

MARIONVILLE CITY COUNCIL REGULAR SESSION MINUTES
Marionville Fire Station Conference Room
Thursday, September 8, 2011, 6:30 p.m.

Mayor Bob Duda Jr. called the meeting to order at 6:30 p.m. On roll call, the following members were present:

Danny Clevenger
Max McBride
Phillip Harter
Kay Leffingwell
Jeff Schatz

Absent: Jim Dickenson

Also present were City Clerk, Debbie Bateman; Police Chief Webb; Street Superintendent, Seth Forester; Rick Wilson from Wilson Surveying, along with several citizens.

Following roll call Mayor Duda Jr. led the Pledge of Allegiance and then opened the meeting with prayer.

APPROVAL OF MINUTES

Alderman Leffingwell made the motion to approve the minutes from August 9 work session and August 11 Public Hearing & regular meeting, and August 25th Public Hearing and special meeting as presented. Alderman McBride seconded the motion. Motion passed on the following roll call vote:

AYES: 4- McBride, Clevenger, Schatz, Leffingwell
ABSTAINED: 1- Harter (absent during a meeting)
ABSENT: 1-Dickenson

APPROVE PAYMENT OF BILLS, UTILITY ADJUSTMENTS, BANK RECS AND CASH REPORTS:

Alderman Leffingwell made the motion to approve the utility adjustments, bills for \$95,985.65 and cash reports as presented. Alderman Clevenger seconded the motion. Motion passed on the following roll call vote:

AYES: 4- McBride, Schatz, Leffingwell, Clevenger
ABSENT: 1- Dickenson

CITIZENS COMMENTS, OFFICIAL GUESTS AND VISITORS

Bill Allen, Building Inspector: stated he met with the ISO Field Representative today and should have his report within 30 – 45 days.

Lee Miller: clarified his statement concerning the Ozarks Methodist Manor. As a member of the Manor's Board, he had indicated he didn't know about the zoning request and changes being made. He was however, aware that Mr. Wilson was going to present something at sometime and re-zoning was an issue he just didn't know any details.

PROCLAMATION---"SEPTEMBER 11, 2011---- A DAY OF REMEMBRANCE"

Mayor Duda Jr. read the proclamation which stated he proclaimed September 11, 2011, A Day of Remembrance in the City of Marionville and called upon all citizens to join us in memorializing those men, women, and children who lost their lives during these terrorist attacks on American soil, and asked our citizens to hold these heroes forever in their hearts and to never forget.

OLD BUSINESS

Re-Codify code books---per July meeting: Alderman Harter indicated he is still waiting on details from another organization. He made the motion to postpone this until the October meeting. Alderman Leffingwell seconded the motion. Motion passed on roll call vote as follows:

AYES: 5- Schatz, Leffingwell, McBride, Clevenger, Harter
ABSENT: 1- Dickenson

Ordinance 06-2011: "AN ORDINANCE OF THE CITY OF MARIONVILLE, MISSOURI AMENDING ARTICLE V, SECTION 210.200 SUBSECTION 1-F OF THE CITY CODES—PEACE DISTURBANCE" This amendment would

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allow fireworks to be permitted within the City limits from July 1 to July 7, no later than 11:00 p.m. through the week and midnight on Friday and Saturday. Read twice by title only. *Alderman Clevenger voiced concerns of added fire hazard and a lot of citizens do not like fireworks. Anyone voting for this ordinance is out of touch with the citizens. (added to minutes per Aldermen vote on 10/13 11)* Alderman McBride made the motion to adopt Ordinance 06-2011 as presented. Alderman Schatz seconded the motion. Motion passed on roll call vote as follows:

AYES: 3- Harter, Schatz, McBride

NOES: 2- Clevenger, Leffingwell

ABSENT: 1- Dickenson

Nuisance Ordinance: Alderman Leffingwell questioned how a nuisance complaint was initiated. Chief Webb stated the Police do not initiate a complaint unless the grass is extremely high. They do go and verify citizen complaints before sending out letters. According to City Codes, the letters are sent to the property owners. Alderman Schatz suggested that before an Alderman initiates a complaint, it would be a good idea to go and inform the people there has been a complaint and explain what can be done to correct the situation. Council concluded they need to make sure there really was a complaint as defined by Codes before sending a nuisance letter out.

Bridge on Central Street: Street Superintendent, Seth Forester, stated he had not talked to Buck Prairie Road District yet. The Commissioners said that bridge is in City limits. One side has been repaired, but the other side is badly in need of repair also. It was his understanding that if the City did repairs, Buck Prairie would Chip and Seal. Alderman Leffingwell made the motion to go ahead and have the Street Dept. fix the bridge. Alderman Harter seconded the motion. Motion passed on roll call vote as follows:

AYES: 5- Clevenger, Schatz, Leffingwell, McBride, Harter

ABSENT: 1- Dickenson

School Sewer Line: Mayor Duda Jr. stated he spoke to Dr. Brown, Marionville School Superintendent, and the school has done the testing we asked for. The Mayor also asked Archer Engineer to survey the sewer lines and look over the plans. Their findings have been passed on to the school. Mayor Duda said the school wants to know what will happen after the lines have been repaired. Alderman Leffingwell made the motion to not accept the school's sewer line until it works properly and is inspected by someone appointed by the City. The motion failed for lack of a second. Alderman Harter made the motion to make a decision next month after they look at the contract. Alderman Clevenger seconded the motion. Motion passed on roll call vote as follows:

AYES: 4- Schatz, Clevenger, Harter, McBride

NOES: 1- Leffingwell

ABSENT: 1- Dickenson

Discuss Work Sessions: Alderman Leffingwell commented it was hard to have a successful work session when everyone isn't there. We discuss everything again anyway at the regular meeting. Alderman Harter stated they need to be better informed. Alderman Leffingwell made the motion to not have work sessions anymore. Alderman Schatz seconded the motion. Motion passed on roll call vote as follows:

AYES: 3- Leffingwell, Schatz, McBride

NOES: 2- Harter, Clevenger

ABSENT: Dickenson

Ozarks Methodist Manor Update: Mayor Duda Jr. announced Planning & Zoning will meet Saturday, Sept 10 to discuss Residential 3 zoning changes and will make a recommendation after that. Mayor Duda Jr. stated he did go to the Manor's Board meeting and discussed the possibility of donations in the future. The donations that were made in the past were through an individual who made them through the Manor. The Manor's Board would have to discuss this. There was some discussion concerning the zoning changes. Mr. Wilson, with Wilson Surveying, stated they would meet or exceed the City's guidelines. They just need to know what those guidelines will be.

Review Ordinance #04-2011 regarding fines for theft: This ordinance would make the minimum fine for stealing \$300.00 for the first offense and a minimum of \$500.00 for each additional offense. This ordinance was approved by the Board during the July 14 meeting. Mayor Duda did not sign the ordinance; therefore it was reconsidered during the August 11 meeting at which time it failed for lack of a majority of the Board. Alderman Harter questioned the legality of the Mayor's veto since he didn't present his objections to the Board in writing as stated in the State Statute 79.140. According to the City Attorney's letter to

the Mayor and Board, he does not believe there was any illegality in the veto of this ordinance. The Mayor did not provide his objections in writing, however, Mayor Duda expressed his objections verbally at the next meeting. The Attorney recommended in his letter that minimum fines not be imposed for a charge of stealing and that the fines for stealing be up to the Judge's discretion. After discussing, Alderman Harter made the motion to reconsider Ordinance 04-2011 as presented at the last meeting and re-vote on it during the next meeting. Alderman Leffingwell seconded the motion. Motion passed on roll call vote as follows:

AYES: 4- McBride, Clevenger, Leffingwell, Harter

NOES: 1- Schatz

ABSENT: Dickenson

Set a date for a special meeting to review the City's state audit recommendations: Alderman Harter made the motion to review these recommendations on Thursday, September 29, 2011, at 6:30 p.m. at the Fire Station Conference Room. Alderman McBride seconded the motion. Motion passed on roll call vote as follows:

AYES: 5- Harter, Schatz, Clevenger, McBride, Leffingwell

ABSENT: Dickenson

Ordinance 07-2011—An Ordinance approving a Municipal Code amendment to section 205.100 of the Municipal Code of the City of Marionville pertaining to animal neglect or abandonment". Read twice by title only. Alderman Harter felt the amendment contradicted itself. The Mayor questioned the amount of time in order to be unoccupied or vacated. Alderman Harter made the motion to not adopt Ordinance 07-2011, but to leave the animal neglect ordinance as it states in the code book. Alderman Leffingwell seconded the motion. Motion passed on roll call as follows:

AYES: 5- Clevenger, Harter, Leffingwell, McBride, Schatz

ABSENT: 1- Dickenson

DEPARTMENT REPORTS

Police Chief Webb: He is still receiving compliments on National Night Out. The Marionville Police Dept. is now on Twitter and Facebook. Last week he attended a "Protect Our Children" conference. The topics were pedophiles, human trafficking, internet stalking, plus more. The department is continuing joint investigations with Aurora on area drug issues. The two new part-time officers have completed their field training programs.

Fire, ACO, Street: Mr. Forester's report which he had turned in previously indicated the Fire Dept. had twenty-three (23) calls. They are working on getting the new tanker up and going. Animal Control picked up a total of seven (7) dogs and two (2) cats during August. The Street Dept. has been busy patching roads, mowing, vehicle maintenance, and monitored Hancock's sewer installation.

LIAISON REPORTS

Alderman McBride: Commented that City Hall was doing well.

ALDERMEN COMMENTS

Alderman Leffingwell: Concerned that the Attorney bill is so high.

Alderman Harter: Also concerned about the Attorney bill. Believes they are not being informed. Thanked the City for sending him to the workshop for new Aldermen. It was very informative. They defined the role Aldermen play as the City Council.

Alderman McBride: Thanked Chief Webb for doing a good job.

Alderman Clevenger: Requested a "Slow" sign be put up on N. Myrtle or a speed limit sign. Asked the Fire Dept. about changing oil in their generator.

MAYOR'S COMMENTS

Mayor Duda Jr. reminded everyone Applefest is next weekend, September 16 – 17 and for everyone to bring friends and family to enjoy the activities.

ADJOURNMENT

Alderman Schatz made the motion to adjourn. Alderman Leffingwell seconded the motion. Motion passed with all voting aye. The meeting adjourned at approximately 9:35 p.m.

Mayor Bob Duda Jr.

ATTEST:

City Clerk, Debbie Bateman

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