the Preliminary Plat of Vineyard Estates, Phase Two

Community Development Director, Dale Thomure, presented exhibits and answered questions concerning the Vineyard Plat. Dan O'Brien, owner of land adjacent to the property, addressed the council about his concerns. He wondered what would happen to their property if a subdivision was built on the Vineyard property.

A Request from Heartland Bank for the consideration of an application for a Special Use Permit for the purposes of constructing a secondary point of ingress or egress to the property located at the intersection of Science and West Main Streets.

A representative from Heartland Bank, Mr. Terri Sollenbarger, presented the council with a drawing of the proposed bank and the proposed secondary point of ingress or egress. Councilwoman House expressed a concern about the traffic going west on Main Street. She said that people would try to turn into the bank coming up Main Street and it would cause a traffic problem to the people trying to either proceed up Main Street or turn onto Science Street. She suggested a curb be built to stop people from making a left turn into the bank property.

After the presentations and public comment on the above mentioned subjects a ***motion*** was made by Councilman McFarland, seconded by Councilman Naucke to approve the Preliminary Plat on the Vineyard property. Roll call vote was as follows: Ayes; Councilmen Simmons, Hays, Naucke and McFarland and Councilwomen Dickerson, Easter and House. Nays; None. Motion carried.

A ***motion*** was then made by Councilman Naucke to approve the request from Heartland Bank.

Councilman McFarland seconded the motion and roll call vote was as follows: Ayes; Councilwomen Dickerson, Easter and House and Councilmen McFarland, Naucke, Hays and Simmons. Nays; None. Motion carried.

VISITORS AND DELEGATIONS

Cheryl Weiss addressed the council as a representative of some of the citizens of Ward I. She said they were concerned about Planning and Zoning Case #99002 (a Mobile Home Park in their area). She said the residents would be attending the upcoming Planning and Zoning meeting to present a letter opposing the Mobile Home Park and asked the council for their support on this issue.

Rhonda Barnett of the Festus Harley Owners Group presented the City of Park Hills with a Certificate of Appreciation for their assistance in the Blessing of the Bikes and the use of Columbia Park on April 19, 1998. She said she also appreciated the cooperation she had received from Park Director, Dennis Politte. She had a request for use of the park again on April 25 of this year for another bike rally. A motion as made by Councilman Naucke and seconded by Councilwoman Easter to approve the request. Motion carried on roll call vote as follows: Ayes; Councilwomen House, Easter and Dickerson and Councilmen Hays, Naucke, McFarland and Simmons. Nays; None.

Connie Kopp spoke to the council concerning the proposed construction of the connecting road between Municipal Drive and High Street. She said that the road would take her parents' home (Mr. and Mrs. Osborne - 301 High Street) where they had lived for forty-one years and they were elderly and ill and it would kill them. She addressed Mr. McClary and told him if anything happened to her parents she would hold him personally responsible.

OLD BUSINESS

Consideration of Bill #248 - An ordinance amending the zoning district map of the City of Park Hills (Fincher--Short Street)

Mr. Thomure explained to the council that this bill had been presented to them at an earlier meeting and had been tabled. He said there had also been a public hearing on the issue. Two people asked to address the council and were granted permission.

Bill Canada, adjacent property owner, told the council that he was concerned about what would be built if the property was rezoned C-1. Mr. Fincher explained to the council that the intent was to build multi-family housing. He said the first thing would be to tear down some of the old existing houses and then as the money was available, they would start building the housing units.

Mike Barton asked to address the council. He told them his concern was the safety of his children due to added traffic if the housing units were to be built. He also added that he felt that his property value would go down considerably and it would be difficult to sell his home at a future date. It was suggested that the Finchers might build a privacy fence around the property and Mr. Barton felt that it might help his situation.

After a lengthy discussion, Mayor Martin asked for a motion from the floor but received none. He then tabled Bill #248 and #249 (both dealing with the property in question).

Bill #257 -An ordinance annexing adjacent property for the Park Place Office Park

Bill #257 - An ordinance annexing adjacent property for the Park Place Office Park was duly read by Mayor Martin. A motion was made by Councilman Simmons to approve the bill as read. The motion was seconded by Councilwoman House and roll call vote was as follows: Ayes; Councilmen McFarland, Naucke, Hays and Simmons and Councilwomen House, Easter and Dickerson. Nays; None. Motion carried.

Bill #256 - An ordinance directing the Mayor and City Clerk to execute an agreement establishing a deferred compensation plan with the ICMA Retirement Corporation

Bill #256 - An ordinance directing the Mayor and City Clerk to execute an agreement establishing a deferred compensation plan with the ICMA Retirement (Robb McClary) was read two times by Mayor Martin. Councilman Hays made a motion to approve the bill as read. The motion was seconded by Councilwoman House and carried on roll call vote as follows: Ayes; Councilwomen Dickerson, Easter and House and Councilmen Simmons, Hays, Naucke and McFarland. Nays; None.

***Councilman McFarland asked the Mayor if Bills #248 and 249 could be reconsidered at this time because it was the second time they had been presented to the council.**

The Mayor read Bill #248 two times and asked for a motion to approve. A *motion* was made by Councilman Hays, seconded by Councilman Naucke **to approve Bill #248 as read**. Roll call vote was as follows: Ayes; Councilmen Naucke and Hays and Councilwomen Dickerson and House. Nays; Councilmen Simmons and McFarland and Councilwoman Easter. **Motion failed.**

The mayor then read Bill #249 two times and asked for a motion to approve. A *motion* was made by Councilwoman Easter, seconded by Councilwoman House **to approve the bill as read. Motion carried unanimously** on roll call vote as follows: Ayes; Councilmen McFarland, Naucke, Hays and Simmons and Councilwomen House, Easter and Dickerson. Nays; None.

NEW BUSINESS

Bill #260 - An ordinance proclaiming a general election to be held on April 6, 1999.

Bill #260 - An ordinance proclaiming a general election to be held on April 6, 1999, was duly read by Mayor Martin. A motion was made by Councilwoman House, seconded by Councilman Naucke to approve the bill as read. Roll call vote was as follows: Ayes; Councilmen Simmons, Hays, Naucke and McFarland and Councilwomen Dickerson, Easter and House. Nays; None. Motion carried.

Bill #261 - An ordinance amending Section 700.140 regarding policy for water main extensions.

Bill #261 - An ordinance amending Section 700.140 regarding policy for water main extensions was read by Mayor Martin two times. Councilwoman House made a motion to approve the bill as read. The motion was seconded by Councilman Naucke and carried on roll call vote as follows: Ayes; Councilwomen Easter, Dickerson and House and Councilmen McFarland, Naucke, Hays and Simmons. Nays; None.

Bill #262 - An ordinance authorizing the Mayor and City Clerk to execute a development contract with James and Pamela Edwards for the installation of water and sewer lines within the Edwards Acres Subdivision

Bill #262 - An ordinance authorizing the Mayor and City Clerk to execute a development contract with James and Pamela Edwards was duly read. A motion was made by Councilman Naucke to approve the bill as read. Councilwoman Dickerson made a second to the motion and roll call vote was as follows: Ayes; Councilmen

McFarland, Naucke, Hays and Simmons and Councilwomen House, Easter and Dickerson. Nays; None. Motion carried.

Consideration for proposal for 15 minutes parking on Miller Drive

City Administrator, Robb McClary, explained that Charter Communications was concerned about traffic problems caused by customers who were parking on Coffman Street. They had asked if there could be a limited parking space available on Miller Drive at the side of the building. He told the council that there was no sidewalk at this location but a six-foot wide area exists between the curb and Charter's building which could be filled to street grade and a sidewalk constructed with an approximate cost of \$1,200.00. A motion was made by Councilman Hays and seconded by Councilwoman Easter to allow the 15 minute parking and construct the sidewalk on Miller Drive. Roll call vote was as follows: Ayes; Councilmen Simmons, Hays, Naucke and McFarland and Councilwomen Dickerson, Easter and House. Nays; None. Motion carried.

Consideration of Bill #258 - An ordinance establishing restricted parking on Miller Drive.

Bill # 258 - An ordinance establishing restricted parking on Miller Drive was duly read by Mayor Martin. A motion was made by Councilman Naucke, seconded by Councilwoman House to approve the bill as read. Motion carried on roll call vote as follows: Ayes; Councilmen Simmons, Naucke, McFarland and Hays and Councilwomen Easter, Dickerson and House. Nays; None.

Consideration of Bill #259 - An ordinance authorizing and directing the Mayor and City Clerk to execute a Road Relinquishment agreement with the Missouri Highway and Transportation Commission for Flat River Drive.

Bill #259 - An ordinance authorizing and directing the Mayor and City Clerk to execute a Road Relinquishment agreement with the Missouri Highway and Transportation Commission was read two times by Mayor Martin. Councilman Naucke made a motion to approve the bill as read. The motion was seconded by Councilwoman House and roll call vote was as follows: Ayes; Councilmen McFarland, Naucke, Hays and Simmons and Councilwomen Easter, Dickerson and House. Nays; None. Motion carried.

Consideration of Bill #263 - An ordinance amending Chapter 120 of the Code of the City of Park Hills by the removal and amendment of various sections of the personnel manual.

Mayor Martin duly read Bill #263- An ordinance amending Chapter 120 of the City Code. After considerable discussion, Councilman Naucke made a motion to table the bill and send it to the Personnel Committee for review. The motion was seconded by Councilwoman Easter and roll call vote was as follows: Ayes; Councilwomen Dickerson, House and Easter and Councilmen McFarland, Naucke, Hays and Simmons. Nays; None. Motion carried unanimously.

Consideration of a resolution establishing an excessive force policy.

City Attorney, Bill Bertram, distributed a revised resolution saying that he had spoken with Ms. Hemenway at CDBG and she had approved the content for grant purposes. Mayor Martin read the resolution and a motion was made by Councilwoman Easter to approve the resolution as read. The motion was seconded by Councilwoman House and roll call vote was as follows: Ayes; Councilmen Naucke, Simmons, Hays and McFarland and Councilwomen Dickerson, Easter and House. Nays; None. Motion carried.

Consideration of bids for uniforms to be worn by public works, parks and utility workers.

Mr. McClary asked Dennis Politte to present the bids for the uniform service. Mr. Politte said he had received three bids and although the one from Tipton looked like the lowest, there were some hidden costs to consider such as the oversize charge and environmental charge. He recommended the Aramark Company saying that it would be the most economical with all things considered. A motion was made by Councilman Naucke, seconded by Councilwoman Easter to approve the bid from the Aramark Company. Roll call vote was as follows; Ayes; Councilwomen Dickerson, Easter and House and Councilmen McFarland, Naucke, Hays and Simmons. Nays; None. Motion carried.

APPROPRIATIONS ORDINANCE

An Ordinance approving disbursements made by the city treasurer for the month of January, 1999, in the amount of **\$494,146.12** was duly read by Mayor Martin and presented to the council for approval. A motion was made by Councilwoman Dickerson, seconded by Councilwoman House to approve the ordinance as read. Roll call vote was as follows: Ayes; Councilmen McFarland, Hays and Simmons and Councilwomen Easter, Dickerson and House. Nays; Councilman Naucke. Motion carried.

CITY ADMINISTRATOR'S REPORT

A. Request from Midwest Street Rodders for use of Columbia Park on June 27, 1999. Mr. McClary told the council that he had checked with Park Director, Dennis Politte, and the park was free that day if they wanted to grant approval of the request. A **motion** was made by Councilman Hays **to approve the request**. The motion was seconded by Councilman Naucke and roll call vote was as follows: Ayes; Councilmen McFarland, Naucke, Hays and Simmons and Councilwomen Dickerson, Easter and House. Nays; None. **Motion carried.**

B. McClary explained that the Park Hills MCB had now collected enough money to start construction on the Twin Oaks Amphitheater in Columbia Park and asked the council to give them permission to build. A **motion** was made by Councilman Simmons, seconded by Councilwoman Easter **to allow MCB to start construction**. The **motion carried unanimously** on roll call vote as follows: Ayes; Councilwomen House, Dickerson and Easter and Councilmen Simmons, Hays, Naucke and McFarland. Nays; None.

C. City Council candidate Seminar. Mr. McClary asked permission to conduct a city council candidate seminar for all candidates of the upcoming election. He explained that he had conducted seminars in other cities and they had been a huge success. Councilman Simmons made a **motion to approve** the seminar. Councilwoman Easter made a second to the motion and the roll call vote was as follows: Ayes; Councilmen Hays, Naucke, Simmons and McFarland and Councilwomen Easter, Dickerson and House. Nays; None. **Motion carried.**

McClary told the council that he had one more item of business that came in after the agenda was completed. He had a request from the Park Hills Chamber to use Columbia Park again this year for their Spring Fling. The Chamber didn't have a date as of yet, but he wanted to know if the council would approve the request and allow Mr. Politte to schedule with them. Councilwoman Easter made a *motion***, seconded by Councilman Simmons to ***approve the request from the Chamber. Motion carried*** as follows: Ayes; Councilmen Naucke, Hays, Simmons and McFarland and Councilwomen Dickerson, House and Easter. Nays; None.

D. **Discussion relating to the sale of concessions at the Sports Complex.** McClary told the council that the Park Hills MCB had run the concession stand at the sports complex for the last few years and had done a tremendous job, but they had recently sent out a survey and there weren't enough members willing to work this year. They felt they had to give up managing the concession stand. McClary recommended that the city publicly bid the operation of the facility and asked the council's permission to do so. Councilman Simmons made a ***motion***, seconded by Councilman Hays to allow Mr. McClary to ***publicly bid the operation. Motion carried unanimously*** on roll call vote as follows: Ayes; Councilwomen Easter, Dickerson and House and Councilmen Hays, Naucke, Simmons and McFarland. Nays; None.

E. **Discussion of proposal from the Park Hills Family Fourth Fest Committee.** Mr. McClary asked Dennis Politte, Chairman of the Fourth Fest Committee, to explain the request to the council. Mr. Politte told the council that the members of committee who had met last month had unanimously agreed that it would be a better idea to go ahead and have the fireworks on the Fourth of July, but have a festival in October in conjunction with the Central Homecoming Celebration. Several council members said they didn't want to see the city give up on the Fourth Fest yet and Councilman Naucke suggested that the decision on the matter be ***tabled*** until the next regular meeting.

F. **Vineyard Development Agreement.** McClary explained the proposed cost estimates for water and sewer and asked the council if they wanted him to enter into negotiations with the Vineyards to develop an agreement similar to that of Mr. Edwards. Councilman Naucke said he would like to see ***Mr. McClary enter into negotiations, but he would like for the Mayor to be present also during those meetings.*** Councilman McFarland said he would put that in the form of a ***motion***. That motion was seconded by Councilman Simmons and ***carried*** on roll call vote as follows: Ayes; Councilmen Naucke, Hays, Simmons and McFarland and Councilwomen Easter, Dickerson and House. Nays; None.

Mr. McClary said he would also like to respond to Mrs. Kopp's comments concerning the connecting road between Municipal Drive and High Street. He said that he did take her concerns very seriously and he is sympathetic, but although there were other alternative proposed last year, they were "cost-prohibitive" and would not have resolved the problems of safety nor traffic flow. He explained that he had not responded to Mrs. Kopp during the meeting because he felt she was very upset and nothing he could have said would have changed how she felt.

MAYOR'S DISCUSSION

Mayor Martin said he would like to point out another fact concerning the connecting road. He said that even if the highway department had chosen to replace the existing bridge with a wider one, the house in question would still have been taken.

Martin also read a resolution supporting Proposition A. He asked the council to pass the resolution and endorse the proposition. He explained that a fifty cent per month charge would be added to each cell phone bill, but that it would allow the users a direct line to 9-1-1. Councilman Simmons made a ***motion to accept the resolution as read and endorse Proposition A.*** The motion was seconded by Councilwoman Dickerson and roll call vote was as follows: Ayes; Councilmen Naucke, Hays, and Simmons and Councilwomen Dickerson, Easter and House. Nays; Councilman McFarland. ***Motion carried.***

COUNCIL DISCUSSION

Councilman McFarland asked if it would be possible to schedule a Personnel Committee Meeting for Thursday, February 18th at 5:00p.m. and asked the city clerk to send out an agenda to that affect.

Councilman Naucke asked the mayor to appoint an ordinance committee. He said he felt there were several ordinances that needed to be amended. Naucke asked that an ordinance establishing that committee be brought before the council at the next regular meeting.

Councilman Simmons asked if the city was Y2K prepared.

Councilwoman Dickerson told Mr. McClary that she felt he had handled Mrs. Kopp's remarks in a very professional manner.

Councilman Hays said he was very pleased because he felt that progress was finally being made again and he wanted the council to establish a direction they wished to go and goals that wanted to meet so they could give them to Robb. McClary also suggested that sometimes it was a good idea to have an outside corporation come in and do a strategic plan.

Hays also asked the council if they agreed with him that it would be a good idea to do away with the metal detectors. A ***motion*** was made by Councilman Hays, seconded by Councilman McFarland to ***stop the use of the metal detectors at future council meetings***. Roll call vote was as follows: Ayes; Councilmen Simmons, Hays, Naucke and McFarland and Councilwomen Easter, Dickerson and House. Nays; None. ***Motion carried.***

ADJOURNMENT

A motion was made by Councilwoman Easter, seconded by Councilwoman Dickerson to adjourn the regular session and reconvene in executive session to discuss litigation as authorized by Section 610.021 (1) RSMo., real estate as authorized by Section 610.021 (2) RSMo. and personnel as authorized by Section 610.021 (3) RSMo. Roll call vote was as follows: Ayes; Councilmen McFarland, Naucke, Hays and Simmons and Councilwomen House, Easter and Dickerson. Nays; None. Motion carried and the meeting adjourned at 10:05 p.m.