

**SAVANNAH CITY COUNCIL**  
**MONDAY, APRIL 17, 2017 7 P.M.**  
**PROCEEDINGS REGULAR SESSION**  
**CLASBEY CENTER – COUNCIL CHAMBERS**

Mayor Connie George presiding.

Pledge of Allegiance was recited. Council members present: Don Dillman, Kenny Maxwell, John Parker and Joy Thompson. Mayor Connie George, City Administrator Bruce Lundy, City Clerk Beth Kar, City Attorney Emily Bauman, and Chief of Police David Vincent were also present. The meeting notice was posted at City Hall April 13, 2017. The meeting was audio recorded.

**Approve Agenda** – Joy Thompson motioned to approve the agenda as posted. Kenny Maxwell seconded. Motion carried on 4 yes votes.

**Minutes – April 3, 2017** – Joy Thompson motioned to amend the April 3 minutes in the section on ordinance 2722, adding that John Parker motioned to approve the ordinance, and to approve the minutes as amended. John Parker seconded. Motion carried on 4 yes votes.

**Public Testimony** -- Leigh Nienstedt from J. Howard's restaurant was present to ask for a catering liquor license for upcoming events. J. Howard's already has a current liquor license. Event Dates: May 5<sup>th</sup> Rotary Club Cinco de Mayo, margaritas; June 16<sup>th</sup> – Fair on the Square, beer tent; September 29 & 30 – Homecoming, beer tent.

Becky Gall, Rotary Club, was present to ask about having the Cinco de Mayo event with J. Howard's. Last year it was too big and they didn't have enough room inside the restaurant. This year they want to expand outside and block off Main Street. Tickets are presale. Don Dillman asked Chief of Police David Vincent if there were any logistical problems. Vincent said Main Street had been closed before as long as there is access still around the Square. John Parker asked if their license permitted margaritas. It does. Parker also asked the City Attorney if there were any other legal issues. City Attorney Emily Bauman replied that since it is not in the park like the other event discussed at a previous meeting, there were not the same potential issues. John Parker motioned to accept all three without complications. Don Dillman seconded. Motion carried on 4 yes votes.

**Mary Ingersoll – Chamber of Commerce** – Ingersoll shared the upcoming events and meetings schedule including the Fair on the Square and Homecoming. The **June County Fair** will include more community activities beginning with the Friday June 16<sup>th</sup> kick off from 4 p.m. on. She asked permission to close all four streets of the Square from Noon to 10 p.m. Mayor Connie George asked if the businesses on the Square had been talked with about closing the streets. Ingersoll responded that they had and they seemed okay with it. Don Dillman asked if that worked okay for the police. Chief Vincent responded they would handle it. Don Dillman motioned to approve the event request to close the streets. John Parker seconded. Motion carried on 4 yes votes.

**Andrew County Fall Festival** – Ingersoll described that the feedback had been that citizens missed having a carnival in Savannah. The Chamber has a carnival with rides that can come Homecoming week, September 29<sup>th</sup>. The carnival goes along 5th from Market to Main and all

of Court Street (4<sup>th</sup> to 5<sup>th</sup>) as its primary location. The Homecoming parade would be moved half a block over. Council asked a variety of questions including if rides had to be adhered to the ground. They are self-weighted so don't need to be attached to the ground. Other questions were asked about the school bus routes and safety issues. The carnival would set up September 24<sup>th</sup> and would be there all that week. Kenny Maxwell asked how school bus traffic would be affected. The question, also, arose about how closing the Square streets would affect businesses and the court. Ingersoll spoke with businesses and the school about this event. Everyone was supportive. City Administrator Bruce Lundy asked if the license bureau was okay with it since they are busiest the last of the month. They were. Main and 4<sup>th</sup> streets would still be open. Ingersoll really wants to bring people to the Square to see our historic and most beautiful buildings. The times would be 4 p.m. to 10 p.m. during the week and all day on Saturday. Those hours are flexible. Saturday may have a barbeque and flea market. Cliff Carter asked how the city would benefit. Ingersoll explained it would drive sales tax revenue. The talk compared how Savannah could be more like the City of Weston which started with events. Lundy asked about the City's insurance, MIRMA, and carnivals. The carnival will need to sign a hold harmless agreement and fulfill other requirements. City Attorney Emily Bauman reported the City will need to be listed as additional insured. Lundy thought the City should table the conversation until talking to the insurance company. Ingersoll responded they needed to confirm the event with the company. She asked for approval contingent to MIRMA's approval. John Parker was concerned the hours were too late considering they were school nights during the week. The times can be changed as it gets closer. Don Dillman motioned to approve the carnival request and to work out the details, subject on the condition that it can be complied with. Joy Thompson seconded. Motion carried on 4 yes votes.

**Ross Ingersoll, Rotary Club** – The issue was already discussed earlier in the meeting.

**Tionna Pooler, Financial Advisor** – She shared information on the recent refunding revenue bonds. Michael Short, Ameritas, and David Martin, Gilmore & Bell, were also present. The City received an A rating. The City will benefit approximately \$294,258 in savings with the refinancing. John Parker thanked her for her time and efforts.

**City Administrator's Report** – City Administrator Bruce Lundy reported:

**East Ward Council Seat to fill** -- He had been asked about the process to fill the East Ward Council Seat that is vacated because the current official Don Dillman was elected Mayor. He checked the code and had a couple of conversations with the City Attorney. Per the Code, the position is filled by an appointment made by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If this can be taken care of Monday Night there will not be a need for a special meeting. He included the section of the Code: 115.080 Vacancies in Certain Offices.

**Trash Contract** -- The time is approaching to decide if the City will bid out for the trash collection and recycling contract or extend the contract with Waste Management (Deffenbaugh) for three more years. Waste Management has made a proposal that he included in this packet. It was the same that John Blessing spoke of at the last meeting. The discussion is on the May 1<sup>st</sup> Council agenda.

**Trash Can** – Lundy has had complaints about residents that leave their trash and recycling totes out by the street all the time. It can detract from the appearance of the neighborhood. He asked for Council's feedback. Should there be an ordinance requiring that they are pulled back from

the street? Kenny Maxwell asked if it was handicapped resident that couldn't move the cans. Deputy City Clerk Brooke Bell explained the process for residents that received special trash accommodations. Lundy can get the addresses and send letters asking them to move back the cans. Council discussed the options. There had been an applicable section in the Code but that section did not carry over when they were codified. He will look into adding it back.

**Region D Electronics Disposal** -- Region D is planning their next electronics pick-up event in Savannah on May 6th from 8 a.m. to 2 p.m. The turnout is very large and the hours have been extended from four to six hours to allow more people to get rid of unwanted items. Liberty Tire from Pennsylvania recycles tire is checking into information for Savannah to host an event. Cliff Carter asked about hazardous waste collection. Region D no longer has the funding and that program was cut.

**Arbor Day Event** – The annual Arbor Day Event will take place on Wednesday April 26th at 10:45 a.m. The Fourth Grade classes from Minnie Cline will walk over to the Savannah Cemetery and help a Forester from the Missouri Department of Conservation and the Savannah Tree Board plant four trees. This will be a learning experience about the importance of trees to the community and how to plant and care for trees.

**Election Results** – The City acknowledges the results of the Municipal Election that occurred on April 4th 2017. That document with those results is included in the packet. John Parker motioned to accept the election results. Joy Thompson seconded. Motion carried on 4 yes votes.

**Sales Tax Failure** – The Savannah voters rejected a ½ cent sales tax increase by a 375 to 272 votes margin. Lundy shared his feedback regarding the election. He felt it would keep the city from doing things that needed to be done. The City of Savannah Sales Tax is 2%. There is not a use tax that would allow the City to collect taxes on online purchases and the City Real Estate Tax is low. To continue providing all the services that are needed and what residents demand, something positive is going to have to happen.

Don Dillman motioned to approve the City Administrator's report. Kenny Maxwell seconded. Motion carried on 4 yes votes.

**Police Chief's Report** – Chief of Police David Vincent reported that the police department is ready to fill one of the open officer positions. Chief Vincent described Aaron Clark's 8 years' experience with Buchanan County department where he had the rank of Corporal. Vincent recommended appointing Clark at a pay rate of \$14.50/hour based on experience. John Parker motioned to approve Aaron Clark as a full time officer at the Chief's recommendation. Don Dillman seconded. Motion carried on 4 yes votes.

**City Attorney's Report** -- City Attorney Emily Bauman researched the dog laws on service versus support animals. It needs to be treated delicately. She wants more research before recommending the City Code changes. Meanwhile, on the fireworks ordinance, she suggested changing the deadline on section B to match section f: July 10<sup>th</sup>. Sales and operation and everything needs closed down at that time. This allows for clearance of the inventory. It will require a motion with that amended to the 10th or another date. The Golf Committee is this Thursday. At that time they will go over the regulations which then will go to Council for approval. The upcoming vacant Council seat needs someone who has been vetted and is eligible for the position. City Administrator Bruce Lundy understood the point but said the Code states the Mayor makes the appointment. Bauman and Lundy discussed the process. Joy Thompson

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

### **BILLS FOR CONSIDERATION:**

Bill 2017-10 Fireworks was read for first and second readings. John Parker motioned to amend the ordinance to change the final sale date to July 10<sup>th</sup> in section B and to adopt the ordinance as amended. Don Dillman seconded. Motion carried on 4 yes votes.

#### **ORDINANCE NO. 272**

This ordinance allows fireworks to be sold in the City limits with specific regulations. Joy Thompson motioned to adopt ordinance no 2723. Kenny Maxwell seconded. Vote: Dillman: aye; Maxwell: aye; Parker: aye; Thompson: aye. Motion carried.

**Second Public Testimony:** None.

### **ELECTED OFFICIALS**

**Mayor's report** – Mayor Connie George reported that she answered calls on Nuisances. The Golf and Park boards meet this Thursday.

**Council Discussion** -- John Parker received a call about water problems. He received thanks after the person got his water back. As an outgoing Council member, he thanked everyone for their support. The board has improved the overall condition of the city. He supports the new Mayor and his endeavors. Kenny Maxwell also thanked everyone and enjoyed his time Alderman.

**ADJOURNMENT** -- John Parker motioned to adjourn. Joy Thompson seconded. Motion carried on 4 yes votes.

Adjourn Sine Die

### **NEW SESSION**

City Clerk Beth Kar provided the Oath of Office to newly elected officials:

Don Dillman -- Mayor

Connie George – East Ward Alderman

Nick Sheppard – West Ward Alderman

**Roll Call:** Mayor Don Dillman. City Council: Connie George, Nick Sheppard and Joy Thompson. City Administrator Bruce Lundy, City Clerk Beth Kar, City Attorney Emily Bauman and Chief of Police David Vincent were also present.

### **DISCUSSION ITEM:**

**East Ward Alderman Appointment** – City Attorney Emily Bauman described that the position was up for discussion. No motions needed to be made tonight. She recommended it was advisable to hear from anyone who was interested in the opening. Kirk Larson expressed his interest. He is currently Head of the City's Planning and Zoning Commission. His job is with Midland GIS where he works with city governments on a regular basis. Larson lives in town at on the East side which qualifies him for the position. Larson provided a copy of his resume.

Sheppard was asked if there something that kept him from running during the election. He didn't want to run against Connie George.

Mayor Don Dillman asked if there were others who are interested.

Shawn Shuster was present and stated he was interested. He serves with Larson on the Zoning board. He has had some issues he disagreed with and reported he does not always go along with everyone. Shuster thought he could bring new ideas. He is also familiar with the Zoning Code. He described himself and his work experiences.

Mayor Don Dillman appointed Kirk Larson as East Ward Alderman opening. Nick Sheppard motioned to approve the Mayor's appointment Kirk Larson as East Ward Alderman. Connie George seconded. Vote: 2 yes (Sheppard, George); 1 no (Thompson). Motion carried.

City Clerk Beth Kar gave Kirk Larson the Oath of Office.

### **ELECTIONS AND APPOINTMENTS:**

Mayor Don Dillman deferred appointments until he has a chance to visit with everyone and see each person's abilities to attend the meetings.

**Public Testimony --** Theresa Wood had a dog that was taken away. The dog is a pitbull mix and the City has a ban on pitbulls. It got in a fight with a neighbor's dog. Since then it was put in a shelter in Maryville. She registered it as a service support animal. She wants to bring him home and will continue to train him. Emily Bauman had spoken with Wood previously. She encouraged her to come to Council. There is not a lot of case law on the topic of service and support animals and breed bans. Joy Thompson asked about training classes. Twin Pines has a class. Emily Bauman said her understanding is he is a service animal. There are questions that can and cannot be asked. City Administrator Bruce Lundy asked if could ask how long she had had the dog. Yes, he is a year old. Service animals have to be at least one year to receive training. Lundy asked if the dog was registered to avoid the law. She said she was not trying to circumvent the law. The dog was not registered until after the event. Bauman is continuing to do research before she can give a concrete answer. Bauman described breed bans.

### **ELECTED OFFICIALS**

**Mayor's report and Council discussion** – None.

**Adjournment --** No further business to discuss. Council adjourned at 8:28 p.m. on a motion by Joy Thompson and seconded by Nick Sheppard. Motion carried on 4 yes votes.

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Don Dillman, Mayor

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