

**MINUTES
CITY OF SUGAR CREEK
BOARD OF ALDERMEN MEETING
SUGAR CREEK CITY HALL
103 S. STERLING
SUGAR CREEK, MISSOURI
MONDAY, JUNE 27, 2016**

Meeting for the City of Sugar Creek, Missouri, Board of Aldermen was called to order by Mayor Matthew Mallinson, June 27, 2016 at 7:05 p.m., with the following present participating in the Pledge of Allegiance.

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; 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 June 13, 2016 Council Meeting.

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE THE CONSENT AGENDA 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	

IV. PUBLIC ITEMS NOT LISTED ON AGENDA

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

Sandy Mikulich asked if the microphones were hooked up to a speaker. She stated that there have been times where it has been hard to hear the Aldermen.

Mark O'Renick thanked the Board of Aldermen for providing feedback pertaining to the issue of approving a Port Authority for the City of Sugar Creek. He met with the City Administrator and Mayor to talk about the issue. He referred to Section 2-374, No. 5 which mentions the boundaries that can be levied either by a sales and use tax or real property tax. He felt the last sentence should say "unless such" sales and use tax or real property tax levy is agreed to in writing by the property owner. Alderman Kenney said that Hancock agreement makes every tax to be approved by the property owner. Mr. O'Renick referred to Section 2-376 which states the Chairperson is BOA. Alderman Kenney said it was a typo. He then referred to Section 2-379 – with or without cause and was concerned with this language.

Bill Haman had a copy of the agreement with Humphrey, Farrington & McClain and was surprised the Board is considering this agreement not knowing how much it would cost.

Mr. Haman continued that he disagreed with Mr. Sanders. The only thing that moves on the Missouri or Mississippi Rivers is commodity products such as grain, coal and rock salt. There are only two things that come in on barges – rock salt for snow removal in the winter and the other is asphalt oil. There will not be any improved river traffic but you will see it on the railroads and truck lines. He believed the port authority was a pipe dream.

Mr. Haman is not in favor of the ordinance pertaining to the Port Authority. He does not agree with giving a non-governmental organization an appointed commission. They likely will use eminent domain to take away real property which is a violation of property rights.

Mr. Haman agrees with the entire City limits. He has no issue with the port-type property. The last port built in Kansas City in 1978 by Armco Steel had brought about three barges in. They never used it again. If there is a future on the Missouri River, he felt it would be for recreational purposes only.

Linda Mikulich was concerned that nothing has been done with the Meade's property. The windows are still boarded up. She knows there are ordinances concerning this issue and feels that personal interests are getting in the way of City codes. Mayor Mallinson said that was incorrect. Alderman Ray has asked Paul Loving, Building Official, on numerous occasions to contact the property owner. Mr. Loving was not present at the meeting to reply to comments.

Nathan Athens had talked to the Board regarding parking in front of the bar on Sterling a few weeks ago. He had shown pictures on Gill Street and explained the parking situation. He felt this was an unsafe area. He also said that children walk on this road and there is no sidewalk.

Mr. Athens said there is a front yard garden on Claremont for approximately a month and wondered if the ordinance was going to be enforced.

Margaret, citizen of Sugar Creek referred to the Main Street Program. She wanted to see the City address the codes for the sheet rock sitting in the front window on Sterling. She would like suggestions on how to improve the esthetics of appearance as one drives through downtown Sugar Creek. Alderman Doyle stated that legally they cannot make the property owner replace the window.

V. MAYOR’S REPORT

- A. Consider approval of Resolution No. 03-16 Creation of the Sugar Creek Port Authority, a Local Port Authority pursuant to Chapter 68 of the Revised Statutes of Missouri. Mike Sanders

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE RESOLUTION NO. 03-16 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

Mike Sanders had noticed a few typographical errors in the draft Ordinance that had been prepared. The corrections will be sent to the City Administrator. He stated that Section 375 captures the intent and read established by state statute shall be qualified voters in the State of Missouri which deals with if you are a qualified voter and resident of the United States. The Commissioner shall be a resident and a taxpayer who live within Sugar Creek. The Mayor and Board of Aldermen shall appoint the members of the Board for the Port Authority. Each Board member shall appoint one (1) Board member for a total of four (4) and the Mayor shall appoint three (3) Board members with all appointments subject to the approval of the majority from the Board of Alderman. He felt this captured the intent. In terms of reappointments should there be a vacancy by removal, death or otherwise, it states the appointment process will be followed as stated in Section 375. He felt these changes needed to be incorporated into the Ordinance.

Mayor Mallinson said that is subject to change. Mr. Sanders agreed. This will be sent to the Missouri Department of Transportation but it is not required that it stays in this verbiage. If the Board desires to change the appointment process, the number of Commissioners, compensation, etc., the Board has the ability to change according to State statutes.

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

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

- B. Consider approval of Bill No. 06-34-16 an Ordinance amending the Code of Ordinances by adding Section XIV to Chapter 2 which establishes a Port Authority in the City of Sugar Creek. Mike Sanders (first reading)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 06-34-16 AS ABOVE. SECOND BY ALDERMAN SAGEHORN.**

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

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

ALDERMAN RAY

- C. Consider approval of Ordinance No. 4003 (Bill No. 06-34-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4003 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		

- D. Consider approval of Bill No. 06-35-16 an Ordinance authorizing the Mayor to convey an Easement to Laclede Gas Company across LaBenite Park. Ron Martinovich, City Administrator
(first reading)

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 06-35-16 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

Ron Martinovich, City Administrator, said this is an easement granted to Laclede Gas for constructing a 20-inch gas main. The easement is 15-foot width. It is generally located between the west edge of the entrance road and the east right-of-way line of M-291. Although an easement is being granted, it is not likely anyone will excavate. This is a replacement and a capacity project.

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 No. 4004 (Bill No. 06-35-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4004 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. 06-36-16 an Ordinance authorizing payment to Carl Heath Tree Service for Work related to trimming and cutting trees at LaBenite Park. Ed Layton, Director of Public Works.
(first reading)

Now, therefore, **ALDERMAN SAGEHORN MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 06-36-16 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

Ed Layton, Director of Public Works, explained this ordinance is payment to trim dead limbs from the trees in the location where the festivities will be held. This totaled \$9,175. Alderman Sagehorn was upset they did not receive multiple bids.

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

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

- G. Consider approval of Ordinance No. 4005 (Bill No. 06-36-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN DOYLE MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4005 AS ABOVE. SECOND BY ALDERMAN KENNEY.**

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

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

- H. Consider approval of Bill No. 06-37-16 an Ordinance authorizing Carl Heath Tree Service to Trim Trees along the nature trail that is at the East end of LaBenite Park. Ed Layton, Director of Public Works
(first reading)

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 4004 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

Ed Layton, Director of Public Works, stated this ordinance is the trimming of the nature trail. The trail will be rehabbed by widening it and give it more height. This total is \$6,100.

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

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

- I. Consider approval of Ordinance No. 4006 (Bill No. 06-37-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4006 AS ABOVE. SECOND BY ALDERMAN DOYLE.**

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

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

- J. Consider approval of Bill No. 06-38-16 an Ordinance authorizing the transfer of funds from the Capital Improvement Sales Tax Fund to the Certificate of Participation Fund. Linda Martinovich, City Treasurer/Finance Officer.
(first reading)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 06-38-16 AS ABOVE. SECOND BY ALDERMAN KENNEY.**

Linda Martinovich, City Treasurer/Finance Officer, stated this is to pay the COP payment. Had did the advance refunding last June; the payment is approximately \$20,000 less annually. Total payment is \$174,000 and is due August 1, 2016.

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

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

- K. Consider approval of Ordinance No. 4007 (Bill No. 06-38-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN DOYLE MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4007 AS ABOVE. 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

- L. Consider approval of Bill No. 06-39-16 an Ordinance approving a letter agreement with Humphrey Farrington and McClain Law firm and authorizing the City Administrator to execute the agreement on behalf of the City. Ron Martinovich, City Administrator
(first reading)

Now, therefore, ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 06-39-16 AS ABOVE. SECOND BY ALDERMAN KENNEY.

Ron Martinovich, City Administrator, said this is to retain the law firm for legal services related to creation of a port authority. The original amount was \$85,000 and the amount is now significantly less due to the legislative services being separate from the agreement.

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

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

M. Consider approval of Ordinance No. 4008 (Bill No. 06-39-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4008 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		

VI. BOARD ITEMS

A. Mayor's Report

- No report.

B. Aldermen Reports

Alderman Ray

- Status regarding Dollar General's weed problem. Matt Kline will check on that.
- Thanked Ed Layton, Director of Public Works, for patching holes at various locations in the City.
- Status regarding Welcome to Sugar Creek signs. Ron Martinovich, City Administrator, stated it has been a slow process due to vendor health issues.

Alderman Doyle

- No report.

Alderman Kenney

- No report.

Alderman Sagehorn

- In talking with Marilyn Evans, switching the copying machine resulted in \$867 per month in cost savings and the phone system resulted close to a \$2,000 per month in cost savings. He thanked Marilyn for doing a great job.

C. Staff Reports

1. City Administrator – Ron Martinovich

- Excess liability is required by a lease. The current coverages are through Gallagher Mesler. There is an opportunity to purchase MPR where other insurance is provided. There is

approximately \$13,000 annually in cost savings. Before he sends notice to Gallagher Mesler to terminate the current coverages on August 1, he wanted the Board's approval to move forward.

- He would like the Board to review the Legislative Services Agreement related to the Port Authority. This is an annual representation through the next legislative session.
 - He had sent the Board a communication policy. The department heads will review and provide feedback and will present the results in a few weeks.
 - He had sent the Board an advance funding proposal which would provide funding for the gymnasium. The City Attorney has reviewed it. He needs to know if the proposal meets the Board's approval. If so, he will start the process to formalize. This is in the amount of \$876,000. It relates to an elevation change and a reduction in the annual increase. At the present time, there is an increase of .07 cents per year and this proposal would reduce it to only an increase of .04 cents per year. Alderman Ray asked if to receive the funding what the timeframe would be. Mr. Martinovich said the plan is to receive the bids in August. The plan is being revised to include information regarding lightly concrete fill. Alderman Ray asked if the proposal included equipment. Mr. Martinovich stated no but there is an amount of \$200,000 contingency include. The timeframe should be approximately 6 months to complete. The Board is in agreement. Mr. Martinovich will bring forth ordinances at future meetings.
 - Regarding establishing compensation for an alternate judge, currently the alternate had served several times. Judges have been hired that have ranged from \$300 to \$700 in cost. His recommendation was to establish \$350 for a court docket and \$400 for a docket that contains an individual trial. Bob Buckley, City Attorney, stated the ordinance needs to be modified to reflect the cost difference deduction when the Judge is unable to attend and an alternate judge is used.
 - He reminded the Board that he had sent a Letter of Intent. There is also a non-disclosure agreement executed with a developer. He needs to know if the terms meet the Board's approval. If so, he will advance the process.
 - He wants to send out a Request for Interest and Statement of Qualification regarding City Attorney. He would like the appointed officials to look at the proposals and come up with a shortlist and the City Attorney would interview. He needs direction with the selection process. Bob Buckley, City Attorney, felt the current agreement set in place needs to be analyzed and to research the current rate in the metropolitan area. He felt what he has been paid is a fair rate. He felt the appointed officials need to make a decision as to the salary platform – hourly basis without a retainer or with retainer.
 - Properties on Lexington have been boarded up for months. He asked if the houses can be purchased by the City and then tear down. The City Attorney thought Kansas City was presently doing this.
2. City Clerk – Jana Olivarez-Dickerson
 - No report.
 3. Police Chief – Captain Matt Kline
 - The TIP 411 has been upgraded. This is a social media platform for public alerts and text messaging. As a part of this service, there is what's called a "live crime map" where you can see what is going on in Sugar Creek.

- LeBenite Park has been an ongoing issue and are trying to clean it up the best they can. There has been several serious incidents at the park so now the decision has been made by the Chief that the gates will not be locked at 11:00 p.m. and open at 6:00 a.m.
 - Officer Edwards has been in the Accident Reconstruction Program for approximately a year. He has passed this rigorous program.
 - The canine was received recently. He came from Poland. Joe Loring starts the 5-6 week program on July 7 and hopefully in mid-August will have a new canine officer. Half of the cost has been donated so far. This is a great PR tool. The canine's name will be Ammo. Jana Olivarez-Dickerson felt this needed to be a featured article in the newsletter. The Board agreed.
4. Public Works Director – Ed Layton
 - No report.
 5. City Treasurer/Finance Officer – Linda Martinovich
 - The department is working on the drafted budgets.
 6. Building Official – Paul Loving (not present)
 - No report.
 7. Parks and Recreation – Connie Dickinson
 - T-ball season is almost finished. There were approximately 300 at the T-Ball Banquet and Slugger from the KC Royals was present and passed out the trophies to the players.
 - Fourth of July Parade and fireworks is scheduled. There are 50 participants who have registered. Fireworks will be on the 4th of July and start approximately 9:00 p.m. Anna O'Renack will be singing the National Anthem.
 - End of July the Truman Cup by Grace is scheduled.

Alderman Sagehorn mentioned that he had walked by Mike Onka Park and saw a lot of tables and chairs were left out. He called Connie Dickinson regarding the situation and found out those were delivered early. She had taken care of the situation. He also thanked her for his involvement with the 7th and 8th grade baseball teams.

8. Fire Chief – Pat Casey
 - Had put out a few grass fires from fireworks.

Motion for a Closed Executive Session after the next scheduled Council Meeting on July 11, 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 RAY MOVED THAT THE GOVERNING BODY APPROVE A CLOSED EXECUTIVE SESSION AFTER THE NEXT SCHEDULED COUNCIL MEETING ON JULY 11, 2016. 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

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 KENNEY.**

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 8:45 P.M.

Respectfully submitted,

Jana J. Olivarez-Dickerson,
City Clerk