

Date:13-Jun-2000

**MINUTES**  
**PARK HILLS CITY COUNCIL**  
**REGULAR SESSION**

**JUNE 13, 2000**

The Park Hills City Council met in regular session on Tuesday, June 13, 2000, in the Park Hills Council Chambers. Mayor Pro-tem McFarland called the meeting to order at 7:15 p.m. and the invocation was given by City Administrator Robb McClary. Roll Call was as follows: Present; Councilman Holloway, Councilman Kelly, Councilwoman House, Councilman Kennedy, Councilman McFarland and Councilman Naucke. Absent; Councilwoman Dickerson, Councilman Glore and Mayor Clark.

**PUBLIC HEARINGS AND ACTION THEREON**

**A Request from Darrell and Edlene Thomas for annexation**

Community Development Coordinator Thomure referred to a map in the packets that indicated where the Thomas property was located adjacent to Olive Road and recommended that the request be approved. Thomure reminded the council that they passed a resolution on May 9 setting this public hearing and that he had received no written objections, therefore, the area will be annexed by ordinance at the July 11 meeting. Mayor Pro-tem McFarland asked for any public comment. No action was required.

**A Request from Jerry Reeves for a Special Use Permit**

Thomure explained that Mr. Reeves had property under contract for deed located at 217 Reuter and was requesting a special use permit to build self-storage buildings. Referring to the maps included in the packet he explained the lot (58'x 248') is zoned C-1 and, therefore, requires a special use permit. Mr. Reeves appeared before the Planning & Zoning Commission on May 11, 2000, and the Commission recommended approval by the City Council as indicated in the minutes enclosed in the packet. Mr. Reeves will also need to request a variance from the Board of Adjustment (if approved by City Council) because the lot is too narrow to meet set back requirements. He stated that Mr. Reeves was present and could answer any questions. Mr. Reeves introduced himself and answered some general questions about the location and about previously approved building in that same area. Councilman Kennedy went on record as being opposed due to the fact that this area already has several similar storage units and felt it would not be an improvement to that residential neighborhood. Councilman Naucke made a motion to approve the request for a special use permit to be issued to Jerry Reeves to construct self-storage units at 217 Reuter Street, pending variance approval by the Board of Adjustment. The motion was seconded by Councilman Holloway and passed with a vote of 4 in favor and 2 opposed, Councilman Kennedy and Councilman McFarland cast the opposing votes.

***\*Councilman Glore entered the meeting at 7:30 p.m.***

**A Request from East Missouri Action Agency for a Special Use Permit**

Thomure presented to the council a request from East Missouri Action Agency for a special use permit to use property located at 117 Industrial Drive for a public service facility. He further explained that EMAA presently resides in three different locations throughout the city and found it desirable to consolidate all departments into one location. EMAA Representative Bill Bunch had appeared before the Planning & Zoning Commission on May 11, 2000. The Commission reviewed the requirements for a public service facility use in a M-3 Zone and found that the request could be allowed according to section 400.130(B) of the City Code provided that a special use permit is granted. The Commission recommended approval by the City Council. Mr. Bunch was present and addressed the council stating that bids for a new facility came in too high and forced them to consider an existing building. This particular building, previously occupied by Protech Valves, would be a vast improvement in parking, office facilities, handicap accessibility, consolidation and expansion. Councilman Kelly voiced concern that the industrial park should be housing manufacturers and businesses instead of office facilities and wanted

to see prospects pursued more aggressively, addressing his concern to City Administrator McClary. After some general discussion, Councilman Naucke made a motion to approve the special use permit as requested by EMAA. The motion was seconded by Councilwoman House and passed with a vote of 6 to 1, Councilman Kelly casting the opposing vote.

### **A Request from Gerald Parker for a re-subdivision and consideration of Bill #336**

Thomure presented the request from Gerald Parker who had appeared before the Planning & Zoning commission on May 11, 2000, to request a review of a plat for a minor re-subdivision of land located within the Benoist Plat generally described as 702 & 704 Griffith Street. The property currently accommodated the Grace Covenant Church and parsonage. This request would split the parsonage from the church and allow them to sell it to the current occupant relieving the church of the obligation to support a full time reverend. The Commission found that the request met all requirements and recommended approval by the City Council. After Bill #336--an ordinance approving and accepting the plat of Grace Covenant Subdivision was read two times by City Administrator McClary, Councilwoman House made a motion to approve the bill as read. Councilman Glore seconded the motion and it passed unanimously upon roll call vote.

### **VISITORS AND DELEGATIONS**

Gary Callahan, President of the Mineral Area Soccer League, addressed the council with concerns about the soccer fields on Haney Street. Recently a street was removed to widen the fields and the soccer league paid to have dirt hauled in, however, it hasn't been fixed properly. He claims there is at least a six inch difference in the surfaces and grass needs planted. He also claims to have been promised by Assistant Administrator Lucas to have crews working on the problem within days, but it has been 5 weeks. He says he has asked permission for the soccer league to build restrooms and concession facilities on the property, but claims the City has put him off, and has forgotten about his requests. He claims that the soccer league has invested around \$10,000 in the soccer field area and that they have financial means to build or help build the concession and restroom facilities if the City would grant him permission. Mr. Callahan stated that soccer is a popular and thriving sport in this area and he has been able to make as much as \$4,000 during a Saturday & Sunday weekend tournament. He stated another disagreement with Assistant Administrator Lucas was that Lucas indicated it was City policy that soccer could not begin on Sundays before noon. Callahan claims most cities have Sunday soccer beginning early and he has an opportunity organize a large tourney with out of town teams on two different dates, however, they would need to play on Sunday mornings. Councilwoman House asked how many Sunday mornings would be affected and was told only two. Councilman Kennedy asked if the City is compensated in any way by the soccer league with league fees, concession percentages, field rent, etc. Callahan said the soccer league has put in a lot of money to improve the area and that they are a not for profit organization who uses all their money to purchase new equipment for the upcoming year. Callahan asked if the soccer league could take on the responsibility of maintaining the fields after playing season such as re-seeding, fertilizing, and aerating. City Administrator McClary suggested that Callahan put into writing what the soccer league is willing to do, both financially and on a volunteer/labor basis and turn it in for review. McClary also indicated that the City has an ongoing interest in any improvements made there, whether we operate it or not, the City is the property owner and, therefore, carries the liability that goes with being a property owner and reminded Callahan that because that property is flood buy-out property, construction there is governed by the state regulations on land use for buy-out property. Callahan stated that the soccer league does carry liability insurance on each player and McClary stated that the city should be named on the policy. Parks & Recreation Director Dennis Politte was present and also responded to the council stating that Callahan's claim of the uneven playing field is valid and should be addressed. He stated that Mr. Callahan's requests had come during his department's busiest time and he was unable to respond as quickly as he'd hoped. Mayor Pro-tem McFarland assured Callahan that the City will work with the soccer league and McClary reminded them that the Parks Board will be anxious to assist in this matter also. McClary asked that the soccer league work on communication and scheduling and to submit in writing their intentions and requests to make it very clear for all parties involved.

### **A Request from visitor Delores Parsons**

Ms. Delores Parsons, a resident of 701 Dix Street, addressed the council by stating her name asking them to address a water problem with a drainage ditch that is deteriorating in front of her home. The ditch was built many years ago with rocks which were now loose and crumbling causing the dirt to wash whenever it rains. Ms. Parson requested that it be repaired with concrete or railroad ties and added that she had lived at this address

for 50 plus years and had never asked for anything before. McClary asked Mayor Pro-Tem McFarland for the opportunity to personally assess the situation and promised Ms. Parson he would be out the next day, adding

that the City has an obligation to maintain drainage structures when and if it has the means. Ms. Parsons thanked the Council for their consideration.

## **PRESENTATIONS**

### **FY 1999 Audit Report**

Dan Blanchfield of Boyer & Associates accounting firm gave a very favorable audit report for the City of the fiscal year ending September 31, 1999. After explaining some basic principles of what and how they report the financial aspects of the City, he briefly took the Council members through a summary of the report. He highlighted certain points in revenue such as the 9% increase in sales tax collected and 9% increase in franchise and utility tax compared to prior year. Court fines also had a major increase of 50% over the prior period. Stresses on the general fund should be alleviated due to a revised budget for 2000. He finished by saying it's the best report the City has had in several years. No action was necessary.

## **APPROVAL OF MINUTES**

Councilman Naucke made a motion to approve the minutes of the May 9, 2000 and the May 22, 2000 meetings as presented. Councilwoman House seconded the motion and motion passed unanimously on roll call vote.

## **APPROPRIATIONS ORDINANCE**

After City Administrator McClary twice read an ordinance approving disbursements made by the City Treasurer for the month of May, 2000, Councilman Naucke made a motion to approve the ordinance as read. Councilwoman House seconded the motion. Councilman Kelly asked about disbursement check #17708 for \$1446.16 to K & K Supplies & Rental. McClary explained that this was a cutting drum for a case loader rented and used to cut or plane asphalt and it was used to cut some curbing and pavement out for the East Main Street project. Motion passed unanimously on roll call vote.

## **NEW BUSINESS**

### **Consideration of Bill #335--an ordinance authorizing a contract for title examination services with American Heritage Company, Inc.**

Thomure again addressed the council reminding them of the Housing Site Re-Use Program previously discussed in prior meetings and that after staff reviewed proposals from two local companies, are asking the City Council to contract with American Heritage Abstract Company.

The Company would do all title research to find proper owners of the properties chosen for this project in accordance with CDBG regulations. Motion was made by Councilman Kelly to approve Bill #335--an ordinance authorizing the Mayor to execute a contract for title examination services on behalf of the City. Motion was seconded by Councilman Holloway and passed unanimously on roll call vote.

### **Consideration of Bill #331--an ordinance creating a new Section 220.180 pertaining to cutting of weeds, grass and brush**

Thomure reminded the Council that this ordinance was presented at the last meeting but needed a few revisions before it could be considered. City Attorney Pultz redrafted and brought it in line with the current statutes and simplified somewhat. After Pultz explained the changes, McClary read Bill #331 two times. Councilman Kennedy made a motion to approve Bill #331--an ordinance providing for the cutting of weeds, grass and brush. Motion was seconded by Councilman Holloway and passed unanimously on roll call vote.

### **Re-vote Bill #335**

At this point, City Administrator McClary pointed out that he had failed to properly read Bill #335 and asked Mayor Pro-tem to request a reading. After Bill #335 was read twice by McClary, Councilman Naucke made a motion to approve Bill #335 as read. Motion was seconded by Councilwoman House and passed unanimously on roll call vote.

### **Consideration of Bill #337 -- an ordinance authorizing the mayor to execute an agreement between the City and Union Pacific Railroad**

McClary requested that Bill #337 be deferred to next month's meeting giving the City Attorney time to contact UPRR about some of the provisions of the contract for which he has questions. Mayor Pro-tem tabled the matter until the July 11, 2000 regular meeting.

### **CITY ADMINISTRATOR'S REPORT**

**Parks & Rec. Department:** McClary asked Parks & Recreation Director Dennis Politte to report on the Summer Concert Series at the Twin Oaks Amphitheatre in Columbia Park. Politte reported that the first concert had taken place on May 5, Bob Kubin Brass, was well attended with some good feed back. Politte feels he has been able to capture bands that represent many different kinds of music in order to appeal to all audiences. The rest of the schedule is as follows: June 24 - (a trio of gospel groups) The Berry Brothers, The Durbins, and Final Authority, July 22 - (country) Canyon, August 11- (rock & roll) Beaver Brothers, September 16 - (alternative / top 40) Cheese. He also noted that the swimming pool will be open during the evening concerts (except September 16). Politte thanked the entire Council for allowing him to implement the Summer Concert Series.

**Fireworks:** Mayor Pro-tem McFarland asked Politte about the fireworks display planned for this year. Politte assured the Council that the fireworks show will be about the same number of shells as in past years, but thanks to some training and information, his crew is confident the show will move faster and be a more efficient and enjoyable show set for Tuesday evening, July 4 at the Sports Complex at approximately 9:00 p.m.

**Interchange report:** McClary stated his next item pertained to Highways O and 67 interchange. He had attended a meeting on May 5 with many other officials and all were given an update by Engineer Scott Meyer of MODOT. Given that there were problems with all alternatives, MODOT is seeking feedback from key stakeholders. After using maps to indicate each project alternative, McClary recommended the City Council make three points in the following priority ranking, (1) to support the "split-diamond", if it could be funded, (2) to support the "scoot-off ramp", if design modifications could be made to gain acceptance of U.S. DOT, and (3) to support the "horseshoe" if adequate access is designed to create a frontage road from Highway O connecting with Jennings Road (or a new road). Councilman Naucke made a motion to have the City send a letter to MODOT as per McClary's recommendations. Motion was seconded by Councilman Glore and passed unanimously on roll call vote.

**Desloge Sewer Committee:** McClary brought the Council's attention to a letter that was received from Desloge City Administrator asking that regular meetings be held of the sewer advisory board. This committee was set up in 1979 as part of the original bilateral agreement and McClary feels the City is not obligated to organize nor set up this type of meeting, any more than the City of Desloge is and, therefore, recommended no action be taken. He is unaware of any concerns of anyone about the capabilities of a plant that is running at 40% capacity and feels is it premature to appoint anyone to represent the City of Park Hills on this committee at this time.

**Closed session request:** McClary asked the Council to consider closed session to discuss other litigation and a personnel matter.

### **CITY ATTORNEY'S REPORT**

Mr. Pultz had nothing to report.

## MAYOR'S DISCUSSION

Mayor Pro-tem McFarland had nothing to report.

## COUNCIL DISCUSSION

**Councilman Glore** asked if the drainage problem at 401 St. Joe Drive had been addressed. McClary said he felt the City was not obligated to fix any problem there, as it was his opinion that the property owner had constructed his building too close to a natural drainage area and further feels that since the city does not have an easement through that area, it is the property owner's dilemma. Councilman Glore asked McClary to check the alley dedication on 4th Street to see if there was an easement that may possibly extend to this drainage area. McClary agreed to check it and report to Councilman Glore before the July regular meeting about his findings. McClary did mention to Councilman Glore that installation of the blinking signals at St. Joe Drive and 7th Street had began in Ward 1.

**Councilman Kelly** stated that he had been asked by residents in the Tyler Street area if signs for school crossing and posted speed limit signs could be installed. He also noted that weeds need to be cut on City property along Highway 8 at Tyler Street.

He questioned whether or not the City planned to center-stripe the bridge as previously discussed. McClary responded stating he felt it would pose a larger problem by forcing traffic too close to the utility pole, but promised to further investigate the situation.

Kelly strongly stated his opinion about the need for pursuit of prospects for the industrial park. Although EMAA met specifications for location in the industrial park, he felt it should house industry and manufacturing businesses rather than office buildings and asked why this was not more heavily pursued. McClary assured him that economic development is actively pursuing prospects and that the mine tailings seemed to be a detriment to most prospects. Kelly suggested the City purchase the lots from the Chamber of Commerce and literally "give" them to interested prospects, if it meant they would locate in the industrial park.

**Councilman Holloway** had nothing to report.

**Councilman McFarland** had a complaint about people parking in front of a fire hydrant located near the high school on Rebel Drive and felt it was not visible because it was not painted. The cross walks for the high school need repainted, as well as repositioned due to new construction, the cross walk is now in the middle of the block rather than at the intersection.

He had a request from a resident to "fix the streets in the Esther area", however the resident did not state which particular streets he or she was referring to.

McFarland mentioned in closing that he was excited for EMAA to be consolidating and moving into the industrial park and wished them well.

**Councilman Kennedy** had nothing to report.

**Councilman Naucke** had nothing to report.

**Councilwoman House** had nothing to report.

## ADJOURNMENT

Councilwoman House made a motion to adjourn to executive session to discuss matters pursuant to litigation as authorized by Section 610.021(1)RSMo and personnel as authorized by Section 601.021(3)RSMo. Motion was seconded by Councilman Glore and passed unanimously on roll call vote. Motion carried and meeting adjourned at 9:15 p.m.

**RECONVENING OF REGULAR SESSION/ADJOURNMENT**

The regular session reconvened at 10:15 p.m. There being no further business to discuss, a motion was made by Councilman Naucke and seconded by Councilman Holloway to adjourn. Motion passed unanimously on roll call vote and meeting adjourned at 10:20 p.m.