

**Board of Aldermen Regular Meeting Minutes
Monday April 7, 2014**

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 April 7, 2014. 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: Holly Stark, Michael Gallagher, Veronika Ray, Donald Turner, Bob Fines, and Homer Dunsworth.

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, City Planner Clifford McDonald, Business Office Manager Trudy Prickett, and Parks & Recreation Director Nathan Musteen.

Mayor's Appointments – Jeff Harlan to Park Board

**Resolution No. 2014-18 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR,
MISSOURI APPROVING THE APPOINTMENT OF JEFF HARLAN TO THE PARKS & RECREATION BOARD**

Parks and Recreation Director Nathan Musteen introduced Mr. Harlan and gave a brief overview of his skills and what drew him to wanting to be on the Parks & Recreation Board. He stated that there was a resignation of Member King from the Park Board and Mr. Harlan will take his place.

The Mayor thanked him for wanting to volunteer his time to better the City of Peculiar.

Alderman Stark moved to accept Resolution No. 2014-18, seconded by Alderman Gallagher and was approved by a 6-0 Roll Call vote.

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

Business

A. Bill No. 2014-06 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI ALTERING THE QUALIFICATIONS OF ALDERMEN AND AMENDING SECTION 110.010 OF THE PECULIAR MUNICIPAL CODE.

**2nd Reading*

City Clerk Nick Jacobs addressed the Board regarding the proposed bill. He stated that due to the change in State Statute the age requirement for Alderman was lowered from 21 to 18 and this was brought to the City's attention from Sullivan Publication's Code Watch. Staff recommends approval.

No Board comment.
No public comment.

Alderman Stark moved to have the second reading of Bill No. 2014-06 by title only, seconded by Alderman Turner and was approved by a 6-0 voice vote. Alderman Stark moved to accept the second reading of the bill and place on final passage as Ordinance number 04072014, seconded by Alderman Gallagher and approved by the following 6-0 roll call vote.

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

B. Bill No. 2014-07 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI ALTERING THE MEANS IN WHICH VOTES MAY BE TAKEN BY THE MEMBERS OF THE BOARD OF ALDERMEN AND AMENDING SECTION 110.060 OF THE PECULIAR MUNICIPAL CODE.

**2nd Reading*

City Clerk Nick Jacobs addressed the Board regarding the proposed bill. This bill will allow roll call votes to be counted for Aldermen who are present via videoconferencing. This bill was brought to the City's attention from Sullivan Publication's Code Watch. Staff recommends approval.

No Board comment.
No public comment.

Alderman Stark moved to have the second reading of Bill No. 2014-07 by title only, seconded by Alderman Gallagher and was approved by a 6-0 voice vote. Alderman Stark moved to accept the second reading of the bill and place on final passage as Ordinance number 04072014A, seconded by Alderman Gallagher and approved by the following 6-0 roll call vote.

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

C. Bill No. 2014-08 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AND ACCEPTING THE INTERLOCAL AGREEMENT WITH CASS COUNTY FOR THE REPAVEMENT OF SCHOOL ROAD FROM E. 203RD STREET TO E. 211TH STREET.
***2nd Reading**

City Administrator Brad Ratliff addressed the Board. He stated the only difference from last meeting is we have the signed contract from the County Commissioners. He stated that the County has submitted to for STP funding for this project. He also advised the Board that with our current bond capacity we cannot afford to fund this project, but if we save the money distributed by the County and with our reserves that we feel comfortable that we can fund this project if necessary.

Alderman Fines asked who was applying for the Grant.
Staff commented that the County engineer is submitting the proposal.

Alderman Stark moved to have the second reading of Bill No. 2014-08 by title only, seconded by Alderman Turner and was approved by a 6-0 voice vote. Alderman Stark moved to accept the second reading of the bill and place on final passage as Ordinance number 04072014B, seconded by Alderman Turner and approved by the following 6-0 roll call vote.

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

The Mayor thanked the County Commissioners for their willingness to have this agreement.

D. Resolution No. 2014-19 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI, APPROVING AND ACCEPTING THE ABBREVIATED AGREEMENT BETWEEN CLIENT AND LAMP, RYNEARSON & ASSOCIATES, INC DBA LARKIN LAMP RYNERSON FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES OF THE 211TH STREET WATER MAIN PROJECT

City Engineer Carl Brooks addressed the Board. He said that there is a current water main on 211th street that needs to be relocated. As part of the 211th street interchange project the water main will need to be relocated. Larkin is going to design the main as an existing 8" as well as a 12" and possibly a 16". Larkin will design the relocation and will also do any of the main size upgrades for just the cost of the upgrade.

Alderman Stark stated that this a 50/50 cost share with MoDOT.
Staff commented that yes it is and that if the City stays with the 8" main then there will be no additional cost but if it is decided to go with a larger pipe size then the City only pays for the upsize charge.

Alderman Turner asked if the main is an 8" at each end.
Staff commented that it is from Public Water Supply District # 2 and we do not know the exact main size.

Alderman Turner stated that going from an 8" to 12" pipe is a big cost and asked if that is normal.
Staff commented that since it requires a bigger trench and more rock it would naturally cost more, as well as the material is more.

Alderman Stark asked if legal had reviewed the contract.
City Attorney Reid Holbrook stated that he had not seen it before tonight.
No public comment.

Alderman Stark moved to accept Resolution No. 2014-19 with the following amendments:
Not to exceed \$21,440 in section 1 and
After review from Legal.

The Resolution was seconded by Alderman Gallagher and was approved by a 6-0 Roll Call vote.

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

Topics for Discussion

A. Bill No. 2014-09 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF PECULIAR, MISSOURI BY EMBRACING AND INCLUDING UNINCORPORATED REAL PROPERTY LOCATED IN SECTIONS 9, 16, 17, 25, AND 26 OF TOWNSHIP 45 NORTH, RANGE 32 WEST IN CASS COUNTY, MISSOURI AND HEREINAFTER PARTICULARLY DESCRIBED.

City Planner Cliff McDonald addressed the Board stating that this Bill is for review only and it will be presented at the April 21st meeting for 1st reading. This bill will require 3 readings. After the adoption of this bill and if approved at the election on August 5th it will go before Cass County Circuit Court for a Declaratory Judgment.

Alderman Stark pointed out that in the staff report there was a typo of the word island which showed "isand".

Alderman Ray asked what amenities the City will offer to tract 4.

Staff commented that they will receive a decrease in their sewer rate, they can participate in the Industrial Development Authority, and they can participate in the funding for solar projects under the Missouri Clean Energy District, and will get Police protection.

Staff commented that Peculiar cannot institute an earnings tax.

Brad commented that these properties were also outlined in the 3, 8 and 13 year Annexation Plan adopted in October 2013.

B. Bill No. 2014-10 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI ESTABLISHING SECTION 135.090 OF PECULIAR MUNICIPAL CODE TITLED "MOTOR VEHICLE FUEL TAX."

City Clerk Nick Jacobs addressed the Board stating that this bill would only be brought to the Board at the next meeting if the \$.01 Fuel Tax is approved by the voters. This bill outlines the way the tax is assessed and collected and how to verify that collection is correct.

Alderman Stark pointed out that section 4 of the Ordinance addresses exactly what it can be used for.

C. Bill No. 2014-11 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING SECTIONS 210, 310, 380, AND 385 OF PECULIAR MUNICIPAL CODE.

Police Chief Harry Gurin addressed the Board. He stated that this bill is somewhat of a house keeping Ordinance. The portion of Resisting Arrest was brought to staff attention from our current City Prosecutor. Move over for stopped emergency vehicles is also addressed as well as failure to produce driver's license, disobeying a lawful command of an officer, and lights on when wipers are required.

Alderman Stark asked about the "Move Over" portion and why it only applies to i-49. Staff commented that it is because it has two lanes of traffic in the same direction.

The Mayor commented that the penalty for not having lights on when wipers are required is only \$10.00 and doesn't know why it's even there.

Staff commented that it is straight out of State Statute and Harry commented that it is a good probable cause stop.

D. Water Department municipal codes discussion.

City Planner Cliff McDonald addressed the Board pertaining to the current contract with Public Water Supply District # 7. He gave a brief history of the contract and how it came to be in 2004. He put forward the idea to buy out a fee that is imposed because of this contract on any new homes built in the areas outlined in the contract. The fee would be roughly \$1,200 per home and would go down slightly each month. He outlined the various parts of the contract and how they will impact the City for the next 20 years.

The consensus of the Board was to not charge the \$1,200 fee and just continue paying what we are since in charging the fee we make certain areas undesirable for construction.

City Engineer Carl Brooks addressed the Board regarding amending the City Code to put a new minimum water main size and other changes. Currently the City adopted the American Public Works Association standard which allows for a 2" water main minimum. He stated that this is terribly inadequate. An 8" water main needs to be the standard. Another change is to allow the City Administrator to accept technical changes to design specs without going to the Board of Aldermen.

The Mayor stated that just because the minimum is a 2" water main does not mean that we have to accept it at that.

Alderman Stark wanted to do more research on what a fire hydrant requires for fire flow and that she does not feel comfortable with allowing the City Administrator to make technical changes without the Board of Aldermen knowing about it.

The consensus of the Board was in disagreement with the proposed idea of the City Administrator and City Engineer being able to change standards.

E. Code Watch update – Bill amending section 115.020 of Peculiar Municipal Code.

City Attorney Reid Holbrook addressed the Board regarding the proposed bill which amends the City Code dealing with the removal of a Police Chief. This code is to harmonize with Missouri State Statute.

Alderman Turner asked that the term "Chief" is used but what does it apply to. Staff commented that it is the Chief of Police.

F. Building Permit fee reduction update and discussion.

Cliff McDonald addressed the Board about the Building Permit Fee Reduction that was approved last year. To this date there has been 10 permits issued under the reduction and staff recommends the program be extended for the next 20 permits including the remaining balance of last years reduction. He stated that there were several permits purchased in the last year and would like to encourage further development.

The Mayor commented that our current permit fee including the Fire Departments fee makes our fees high.

The consensus of the Board was in agreement to bring the Resolution back for approval.

G. Chief of Police discussing third degree assault.

Harry Gurin Chief of Police addressed the Board regarding third degree assaults. This stems from reports that the police are not investigating all assaults at the school. He stated that it is the discretion of the school to bring it to the police department but if the parents brought it to the police department it would be further investigated.

H. Monument Sign update.

Carl Brooks addressed the Board regarding the Monument Sign. He stated that the bids that were received were far above what the engineer's estimated. Per MoDOT they suggested to reject all of the bids and go back to design.

Alderman Stark asked who wrote the bid specs.
Staff commented that the engineer wrote the specs.

Alderman Stark showed disappointment with the current engineer who is working on this project as did the other Board members. Staff commented that in their opinion we need to get this re-advertised and take the design down to just a 2 wall non load bearing structure.

I. Lock Fence under three legged water tower & J. Railbed Trail update

Nick Jacobs discussed the Railbed Trail update. Staff met with the proposed Eagle Scout and did a walk through and are beginning the clean up phase during the next week. The Scout is going to various businesses soliciting donations and hopes to have it completed in the next 6-8 weeks.

The next phase is to utilize the three legged tower as a trail head for Mr. McCords trail. Staff contacted and secured easements for the trail from the 2 owners allowing the trail to connect to Mr. McCords trail. The lock fence would connect 2 of the legs together and would be an attraction for people to put their lock on the fence and deposit the key into the tower. This would be something unique for our town and has been presented and is very favorable from DPACD.

Alderman Stark commented that Nick had gone above and beyond on both projects.

Aldermen Concerns or Additional Topics for Discussion by Aldermen

Alderman Dunsworth spoke about an article in the newspaper. He asked some information from Alderman Gallagher about what he had said in the article.

There was some discussion amongst the Board.

Alderman Ray commented that there has been some phone calls from people out in the county talking badly about the positions to be voted for on April 8th.

Aldermen Directives Reported by City Administrator

Send a letter to Jeff Harlan for Park Board
Update Ordinance on Alderman Age
Update Ordinance on Video Voting.
Send Cass County approved Ordinance on School Road.
Have Larkin contract add, pending legal review.
Bring bills 2014-9,10,11 back (10 only if approved by voters.
Board not sure what to do on Water department specifications, Board did not approve off buyout fee for District 7 lots.
Bring bill for Code Watch update.
Bring building permit fee reduction back.
Board rejected all bids for monument sign and will go back to design
Board notified of Railbed progress.

Alderman Gallagher asked about gravel needed in an alley behind the Frog Pond. And that they have to consistently auger his sewer line.

Staff commented that they will look at adding gravel but the sewer line is the customers responsibility.

Adjournment

On a motion from Alderman Stark, second from Alderman Gallagher, the meeting was adjourned at 8:45pm with a 6-0 voice vote.

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

Nick Jacobs, City Clerk
Approved by the Board of Aldermen: