

**MINUTES  
CITY OF SUGAR CREEK  
BOARD OF ALDERMEN MEETING  
SUGAR CREEK CITY HALL  
103 S. STERLING  
SUGAR CREEK, MISSOURI  
MONDAY, SEPTEMBER 12, 2016**

Meeting for the City of Sugar Creek, Missouri, Board of Aldermen was called to order by Mayor Matthew Mallinson, September 12, 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; Mike Sanders, City Attorney, Paul Loving, Building Official, Jana Olivarez-Dickerson, City Clerk; Marilyn Evans, Deputy City Clerk.

**III. CONSENT AGENDA**

- A. Approval of Minutes from the 8-8-16 Tax Levy Public Hearing
- B. Approval of Minutes from the 8-8-16 Council Meeting
- C. Approval of Claims Ord. No. 10-16

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.**

<b>YEA: ALDERMAN SAGEHORN</b>	<b>NAY: NONE</b>
<b>ALDERMAN KENNEY</b>	<b>ABSENT: NONE</b>
<b>ALDERMAN DOYLE</b>	
<b>ALDERMAN RAY</b>	

**IV. PUBLIC ITEMS NOT LISTED ON AGENDA**

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

Margaret Kliehauer, 306 N. Brent Street, stated she has water problems due to a drain that is located in front of her property. She felt the drain need to be looked at and maybe relocate as to not drain onto her property causing issues. Ed Layton, Director of Public Works, stated he had met with Margaret and had Wil-Pav take care of a few areas on Burton Street for the water to keep on that street versus Brent Street. Ace Pipe had used a camera on the culvert but have not received the results yet. He felt there could be an obstruction in the pipe and that they are working on the issue.

Linda Mikulich wanted to know the status of the festivals that have taken place. She wished there was more publicity regarding Sugar Creek events. Alderman Kenney said there was advertisement for two weeks. She felt a banner would be informational and events listed on the City's website.

She suggested adding the Council Minutes and background information regarding the police to the newsletter at the last meeting. She would like to have feedback to her questions and suggestions. Alderman Sagehorn will have answers for her at the next Council meeting.

Margaret Douglas, Claremont Street, said her neighbor had a void under asphalt in front of her house. The City had flowable fill material to put into the void. She was curious what the finished configuration going to be in front of the house. Ed Layton, Director of Public Works, is in the midst of fixing a few areas on the streets. They will put asphalt on top of the flowable fill to complete the job.

## **V. MAYOR'S REPORT**

- A. Consider approval of Bill No. 09-52-16 an Ordinance adopting findings of fact, conclusions of law and decisions relating to 114 S. Willow. Paul Loving, Building Official  
(first reading)

Now, therefore, ALDERMAN KENNEY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4011 AS ABOVE. SECOND BY ALDERMAN RAY.

Paul Loving, Building Official, has had conversations with Mr. Sanders previously. In the findings of fact that he had provided concerning 114 S. Willow, he referred to a number of exhibits. He was interested to have a document to take to the Jackson County Recorder of Deeds concerning the conditions and property. He had a conversation with Mr. Purdy and felt it was important to move forward. There are aspects concerning decisions that could be amended, if need be. There is no intent to take away the process of Mr. Purdy but it is Mr. Loving's intent to have an ordinance to present to the Recorder of Deeds. If the property is so that the person acquiring the property would be aware of the expectation as far as either repair or demolition.

1. Mr. Loving referred to Exhibit H that there is no potable water at the residence and has not been since August 2015. By ordinance, the requirement is to have a water hookup to live in the residence.
2. Number two, the exterior structural envelope is in disrepair with advancement of unsafe and unsanitary conditions.

3. The eaves and siding display multiple decade dilapidated openings that have allowed weather elements, birds and ferments such as fowl or animals and insets to enter the residence. An infestation of all is present in the home.
4. Mold is visually evidenced at disrepair openings and, in fact, on the open siding of the house in multiple locations.
5. A large accumulation of rubbish and trash, garbage, even animal and human feces that are present in the residence. The human feces is present in trash cans, buckets and pans.
6. The electrical wiring is in a dilapidated and dangerous condition. There is a possibility of fire if there were electricity in the home. Electrocutation is a possibility because of the dilapidated condition and open splices that are exposed. The panel board is completely unmaintained and there is no cover.
7. The kitchen cabinets are dilapidated beyond repair and unsanitary. Additionally, they are full of f cockroaches.
8. The HVAC system is unsafe and improperly vented. There is evidence that the heat exchanger is full of holes. If it were operating and the gas was on, it would cause carbon monoxide to spread in the home. The water heater is improperly vented and wired.
9. Dry rod termite damage and warping are present in the structural framing.

All-in-all, it has led me to declare the property as condemned. Mr. Loving is asking that there be a decision that would approve an ordinance that would allow him to record these conditions of code violations to Jackson County. Regarding conclusions of law, Mr. Sanders informed him that Missouri law would be involved in being able as a municipality to proceed with this as a dangerous building.

Mr. Loving then referred to the section of Decisions. He stated the Decisions do not take away process but allow process. For example, this could be moved to a Public Hearing by September 26 but this does not need to be done. He can begin a process of obtaining an encumbrance report and obtaining an appraisal. By ordinance, there is at least one automatic 30-day delay in this process. As noted in Ordinance 2382, Dangerous Building Ordinance, is to have a Public Hearing followed by an automatic 30-day delay before demolition could occur, or someone purchase or repair the property.

Mike Sanders, City Attorney, felt that if 50% of the overall rehab cost would be more than the value of the property then the Board would need to consider. This is a very cumbersome process but it has been thoroughly discussed. In terms of any type of hearing that would have to be held, it would be the Board's decision but the rules and evidence would not apply as in a normal court proceeding.

Mayor Mallinson asked when the process started. Mr. Loving answered August 10, 2015 was when he was called by the Sugar Creek Police Department. There had been a procedure at the property and found conditions that needed to be looked in to by him. Photos were taken. Mayor Mallinson asked if the conditions found are still in the same condition as of today. Mr. Loving said there had been removal of personal content, some cleanup inside the property but the conditions are still unsanitary. Mayor Mallinson asked if there was evidence of anyone living in the dwelling. Mr. Loving answered not that he could tell and the water and electricity are off.

Alderman Doyle asked if the incident in August 2015 were squatters. Chief Chris Soule answered approximately 18 months ago it was declared a nuisance house due to the numerous complaint phone calls and investigations. The house has been boarded up twice.

Alderman Sagehorn asked what action Mr. Loving would like to see from the Board. Mr. Loving answered he would like an ordinance to provide a decision regarding the quality of the structure being a dangerous building with the ordinance approving the list of code violations present in Exhibit H. This document would be an ordinance that approves Exhibit H so it can be recorded.

Alderman Ray asked for the timeframe the structure could be torn down. Mr. Loving said that it would be up to the Board but he would proceed as quickly as Ordinance 2380 would allow. He does not want to violate the conditions which allows a process for the owner to respond. The quickest would end up being the end of October. Alderman Ray would like to see it torn down.

Melvin Purdy, 114 S. Willow, said that he does not have the funds to repair or demolish the property. He figured that someone could purchase the property and do what they want to do. He is living next door to the property.

Mike Sanders, City Attorney, will make sure he works with the staff to make sure there is compliance with both Missouri state law as well as the local ordinance.

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 Ordinance No. 4021 (Bill No. 09-52-16) as stated above.  
(adopt)

Now, therefore, **ALDERMAN RAY MOVED THAT THE GOVERNING BODY APPROVE ORDINANCE 4011 AS ABOVE. SECOND BY ALDERMAN SAGEHORN.**

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

<b>YEA:</b>	<b>ALDERMAN SAGEHORN</b>	<b>NAY:</b>	<b>NONE</b>
	<b>ALDERMAN KENNEY</b>	<b>ABSENT:</b>	<b>NONE</b>
	<b>ALDERMAN DOYLE</b>		
	<b>ALDERMAN RAY</b>		

## VI. BOARD ITEMS

- A. Mayor's Report

- April 29, 2017 has been requested for the Oregon Trail 5K Run which would start at Wayne City Landing and end at the Square. Connie Dickinson has started the 2017 calendar and will add to the calendar.
- Mountain bicyclists want to build a trail between Fort Osage to LeBenite Park. The organization would like a way to Rock Island to the mouth of Little Blue.
- Native Americans are trying to prevent a pipeline in South Dakota going through their grounds and the pipeline wants to go underneath the Missouri River. Any breakage in the pipeline could possibly contaminate the Missouri River. This could impact the City and more research will need to be done. He will bring a resolution to the Board at the next meeting. This issue is of concern to him.

#### B. Aldermen Reports

##### Alderman Ray

- He received a call expressing the good work conducted by Public Works Department.
- He wanted to know the status of 917 Sterling. Paul Loving, Building Official, does not have status as of yet but felt it will turn into another condemnation issue.
- He asked if signage or ads were placed for the Sugar Creek garage sale. Connie Dickinson said there were signs distributed. He wondered why there were not more information on the signs. Ms. Dickinson said the order was messed up and she will get it corrected.

##### Alderman Doyle

- Asked if there were any more complaints regarding blasting in 291 area. Pat Casey, Fire Chief, does not know who is responsible for the blasting.
- Asked for status of tower. Chief Soule said they received FCC approval but now waiting on the permit.

##### Alderman Kenney

- He had the opportunity to attend the Daughters of the American Revolution. There was a 911 ceremony and heard this is something that will happen yearly. This was a well-run event.
- He attended the Tumbleweed event and thought maybe in the future could accommodate the performers in hotels.

##### Alderman Sagehorn

- He said there is a message board that is old and does not work very well. He felt something could be used at a reasonable price to replace the old message board. Jana Olivarez-Dickerson thought it would cost approximately \$20,000.
- Daughters of the American Revolution were in Sugar Creek and it was not included the newsletter.
- He asked for itinerary regarding Missouri River Eagle Day. Connie Dickinson said it will be advertised on websites, on flyers, Facebook, etc. He would like for the schools to know about the

event and for it to be included in *Sweet Talk Newsletter*. He thought this was a very good program for children and would like for the City to support it.

### C. Staff Reports

#### 1. City Administrator – Ron Martinovich

- There will be a meeting with staff regarding the recent festivals and Borda Productions to make future events even better.
- He attended the MPR Conference and he did not think the training was as powerful as it has been in the past. He did come away with the workmen's comp cost is still out of control.
- The health insurance property and casualty are performing well. A refund has been received from premium payments. Alderman Ray asked if a Review Board goes through each workman comp case. Mr. Martinovich said that it will be reviewed quarterly in a team meeting.

#### 2. City Clerk – Jana Olivarez-Dickerson

- She attended the Professional Development Academy and felt it was an excellent event. She came back with many ideas and information. She recommended anyone in a leadership role should attend in the future.

#### 3. Police Chief – Chris Soule

- Requested at the last meeting during Business from the Floor, Officer profiles is on his agenda to include in the newsletter.
- Tumbleweed event – there were minor issues, and the event went well besides the rain. There were approximately 8,000 tickets sold.

#### 4. Public Works Director – Ed Layton

- No report.

#### 5. City Treasurer/Finance Officer – Linda Martinovich

- She is moving some funds back into the State of Missouri to do business with banks. There will need to be a resolution to give her authority to work with the banks. She will try to have that resolution at the next meeting.
- There were be additional adjustments in the trash fund.

#### 6. Building Official – Paul Loving

- He attended the MPR Conference.
- There were motions on the following properties at the last Council meeting: 114 S. Willow and 3800 N. Union. He informed the Board that the owner at 3800 N. Union is accomplishing clean-up and/or repairs of the property.

#### 7. Parks and Recreation – Connie Dickinson

- She attended the MPR Conference. It was very educational and an eye-opening experience.
- Zumba-thon at Roper Pavilion on September 17.

- Fall Fest flyers have been distributed to the area businesses. She is starting to receive calls and getting comments that they are excited it will be held on Sterling this year. Eight crafters have turned in applications.
- Potluck dinner will be September 13.

8. Fire Chief – Pat Casey

- He had two firefighters participate in the Stair Climb downtown.
- Dance Fest Topia event – the kids who attended had a great time. Captain Richardson attended the event and said there were many out-of-town visitors from other states.

Motion for a Closed Executive Session after the next scheduled Council Meeting on September 26, 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 DOYLE MOVED THAT THE GOVERNING BODY APPROVE A CLOSED EXECUTIVE SESSION AFTER THE NEXT SCHEDULED COUNCIL MEETING ON SEPTEMBER 26, 2016. SECOND BY ALDERMAN KENNEY.**

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

<b>YEA:</b>	<b>ALDERMAN SAGEHORN</b>	<b>NAY:</b>	<b>NONE</b>
	<b>ALDERMAN KENNEY</b>	<b>ABSENT:</b>	<b>NONE</b>
	<b>ALDERMAN DOYLE</b>		
	<b>ALDERMAN RAY</b>		

**OLD BUSINESS**

No report.

**NEW BUSINESS**

No report.

**OTHER BUSINESS**

Ron Martinovich working on a promotion that is not complete. He would like to delay to September 20. He asked if this needs to be voted as an Executive Session on September 20 to handle this issue or to vote on that day.

Now, therefore, **ALDERMAN DOYLE MOVED THAT THE GOVERNING BODY TO VOTE TO APPROVE A CLOSED EXECUTIVE SESSION ON BOTH SEPTEMBER 20 AND SEPTEMBER 26, 2016. SECOND BY ALDERMAN KENNEY.**

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

<b>YEA:</b>	<b>ALDERMAN SAGEHORN</b>	<b>NAY:</b>	<b>NONE</b>
	<b>ALDERMAN KENNEY</b>	<b>ABSENT:</b>	<b>NONE</b>
	<b>ALDERMAN DOYLE</b>		

**ALDERMAN RAY**

**ADJOURNMENT**

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

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

<b>YEA:</b>	<b>ALDERMAN SAGEHORN</b>	<b>NAY:</b>	<b>NONE</b>
	<b>ALDERMAN KENNEY</b>	<b>ABSENT:</b>	<b>NONE</b>
	<b>ALDERMAN DOYLE</b>		
	<b>ALDERMAN RAY</b>		

**UPON A ROLL CALL VOTE, THE MOTION WAS APPROVED, AND THE MEETING ADJOURNED AT 8:15 P.M.**

Respectfully submitted,

Jana J. Olivarez-Dickerson,  
City Clerk