

**SAVANNAH CITY COUNCIL  
PROCEEDINGS  
REGULAR SESSION  
MONDAY, AUGUST 20, 2012  
CLASBEY CENTER – COUNCIL CHAMBERS  
7:00 P.M.**

Mayor Dave Ingersoll presiding.

Pledge of Allegiance was recited.

Council Members present: Don Dillman, Vernon Townsend, Joy Thompson and John Parker. Mayor Dave Ingersoll, City Administrator Jill Cornett, City Attorney Ron Holliday, Chief of Police David Vincent and City Clerk Beth Kar were also present. The meeting notice was posted at City Hall August 17, 2012. The meeting was audio recorded.

**Approval of Agenda**

Vernon Townsend motioned to approve the agenda as published with 3 exceptions: send the Lot Split Resolution back to the Planning & Zoning Commission, read the tax rate ordinance for only the first reading and read the pool bond election ordinance for only the first reading. County Clerk Cyndee Merritt was present and reminded Council that the tax rate ordinance has to be passed before September 1<sup>st</sup>. Council's next regular meeting, September 4, would fall after that deadline. Vernon Townsend amended his motion to take out reading the tax rate for only the first reading. Mayor Ingersoll reported that there was the same time deadline with the pool bond election ordinance. It was due to the County Clerk by August 28<sup>th</sup>. Vernon Townsend felt rushed and wanted more time to look at the pool bond ordinance in more depth. Motion died for lack of a second. John Parker motioned to amend the agenda as posted by postponing the Resolution on the Lot Split regarding a conflict and to send it back to the Planning & Zoning Commission. Joy Thompson seconded. Motion carried on 4 yes votes.

**Phil Rogers, Andrew County Collector: 2012 Tax Rate** – Phil Rogers and County Clerk Cyndee Merritt were present. City Clerk Beth Kar had contacted them regarding the 2012 tax rate which was higher than the previous year. Rogers described the process by which the state sets the tax rate. The City receives a tax rate form which it turns into the County Clerk, who turns it into the State Auditor who sets the tax rate and sends it back to the City to confirm with an ordinance setting the rate. Rogers, as Andrew County Collector, now collects the City taxes. It was discovered this year that the City's tax rate was figured lower than it should have been. Vernon Townsend asked for clarification. When Mayor Dave Ingersoll was Mayor before in 1994, the City voted to no longer collect personal property tax and to institute a 1 cent sales tax in its place. Since that time the personal property tax should have been listed as zero collections on the assessment form. Now that the personal property tax valuation is zero on the assessment form, it makes the total collections base smaller and raises the real estate property tax rate. The City and County officials looked through the forms and called the auditor's office for confirmation. The forms showed the City was still collecting personal property tax which it was not. Joy Thompson asked if there would be any penalties for the City having a lower tax rate in the past. Rogers responded no. He also updated Council that the City was down to just a couple of delinquent taxes. The County will be selling properties with two years delinquent back taxes on Monday.

**Public Hearing: Setting the 2012 Tax Rate** – Mayor Dave Ingersoll opened up the public hearing setting the 2012 tax rate. He read the 3 tax levy amounts. The total 2012 tax rate will be \$1.0601. The rate is based on \$100 of assessed valuation on real estate property. Lynn Grabill asked if the higher rate would mean a windfall in revenues for the City. Ingersoll explained that there would never be a windfall due to the Hancock amendment regulating how much cities can charge. St. Joseph News Press writer Marshall White asked what the previous year's rate was. The rate in 2011 was rate 0.9172; in 2012: 1.0601. Jack Dillingham, Piper Jaffray, further explained that the tax rate calculations at the state are based on the total assessments. By having personal property collections listed, the City had lost out on the higher rate that the state auditor would have set. The real estate property tax rate is independent of the 1 cent sales tax. There were no more public comments. Mayor Ingersoll closed the public hearing.

### **Minutes – August 6, 2012; August 14, 2012**

Don Dillman motioned to approve the minutes of August 6, 2012 and August 14, 2012 as submitted. Vernon Townsend seconded. Motion carried on 4 yes votes.

### **Public Testimony**

Bob Wilson, former Mayor, talked about the East Main Street Extension. He encouraged the City to pursue the developers, Rippe and Bennett (EBR), about paying for the extension. Wilson described when the development was put together by EBR; they agreed to put in the street extension across the creek. Wilson felt the developers are obligated to put in the East Main Street extension, not the citizens of Savannah. It is not the City's responsibility. He suggested that the issue needed to go to City Attorney Ron Holliday. If the City cannot get EBR to move off of stop, then maybe the Senior Citizens Center should go into a lawsuit with the City to get that done. He disagreed with the statement at the last meeting that the developers were not responsible for the street because they had not signed anything. Wilson said that was part of the agreement; they did not have to sign anything to put in the street. The developers had agreed to put in the development under those conditions. Mayor Ingersoll responded that there was a lot in the Savannah Reporter newspaper last week regarding the East Main Street extension. The City cannot discuss litigation in open session. There was no written agreement with the developers to do that extension. There was an agreement for the developers to pay for the engineering on the street. There is a lot in the Council meeting minutes about East Main but he would disagree that there does not need to be something in writing. Wilson asked why the engineering would be done if there were no plans to put in the street. Wilson thought the City should take another shot at getting the developers to pay for the street and let the City Attorney deal with it. Mayor Ingersoll stated that it would have been better to have had a signed agreement with the developers to put in the East Main Street extension. Wilson still felt the City Attorney needed to talk to the developers.

### **Mayor's report**

**Golf Committee Appointments** – Mayor Dave Ingersoll reported that Mike Glidewell submitted his name for the Golf Committee opening after Doug Reavis resigned. Glidewell is an avid golfer and Ingersoll thought he would be a good member to have on the committee. Mayor Ingersoll recommended appointing Mike Glidewell to the Golf Committee. He asked how long was left on Reavis' term. The City will have to look it up. Joy Thompson motioned to approve

the Mayor's appointment of Mike Glidewell to the Golf Committee. Don Dillman seconded. Motion carried on 4 yes votes.

### **Police Chief's Report**

Chief of Police David Vincent reported that today was the first day of school. He thanked the school for sending out letters about traffic and where to drop off and pick up kids. On a different topic he had a conversation with City workers regarding a resident who had not paid a water bill and the City had pulled the water meter. The resident had rigged it up to get water anyway. The police arrested the resident. On a different matter, there was a vehicle pursuit that started in the Village of Country Club on Friday. Chief Vincent described the City of Savannah's police pursuit policy. The City police do not pursue a fleeing vehicle for a traffic violation. They can only pursue for a dangerous felony. In the City's policy, if a City officer is pursuing a vehicle, the police chief is to be notified. He went to the scene Friday and assisted. Vernon Townsend asked if the police would stop pursuit at the City limits. The City police will leave the city limits to try and catch a violator if the crime was committed in the City jurisdiction. There were two officers on duty today for the first day of school. There did not seem to be as many drivers this year and the police did not encounter any problems. Mayor Ingersoll drove through Minnie Cline Elementary area and felt the driving situation was a mess. His concern was that for a 15 minute period the streets were so congested it would not have been possible to drive an emergency vehicle through. Ingersoll asked if the police could come up with any ideas on how to make the traffic situation better at Minnie Cline; if so, he would be in support. Vernon Townsend motioned to approve the Police Chief's report. John Parker seconded. Motion carried on 4 yes votes.

### **City Administrator's Report**

City Administrator Jill Cornett presented her report:

**Health Insurance Bids** – The City had planned to make a decision regarding the health insurance bids at the meeting earlier today and to read the ordinance for first and second readings at the August 22 Council meeting. However at the meeting this morning Council asked to postpone any decision until after looking at the revenues at this Wednesday's 2013 budget meeting.

**Update on East Main** – The construction bid opening is also scheduled for the August 22 meeting. Council can take a 10-minute break from the budget meeting to open the bids. There are 4 construction companies that have picked up plans.

**Outsourcing Utility Operations** -- Alliance Water Resources visited the City's Water and Wastewater facilities on Friday, August 9. Sandy Neal from Alliance was present at the Council meeting. The City will issue a formal Request for Proposals in the fall on outsourcing utility operations to which People Service and Alliance and other companies may respond. Rather than rush this through, Cornett thought it would be beneficial to go through budget status quo with present staff in place and their benefits.

**Mo-Dot Property Along Highway 71** – The City received an email from Mo-DOT, inquiring about the frontage property on Highway 71 in front of Rippe's "racetrack" property. Is the City interested in purchasing the property? Someone approached Mo-Dot to purchase the property. They had thought the City was interested in purchasing the property. Cornett asked for Council's

opinions. There was a map of the property in Council's packets. Vernon Townsend asked how much it would cost. John Parker asked why the City would want to buy it. Mayor Ingersoll would like to have someone else purchase it and pay taxes on it.

**MIDWEST TRANSMISSION PROJECT** -- KCPL and Omaha Public Power District ("OPPD") plan to construct a large 365kV transmission line somewhere in NW Mo. The line would be designed to connect the plant in Nebraska City with the plant in Sibley, Mo., running through NW Missouri in a right-of-way yet to be determined. Midwest Transmission Project will host public meetings to explain the project to property owners and other interested parties. The schedule of public meetings and an area map was included in Council packet. Cornett attended a public leaders meeting in Maryville last week and encouraged Mayor and Council to attend at least one of the upcoming meetings.

**CEMETERY DONATION** -- Faye O'Connell donated \$500 to the Cemetery as a final wish from her husband James E. O'Connell who passed away. The City needs to know if Council wants to invest the money in a CD or what do to with the donation. Cornett reminded Council that the City's insurance company, MIRMA, recommends the Cemetery maintenance building roof needs to be repaired or replaced. Vernon Townsend would like to use \$500 to pay for the roof. Through discussion it was decided to look at the wording of the donation before making a decision.

**LOT SPLIT** --The Planning and Zoning Commission has recommended Council approval of a lot split from one to three separate lots on property owned by Richard and Carolyn Dick. Earlier in the meeting Council had postponed making a decision on the lot split and it was mentioned that there was a conflict. She asked what the conflict was. Vernon Townsend responded that it did not follow the rules of splitting a lot and an item was marked incorrectly on the zoning form.

**DISCUSSION REGARDING MAINTENANCE OF MOBILE HOMES** -- Building Inspector Gene Grossman took photographs of several mobile homes whose appearance and condition present an eyesore and hazard. Cornett would like Council input on how to enforce health and safety issues associated with mobile homes that are in obvious disrepair. She doesn't want to send Grossman out without the support of Council. The topic could go back to the Planning & Zoning Commission and discuss specifics on the replacement and restrictions of mobile homes. Can Grossman ask the residents to clean up the homes? Can the City clean up the property and bill the landlord? John Parker asked if it was a County Health department issue. Grossman answered the Health Department can pursue it up to a point. He described the 6-month process if the City declared the building a nuisance/dangerous property. City Attorney Ron Holliday asked if there was a problem with a residence that could be resolved in City court as opposed to declaring the residence a nuisance and going through the condemnation proceedings. John Parker asked if there was a specific ordinance that says the mobile homes have to have a certain type of siding, then the City could pursue that with the property owner. But it is a different matter, if there is not such an ordinance. Mayor Ingersoll thought it was not a zoning issue but if the mobile home had to be moved then the landlord would not be able to replace it with another one. Grossman wanted to know how to pursue the topic. If the City forces the person to take out mobile homes without replacing them, it is potentially affecting someone's livelihood and income. The City will look at the ordinances and revisit the issue.

**WATER FUND / WATER METER DEBT** -- The Water Fund is now out of the "red," as far as using other funds to pay invoices and debt. City Clerk continues to make transfers to reserve funds, as required by debt covenants. In May 2011, Council approved an ordinance to increase

the water meter program charge to \$4.76 per meter to bring in sufficient revenue to pay the meter debt AND get the meter fund out of deficit. New water rates provide sufficient income to roll the meters into water department operations. Increased revenues from the water charges provide enough revenue to now reduce the monthly water meter program charge to \$3.90 per customer/per month. The water meter debt will be paid off in 2014. At that time Council should consider eliminating the water meter charge altogether, and using new water use revenues to cover repair/replacement of meters. The City hopes to reduce “fixed” costs on water bills that the customer has no control over. Council eliminated the Great Northwest Water Commission charge. An ordinance would need to be created to change the rate. John Parker asked if the City could use the additional money to pay it off early and therefore remove the entire fee earlier instead of reducing the fee. How much sooner could it be paid off? Don Dillman asked if there was a penalty for paying it off early. Jack Dillingham, Piper Jaffray, will calculate how many months it would cut off the tail end of the meter payments; there is no penalty for paying off early.

**AMEND COMP PLAN, ARTICLE 8, REGARDING PROHIBITED SIGNS** -- When the City’s Comprehensive Plan was developed and adopted in 1997, “prohibited signs” included projecting signs along the Square, hanging at a perpendicular angle from the front of the building. This type of signage is useful to businesses on the Square, because by design, the buildings abut one another and there is no means for a pedestrian or driver to see signage in front of buildings before they actually get directly in front of the building. There are many already on the Square, some of which were installed after the Comp Plan was adopted. Projected signs seem to be acceptable and desirable forms of advertising. The Planning & Zoning Commission recommended the Council repeal the prohibition of projecting signs. An ordinance to do so is on the agenda.

**Change September 17 Council meeting for MML Conference** – The Missouri Municipal League Conference falls the week of September 16. Cornett recommended Council look at the week of 24<sup>th</sup> of September to reschedule the September 17<sup>th</sup> meeting. Everyone was okay to meet at the regular meeting scheduled for September 4 for the first September meeting. Council will review schedules at the Wednesday meeting and decide on when to meet for the 2<sup>nd</sup> meeting in September.

Don Dillman motioned to approve the City Administrator’s report. Joy Thompson seconded. Motion carried on 4 yes votes.

### **Treasurer’s Report**

City Administrator Jill Cornett described the highlights of the July financial reports. The Golf Course is very dry and running into a situation where they will need to buy water from the City. Don Dillman motioned to charge the Golf Course the same rate as the Park rate and Vernon Townsend seconded. John Parker asked if it would be on a separate meter. It would. Motion carried on 4 yes votes.

John Parker asked about the water revenues. Several people have asked about putting in separate water meters for watering. Has anyone taken advantage of that? Director of Public Works Kenny Lance said the school is looking at putting in sewer free line to irrigate the ball fields. The cost of the meters depends on the size. If the school is already irrigating, then it would decrease the sewer revenue. Vernon Townsend motioned to approve the Treasurer’s report. John Parker seconded. Motion carried on 4 yes votes.

## **RESOLUTIONS FOR CONSIDERATION**

Resolution 2012-7- Approve Lot Split Carolyn Dick's property at 201 North Cedar was postponed earlier in the meeting.

## **BILLS FOR CONSIDERATION:**

Bill 2012-26 Authorize the Mayor to Sign an Audit Agreement with Cochran Head Vick was read for the second reading.

### **ORDINANCE NO. 2567**

This ordinance authorizes the Mayor to sign an audit agreement with Cochran Head Vick. Vernon Townsend motioned to approve ordinance no. 2567. Don Dillman seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye; Thompson: aye. Motion carried.

Bill 2012-27 Approving the 2012 Tax Rate was read for first and second readings.

### **ORDINANCE NO. 2568**

This ordinance approves the 2012 Tax Rate. Don Dillman motioned to approve ordinance no. 2568. Joy Thompson seconded. Vote: Townsend: aye; Parker: aye; Thompson: aye; Dillman: aye. Motion carried.

Jack Dillingham, Piper Jaffray, was present regarding the pool bond election ordinance. Based on the results of the Council meeting a few days ago Gilmore & Bell, the City's bond counsel, took the information that was in the summary provided with a list of pool improvements to create clear ballot language. There has been some discussion if the ballot language could go further and say the debt levy would indicate a 13 cent levy and would keep the levy the same. That is not something the City has the ability to guarantee; the debt levy is based on assessment of the City. If the City continues to grow, the levy could potentially go below 13 cents. However if the City's assessments went down, the City would have to raise the levy. That is why the ballot language cannot set a levy amount. Don Dillman asked for the City's assessed total. It is 38 million for the total assessments. Mike Yuille, Dwyane Williams and Zach Schulenberg were present from the Park Board. They asked if it could be crafted in the ballot language to say that it is not a new tax. Dillingham said no but that information could be provided in educational literature distributed about the election. John Parker had asked that same question and he thanked him for answering it. The ballot includes the ability to craft how they want the purpose to read; the rest comes straight from the state statute and does not allow a statement as to what the tax rate will be. City Administrator Jill Cornett asked if when the present bond is paid off in 2013 the next tax would be recognized as a different tax. No, the City could have a combination of different general obligation bonds. Schools have several different bond issues and do not list each as a separate account. Dwyane Williams asked what would happen if any of the items listed in the ballot language had to be cut out. Jack Dillingham explained that it is a catchall list; the key language is "including but not limited to. . ." and the important wording is that it includes "renovating, improving, furnishing and equipping."

Bill 2012-28 Pool Bond Election was read for first and second readings.

### **ORDINANCE NO. 2569**

This ordinance adds the pool bond levy to the November 2012 election. Joy Thompson motioned to approve ordinance no. 2569. Don Dillman seconded. Vote: Parker: aye; Thompson: aye; Dillman: aye; Townsend: aye. Motion carried.

Bill 2012-29 Change Zoning on Sign Regulations was for read for the first reading. Don Dillman asked why an ordinance this simple could not have been read twice at the same meeting. Mayor Ingersoll explained that if the item was not urgent, the City read it as two separate meetings.

### **Second Public Testimony**

Lynn Grabill commented concerning if the City was considering buying the piece of property mentioned earlier. He would hope not. Why add property that would have to be maintained, when if the state would sell it to a developer, it would add to the tax rolls?

Bob Wilson commented on the Main Street Extension. Bennett and Rippe still own that land. In order for them to put anything else in there or sell it, the City holds the power as far as approving building permits.

### **COUNCIL DISCUSSION:**

Vernon Townsend walked around town. At 1<sup>st</sup> and W. William there is a branch covering up the stop sign. On 1<sup>st</sup> and Main street there is a hanging branch and he witnessed a girl on a bike who fell because the branch was so low she fell trying to duck the branch. On 6<sup>th</sup> & Pearl there is a dead tree on City property. He would like to see the City Council take a retreat sometime this fall and go over priorities, what they have accomplished and what they would like to complete. He is going to a class reunion in Virginia Beach and will be out of town part of October.

John Parker reported a few people had talked to him about water. He told them they can purchase a second meter.

Joy Thompson had a busy week. She had spoken to Bill Black who had talked to Mayor Ingersoll. Black was one of the men who put in the pool in 1995. He had a lot of free suggestions and thought he might know where pool's leak is. Black Guinite did the renovations. Thompson heard a lot of complaints about Minnie Cline being backed up to T Hwy after school let out. She asked if the police could check that out. She attended the Park Board meeting. They talked a lot about the pool bond. There was also confrontation. The City and Parks need to work together. Today she had a complaint regarding the bids on employees' insurance. The local insurance agent she talked to said he was denied a bid sheet. The City was bidding out insurance, not a broker. Mayor Ingersoll described that if two people send in the same bid specifications for the same insurance company; both agents will be giving the same quote. The base bid would be the same bid. Thompson reported that a resident's trash was not picked up.

Don Dillman had nothing to report.

City Attorney Ron Holliday asked to go into Executive Session to discuss litigation. Joy Thompson motioned to go into closed session for litigation 610.021(1). Don Dillman seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye and Thompson: aye. Motion carried.

### **EXECUTIVE SESSION: Litigation 610.021 (1) RSMo.**

No motions were made during the Closed Session. Vernon Townsend motioned to go back into open session. John Parker seconded. Motion carried on 4 ayes.

**Adjournment**

No further business to discuss. Meeting adjourned at 9:16 p.m. on a motion by John Parker and seconded by Joy Thompson. Motion carried on 4 yes votes.

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Dave Ingersoll, Mayor

ATTEST: \_\_\_\_\_  
Beth Kar, City Clerk