

**MINUTES
CITY OF SUGAR CREEK
BOARD OF ALDERMEN MEETING
SUGAR CREEK CITY HALL
103 S. STERLING
SUGAR CREEK, MISSOURI
MONDAY, MAY 9, 2016**

Meeting for the City of Sugar Creek, Missouri, Board of Aldermen was called to order by Mayor Matthew Mallinson, May 9, 2016 at 6:30 p.m., with the following present participating in the Pledge of Allegiance led by Girl Scout McKenzie.

ROLL CALL

Members Present

Matthew Mallinson, Mayor
Joseph D. Kenney, Sr., Alderman
Stanley J. Sagehorn, Alderman
Lorcan Doyle, Alderman
Robert A. Ray, Alderman

Staff Present

Christopher Soule, Police Chief; Pat Casey, Fire Chief, Ed Layton, Director of Public Works; Linda Martinovich, Finance Officer, Ron Martinovich, City Administrator; Paul Loving, Building Official; Connie Dickinson, Parks and Recreation; Bob Buckley, City Attorney, Jana Olivarez-Dickerson, City Clerk; Marilyn Evans, Deputy City Clerk.

III. CONSENT AGENDA

A. Approval of Minutes of the April 25, 2016 Council Meeting.

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE THE CONSENT AGENDA AS ABOVE. SECOND BY ALDERMAN KENNEY.**

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

YEA: ALDERMAN SAGEHORN	NAY: NONE
ALDERMAN KENNEY	ABSENT: NONE
ALDERMAN DOYLE	
ALDERMAN RAY	

IV. PUBLIC ITEMS NOT LISTED ON AGENDA

A. Presentation Donald A. Potts, M.D. Project Tobacco 21

Donald Potts introduced Jessica a representative with the Healthcare Foundation of Kansas City. The Foundation and the Kansas City of Commerce have campaigned to try and make the Kansas City area more health conscious and healthier to attract more economy to this community. He and Jessica are currently starting a program that would help kids not start smoking. He hopes to have the Kansas City community to pass an ordinance that will raise the age to 21 to purchase tobacco. He felt this would help save lives and prevent kids from starting at such an early age.

Jessica said this is the 14th city she has talked to regarding Healthy KC. She further explained that tobacco is a contributor to morbidity and mortality. Most smokers started smoking before age 21. She felt if to raise the age might prevent many to be committed smokers. E-cigarettes is not a trend that is going away. This is posed as being a safer alternative to cigarettes but it does contain other toxic carcinogens. These devices are easy to bring into the schools. She described how dangerous nicotine is to young people to develop an addiction. Also studies have shown increased smokers from 18 to 21 but not as much of an increase from 21 to 25. She has received good responses with other cities.

Alderman Doyle asked why this was not statewide. Jessica said they would love to see it go statewide. Most of this starts at the local level and then bubble up to the point where the state will be willing to take it on. She expects that to happen.

Mayor Mallinson asked what they expected from the City of Sugar Creek. Being a fourth class city, there will be a few different rules to follow. Mr. Potts understood there might be some controversy as to whether the Council could pass this law.

Alderman Kenney confirmed this would not outlaw smoking under 21 but just outlawing the purchase under 21. Dr. Potts stated that was correct. Bob Buckley, City Attorney, will take a look at this issue further.

B. Business from the floor – Comments or concerns from Sugar Creek residents.

Gina McCulley is a teacher at Ott Elementary School and conducts a Girl Scout troop with girls from five different schools. They are working to earn a community badge. The Girl Scouts have chosen Harrison Park as a place to beautify and plant flowers if the Board approves. The crest is a pansy and they would like to plant pansy and petunia flowers. Mayor Mallinson also mentioned wildflowers at Wayne City Landing would be nice. The Board approved.

Ray Williams, Kansas City Saints, had finished home season last Saturday and thanked the City of Sugar Creek for the warm welcome they had received.

V. MAYOR'S REPORT

A. Oath of Office to Police Officer Sydni Beeman – Mayor

Mayor Mallinson had sworn in Sydni Beeman as Police Officer for the City of Sugar Creek.

B. Consider approval of Bill No. 05-25-16 an Ordinance repealing Section 6-46 of the Code of Ordinances which prohibits Pit Bulls in the City of Sugar Creek. Chief Chris Soule (first reading)

Now, therefore, ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 05-25-16 AS ABOVE. SECOND BY ALDERMAN DOYLE.

Chris Soule, Police Chief, explained this is an ordinance to repeal current pit bull ordinance. He had discussed this with the City Attorney and City Administrator in length. It was in agreement that the ordinance is now in place with the vicious and dangerous dog ordinances.

Alderman Sagehorn was told this ordinance was being pulled. Chief Soule said that citizens were present regarding this ordinance and felt this needed to be an ordinance. Alderman Sagehorn would like to keep pit bulls out of Sugar Creek and wondered why this ordinance was being amended. Ron Martinovich, City Administrator, answered that Chief Soule is trying to amend the ordinance that would allow the police department to be able to enforce. Alderman Sagehorn asked why the ordinance cannot copy the City of Independence. Bob Buckley, City Attorney, stated it has to be proved beyond a reasonable doubt that a particular dog is a pit bull. If a vet says it is not a pit bull then the owner of the dog has created reasonable doubt that would make it difficult for the judge to find the person guilty. Mayor Mallinson clarified that if it is not stated it is a pit bull or any dog displaying the majority of physical traits of one or more of the above breeds that it is very broad. Alderman Kenney is concerned about this ordinance and the safety of the people. He will vote for first reading but he will not pass the ordinance. Alderman Sagehorn would like this ordinance to be thoroughly reviewed.

Mayor Mallinson stated that the Board thought this was being pulled from the meeting tonight and felt this needed to remain in a discussion phase.

ALDERMAN RAY MOVED THAT THE GOVERNING BODY WITHDRAW HIS FIRST MOTION REGARDING FIRST READING OF BILL NO. 05-25-16 AS ABOVE. SECOND BY ALDERMAN DOYLE WITHDRAWING HIS MOTION.

- C. Consider approval of Ordinance No. 3994 (Bill No. 05-25-16) as stated above.
(adopt)

See Item B.

- D. Consider approval of Bill No. 05-26-17 an Ordinance amending the Code of Ordinances by amending section 14-81 regarding Special Wastes.
(first reading)

Now, therefore, ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE BILL NO. 05-26-17 AS ABOVE. SECOND BY ALDERMAN KENNEY.

Ron Martinovich, City Administrator, explained the Board had approved an ordinance that amended 14-81 a few months ago. This was to eliminate issuance of special waste permits and move to a reporting process. The new ordinance and notice was previously sent to Republic Services and advised that the City of Sugar Creek will no longer be issuing permits. The Republic Services' attorney had contacted the City stating the ordinance did not go far enough. He had the City Attorney review. This ordinance amendment is the final version.

Paul Loving, Building Official, said he is not qualified to approve special waste. It does take time to process which the City loses money on a request from a processing standpoint. He did not think it made sense for the City to continue this.

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

YEA: ALDERMAN SAGEHORN NAY: NONE
ALDERMAN KENNEY ABSENT: NONE
ALDERMAN DOYLE
ALDERMAN RAY

- E. Consider approval of Ordinance 3995 (Bill No. 05-26-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 3995 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

**YEA: ALDERMAN SAGEHORN NAY: NONE
ALDERMAN KENNEY ABSENT: NONE
ALDERMAN DOYLE
ALDERMAN RAY**

- F. Consider approval of Bill No. 05-27-16 an Ordinance amending the Code of Ordinances by amending Section 7-6 related to Occupancy Permits. Ron Martinovich, City Administrator
(first reading)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE BILL NO. 05-27-16 AS ABOVE. SECOND BY ALDERMAN SAGEHORN.**

Ron Martinovich, City Administrator, explained this ordinance would prohibit issuance of a permit if utilities were delinquent. Other provisions have been added: denied a permit, denied an occupancy permit (landlord has a threshold) or service would be denied if utilities were delinquent. There will be a threshold of approximately \$250 before the above provisions would take effect.

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

YEA: ALDERMAN SAGEHORN NAY: NONE
ALDERMAN KENNEY ABSENT: NONE
ALDERMAN DOYLE
ALDERMAN RAY

- G. Consider approval of Ordinance No 3996 (Bill No. 05-27-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 3996 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

**YEA: ALDERMAN SAGEHORN NAY: NONE
ALDERMAN KENNEY ABSENT: NONE**

ALDERMAN DOYLE
ALDERMAN RAY

- H. Consider approval of Bill No. 03-31-16 Ordinance No. 3986 an Ordinance granting a Special Use Permit to BP Products North America, Inc. to operate an Oily Dirt Land Treatment Facility. Paul Loving, Building Official.
(adopt)

First reading was approved on March 14, 2016.

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 3986 AS ABOVE. SECOND BY ALDERMAN RAY.**

Paul Loving, Building Official, stated a special exemption ordinance was passed to give additional time to BP and the City Planning Commission to process property and discuss in a public meeting. The 90-day special exemption ordinance expires before the next meeting. Ron Martinovich, City Administrator, said he wanted to have the stipulations admitted where the reporting and monitoring was the responsibility of the Building Official and not the Director of Public Works. The City Attorney said it could be passed with that stipulation. Mr. Martinovich said there is very little activity and did not know what the need would be to issue for another 5 years. An alternative would be to dispose the material at Republic Services.

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED.

YEA: ALDERMAN KENNEY NAY: ALDERMAN SAGEHORN
ALDERMAN DOYLE ABSENT: NONE
ALDERMAN RAY

VI. BOARD ITEMS

A. Mayor's Report

- The Borda Productions is working at cleaning up the area at Lebenite Park. He is meeting with the City of Independence due to concern having events on the same weekend.

B. Aldermen Reports

Alderman Ray

- He was concerned with property on Northern regarding a patch job on the street. Ed Layton, Director of Public Works, stated there was a water break at that location and the work has not yet been completed.

Alderman Doyle

- There has been rumors that the City of Sugar Creek is competing with Santa-Cali-Gon. He wants the public to know that is not the case.
- He has been receiving comments regarding Wells Park with the appearance of overgrown grass and the overall condition of the property, and mowing needs to be done at O'Renck Park. He would like to know if they will have enough hired help to keep up with the growing grass at the various locations around the City.

Alderman Kenney

- Asked when residents can request chicken permits. Paul Loving, Building Official, answered the ordinance has passed and permits can be requested.
Resident Mary Anderson was concerned that the bus service has been discontinued. She is 90 years old and needs someone to take her to doctor visits. She wanted to know the reason for discontinuing the service. Ron Martinovich, City Administrator, answered that the bus cannot run for one individual only and had set a threshold of six participants. Share-a-Fare was mentioned

that could possibly help with her situation. Mayor Mallinson appointed Connie Dickinson, Parks & Recreation, to look into the issue.

- May 18 there will be an event on Sterling involving 50 – 60 kids visiting Sugar Creek. He advised everyone to be careful driving on Sterling. The Nativity 5th grade classes will tour the City.

Alderman Sagehorn

- He asked for status regarding Election Day not being held at the schools. Mayor Mallinson had checked with the School Board and found out that it cannot be done. It had to do with the number of days off and the teachers' meetings, etc. This issue had been brought up to the School Board previously. Alderman Sagehorn asked why the old post office could not be used. Ron Martinovich, City Administrator, said if it is de-winterized it could be used but felt the former Police & Fire building would be more adequate.
- He would like to discuss the dog ordinance with Chief Soule and Captain Kline. Chief Soule agreed.
- The new Dollar Store stated their first month financials is well above 5% more than projection. They are happy with the business it is generating.

C. Staff Reports

1. City Administrator – Ron Martinovich

- He is not prepared to discuss the plans for the gymnasium this evening. He has a meeting on May 17 with the Mid-America Regional Council to administer the bid, the specifications and the plan sheets. Universal will be the Construction Manager. He is trying to move forward but is having communication issues with organizations. Mayor Mallinson stated if no progression is being made than it would be hard to get organizations to donate money. If there is progress then there is a potential of Republic or others to help fund the project. Mr. Martinovich has not received a proposal from them as of yet and not sure if they are interested. This may have to go back to the public for direction. Alderman Sagehorn asked if Republic was purchased by another company. Mr. Martinovich was not aware.
- May 18 is a Town Meeting at Mike Onka Memorial. It will be facilitated by Keith Winge from Missouri Main Street Connection.

2. City Clerk – Jana Olivarez-Dickerson

- Open enrollment regarding benefits for City employees. She and the City Administrator had met with Public Works and Fire Departments to educate on plan changes and rate changes.
- She and Alderman Kenney will be meeting with the Police Officers and Dispatchers on Tuesday 5-10-16.
- May 16 and 20, representatives from Midwest Public Risk will be present at two scheduled luncheons to explain the benefits packages. Everyone should be enrolled by the end of May.

3. Police Chief – Chris Soule

- No report.

4. Public Works Director – Ed Layton

- No report.

5. City Treasurer/Finance Officer – Linda Martinovich

- No report.

6. Building Official – Paul Loving

- No report.
7. Parks and Recreation – Connie Dickinson
- Recently had a coaches meeting for t-ball with six possible coaches after approval. There are others for backup.
 - She has received 9 applications for the Harvest Market. Ron Martinovich, City Administrator, asked for the start date. She answered and said it had started in March with some vendors at the location on Thursdays, 4:00 to 7:00. Once the season opens there will be more vendors present.
 - Potluck dinner will be held May 10. The dinner will be taco salad.
 - Annual Picnic in the Park will be held on June 14 from 11:30 a.m. to 1:00 p.m. The City does partner with the City of Independence on this event. It will be hosted at Harrison Park. She is asking for volunteers.
8. Fire Chief – Pat Casey
- He met with Buckeye and they will be tanking Tank 335 out of service that is located at Vermont and Kentucky. There will possible be some odor complaints as they are cleaning out the tank. The process will take approximately 6 weeks to clean out.
 - The event in June will not consist of the crane as previously discussed in meetings. He is still trying to acquire the Certificate of Insurance from Billy Tharp, which he said he will provide.
 - He had attended the Main Street cultivating event on April 25-26 regarding public places of what can be access and advantage in public places. He had taken a tour in different areas in Kansas City to see how to make it better and friendlier for use.

Motion for a Closed Executive Session after the next scheduled Council Meeting on May 23, 2016, at City Hall in the Mayor’s Office, for the purpose of discussing litigation, acquisition of property and personnel matters and those records are closed.

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE A CLOSED EXECUTIVE SESSION AFTER THE NEXT SCHEDULED COUNCIL MEETING ON MAY 23, 2016. SECOND BY ALDERMAN DOYLE.**

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

YEA:	ALDERMAN SAGEHORN	NAY:	NONE
	ALDERMAN KENNEY	ABSENT:	NONE
	ALDERMAN DOYLE		
	ALDERMAN RAY		

OLD BUSINESS

No report.

NEW BUSINESS

No report.

OTHER BUSINESS

No report.

ADJOURNMENT

There being no further business to be conducted, **ALDERMAN DOYLE MOVED THAT THE MEETING ADJOURN. SECOND BY ALDERMAN RAY.**

UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED UNANIMOUSLY.

YEA: ALDERMAN SAGEHORN NAY: NONE
ALDERMAN KENNEY ABSENT: NONE
ALDERMAN DOYLE
ALDERMAN RAY

**UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED, AND THE MEETING
ADJOURNED AT 8:30 P.M.**

Respectfully submitted,

Jana J. Olivarez-Dickerson,
City Clerk