

Date:11-Sep-2012

MINUTES
PARK HILLS CITY COUNCIL
REGULAR SESSION
SEPTEMBER 11, 2012

The Park Hills City Council met in regular session Tuesday, September 11, 2012, at the Park Hills Council Chambers. Mayor Easter called the meeting to order at 7:00 p.m. Instead of the invocation, Mayor Easter asked everyone to rise and join in a moment of silence in memory of the victims of 9/11 and their families. The Pledge of Allegiance was said by all and roll call was as follows: Council Members Cruse, Dickerson, House, Kelly, Politte, and Reed and Mayor Easter were present. Councilman Cunningham was absent. Also present were City Administrator John Kennedy, Director of Community Development/Assistant Administrator Matt Whitwell, City Attorney Ed Pultz and City Clerk Carla Johnson.

PUBLIC HEARINGS AND ACTION THEREON

Public Hearing concerning the request to rezone 38 McMullin Street from R-3 to C-1

Mayor Easter opened the public hearing concerning the request to rezone 38 McMullin Street from R-3 to C-1. Matt Whitwell explained that the property owner has requested a rezoning from an R-3, General Residential Zoning District to a C-1, General Commercial Zoning District for the property located at 38 McMullin Street. On August 2nd the Planning and Zoning Commission recommended the City Council approve the rezoning request. The City Council set a Public Hearing for September 11 to allow interested parties an opportunity to voice their concerns or approval for this request. This property has previously operated as a non-conforming use. The property does abut another C-1 zoned property. No one spoke concerning the issue and Mayor Easter declared the public hearing closed.

Bill #1020 – An Ordinance Amending the Zoning District Map of the City of Park Hills

Bill #1020, an ordinance amending the zoning district map of the City of Park Hills, was read two times by title. A motion was made by Councilwoman House and seconded by Councilwoman Dickerson to approve the bill as read. Roll call vote was as follows: Ayes; Council Members Cruse, Dickerson, House, Kelly, Politte and Reed. Nays; None. ***The motion carried with all in favor.***

Visitors and Delegations

Chad Busenbark – Easement

Mr. Busenbark asked the City Council to consider allowing him to build a 50 by 100 concrete slab behind his business at 151 Busenbark Drive. Part of the slab would be on a city right-of-way and staff's concern is that there are utilities in that tract of land. The Council agreed that staff should locate any utilities in the area and have City Attorney Ed Pultz work on a contract that Mr. Busenbark could enter into with the City to lease that tract of city-owned property. Busenbark would be liable for any damages done to his slab or product that is on that tract in case of a utility problem. ***No official action was taken on the matter.***

Minutes of previous meeting(s) – August 14, 21, and 28, 2012

A motion was made by Councilwoman House and seconded by Councilwoman Dickerson to approve the minutes of the meetings held August 14, August 21 and August 28, 2012. ***The motion carried unanimously on voice vote.***

City Administrator's Report

Commerce Street Bridge

- The ribbon cutting went off as planned on August 29th
- The bridge opened to traffic immediately following the ceremony
- The Street Department is working with the County Road and Bridge crew to stripe the centerline and edges of pavement

Haney Park Remediation

- The Doe Run Company has reached Juniper Street on the east side of old Haney Street and are at Mahogany Street on the west side
- The rock base for the walking trail is being placed as the project moves to the north
- If they complete the area south of Juniper Street before the soccer season is over, they will begin working on areas not used for play or for parking until soccer season is over

Street/Sidewalk Work

- The Street Department has completed installation of curb and gutter and drainage improvements in the first two blocks of Meadow between Front and Ethel Streets
- Street crew has installed curb and gutter on the south side of Meadow between Ethel and Firman and are pouring the sidewalk on the north side
- Waiting on Lead Belt Materials availability to pave Adams and the first two blocks of Meadow. They also have Gumbo and River Streets ready to overlay

Accessible Swing Set at Columbia Park

- The forms for the pad are in place for the accessible swing set that is being donated by the Rotary Club for Columbia Park
- Waiting on Little Tikes to confirm whether the unit is a surface-mount or in-the-ground mount before placing rock and pouring the pad

Other

Sales Tax Report:

- Handout of 10 year comparison
- September receipts are well above expectations at \$94,809 for the one-cent General Sales Tax
- The year-to-date total is also \$32,000 above budget and \$27,000 above our previous best year (last year)

Mayor's Discussion

Mayor Easter said he wanted to thank Councilman Kelly for making him aware of an article in the St. Louis Post Dispatch comparing sales taxes in the state of Missouri. He said that Park Hills is the only large city in St. Francois County whose sales tax has not decreased between 2006 and 2011.

Easter also mentioned an article in Time Magazine that explained that CEOs of large businesses choose to build in towns that have household incomes of \$100,000 or more.

Mayor Easter also said that he was looking forward to his steak dinner that he is being treated to by Desloge Mayor David Kater. The two mayors had a bet on the North County/Central football game and the Mayor of the town that lost the game had to treat the other Mayor to a dinner at the restaurant of their choice.

Easter also read a letter from a resident praising Officer Brian Whitfield for quickly solving a burglary and he reminded residents of the senior center's Hump Day catfish dinner scheduled for Wednesday evening.

Council Discussion

Councilwoman Dickerson said she had spoken with Public Works Director Don Akers who is looking at the intersection of Lewis Street and St. Joe Drive and will bring a proposal back to the Council at a future meeting.

UNFINISHED BUSINESS

Bill #1021 – An Ordinance Amending Chapter 205 of the Municipal Code (Vicious Animals-Owner’s Responsibilities)

City Administrator John Kennedy said that this item was discussed at numerous meetings over the past two years, and most recently at the August 28 work session. At that time, the City Council expressed a desire to enact additional requirements and restrictions upon the owners and keepers of vicious dogs and cats. After reviewing and discussing information submitted by Councilman Politte, staff drafted bill #1021 which contains those items that were agreed upon by the Council for inclusion in a new section of Chapter 205. After further staff review, it was found that paragraph H of the ordinance is in conflict with the present city code.

Bill #1021 was read two times by title. Minor typing errors were found in the wording of the ordinance. A motion was made by Councilman Politte and seconded by Councilwoman Dickerson to approve the bill with the deletion of paragraph H and the correction of the errors.(said corrections are reflected in the bill signed by the Mayor). Roll call vote was as follows: Ayes; Council Members Cruse, Dickerson, House, Kelly, Politte and Reed. Nays; None. ***The motion carried with all in favor.***

Bill #1022 – An Ordinance Amending Section 205.290 of the Municipal Code (Redemption Fees for Vicious Animals)

Mr. Kennedy said that this item was discussed at the August 28 work session and the City Council requested a change in the redemption fees for vicious animals. Reasons for the change in fees include higher risk of injury to City personnel, additional safeguards required for care and feeding of the animals, special needs for housing these animals, and other precautionary measures. Bill #1022 encompasses the changes as directed by City Council by increasing the redemption fees for vicious animals to \$25.00 for the first day and to \$15.00 for each day thereafter. One typing error was found.

Mayor Easter read Bill #1022 two times by title. Councilwoman House made a motion, seconded by Councilwoman Dickerson, to approve the bill with the correction of one typing error (as reflected in the bill signed by the Mayor). Roll call vote was as follows: Ayes; Council Members Cruse, Dickerson, House, Kelly, Politte and Reed. Nays; None. ***The motion carried unanimously.***

Designated Smoking Areas at the Sports Complex

Following the discussion and direction of the City Council at the August 28 work session, a proposed rule regarding smoking only in designated areas at the Park Hills Sports Complex was developed and submitted to the Council for final approval. As discussed, this rule for designated smoking areas will be effective on January 1, 2013.

A motion was made by Councilwoman Dickerson and seconded by Councilwoman House to approve the Designated Smoking Area Rule for the Park Hills Sports Complex. Roll call vote was as follows: Ayes; Council Members Cruse, Dickerson, House, Kelly, Politte and Reed. Nays; None. ***The motion carried.***

NEW BUSINESS

Request from Girl Scout Troop 1328

Shanna Hart with Girl Scout Troop 1328 asked the City Council for permission to host a pet adoption event on October 6th from 10:00 a.m. until 2:00 p.m. at the Park Hills Animal Control Facility. As part of the program, the troop will also install free microchips for the first ten animals adopted at the event. Ms. Hart said that this event is part of a Challenge and Change project that the troop launched last year, and will assist them in earning community service hours toward their goal of 50 hours per girl for the Silver Award.

A motion was made by Councilwoman House and seconded by Councilman Politte to approve the request from Girl Scout Troop 1328. *The motion carried with all in favor.*

BUDGET DISCUSSION

City Administrator John Kennedy distributed a new front page for the proposed budget. He said he has reviewed all FY 11-12 estimated revenues and expenditures and adjusted as necessary, including some reductions proposed by Department directors. He also changed the purchase of the Street Department dump truck from the Transportation Fund to the Capital Improvement Fund, decreased the transfer out from General Fund to Parks Fund by \$19,000, included approved wage and salary adjustments and approved hospitalization expenditures and adjusted the Transportation Fund in hopes of getting some streets paved in this fiscal year. Kennedy said that there is still going to be deficit spending, but by less.

Kennedy also gave each Council Member a summary of Amortization Schedules for a potential fire truck purchase. He said that the City could not afford a seven-year lease and a ten-year lease purchase is still pretty expensive. Kennedy also reminded the Council that the budget would have to be approved at the September 25th meeting in time for the October 1, 2012, start to the new fiscal year.

City Attorney's Report

City Attorney Ed Pultz spoke to the Council about a court decision that the Mayor of a third class city can break a tie when there is a 4 to 4 vote on an ordinance. Because the City now has an ordinance in place that is in conflict with this decision, Pultz said it would be a good idea to draft an ordinance that would be in accordance with the court ruling.

ADJOURNMENT

A motion was made by Councilwoman House and seconded by Councilwoman Dickerson 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) 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 all in favor and the meeting adjourned at 8:50 p.m.***

RECONVENING/ADJOURNMENT

Immediately following executive session the City Council reconvened in regular session. A motion was made by Councilman Kelly and seconded by Councilman Politte to adjourn. ***The motion carried and the meeting adjourned at 9:39 p.m.***