

**Board of Aldermen Regular Meeting Minutes  
Monday July 1, 2013**

A regular work session meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday July 1, 2013. Mayor Ernest Jungmeyer called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Veronika Ray, Donald Turner, Bob Fines and Homer Dunsworth. Holly Stark was present via conference call but was unable to cast a vote.

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs, Cliff McDonald City Planner, Business Office Manager Trudy Prickett and Parks and Recreation Director Nathan Musteen.

**Public Hearing on Special Use Permit SUP-2013-01, to permit the overnight boarding of dogs at 117 N. Main Street.**

Alderman Turner motioned to leave regular session and go into Public Hearing. Second by Alderman Fines and was approved by the following 5-0 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Absent
Alderman Fines	Aye	Alderman Turner	Aye

City Planner Cliff McDonald addressed the board as to the background of the steps taken to get to this Public Hearing. He stated that this Special Use Permit was passed by the Planning Commission with a vote of 4-1. He gave an overview of what the Board of Aldermen needed to consider prior to voting on this Special Use Permit. Cliff stated that the Planning Commission approved the Special Use Permit with for conditions. 1.) The Special Use Permit shall not be transferable.2.) The Special Use Permit shall expire five years after the effective date of the Resolution. 3.) The overnight boarding of dogs in District AC shall conform to the noise restrictions of District AC. 4.) The Board of Aldermen shall consider revoking the Special Use Permit if there are three documented noise complaints from a neighbor in accordance with Section 205.005 in any six month period.

Alderman Stark who was present via conference call asked about the included diagrams in the Board of Aldermen packets. Cliff answered that the only thing being considered tonight is the allowance of overnight boarding of dogs at the facility.

Greg Hobson addressed the Board as the applicant for the Special Use Permit. He gave a general background of his business experience and of his expertise. He stated that he would not be asking to add on to the building as originally planned at this time. He stated that his business may not bring much foot traffic but would bring vehicle traffic as his business would be a destination for his current clients. He listed some of the features that would help the facility not violate any noise restrictions. He addressed some of the issues of a letter that was sent out to businesses in the proposed area.

Greg Chaney addressed the Board as the other applicant for the Special Use Permit. He stated that they would take all precautions with insulation and construction materials to insure that the 55 decibel noise restriction would not be broken. He addressed the issue of dogs potentially getting out of the property. He stated that he would hope that they would be welcomed into participating with the Downtown Peculiar Arts and Culture District and with the City of Peculiar.

The Mayor asked for any questions from the Board prior to hearing those in opposition.

Alderman Gallagher asked about how many people would employ. Mr. Hobson stated that it would him and his partner for the most part until they reached 25% occupancy in which they would hire more staff.

Alderman Stark asked about the projected percentage of dogs with behavioral problems. Mr. Hobson stated that about 10-15%. Alderman Stark asked if the Special Use Permit stayed with the property or with the applicant. Staff answered that it stayed with the applicant and is non-transferable.

The Mayor asked for those in opposition to address the Board.

Brenda Conway addressed the Board on behalf of the Downtown Peculiar Arts and Culture District (DPACD). She gave a brief overview of what her organization does. She stated that there was no problem with the business itself but rather it was not a good fit for the district. She stated that she felt that the Special Use Permit was deviating on two points 1.) Outside Boarding, and 2.) A dog daycare facility must be completely enclosed. She stated that there was a concern of the noise ordinance would be violated routinely. She listed several safety concerns as well as a concern with smell. Mrs. Conway asked on behalf on Downtown Peculiar Arts and Culture District for the Board of Aldermen not to approve this permit. She asked that if the Board did approve the permit that the Police Department be given the appropriate tools to monitor the noise violation.

Larry Dobson addressed the Board in opposition for the fact of the noise of boarding dogs.

Tim Conway addressed the Board in opposition stating that the Board will lose business if approved because of the noise.

Marlene Freeze addressed the Board in favor. She gave a background as to the relationship between her dog and Mr. Hobson. She feels that Mr. Hobson will bring in business as he stated in his discussion with the Board.

Ken Hart addressed the Board in favor telling that he felt that this business would not affect the City in a negative way. He voiced his concerns that he felt that everything was being taken to hurt this business rather than help it. He stated that he is for the business because he wants Peculiar to grow in positive ways.

Alderman Turner motioned to leave Public Hearing and go into regular session. Second by Alderman Fines and was approved by the following 5-0 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Absent
Alderman Fines	Aye	Alderman Turner	Aye

## Business

### **A. Resolution 2013-32 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING SPECIAL USE PERMIT # SUP-2013-01 FOR A DOG CARE FACILITY TO CONDUCT OVERNIGHT BOARDING AT 117 N. MAIN STREET.**

Alderman Turner asked what the DPACD Vote was since it had to go to them first. Alderman Ray stated that it was unanimous. He asked how this could have been brought to the Board since DPACD declined it. City Attorney Reid Holbrook addressed that the Board of Aldermen are the final say.

Alderman Turner asked the applicant how long the dogs would be outside. Mr. Hobson answered that it depends entirely on the dog.

Alderman Gallagher asked if there would be a staff member on site overnight. Mr. Hobson stated that not at first but he lives a short distance away and could respond quickly.

Alderman Stark made a few comments to the Board regarding the petition. She felt that the Board should give the Police the means to enforce the noise ordinance.

Alderman Ray stated that the only thing the Board is making a decision on is the overnight boarding and that the business is going in regardless.

City Planner Cliff McDonald stated that it is the determination of the City Planner whether a non-permitted use may be permitted if it is similar in use to a permitted use. To appeal this determination would have to go to the Board of Adjustments.

Alderman Turner moved to accept Resolution 2013-32, seconded by Alderman Ray and the Resolution was not approved by the following 3-2 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Nay
Alderman Dunsworth	Nay	Alderman Stark	Absent
Alderman Fines	Nay	Alderman Turner	Aye

### **B. Bill No. 2013-10 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE REZONING OF NOBEL REFRIGERATION INC.'S APPROXIMATELY 10± ACRES DESCRIBED AS LOT 4 AND A PORTION OF LOT 3 IN FLYNN'S SUBDIVISION, COMMONLY KNOWN AS 21712 N. MAIN STREET**

*\*2<sup>nd</sup> Reading*

City Planner Cliff McDonald gave an overview of the progress of this rezoning and that staff recommends approval.

Alderman Turner moved to have the 2<sup>nd</sup> reading of Bill No. 2013-10 by title only, seconded by Alderman Gallagher and was approved by a 5-0 voice vote. Alderman Turner moved to accept the 2<sup>nd</sup> reading of Bill No. 2013-10 and place it on final passage as Ordinance No. 07012013, seconded by Alderman Fines was accepted by the following 5-0 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Absent
Alderman Fines	Aye	Alderman Turner	Aye

### **C. Bill No. 2013-11 - AN ORDINANCE AMENDING TWENTY (20) SECTIONS OF CHAPTER 400 AND ONE (1) SECTION OF CHAPTER 500 OF THE PECULIAR MUNICIPAL CODE TO MAKE MINOR CORRECTIONS AND MAINTAIN CONSISTENCY WITHIN THE CITY'S MUNICIPAL CODE.**

*\*2<sup>nd</sup> Reading*

City Planner Cliff McDonald gave an overview of the details of the Ordinance and stated it passed unanimously on its first reading.

Alderman Turner moved to have the 2<sup>nd</sup> reading of Bill No. 2013-11 by title only, seconded by Alderman Gallagher and was approved by a 5-0 voice vote. Alderman Turner moved to accept the 2<sup>nd</sup> reading of Bill No. 2013-11 and place it on final passage as Ordinance No. 07012013A, seconded by Alderman Fines was accepted by the following 5-0 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Absent
Alderman Fines	Aye	Alderman Turner	Aye

**D. Bill No. 2013-12 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI ESTABLISHING CHAPTER 126 OF PECULIAR MUNICIPAL CODE TITLED TREE MAINTENANCE CODE.**

*\*2<sup>nd</sup> Reading*

Parks and Recreation Director Nathan Musteen address the Board pertaining to the establishment of the new code. He stated that this is one of the requirements of becoming a Tree City USA City.

Alderman Turner moved to have the 2<sup>nd</sup> reading of Bill No. 2013-12 by title only, seconded by Alderman Dunsworth and was approved by a 5-0 voice vote. Alderman Turner moved to accept the 2<sup>nd</sup> reading of Bill No. 2013-12 and place it on final passage as Ordinance No. 07012013B, seconded by Alderman Dunsworth was accepted by the following 5-0 Roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Absent
Alderman Fines	Aye	Alderman Turner	Aye

The Mayor called for a 8 minute recess and that the meeting would reconvene at 8:15p.m..

**Topics for Discussion**

**GIS Draft Scope & Fee**

City Engineer Carl Brooks addressed the Board regarding the scope and fee of the City's new to be implemented GIS system.

Jim Ross of Bartlett & West addressed the Board. He gave an overview of the GIS system and the benefits of it.

The Mayor asked staff if the fee was within budget and staff answered yes it was.

**Park Master Plan**

Parks & Recreation Director Nathan Musteen addressed the Board the new master plan for Raisebeck Park. He listed some of the details of the new plan including a walking trail, and soccer fields as well as parking lot expansion. He stated that this was merely an update to the Board and said the contract will be coming to the Board very soon.

The Mayor stated that the goal is to have soccer playing in 2014.

**Monument Sign**

City Engineer Carl Brooks addressed the Board pertaining to the Monument Sign. There was much discussion pertaining to the verbiage and the cost of adding additional lettering. The Board commented to have the sign read the same on all three sides.

**City/property owners responsibility for water meters & service lines**

City Clerk Nick Jacobs addressed the Board pertaining to responsibility of the City and the property owners. He gave an overview to the board of the details of the proposed Ordinance.

Alderman Fines asked about how meters got to be placed in the basement. Staff answered that they cannot find any reason or supporting evidence as to why the meters were allowed to be placed in the basement.

Much discussion ensued and it will be brought back before the Board at the next meeting.

**\$0.01 Fuel Tax on November Ballot**

The Mayor says he has had numerous citizens contact him in support of placing this back on the ballot for November.

The Mayor said that if no other City is placing anything on the Ballot not to place the Fuel Tax on.

**Asphalt & Overlay Project**

City Engineer Carl Brooks addressed the Board pertaining to the list of streets to have work done on them this year. He outlined several options for resurfacing as well as several different street options to be done. There was discussion about the streets conditions as well as the method of doing them.

Alderman Gallagher asked that North Main be taken off of the list to be resurfaced unless development picks up in that area. The Mayor asked that at least do some patch work on North Main.

**Questions on I pads**

City Clerk Nick Jacobs said for the sake of time constraints he would get with the Aldermen individually to show them how to operate their iPads.

## **Alderman Concerns or Additional Topics for Discussion by Aldermen**

Alderman Fines asked about the speed limit on School Road. Chief of Police Harry Gurin responded that it is 25 while students are present.

Alderman Ray asked what the blue flags and paint were on Center Street. Staff responded that it is response to a Missouri One Call locate request and that the City is obligated to respond.

## ***Alderman Directives***

Special Use Permit for overnight boarding was not approved  
Rezoning of Noble Refrigeration was approved  
Changes to Chapter 400 and 500 were approved  
Tree Code has been approved  
Bring GIS contract for the July 15 meeting  
Update on Raisebeck renovations  
Monument Sign contract back to the Board July 15  
Meter Ordinance for first reading July 15  
Fuel tax on November ballot is a go  
Bring contract for Superior Bowen to resurface streets  
Find out what blue flags on Center Street are

On a motion from Alderman Turner, second from Alderman Dunsworth, the meeting was adjourned at 9:07pm with a 5-0 voice vote.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

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Nick Jacobs, City Clerk

Approved by the Board of Aldermen: 7/15/13

**Adjournment**