

**MINUTES
CITY OF SUGAR CREEK
BOARD OF ALDERMEN MEETING
SUGAR CREEK CITY HALL
103 S. STERLING
SUGAR CREEK, MISSOURI
MONDAY, AUGUST 22, 2016
REVISED AS OF MONDAY AUGUST 22, 2016 AT 1:00 P.M.**

Meeting for the City of Sugar Creek, Missouri, Board of Aldermen was called to order by Mayor Matthew Mallinson, August 22, 2016 at 6:30 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; Mike Sanders, City Attorney, Jana Olivarez-Dickerson, City Clerk; Marilyn Evans, Deputy City Clerk.

III. PUBLIC ITEMS NOT LISTED ON AGENDA

A. Presentation of Certificates to Yard Beautification Winners – Mayor

Mayor Mallinson had presented Certificate for Yard Beautification to Valerie Soule.

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

Yvonne Leatue, 11413 Gill Street, said that there is a lot of traffic in her neighborhood due to her living across from Sugar Creek Elementary school. She is concerned with the speed of traffic in that area, no stop sign in the area and traffic going the wrong way on a one-way street. Vehicles are also driving around the buses. She wondered what could be done to rectify the issue. The Police Chief stated the issue will be resolved immediately.

Linda Mikulich observed that the Council Minutes are no longer included in the *Sweet Talk* newsletter. She felt they needed to be included to inform the citizens of new ordinances, etc. She also felt individual statements from the Aldermen as far as their goals, what they want to accomplish, would be nice, to include background information regarding a Sugar Creek policeman and maybe a Letter to the Editor could be included in the newsletter.

Tom Ferarro, 128 S. Vermont Avenue, said that between Vermont and Gant Streets on Anderson Street, there is a large tree that is in the process of deconstruction. He felt a storm might bring down the tree and thought it was hazardous. It is located north of Anderson Street. Ed Layton, Director of Public Works, agrees that it needs to be addressed. A letter needs to be sent to the owner but he can cut the branches hanging out onto the road.

Anabelle McGail, 3803 N. Union, said that she has fought for years for something to be done with the property on 3800 N. Union. She has worked with Paul Loving, Building Official, in the past.

Female resident at 3706 N. Union, also complained about the house located at 3800 N. Union.

Linda DeHart, 3705 N. Union, also present complaining about the condition of the house. The house has been empty for approximately 2 years.

IV. MAYOR'S REPORT

- A. Consider approval of Bill No. 08-41-16 Ordinance No. 4010 providing for the compensation of the Temporary Judge and providing for the salary of the regular judge when the Temporary Judge serves under Section 19-39 and 19-40. **Please note First reading was approved on August 8, 2016.**
(adopt)

Ron Martinovich, City Administrator, stated the text in this ordinance does not include the edits previously discussed. He asked to defer action until later meeting.

This item was tabled until next month's Council meeting.

- B. Consider approval of Resolution No. 04-16 a Resolution authorizing the Affirmative Assent of the City of Sugar Creek, MO on the question of whether Little Blue Valley Sewer District should issue revenue bonds payable from revenues to be derived from the operation of the Little Blue Valley Sewer System in an amount not to exceed Twenty-Million Dollars (\$20,000,000) for the purpose of improving, extending or rehabilitating the Little Blue Valley Sewer District System including, but not limited to advanced air emissions controls for the Atherton Wastewater Treatment Facilities. Ron Martinovich, City Administrator

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE RESOLUTION NO. 04-16 AS ABOVE. SECOND BY ALDERMAN KENNEY.**

Jeff Schook, Assistant Director at Little Blue Valley School District, said that he was present to answer any questions from the Board. He is seeking passage of this resolution that would allow the Little Blue Valley School District to sell bonds for an errors & omissions project for an incinerator that gets rid of the sludge that is collected at the waste water plant. 75% of the customers have to approve this resolution in order to proceed. Currently, 5 customers have passed resolutions.

Ron Martinovich, City Administrator, said the debt service on the bonds will be paid for by efficiencies that have derived. Mr. Schook said the bonds do not show up against the City.

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 Bill No. 08-49-16 an Ordinance assessing and levying a tax upon all of the taxable property within the corporate limits of the City of Sugar Creek, MO, a Municipality of the Fourth Class, duly organized and existing according to the laws of the State of Missouri for the calendar year 2016. Linda Martinovich, City Treasurer/Finance Officer (first reading)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 08-49-16 AS ABOVE. SECOND BY ALDERMAN SAGEHORN.**

Linda Martinovich, City Treasurer/Finance Officer, explained this is the tax levy ordinance for Jackson and Clay counties. She does not have final assessment in Jackson County. Also short \$1.5 million but part of that will come back on when the county is complete. She does not get the final numbers until the first week of September but she needs approval to file.

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 Ordinance No. 4018 (Bill No. 08-49-16) as stated above. (adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4018 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

- E. Consider approval of Bill No. 08-50-16 an Ordinance approving a proposal for Environmental Services from Axiom Service Professionals to complete a Scope of Services for property located at

11232 Chicago, Sugar Creek, Mo and authorizing the Finance Officer to pay the invoice once the Scope of Services has been completed. Ron Martinovich, City Administrator
(first reading)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE FIRST READING OF BILL NO. 08-50-16 AS ABOVE. SECOND BY ALDERMAN KENNEY.**

Ron Martinovich, City Administrator, explained the MidAmerica Regional Council in May had solicited bids for the gym renovation to six vendors and the deadline was the end of May. They did not receive any proposals during that time. In June, had solicited to two additional vendors with no response. Recently on August 8, there were two additional vendors that were solicited to and Axiom Service Professionals was the one vendor who responded. This vendor is certified to test both the lead and mold which is a requirement for the CBGD grant. The threshold for ordinance is \$5,000 which are currently at approximately \$3,500. Once the testing is finished, the environmental assessment can be completed and the grant funds will be released.

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 Ordinance No. 4019 (Bill No. 08-50-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4019 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		

G.. Consider approval of Bill No. 08-51-16 an Ordinance approving a Municipal Contract for Residential, Municipal Facilities and Single Stream Recycling between the City of Sugar Creek, MO and Allied Services LLC, a Delaware Limited Liability Company and authorizing the Mayor 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. 08-51-16 AS ABOVE. SECOND BY ALDERMAN KENNEY.**

Ron Martinovich, City Administrator, discussions have been conducted for many years regarding changing the municipal solid waste collection. There are some exclusions in the agreement. This will prioritize the solid waste collection. The service will be once a week on Friday. The residents will be provided two containers – one for trash and one for recycling. Yard waste collection will not change. The holiday schedule will remain the same. Some changes to bulky items. The City Attorney has reviewed the agreement. This is within the current rate structure. There will be two availability sessions in October/November.

Alderman Sagehorn thought a special notification letter should be sent to the residents. Mr. Martinovich said that it is included in the newsletter this coming month, will be on Facebook and the City's website.

Alderman Doyle asked if the rate is comparable to Liberty. Mr. Martinovich answered it is lower.

Alderman Sagehorn asked who picks up the dead animals in the road. Ed Layton, Director of Public Works, stated the company would help with those situations. He also asked when to expect the containers. Mr. Martinovich said they will be ordered when this ordinance is passed.

Alderman Doyle asked if there was a limit on bulky pickup items. Mr. Martinovich said there is no limit. The police department will notice if bulky items have been sitting out for a long period of time. Because of this program, there will no longer be two bulky item pickups in the Spring and Fall and will be by appointment only.

Alderman Sagehorn asked if the billing will continue on the same date. Mr. Martinovich did not see that to be an issue.

Alderman Doyle was concerned of residents putting additional trash outside of their full container. Mr. Martinovich said that it would have to fit into the container or call for bulky item service.

Alderman Sagehorn asked if a container gets stolen, will the resident have to purchase another one. A replacement will be sent at no charge.

Alderman Kenney brought up "the routes of collection" and read *the City shall publish at its expense at least once each calendar year a map of the residential unit collection routes in the newspaper*. He felt it should be included in the *Sweet Talk* instead of the newspaper.

Alderman Sagehorn said there are 65 gallon and 90 gallon containers. He asked how they could be used. Representative from Allied said the lids are color-coded and only fit the specific container. One is for trash and one is for recycling.

Mayor Mallinson thanked everyone for being patient and working on this subject.

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 Ordinance No. 4020 (Bill No. 08-51-16) as stated above.
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4020 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

- Thanked Chris Soule for coffee with a cop program.
- Questioned about street repair. Ed Layton, Director of Public Works stated they would take care of this issue.

Alderman Doyle

- He apologized to Alderman Ray for getting upset about the refuse discussion.
- Discussed the excitement on Saturday with the police department.
-

Alderman Kenney

- No report.

Alderman Sagehorn

- He asked for the status regarding the antenna. Police Chief Soule said that FCC has the paperwork. He hopes to receive permit this week and upon receipt will be complete within two to three days.
- Thanked the Police Department for their diligent work.

C. Staff Reports

1. City Administrator – Ron Martinovich
 - He had previously sent a request to the Board asking for consideration to move the Budget Public Hearing to the September 20, 2016. Most staff would like to attend the MPR Conference which interferes with the budget cycle.
 - He reminded the Board the Missouri Main Street meeting will be August 25 at the Police and Fire Building. The focus of the meeting is to work toward appointing the Steering Committee.
2. City Clerk – Jana Olivarez-Dickerson
 - A number of vehicles had been sold from Fire Department and Public Works. She has not notified those who had received the highest bids or approved. The approximately amount received is \$4,000 minus the fire truck.
 - They are interviewing for a part-time accountant.
3. Police Chief – Chris Soule
 - TIP 411 has replaced Code Red. He will send out the information minus the crime mapping.
 - He will be absent next week to California. He will return Saturday evening.
 - He will be at LeBenite Thursday morning. Equipment will be there for the first of two concerts at the park.
4. Public Works Director – Ed Layton
 - Wil-Pav repaired the streets for the schools.
 - Had interviewed for a working foreman and have made a decision on the candidate.
5. City Treasurer/Finance Officer – Linda Martinovich
 - No report.
6. Building Official – Paul Loving
 - There are three phases to the process of demolishing a house. The first phase is the initial posting and notification to the owner and Board of Aldermen. Once that is done, then an ordinance is passed that would declare that structure to be a dangerous building. The next step is to get the individual to make the repairs or advance to demolition by the owner's choice or action by the Board. He referred to Page 5 of the Dangerous Building Ordinance, Section 7-40 which has to deal with inspection. Once completed, when determine there are violations in Section 7-37 that should the Board of Aldermen concur in the finding of the building inspected that there is immediate danger as foresaid that the building inspector shall immediately post upon the building or structure a notice. When in an ordinance, he would provide to the Board a list of violations that are found to cause it to be a nuisance structure. Tonight, he is looking for three motions, one for each of the three structures, that says it is a nuisance structure. Afterwards, he will post a notice and then the next meeting will go to the specific ordinance for each structure. Upon completion, follow-up notices will occur. During this time the owner has the opportunity to comply with the order to repair the structure if it is repairable. Otherwise, it will go to demolition.

Mike Sanders, City Attorney, said that concurrence is necessary by vote of the Board in various stages.

Mr. Loving passed out documentation on the three structures in question. The first is 114 S. Willow with the listed code violations and photos provided to the Board. The structure is in poor shape and has been vacant for approximately a year. He requested this dwelling to be a nuisance structure.

Mike Sanders clarified the motion that the Board concurs with the Building Inspector's determination that the building poses an immediate danger.

Now therefore, ALDERMAN DOYLE MADE A MOTION THAT THE BOARD CONCURS WITH THE BUILDING INSPECTOR THAT THE BUILDING IS AN IMMEDIATE DANGER. SECOND BY ALDERMAN SAGEHORN.

Now, therefore, **ALDERMAN DOYLE MADE A MOTION THAT THE BOARD CONCURS WITH THE BUILDING INSPECTOR THAT THE BUILDING AT 114 S. WILLOW AS AN IMMEDIATE DANGER. 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	

Mr. Loving referred to 11504 Thompson. The water has been off for approximately five years. The violation list includes no live connection to water. There is a lack of maintenance in general on both the property and the structure which is related to IPMC (International Property Maintenance Code) 301.3 which has to do with vacant or abandoned property not being maintained. There is debris and rubbish accumulation throughout the inside and outside of the property. The property is rodent/animal/bug infestation. There is lack of building security among many other violations. He asked for a motion.

Now, therefore, **ALDERMAN RAY MADE A MOTION THAT THE BOARD CONCURS WITH THE BUILDING INSPECTOR THAT THE BUILDING AT 11504 THOMPSON AS AN IMMEDIATE DANGER. 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	

Mr. Loving referred to the third structure at 3800 N. Union. The owner is present and has expressed an interest in making a statement to the Board. The photos provided start with recent days and go backwards a year. He has original documents that were sent two years ago requesting violations be addressed. There is a broken down swimming pool on this property. He is concerned about the mosquito-borne illnesses from this pool. Many letters have been sent to the owner and no repairs has been done to-date. He asked for a motion.

Now, therefore, **ALDERMAN RAY MADE A MOTION THAT THE BOARD CONCURS WITH THE BUILDING INSPECTOR THAT THE BUILDING AT 3800 N. UNION IS AN IMMEDIATE DANGER. 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		

- Mr. Loving indicated that he is working on the data entry for the report requested by Alderman Kenney.
7. Parks and Recreation – Connie Dickinson
- Vendor from the Lake of the Ozarks would be attending the Harvest Market. She would like to sale pears and pumpkins in mid-September.
 - In the process of working on the Family Fall Fun Fest. This was discussed at the team meeting and was decided to have the festival on Sterling; however, will be called Main Street Event. The Family Fall Fun Fest will be combined with the Craft Fair/Vendor Fair at 606 Sterling. The parking lot at the Heritage Center will be used for this event. This will be held on October 29.
8. Fire Chief – Pat Casey
- They had received three bids on the fire truck and Carefree Industrial Park now is the owner of the fire truck. They will be using it for a water truck.

Motion for a Closed Executive Session after the next scheduled Council Meeting on September 12, 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 SEPTEMBER 12, 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

The owner at 3800 N. Union disputed comments regarding the sewers. He said that he would replace the sewers before he would live in the house. He understood there are a number of items that need to be repaired to the house. He explained that his health has been poor during this period of time and has only received \$443 in wages from workman's compensation. He was told today that a settlement was being made on his workman's compensation that would pay a contractor to make the repairs to the house. He asked for a permit and the opportunity to repair his property. Mayor Mallinson said that he will have the opportunity to correct the problems.

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