

**SAVANNAH CITY COUNCIL
PROCEEDINGS
REGULAR SESSION
MONDAY, MAY 21, 2012
CLASBEY CENTER – COUNCIL CHAMBERS
7:00 P.M.**

Mayor Dave Ingersoll presided.

Pledge of Allegiance was recited.

Roll Call -- Board of Aldermen present: Don Dillman, Vernon Townsend, Joy Thompson and John Parker. Mayor Dave Ingersoll, City Administrator Jill Cornett, City Attorney Ron Holliday, City Clerk Beth Kar, Director of Public Works Kenny Lance, Water Superintendent Dale Watson and Chief of Police David Vincent were also present. The meeting notice was posted at City Hall on May 18, 2012. The meeting was audio recorded.

Approval of Agenda

Vernon Townsend motioned to approve the agenda with two changes. He asked for Bill 2012-17 and Bill 2012-18 to be read for both first and second readings with consideration of passage instead of having the first and second readings at separate meetings. Don Dillman seconded. Motion carried on 3 yes votes; 1 no: Parker.

Minutes – May 7, 2012

Don Dillman motioned to approve the minutes of May 7, 2012 as submitted. Vernon Townsend seconded. Motion carried on 4 yes votes.

Public Testimony

Ralph Kennard, 206 S. 2nd, described his history in the military service. He addressed Council regarding the United Nations and Agenda 21. He was concerned about loss of rights and the government wanting to control property. He left a handout on the Communist manifesto for Council.

Floyd Auxier, Auxier Construction, asked if the East Main Extension bids were on the agenda. The bids are addressed under the City Administrator's report. He would like to speak during the discussion and ask questions. Mayor Ingersoll thought Auxier should be allowed to ask questions during that time even though normally the public only speak during the Public Testimony.

Rails to Trails Presentation

Stephen Rhoades, from the company Vireo, provided a PowerPoint presentation regarding the Rails to Trails program. Vireo has a contract locally with the Metropolitan Planning Organization (MPO) in St. Joseph. Rhoades displayed maps and other information on the three Rails to Trails projects that he had visited including the Virginia Creeper Trail, the Wabash Trace Trail in Iowa and the KATY Trail in Missouri. There is a plan for the Quad State Trails to connect Iowa, Nebraska, Kansas and Missouri. It could be a combination of on road and off

road from Savannah to St. Joe. Mayor Ingersoll asked how to acquire property for the project. Joy Thompson remembered when she was on the Chamber of Commerce, they accommodated two bike groups who spent the night at the Middle School and brought in money. She would like the City to look into the plan further. Rhoades is in the process of completing a Rails to Trails plan for St. Joseph MPO and then breaking the plan into segments. Once the plan is complete, cities could apply for recreational trail grants.

Mayor's report

Mayor Dave Ingersoll reported that the last two weeks he had read several proclamations including for Cody Hummer Day and La Verna for Nursing Home week. The topic of wells, using existing or drilling new ones, has come up since the increased water rates. He explained that a resident cannot hook a well to the city's water system because of the potential problem of backflow contamination. In addition, the Department of Natural Resources cites that 50% of wells in Missouri have E. Coli. The biggest issue is that when a community builds a water system that means everyone participates. He felt the City needed to have an ordinance dealing with wells and have it quickly. There are wells on some of the older homes in town. City Administrator Jill Cornett thought it made sense to have an ordinance against drilling any new wells. Don Dillman knew some residents who watered gardens with their well water. Mayor Ingersoll thought that was just a step away from hooking the well to the house. John Parker asked if he would outlaw rain buckets. Mayor Ingersoll responded that rain buckets would be harder to connect to the City's water system. He recommended directing anyone who mentions wells to the Department of Natural Resources (DNR) for information on the regulations. Ingersoll is okay with rain buckets or watering gardens but he does not want to see contamination into the city's water system from wells water.

Mayor Ingersoll wanted to talk to Council about the Park Board. Joy Thompson and Don Dillman attended the last Park Board meeting. The Park Board did not have quorum to hold a meeting. There is one opening currently on the Park Board. Ingersoll would like to make one change tonight regarding a member with an issue of conflict of interest. He would like to thank Kevin Rost for his service and remove him from the Park Board. Vernon Townsend motioned to remove Kevin Rost from the Park Board and to send him a letter of appreciation for his service. Don Dillman seconded. Council discussed the motion. Joy Thompson did not think removing Rost would help the situation. Mayor Ingersoll thought Rost had a definite conflict of interest. Don Dillman commented the Park Board was firmly entrenched and it would take more than one person to change it. In order to make things right, it will take discussion with the Park Board. City Attorney Ron Holliday called a point of order. He said that in the City Code the Mayor may remove any member with the consent of Council for misconduct or neglect of duty. He felt the reason for removal needed to be stated. The Mayor's reason is conflict of interest and Holliday thought that fell under misconduct. Joy Thompson did not see any misconduct. Holliday had a copy of the liability and hold harmless agreements for the Youth Football organization to the City; Kevin Rost signed the agreement on behalf of Youth Football. Mayor Ingersoll received information that Park Board member Dwyane Williams is no longer an officer on Youth Football, so maybe that's a different situation. Ingersoll is willing to move forward with the rest of the current members. Vernon Townsend stated that the Park Board is an important board but has not had quorum but once this year and that is an indication that changes need to take place. Vote on removing Kevin Rost from the Park Board: 2 yes: Townsend, Dillman; 2 no: Parker, Thompson. Mayor Ingersoll voted "yes" to break the tie and the motion carried.

Joy Thompson talked to the Park Board. The Board asked for two things: everyone to receive copies of the Park electric and water bills and for the vacancy on the Board to be filled. Mayor Ingersoll mentioned the state statutes describe that the Park Board should present a report in June. Joy Thompson responded that the Parks pay the City a monthly fee to provide the Park's accounting so the Park Board assumed they did not have to present a report. Mayor Ingersoll thought it should be an annual report of projects, not a financial report. He thought it helped that former City Administrator Janice Hatcher is on the Park Board and understands the finances and the debt. Ingersoll has three names of prospective Park Board members to fill the two vacancies. He is waiting for them to call him back. Council meets June 4th, before the next Park Board meeting. He will have the appointments at the June 4th meeting.

Police Chief's Report

Chief of Police David Vincent reported April and May's officer activity statistics. June 2 is the City Wide garage sale. The annual motorcycle charity Ride for Ryan comes through Savannah the same day in the afternoon. June 9 is the Savannah High School Alumni event and the next weekend starts the Andrew County Fair. Vernon Townsend motioned to approve the Police Chief's report. John Parker seconded. Motion carried on 4 yes votes.

Mayor Dave Ingersoll recognized the Boy Scouts in the audience: Scott Beatty, James Beatty, and Zane Beatty who were present receiving their community badges.

City Administrator's Report

City Administrator Jill Cornett reported:

STANDARD & POOR RATING RECEIVED -- Staff had teleconference with Standard & Poor (S & P) and Jack Dillingham, Piper Jaffrey, to discuss finances, revenues and expenditures, audit and the General Fund balance. Information from that teleconference was used to allow S&P to give the City a credit rating. The City received "A" credit rating, specifically for the Stormwater refinancing. The City also received an Issuer Credit Rating "A" rating, indicating the City's overall financial health, not specific to any single debt issue. She'll send a copy of the rationale circular to Council. The approximately result is \$35,000 in savings.

SPECIAL SESSION WEDNESDAY, MAY 30, 2 P.M., CITY HALL – A special meeting will be held to approve the ordinance to permit the refinancing of 2002 Series Stormwater Debt.

FUND TRANSFERS— The Cemetery fund has a negative cash balance. Don Dillman motioned to transfer \$25,000 from General Fund to Cemetery Fund to get Cemetery Fund out of deficit. John Parker seconded. Motion carried on 4 yes votes.

MIKE CLARK/CEMETERY STAFF – Cornett asked for all of Mike Clark's salary to come out of the Street department. Clark has been primarily working in the Street department and that will decrease the Cemetery fund's expenditures. Don Dillman asked if all of Clark's salary would come out of the Street department or when he works at the Cemetery would his pay come out of the Cemetery fund. Cornett recommended that for the rest of this fiscal year all of Clark's salary come out of the Street fund. Vernon Townsend motioned to move Mike Clark's salary to the Public Works to alleviate pressure on the Cemetery fund's Budget. Don Dillman seconded. Motion carried on 4 yes votes.

SET DATE FOR FIRST 2012-2013 BUDGET MEETING – It is time to start on the new year's budget. Cornett recommended starting in mid-July. She recommended the first work session to be the week of July 16-19. Council discussed schedules. The 2013 Budget Work Session was set for Wednesday July 18th, 3:30, City Hall.

UPDATE ON EAST MAIN STREET EXTENSION CONSTRUCTION -- Construction bids were opened on Friday, May 18. Bids came in around \$550,000. Engineer's estimate was \$470,000. CDBG grant amount is \$271,000. The engineer, TREKK, will examine bids and specifications to see where costs may be cut. The City can rework the design and put it out for bid again to attempt to capture lower bids. There are no more grant monies available beyond the \$271,000 the City is allotted. Floyd Auxier, Auxier Construction, described several items engineered in the project that were not necessary. Jill Cornett commented the City would have more latitude if it were not federal grant money. She will take the items from Auxier and go back to the engineer at TREKK. Auxier asked how much time was left to complete the grant. Don Dillman asked whose pockets anything over the \$271,000 comes out of. Mayor Ingersoll answered, the City's; the City could ask the developers but he did not think it was going to happen. Floyd Auxier mentioned that the three bids were extremely close.

UPDATE ON CERTIFICATIONS OF PERSONNEL -- Tim George successful recertified for his Class D State water plant operator's license. Nate Campbell successfully tested and recertified for his Missouri pesticide applicator's license. Tim George had lost \$1,000 from his annual pay since he had not maintained his certification. Cornett recommended reinstating the \$1,000 to George's pay. Vernon Townsend asked how many people had to be certified. Water Plant Dale Watson described that the City started the \$1,000 incentive program quite a while ago. John Parker motioned to increase Tim George's salary for receiving his certification and Joy Thompson seconded. Motion carried on 4 yes votes. Vernon Townsend asked if there needed to be a similar motion for Nate Campbell. City Administrator Jill Cornett answered that Campbell's lapse of certification was a short time and the \$1,000 had not been removed from his salary.

VEHICLE SALES TAX IN MISSOURI -- Missouri Supreme Court decision invalidated the sales tax that local governments collect on the sales of motor vehicles outside of jurisdiction. MML anticipates Savannah's tax loss at \$29,500 per year. Missouri Legislature has passed a new law to reinstate that tax. Governor Jay Nixon has threatened to veto the bill because he and his staff view it as a tax increase that should go to a public vote. Missouri Municipal League asks local elected officials to contact Governor Nixon's office to indicate the importance of this revenue to local budgets and to note that many jobs at Missouri dealerships are threatened as buyers choose to purchase out of state. An MML letter to cities was included in Council packets.

TRIM GRANT – The application is due by June 1, 2012. Cornett will have an update at the May 30 meeting.

YOUTH ALLIANCE – WORKSITE MENTORING -- Two young people from the Youth Alliance have begun working part-time at City Hall.

UTILITY DEPOSITS -- In response to the outcry from the public about holding landlords responsible for outstanding utility debt, staff is researching the possibility of increasing the amount of money required for utility service deposits. Based on recommendations from other municipalities, staff will draft an ordinance to address the shortfall in utility deposits to cover the loss if/when customers leave bills unpaid. Vernon Townsend asked if the deposit is for the first

and the last month. No, customers pay an upfront deposit that covers the final bill if the person moves out. Mayor Ingersoll wants to review the whole utility deposit section of City Code. He wants to find out what would be enough to cover two months of a utility bill. Ingersoll wants to know the procedure for applying the deposit. How long is it before the City assumes a resident has left and applies the utility deposit? Normally staff verifies the person has left. There has not been a change in the deposit fee charged in many years. John Parker would also like to look at criteria for a payment plan. Mayor Ingersoll was not in favor of a payment plan.

EMPLOYEE SAFETY REQUIREMENTS – The City’s liability and worker’s compensation insurance carrier, MIRMA, reports that the failure to follow safety measures that are taught in the safety films is the leading cause of injury and Worker’s Comp claims. Staff meetings include instructions to follow safety measures as directed in the videotape presentations provided by MIRMA including, but not limited to:

- Goggles when mowing, weed eating, sawing, drilling, etc ... any time dust and debris could fly into your eyes.
- Use ladders and step stools NOT CHAIRS or boxes when reaching for overhead work.
- Wear gloves when reaching into water/wastewater or other areas where risk of injury exists.
- Use harnesses when stepping in or around manholes, ditches, etc.
- Follow all safety measures directed in these films.
- If you need equipment, request it

Cornett requested a motion from council that Worker’s Compensation claims resulting from the failure to follow safety measures will result in a written violation that goes into ones permanent file. Two violations in one year will result in recommendation to council for employee probation. Three violations in one year will result in recommendation to council for time off without pay and possible permanent dismissal

Don Dillman reported through the company he works for worker’s compensation claims are not covered if an employee is not wearing safety equipment. Cornett told employees she would be coming to Council about a disciplinary process. Vernon Townsend would like to see two violations taken down to time off without pay and three violations to termination. Mayor Ingersoll asked what the City’s “MOD” factor was. Cornett will have an ordinance to amend the personnel manual. Director of Public Works Kenny Lance added that staff safety meetings are supposed to be mandatory; there should be a clause added that employees cannot take vacation during those days. Mayor Ingersoll thought there needed to be a way to make up if an employee misses a safety meeting. Police Chief David Vincent asked that supervisors should be able to write someone up for violations even if there was not an injury and worker’s compensation claim. Mayor Dave Ingersoll commented that the City cannot discipline an employee for getting hurt on the job but can discipline for not following safety regulations.

ORDINANCES – All bills tonight will be read for consideration of passage.

***ENCLOSURES:** Council Packets include photos of the St. Joseph building that caught fire, resulting in deaths. The adjacent duplex was saved because of the adherence to code requirements for a fire wall.

Vernon Townsend motioned to approve the City Administrator's report. John Parker seconded. Motion carried on 4 yes votes.

TREASURER'S REPORT – City Administrator Jill Cornett presented the Treasurer's report and described the highlights of the funds for April 30, 2012. Vernon Townsend commented in the Parks chart under \$826.03 the report should say expenses "increased" instead of "decreased."

John Parker motioned to approve the Treasurer's report. Don Dillman seconded. Motion carried on 4 yes votes.

BILLS FOR CONSIDERATION:

Bill 2012-11 Approve Sullivan Publications for Codification Bids was read for the second reading.

ORDINANCE NO. 2554

This ordinance approves Sullivan Publications for the City's codification. Don Dillman motioned to adopt ordinance no. 2554. Vernon Townsend seconded. Vote: Dillman: aye; Townsend: aye; Parker: aye; Thompson: aye. Motion carried.

Bill 2012-12 Approve Soft Drink Bid to Pepsi for City's Golf and Park Concessions was read for the second reading.

ORDINANCE NO. 2555

This ordinance approves Pepsi for the City's concessions. Vernon Townsend motioned to adopt ordinance no. 2555. Joy Thompson seconded. Vote: Townsend: aye; Parker: aye; Thompson: aye; Dillman: aye. Motion carried.

Bill 2012-13 Amend Chapter 77 Building Permit rates was read for the second reading.

ORDINANCE NO. 2556

This ordinance amends Chapter 77 of the Building Permits, adding permit fees on electrical and other indoor repairs. Don Dillman motioned to adopt ordinance no. 2556. Vernon Townsend seconded. Vote: Parker: nay; Thompson: nay; Dillman: aye; Townsend: aye. Mayor Ingersoll broke the tie by voting "aye." Motion carried.

Bill 2012-14 Authorize the Mayor to Sign an Agreement with Aaron Grossoehme for Clasbey Center Rental was read for the second reading.

ORDINANCE NO. 2557

This ordinance approves the agreement with Aaron Grossoehme for Clasbey Center rental. Vernon Townsend motioned to adopt ordinance no. 2557. John Parker seconded. Vote: Thompson: aye; Dillman: aye; Townsend: aye; Parker: aye. Motion carried.

Bill 2012-16 Amend Chapter 50 Beer was read for first and second readings.

ORDINANCE NO. 2558

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

Bill 2012-17 Contract with Mike Fimple on Sewerage was read for first and second readings.

Vernon Townsend asked if the ordinance could be amended to apply to others, not just Fimple. City Administrator Jill Cornett explained that a separate contract would have to be written for any vendor who wished to dump sewerage with the City.

ORDINANCE NO. 2559

This ordinance approves the contract with Mike Fimple to dump sewerage to the City's Wastewater Treatment Plant. Joy Thompson motioned to adopt ordinance no. 2559. Don Dillman seconded. Vote: Townsend: aye; Parker: aye; Thompson: aye; Dillman. Motion carried.

Bill 2012-18 Remove Membership Fee from Utility Bills was read for first and second readings.

ORDINANCE NO. 2560

This ordinance removes the monthly Great Northwest Water Commission fee from the utility bills. Vernon Townsend motioned to adopt ordinance no. 2560. John Parker seconded. Vote: Parker: aye; Thompson: aye; Dillman: aye; Townsend: aye. Motion carried.

Second Public Testimony

Ralph Kennard thought the placement of the United States flag and Missouri flag in the Clasbey Center should be switched. United States flag should be on the left.

Police Chief Dave reminded everyone that the Law Enforcement's Annual Torch Run for Special Olympics was at Noon tomorrow. The Mayor will speak on the east side of the courthouse. The Mayor needs a Special Olympics proclamation to read.

COUNCIL DISCUSSION:

Don Dillman attended the Park Board and Golf Committee meetings. He has played several times on the golf course and mentioned the course has improved.

Vernon Townsend received emails and phone calls about the property at 108 W Main; the weeds and grass are too high. Mayor Ingersoll responded that the City needed to mow the property and add the cost to the property owner's taxes. Townsend also reported that the house on 3rd street has trash in the yard. He thought the address was 503 S. 3rd Street. Building Inspector Gene Grossman knew which house it was. John Parker brought up there is an in-ground pool there and safety concerns with children in the area since there is not a fence. Grossman contacted the owner regarding the pool which has water in it and no fence. There was a time gap between when the bank got back possession of the house. Parker asked if the fire department or someone could drain the pool. Mayor Ingersoll recommended putting up a temporary snow fence. Don Dillman commented the pool would fill back up with rain if was drained. Thompson had a complaint about the grass/weeds at 602 W. Nelson. Chief Dave Vincent reported that the City mowed it last year, also. Townsend received a phone call from someone who was irate about water bill. He traced the number back and it was a person from Lee's Summit, not Savannah.

John Parker received a call about the vacant property on 3rd street and concerns about the in-ground pool. There was a concern of safety since there are lots of young children in that area and few houses with fences.

Joy Thompson received two nuisance complaints about 904 W. Davis and Nelson. She had a complaint about a truck with foul language painted on it. She called police and Officer Williams

was there within 10 minutes and took care of the situation. She received a complaint about the cemetery: two pots had been broken and some of the stones were torn up. She thought the Legion was going to get someone to fix the stones.

Adjournment

No further business to discuss. Meeting adjourned at 9:10 p.m. on a motion by Vernon Townsend and seconded by Joy Thompson. Motion carried on 4 yes votes.

Dave Ingersoll, Mayor

ATTEST: _____
Beth Kar, City Clerk