

**SAVANNAH CITY COUNCIL
PROCEEDINGS
REGULAR SESSION
MONDAY, JUNE 4, 2012
CLASBEY CENTER – COUNCIL CHAMBERS
7:00 P.M.**

Mayor Dave Ingersoll presiding.

Pledge of Allegiance was recited.

Roll Call -- Board of Aldermen present: Don Dillman, Vernon Townsend, and Joy Thompson. John Parker was not present at roll call. Mayor Dave Ingersoll, City Administrator Jill Cornett, City Attorney Ron Holliday, City Clerk Beth Kar, Director of Public Works Kenny Lance, and Chief of Police David Vincent were also present. Over 25 people were in attendance. The meeting notice was posted at City Hall on June 1, 2012. The meeting was audio recorded.

Approval of Agenda

Vernon Townsend motioned to approve the agenda as posted. Don Dillman seconded. Motion carried on 3 yes votes.

Minutes – May 21, 2012; May 30, 2012

Don Dillman motioned to amend the minutes of May 21, 2012 and May 30, 2012 as submitted. Vernon Townsend seconded. Motion carries on 3 yes votes.

Public Testimony

Linda Lambright, Director of the Andrew County Senior Center, was present to find out more on the East Main Street Extension project including the culvert. The seniors are in the process of building a new center. The grant for the new Senior Center is dependent upon the East Main Street Extension being finished. Lambright described her frustration in waiting for over a year and a half for the East Main Street project to be completed. She realized the construction bids came in over the anticipated amount. She wants to make sure East Main's construction is going to be re-bid. All of the new Senior Center grants are dependent on this specific property. She appreciated Mayor Ingersoll looking for a backup property but they are tied to this property.

Mayor Dave Ingersoll reported the City met with the Andrew County Commissioners to ask for their help with the East Main project. The County is willing to help. Randy Atkins picked up a set of plans to see what the County can do, including site preparation, clearing of the trees, and digging the ditch for a box culvert. The County is not subject to prevailing wage because the County would be using its own employees. The commissioners will line out the items that the County can perform, and then the City will go back to the contractors with pared down bid specifications. The approved contractor will build the box culvert and the street. CDBG is allowing the \$52,000 not spent on the City's other CDBG grant, Price/Cedar, to be used on the East Main project. The developers have been paying for the East Main Street engineering costs. Lambright asked about the time frame for the street's completion. City Administrator Jill Cornett thought it would take a few weeks for all of the parties to put together a new set of bid specifications. She wants internal staff to look at what can be done in-house between the County

and the City. The engineer, TREKK, will have to put out new specifications and then the grant requires the legal notice for the bids to be advertised for three weeks in the newspaper. The construction companies are poised to re-bid. Cornett thought it would be 5 to 7 weeks to award a new bid for East Main Street's construction.

At 7:06 p.m. Alderman John Parker arrived at the meeting.

Ralph Kennard commented he knew Council concentrated on local issues. Kennard expressed his concern that the Federal government was going to put restrictions on the City that will affect each individual member of the City. Kennard described many concerns, including that U.S. citizens would have higher taxes like in Europe. Mayor Ingersoll reminded Kennard of the 5-minute limit on Public Testimony comments.

Ralph Stanton distributed a hand-out to Council. He wanted to talk about the proposed wells ordinance but also had comments about East Main Street. Stanton described the history of the area where the old race track used to be which is next to the East Main Street project. He reminded Council that the developers were supposed to complete the street up to the east property line before any construction was done. He was concerned the City, also, was not following the Zoning book. He felt the developers including Rippe should have put in East Main Street without any grant money. His opinion on the residential wells issue was that it was not practical to put in a well when residents have City water available. Stanton listed many expenses that made it more costly with a well than using City water. The Department of Natural Resources (DNR) has comprehensive regulations on wells. In the minutes from the last Council meeting he thought that Mayor Ingersoll was out of order on pushing the wells issue. Stanton alleged that there was improper use of a city vehicle by a city employee and that the employee tried to cover up the issue with a bribe. He said the City Administrator used a city truck to get furniture and then tried to bribe Director of Public Works Kenny Lance with free car washes on city property if he remained quiet on the issue. City Administrator Jill Cornett reported that Stanton did not have accurate facts and needed to stop with the innuendoes. Mayor Dave Ingersoll told Ralph Stanton his 5 minutes limit for public testimony was up. Stanton continued to speak. Ingersoll asked Chief of Police David Vincent to remove Stanton from the meeting. Chief of Police David Vincent asked Ralph Stanton to stop. Ralph Stanton stopped speaking and left the meeting.

Mayor's report

Board Appointments -- Mayor Dave Ingersoll recommended Greg Gabler to fill in the vacancy on the Planning & Zoning Commission. Don Dillman motioned to approve the Mayor's appointment of Greg Gabler and Vernon Townsend seconded. Joy Thompson asked why the Mayor wanted Greg Gabler on Zoning. Mayor Ingersoll responded that Gabler was Council's Liaison to Planning & Zoning when he was Alderman and is interested in growth for the City of Savannah. Motion carried on 3 yes votes; 1 no (Parker).

Mayor Dave Ingersoll reported that he talked to several people regarding the Park Board vacancies but he had no one to appoint at this time. He wants to have Board Appointments on the next agenda.

City Administrator's Report

City Administrator Jill Cornett reported:

CITY REFINANCING DOCUMENTS FINALIZED WITH SIGNATURES TONIGHT – Council needs to sign the documents to finalize the paperwork to proceed with refinancing Stormwater COPs (Certificates of Participation).

SECOND REVISION TO LIQUOR LICENSES AND FEES – A clerical error in drafting the new liquor license fee list requires Council to pass another ordinance this evening. The cost of a specific type of license was listed in two separate places with different fees. This new ordinance clears up discrepancies. Council was provided a new ordinance at the meeting that includes one more change since the Council packets were sent out, re-adding the SOP Sunday license.

CONTRACT TO RENEW CLASBEY SPACE LEASE WITH INSPIRATIONS DANCE CENTER -- This ordinance is a simple renewal of the existing contract with no change in price.

UPDATE ON E. MAIN – The City is exploring options to cut cost from the project's construction bids. East Main was already discussed earlier in the meeting. Joy Thompson commented that when she was on Council before, it was set that the developers were supposed to pay for the East Main Street Extension. What happened? Mayor Ingersoll mentioned that this Council is cleaning up a lot of things.

TRIM GRANT -- The grant was postmarked May 30, one day before the deadline.

EMPLOYEE SAFETY REQUIREMENTS -- Cornett would like to postpone any new ordinances addressing the Personnel Manual until the City begins budget planning and can have a more comprehensive discussion regarding personnel activities and guidelines. There is an existing chapter in the Personnel Manual that covers this issue. It is somewhat arbitrary and would be open to interpretation from Council. She does not want to make patchwork changes to the manual. The City's insurance MIRMA mentioned that many workers' compensation claims are from not adhering to safety procedures.

MO-DOT SIDEWALK GRANT UPDATE – On March 20, 2012, the City sent a letter to Michael Rinehart, MO-DOT Area Engineer, making an offer to pay back the MO-DOT sidewalk grant per the following schedule: \$8,817 per year for eight consecutive years. Cornett distributed an email message from MO-DOT from earlier today. Since the City receives approximately \$180,000 per year from gas tax, MO-DOT thought the City should pay approximately \$16,000 over 4 years. Cornett recommended acknowledging that the City would follow this payment plan over the course of 4 years. Vernon Townsend asked if this would jeopardize any sidewalk grants in the future? Mayor Ingersoll thought the City would be better off without a grant which could be over-engineered and the City end up paying almost twice as much. He thought the City should go back to budgeting an amount for the sidewalk share program where the cost is split 50/50 with citizens. Don Dillman asked if the state could deduct the \$16,000 from what it pays the City in fuel tax instead of the City having to pay the State. The office that deposits money to the City for gas tax is different than the group the City would be paying back for the sidewalk grant. Cornett asked for a motion to have the City pay back the sidewalk grant per the 4 year schedule. Don Dillman motioned to draft a letter acknowledging the City would follow the 4 year repayment process. Vernon Townsend seconded. Motion carried on 4 yes votes.

ORDINANCE TO PROHIBIT THE CONSTRUCTION OF NEW WELLS IN CITY LIMITS – Cornett included information on wells from the cities of Harrisonville, Purdy, and

Rolla. Existing wells can continue to be used until they are officially abandoned. The well ordinance is not ready for passage tonight. It is available for discussion and the first reading. The City would need to establish how long a time period before a well is considered officially abandoned such as 60 to 90 days. John Parker would like to pull together the Public Utility Committee to review the well ordinance. The City will need to draft an ordinance to create the Public Utility Commission. Cornett will bring the commission creation ordinance to the next Council meeting to be read twice and passed at the same meeting. The Savannah School District has hired an engineering firm to help them save money on utilities and the firms are asking about the possibility of the school drilling wells for water. Mayor Dave Ingersoll recommended going ahead with first reading of the well ordinance tonight. Cornett distributed a draft on a Public Utility Advisory Board. She will contact the members for the Public Utility Commission this week.

City Administrator Jill Cornett addressed Ralph Stanton's remarks on her use of a city vehicle. She is very disappointed with his comments and she did not try to bribe anybody.

Payment of Bills – Council reviewed May's paid bills. Jill Cornett described the large water debt invoices paid in May. John Parker asked about the new computer and software purchases. The computer that handles the water meter software is being replaced. John Parker motioned to pay the bills and approve the City Administrator's report. Vernon Townsend seconded. Motion carried on 4 yes votes.

BILLS FOR CONSIDERATION:

Bill 2012-20 Adding Section: Well Regulations to City Code Chapter 67 was read for the first reading.

Bill 2012-21 Amend City Code Chapter 50 Beer & Liquor with Revised Liquor License Fees was read for the first and second reading.

ORDINANCE NO. 2562

This ordinance amends ordinance 2558 City Code Chapter 50 Beer & Liquor of the City Code. Vernon Townsend motioned to adopt ordinance no. 2562. Don Dillman seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye; Thompson: aye. Motion carried.

Bill 2012-22 Renew Contract with Inspirations Dance Center for Clasbey Center Rental was read for the first reading.

Second Public Testimony:

St. Joseph News Press reporter Marshall White asked if Mary Ingersoll, the Inspirations Dance Center owner, was any relation to Mayor Ingersoll. Mary Ingersoll is the Mayor's Daughter-In-Law. Marshall White asked if the Mayor had abstained from any discussion on the ordinance/contract. He had abstained.

Director of Public Works Director Kenny Lance reported there was no bribery and didn't know what Ralph Stanton was talking about.

Lynn Grabill asked if the wells addressed in the ordinance were commercial or residential wells. The ordinance would affect both residential and commercial wells.

COUNCIL DISCUSSION:

Joy Thompson attended the May 24th Andrew County Extension meeting. She received a complaint from the resident at 12355 C Highway; the resident is being charged for a new wireless water meter and does not have one yet. Mayor Ingersoll replied that that was possible. There are several homes that do not have a new meter. Thompson did not realize that residents were being charged if they have a new meter or not. City Administrator Jill Cornett explained that it is a water meter program. Director of Public Works Kenny Lance ordered \$20,000 worth of meters and the installation of new meters will start again. Cornett described why the water meter program was not yet finished. Joy Thompson had a complaint about tall weeds behind 12th Terrace across from August Young's property; the property address could be 13th Street Terrace.

Joy Thompson asked for legal advice from City Attorney Ron Holliday. Can one Council member act by himself and tell employees what to do and put things on a web site? Council can only act as a body, not separate individuals. She was upset with Council Member Vernon Townsend and his putting pictures of the Messick Park bathrooms on his Savannah Mo Facebook web site. She thought a Savannah Mo site should show pride in the City and felt his posts showed no pride. She thought he should have come to the City Council first with his concerns. The destruction of the Park bathrooms was not the Park Board's fault; it was vandalism. She recommended the City switch to porta pots (portable toilets). Vernon Townsend responded that he had mentioned the problem before to Council and that the bathrooms had been that way for a long time. Thompson thought the Parks department was probably tired of replacing items in the bathrooms. Joy Thompson had also spoken to City employees who say Townsend gave them directions of what to do. City Administrator Jill Cornett offered to reach out to other cities and see how they handle things like bathrooms and protection against vandalism. Don Dillman commented that if something needs done, it should go to one central person, the City Administrator. Otherwise it is circumventing the person hired by the City. Mayor Ingersoll wants the City Administrator to be aware of all of these issues. Mayor also wants the police to keep a careful eye on vandals. The curfew at the park is 10 p.m. but it is not posted. Joy Thompson talked to Park Board members who are tired of replacing the bathroom items. Ralph Kennard asked if there was a neighborhood watch program in the City. There is not currently a neighborhood watch program. Mayor Ingersoll suggested if the people across the street from the parks see people in the park, they need to call the police.

John Parker reported that Council Member Vernon Townsend's name comes up because people call Parker and say Townsend is involved in different things. Parker resolved part of a problem with Townsend and will talk to him about another part after the meeting. Parker received complaints that Townsend approaches employees and tells them what to do and this past weekend he was out looking to see if residents had purchased their yard sale permits for the City wide garage sale. Those permits were issued by RSVP, not the City. Vernon Townsend responded that was not true; he did not inspect for any permits. John Parker continued that he knew Townsend was aggressive on many things that he does. People are asking Parker why Townsend came to town and was being so negative. Lynn Grabill thought this discussion should be taken offline, outside of the Council meeting. John Parker receives complaints about Townsend. He knew Townsend was trying to do a good job. He wants to talk to him after the meeting. Mayor Ingersoll has talked to Vernon Townsend. Townsend walks a lot and that is when he sees a lot of items. Ingersoll recommended that the course of action should be to report the items to the City Administrator.

Vernon Townsend responded that he did not ask anyone about garage sale permits. He has people who will verify that. He felt posting pictures on the web site made people aware that there is a problem with the parks. He did not feel he was slamming the City. He said he cannot go to the Park Board and ask them to fix these things. Joy Thompson felt that in a way the City can. Vernon Townsend was out at the Youth Complex and all the bathroom doors were open, air conditioning was running, and no one was there which was different from the Messick Park bathrooms and that's when he took the pictures. He wanted to know why the parks cannot be the same all around. When he went to Messick Park, there was a family gathering going on and he received complaints that there was no soap in the bathrooms. There is no water in the water fountain at Messick Park. A lot of people think he has issues with the Park Board. He said he does not have issues with the Parks; he just wants equal care of the City's park facilities. Don Dillman commented that what Townsend posted was not false information. Vernon Townsend described that there are reality programs that set up traps for people. He wanted to point out what was wrong and what needed to be corrected. He took down the pictures from the web site in 24 hours because he thought enough people had seen them. Townsend thanked the City crews for mowing the yards on Main and Benton. He now has nuisance complaint forms that he will fill out and turn into Building Inspector Gene Grossman. Townsend gave special recognition to former Mayor Billy Kretzer, Bob Barnes and the Boy Scouts for cleaning up.

Don Dillman referred again to the personnel issue and that everything should go to the City Administrator Jill Cornett and even the nuisance complaints should go to Cornett, not to Building Inspector Gene Grossman. Dillman thought it puts the City Administrator potentially in a precarious situation when she not aware of what is going on.

John Parker motioned to go into closed session for reasons of Personnel 610.021(3). Vernon Townsend seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye; Thompson: aye. Motion carried.

EXECUTIVE SESSION 610.021 (3) PERSONNEL

During Closed Session, Vernon Townsend motioned in favor of making Rob Wilson an Assistant Wastewater Plant Manager with a 5% raise. Joy Thompson seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye; Thompson: aye. Motion carried.

Don Dillman motioned to go back into Open Session and Vernon Townsend seconded. Motion carried on 4 ayes.

Joy Thompson referred to the letter Council received from an attorney criticizing the City for violating the State Sunshine Law. Mayor Ingersoll said that the letter is an attorney's opinion. Don Dillman asked if they had to provide a list of the members of Savannah Citizens for Responsible Government. City Attorney Ron Holliday described that the City was just copied on the letter sent to the State Attorney General. The purpose of an agenda is to provide notice to the public and provide a place for public input. A Mayor's appointment is an internal matter. He did not think the vote would be different if the removal of Kevin Rost from the Park Board was put back on the agenda. Putting it on the agenda would not have changed anything. Holliday asked if that was something the Mayor wanted public input on. Mayor Ingersoll responded no. Holliday advised that regarding this letter the City was not being asked to do anything. He described the lawsuit in the Village of Country Club, where he is also the City Attorney. Unless the State Attorney's office thinks it is an egregious violation, they only try to

offer the City in question more education. He did not see the letter as anything other than asking the Attorney General to send the City educational material on the Sunshine Law. Holliday thought the Park Board change was really an internal issue between the Mayor and the Council and not something that should be opened up for public comment. The City could have done that but it would not have made any difference. Council discussed the definition of an appointive officer. Appointive officers would include the City Administrator and other positions such as superintendents. Joy Thompson has been reading through the state statutes and the Park Board has authority that the Golf Committee does not. The Park Board can do their own contracts and own hiring of staff. Don Dillman commented that statutes still says the Park Board has to report to Council every June. City Administrator Jill Cornett described that when it gets down to practicality if the Park Board has a contract and ends up being in violation, the contractor would go after the City because the Park Board does not exist as a body with deep pockets. Joy Thompson suggested the Park Board still have the City Attorney Ron Holliday look over any contracts first. Mayor Ingersoll thought the Park Board was looked at as an advisory board; they created a budget but they did not hire or fire or enter into any contracts. Don Dillman commented that because the Parks received tax money, they are an administrative board. John Parker mentioned that the last page of the letter mentioned attachments but there weren't any. Joy Thompson wondered why the Attorney General could not tell the City who complained about the sunshine law violations. Mayor Ingersoll commented that the City needed to take the matter seriously. The letter is criticizing the contents of the minutes and minutes depend on the person's viewpoint. The letter talked about a meeting where Council had quorum at a Park Board meeting. City Attorney Ron Holliday described that it all depends on what the Council is doing and if it is acting in an official capacity. If the Council members have a quorum at a Park Board meeting, it needs to be posted as a meeting. Mayor Ingersoll said the Council members were interacting because were being asked questions. He would question their minutes. Mayor Ingersoll ended the meeting by asking City Clerk Beth Kar to put Board Appointments on the next meeting agenda and to keep doing that until the positions are filled.

Adjournment

No further business to discuss. Meeting adjourned at 8:46 p.m. on a motion by Don Dillman and seconded by Joy Thompson. Motion carried on 4 yes votes.

Dave Ingersoll, Mayor

ATTEST: _____
Beth Kar, City Clerk