

Date:12-Oct-2004

MINUTES
PARK HILLS CITY COUNCIL
REGULAR MEETING
OCTOBER 12, 2004

The Park Hills City Council met in regular session Tuesday, October 12, 2004, at the Depot Conference Room. Mayor Clark called the meeting to order at 6:00 p.m. and roll call was as follows: Council Members Dickerson, Kelly, Barnett, Glore, Cunningham and Reed and Mayor Clark were present. Council Members Holloway and Gray were absent.

Adjournment

A motion was made by Councilman Cunningham and seconded by Councilman Glore to adjourn regular session and reconvene in executive session to discuss matters related to 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 as authorized by Section 610.021 (1) RSMo., leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor as authorized by Section 610.021 (2) RSMo., and hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as authorized by Section 610.021 (3) RSMo. *The motion carried* with Council Members Barnett, Cunningham, Dickerson, Glore, Kelly and Reed all in favor. No one was opposed and the meeting adjourned at 6:02 p.m..

Reconvening

The council adjourned executive session and reconvened in regular session at the Park Hills Council Chambers. Mayor Clark opened the meeting at 7:10 p.m. and the invocation was given by Councilman Cunningham. Council Members Barnett, Cunningham, Dickerson, Glore, Kelly and Reed and Mayor Clark were present on roll call. Council Members Holloway and Gray were absent.

Public Hearings and Action Thereon

A. A public hearing concerning the proposed annexation of property into the City of Park Hills as requested by John and Terisa Allen.

Mayor Clark opened the public hearing concerning the proposed annexation of property into the City of Park Hills as requested by John and Terisa Allen. No one spoke concerning the annexation and Mayor Clark closed the hearing.

No action to be taken at this time. An ordinance annexing the property will be presented at the regular council meeting in November.

B. A public hearing concerning the proposed annexation of property into the City of Park Hills as requested by Christian Life Ministries.

Mayor Clark opened the public hearing concerning the proposed annexation of property into the City of Park Hills as requested by Christian Life Ministries. No one spoke concerning the annexation and the hearing was closed.

No action to be taken at this time. An ordinance annexing the property will be presented at the regular council meeting in November.

C. Case #2004-014: A public hearing concerning a request to vacate a portion of a public alleyway located in Block 4 of the Town of Taylortown Subdivision as submitted by the Park Hills Freewill Baptist Church.

Mayor Clark opened the public hearing concerning a request to vacate a portion of a public alleyway located in Block 4 of the Town of Taylortown Subdivision as submitted by the Park Hills Freewill Baptist Church. No one spoke concerning the annexation and the hearing was closed.

Bill #602 - An ordinance vacating a portion of a public alley (First Freewill Baptist Church)

Bill #602 was read two times by title. A motion was made by Councilwoman Dickerson and seconded by Councilman Cunningham to approve the bill as read. *The motion carried* with Council Members Barnett, Reed, Kelly, Glore, Dickerson, and Cunningham all in favor. No one was opposed.

D. Case #2004-016: A public hearing concerning a request to re-subdivide lot 11 of Vineyard Estates - Plat 2, as submitted by Ken and Teri Douglas.

Mayor Clark opened the public hearing concerning a request to re-subdivide Lot 11 of Vineyard Estates - Plat 2, as submitted by Ken and Teri Douglas. No one addressed the council concerning the request and Mayor Clark declared the hearing closed.

Bill #603 - An ordinance approving the final plat of "Vineyard Estates - Plat 3"

Mayor Clark read Bill #603 two times by title. Councilwoman Dickerson made a motion, seconded by Councilman Barnett, to approve the bill as presented. *The motion carried* with Council Members Reed, Kelly, Glore, Dickerson, Cunningham and Barnett all in favor. No one was opposed.

E. Case #2004-015: A public hearing concerning the request for a Special Use Permit to allow for the construction of a 150 foot tall telecommunications tower and equipment shelter in a C-1 zone located on property at 629 Taylor Avenue, as submitted by Cingular Wireless.

Dale Thomure told the council that the request had been considered by the Planning and Zoning Commission and the recommendation from the Commission was to deny the request based on findings of potential negative impact upon the adjacent neighborhood. He explained that the representatives from Cingular Wireless were in the audience and wished to make a presentation.

John King, an attorney representing Cingular Wireless and Mark and Lisa Boyer, told the council that Cingular had a lease from Mr. Boyer to construct a 150 foot mono-pole and a 160 square foot equipment building at 629 Taylor. He said that Cingular had first planned to construct a lattice tower, but after meeting with the Planning and Zoning Commission they had decided to construct the mono-pole instead. They also planned to provide a cyclone fence around the pole and the equipment building. He explained that when Cingular received several complaints about dropped calls in the area, they sent an RF Engineer to find an appropriate location to construct the mono-pole which would best serve the largest area of customers. Sarah Perry, RF Engineer for Cingular, distributed maps of the coverage in the Park Hills area that showed the deficiencies. She explained that the location at 629 Taylor would give the best added service.

Steve Casada, a member of the Board of Trustees of the First Freewill Baptist Church, explained that there was a concern among the church members that the tower would interfere with their sound system. He was assured that it would not.

Mr. Sam Burgan, owner of 625 and 627 Taylor Ave., said he had discussed the issue with several realtors he had called at random and all of them told him they believed the tower would impact the value of his properties in a negative way.

Council consideration of Special Use Permit.

After some discussion, a motion was made by Councilman Kelly and seconded by Councilman Cunningham to table the consideration of the Special Use Permit for the Cingular Tower until the next regular council meeting November 9. *The motion carried with all in favor.*

Visitors and Delegations - William and Joan Metcalf/requesting assistance from the Police Department for a problem in their area.

Joan Metcalf addressed the council about a marijuana problem in her neighborhood. She said she would like to see the Police in her area more often, and asked the Council to help her. Mr. Kennedy said he had spoken with Chief Holloway and asked him to do just that and Mrs. Metcalf agreed that in the last week the police had been in her neighborhood more than usual.

Minutes of previous meeting(s) -September 14, 21, 28, 2004

A motion was made by Councilman Kelly and seconded by Councilwoman Dickerson to approve the minutes of the meetings held September 14, 21, and 28, 2004. *The motion carried* with the following roll call vote: Ayes; Council Members Glore, Dickerson, Cunningham, Barnett, Kelly and Reed. Nays; None.

UNFINISHED BUSINESS

A. Bill #604 - An ordinance authorizing the Mayor and City Clerk to execute a letter of engagement for auditing services

City Administrator, John Kennedy, presented the council with the two proposals received for auditing services for FY 2003-2004. Councilman Reed made a motion, seconded by Councilman Barnett, to award the auditing contract to Boyer and Associates, PC. *The motion carried* with Council Members Kelly, Glore, Dickerson, Reed, Cunningham and Barnett all in favor. No one was opposed.

Mayor Clark read Bill #604 two times by title. A motion was made by Councilman Kelly, seconded by Councilwoman Dickerson, to approve the bill as read. *The motion carried* with Council Members Reed, Kelly, Glore, Dickerson, Cunningham and Barnett all in favor. No one cast an opposing vote.

B. Bill #601 - An Ordinance annexing certain adjacent territory into the City of Park

Hills (Johnson Realty Development, L.L.C.)

Bill #601 was duly read. Councilwoman Dickerson made a motion to approve the bill as presented. *The motion* was seconded by Councilman Glore and *carried* on roll call vote as follows: Ayes; Council Members Cunningham, Glore, Reed, Kelly, Dickerson and Barnett. Nays; None.

NEW BUSINESS

o Lease-purchase Financing Agreement

Norman Lucas told the council that staff had sent out a Request for Proposals for lease-purchase financing to the major local financial institutions. Four institutions sent proposals in response and the tabulation was included in the packet. Of the four, New Era Bank appeared most competitive with a rate of 3.95% for the five-year financing. A motion was made by Councilman Cunningham and seconded by Councilman Glore to select New Era Bank to finance an amount not to exceed \$325,000 for five years or less for the purchase of a Street Department backhoe and a diesel pumper for the Fire Department. *The motion carried* with Council Members Barnett, Cunningham, Dickerson, Glore, Kelly and Reed all voting in favor. No one was opposed.

B. Public Safety Committee Recommendations - Fire Truck

City Administrator John Kennedy told the council that the minutes of the Public Safety Committee along with information on prices of fire department diesel pumpers had been given to them for consideration. He asked Committee Chairman Tom Reed to tell the council what the recommendation was from the Fire Chief and the Public Safety Committee. Reed told them that Fire Chief Robert McFarland recommended the Pierce for several

reason including arrangements for service after the sale and the shortest lead-time for delivery. A motion was made by Councilman Kelly and seconded by Councilwoman Dickerson to accept the recommendation of the Public Safety Committee and purchase the Pierce at the cost of \$241,500. Council Members Barnett, Cunningham, Dickerson, Kelly, Glore and Reed all voted in favor. No one was opposed and *the motion carried*.

John Kennedy spoke to the council about the financing options for the truck. He explained that McFarland had estimated a maximum of \$37,000 for hoses, nozzles and other apparatus needed for the new pumper. He gave the council three options for payment. After some discussion, Councilman Kelly thought that Option 2 would be best, but wanted to amend it by financing \$210,000 instead of \$204,000 with a payment of \$47,105 annually. A motion was made by Councilwoman Dickerson and seconded by Councilman Reed to accept Option #2 as amended. *The motion carried* with Council Members Reed, Kelly, Glore, Dickerson, Cunningham and Barnett all voting in favor. No one cast an opposing vote.

o **Accept bid and approve purchase of security equipment for Utility Department**

Kennedy explained that the Park Hills Police Department had applied for and received a Homeland Security Grant for Utility Department security equipment. Competitive bids were solicited from local vendors and three were received. The low bid was submitted by Roberts Alarm Systems in the amount of \$41,110. Councilman Glore made a motion, seconded by Councilwoman Dickerson, to accept the bid from Roberts Alarm in the amount of \$41,110 and allow the purchase of the equipment. *The motion carried* with the following roll call vote: Council Members Barnett, Cunningham, Kelly, Reed, Glore and Dickerson all cast votes in favor. No one was opposed.

D. Resolution #35 - Open Meetings and Records

Kennedy asked the council to table and postpone the resolution. He explained that it was based on a sample resolution from the Missouri Municipal League, and it was determined by our city attorney that the resolution didn't really address everything needed in the open meetings regulations. Councilwoman Dickerson made a motion, seconded by Councilman Cunningham, to table consideration of Resolution #35 until a later date. The motion carried unanimously on voice vote.

City Administrator's Report

Kennedy reported that the Seventh Street Bridge project was underway and things were moving along quite well. He also said that the specs were completed on the sports complex concession stand and advertisement will go out on October 20th with bids due back on November 3rd. He also distributed a schedule for the Park Hills TIF #3 and explained that SEMO Regional Planning was working with the city on the project. He told the council that he and Norm Lucas would be attending the County IDA meeting and asked if anyone had any needs or desires they wanted them to discuss there. He announced that the city had received notice to proceed on the water and sewer relocation at the Fairgrounds.

Mayor's Discussion

The Mayor had nothing to discuss.

City Attorney's Report

Mr. Pultz had nothing to report in regular session.

Council Discussion

Councilman Barnett said he had received some complaints about people speeding on A Street and asked about an abandoned vehicle on the Tropical Snow parking lot.

Councilwoman Dickerson reported that people were still not obeying the one-way designation on West Elvins Blvd. She said they were leaving the elementary school parking lot and turning left onto the street.

Councilman Cunningham asked if both sides of Morice Street near the Elvins Auction could be marked for parallel parking.

Adjournment

A motion was made by Councilman Cunningham and seconded by Councilwoman Dickerson to adjourn. ***The motion carried with all in favor and the meeting adjourned at 9:00 p.m.***