

**THE CITY OF BATTLEFIELD
BOARD OF ALDERMEN
REGULAR SESSION MEETING MINUTES
TUESDAY JULY 17, 2012**

Item 1 Call to order

Mayor Kruse called the meeting to order at 7:00 p.m. in Battlefield City Hall. The following Board members were present: Shawn Billings, Stephen Esterline, Carolyn Poole, Debra Hickey, Charles Yates, and Mike Goldenberg. Alderman Absent: None. Also present were City Administrator Rick Hess, City Attorney Jim Kelly, City Clerk Beth Anne West, and Police Chief Vallely.

Item 2 Ceremonial matters

Pastor Rich Orrell led the opening prayer. Alderman Shawn Billings led the pledge of Allegiance.

Item 3 Announcements

Mayor Kruse mentioned the Municipal Officials Training Workshop on August 2, 2012, to the Board if they are interested in attending that will be held in Springfield, Missouri at the Library Center from 5-9 p.m. which is taught by the Deputy Director of the Missouri Municipal League. Mayor Kruse stated this would provide a brief overview for those who had not attended the Training held by MML in June for the Elected Officials.

Item 4 Mayor updates

Mayor Kruse noted that next week the Ozarks Transportation Organization would be holding an executive session next week and the Director Mrs. Fields was holding more meetings than in the past. Mayor Kruse thanked the Park Board and the Park Board Chairman Robert Groves for all their hard work on the 4th of July event and stated he heard only good things about the event and that it took approximately 30-40 minutes for the area to clear.

Item 5 City Administrator updates

City Administrator Rick Hess noted the work on the infill for the Church would begin at Kelly Burk's building and they would be putting in a sprinkler system due to the number of attendees at the Church. Mr. Hess mentioned that the City should receive plans for a new Chinese restaurant in the next few weeks and then should receive plans for a Subway also for Mr. Burk's building, which will then be almost full. Mr. Hess noted that last week the City received infrastructure plans for the Menard's and that should be approved soon. Mr. Hess noted the City's Facebook page has been seeing a lot of interest up to and after the 4th of July. Mr. Hess explained the City had received two rebate checks for the City's Health Insurance and since the issue might not be settled he has made sure an account is opened for the two checks and it is an escrow account, should the City have to send the monies back. If the issue is finalized in the future then the City will use the money to put against its monthly premium. Mr. Hess noted the Governor had vetoed Bill #1329 which would affect the amount of sales tax revenue the City receives on vehicle taxes and it could be \$18,000.

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Mayor Kruse recognized Police Chief Valley for his 7 years of service to the City as of June 27, 2012. Mayor Kruse stated that Chief Valley has improved the quality of the Police Department since his arrival and thanked him for his service to the City.

Item 6 Fire Chief updates

Chief Bryan Newberry was absent but a representative from the District noted there were 29 emergency calls on the 4th of July and prior to 5 p.m. on that day there were 24 calls. The representative noted 2 of the calls were medical and the others were fire related. The representative noted the district has had 1400 calls for the year and they are beginning to prepare for the ISO inspection process.

Item 7 Adoption and approval of Consent Agenda

Motion was made by Alderman Shawn Billings to adopt and approve the consent agenda Items a-i including the following: June 19, 2012 regular session meeting minutes; June 19, 2012 executive session meeting minutes; June 16, 2012 Strategic Planning & Budget special meeting minutes; Bills to pay in the amount of \$50,144.90; Bills paid in the amount of \$86,291.84; June 2012 Financials; June 2012 Bank Reconciliations; Committee and employee reports; Sewer billing adjustments for month of June 2012 in amount of \$3,908.36. Motion was seconded by Alderman Debra Hickey. A roll call vote was taken and the vote was 6 Ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion approved.

Item 8 Public Input

None.

Item 9a Discussion and Possible Vote to make 3rd Street from FF to Cloverdale (No Parking for both sides of Street.)

City Administrator Rick Hess noted that to his knowledge the taping of the streets from 3rd to Cloverdale seemed to work during the 4th of July event. Chief Valley noted that if the Police Officers had not been visible more parking would have occurred in the area in question because the officers were deterring the parking from happening. Mr. Hess noted there is limited parking and many attendees are bused in from various other locations. Chief Valley stated since there is not an ordinance in writing then he has nothing to enforce. City Attorney Jim Kelly noted the City could pass an ordinance creating no parking for a specific time frame and/or area. Discussion continued on the costs associated with the appropriate signage and the area in question to find the best solution that was not too costly to the City. Mayor Kruse noted there was a year to do some homework on the issue to find the best solution. City Attorney Jim Kelly stated it would be necessary to appoint someone to place stop signs and designate no parking areas, if this was not already in place.

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Item 9b Discussion of whether to utilize a Single Trash Hauler (service) or maintain status quo.

Mayor Kruse asked the Board what their opinion was of the item should the City obtain a Single Trash Hauler or maintain the current status of having citizens pick their own Trash Service and offer the Preferred Provider Program through Allied Waste. City Administrator Rick Hess noted that two years ago the City began the process to move to a single trash hauler option based on the state statute requirements and the City would still have a year if they decided to change their minds and begin the process. Discussion followed on the pros and cons of changing the status and how the preferred provided program is working thus far. It was noted that a portion of Prairie View Heights is not inside the City therefore the thought was that those that live in this subdivision would be considered exempt and how that could be considered unfair to the other residents. Mayor Kruse stated that through Allied Waste the City can now offer this trash service on the City's Sewer billing and also give citizens the chance to recycle which seems to be working well. Alderman Esterline noted that when this offer became available through Allied his trash service met the pricing and started offering recycling which he felt made the other trash companies more competitive. Consensus from the Board was to continue with the status quo and not to pursue the Single Trash Hauler at this time.

Item 9c Discussion and Possible Vote to Approve Landscaping Services Bid for the City.

City Administrator Rick Hess noted only two bids were received after the second time to bid this item and they were Custom Creations and Christine Chiu. Mr. Hess noted that Custom Creations had the lower bid at \$19,500 per year and the Ms. Chiu was acquainted with Ms. Sonja Lallemand, who originally put together the parks system would have continued contact with her to keep the continuity of what has been created. Mr. Hess stated that Ms. Chiu's services would cost about \$1,500 more than Custom Creations who is based out of Marshfield Missouri. Mr. Hess recommended Mrs. Chiu. Motion was made by Alderman Shawn Billings to approve the Landscaping Services Bid for the City to Custom Creations in the annual amount of \$19,500.00. Motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 5 Ayes- Shawn Billings, Stephen Esterline, Carolyn Poole, Debra Hickey and Mike Goldenberg. 1 Nay-Charles Yates. All Board members were present for the vote. Motion passed.

Item 10a Bill #12-09, an Ordinance of the City of Battlefield, Missouri, Establishing Procedures and Requirements for the Issuance of Administrative Search Warrants.

City Administrator Rick Hess noted that occasions arise where entry is needed to homes for such issues like pests, rodents, hoarding issues, etc. Mr. Hess mentioned there at least a couple homes that will need to be looked at in the near future with potential safety of occupants (residents). Mr. Hess explained that due to foreclosures and potential for abandoned homes it would become necessary for the City to have the right of entry. Mr.

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Hess stated if the complaint is received for the specific home as to smells or rodents, etc. then the City Judge could issue an administrative search warrant to allow the City along with a Police escort. Mr. Hess noted it would be easier to get through a Municipal Judge rather than the County Circuit Court. City Attorney Jim Kelly explained the City would not look for contraband but would use the ordinance for Code Enforcement issues, like pests, rodents in reference to the Dangerous Building Ordinance. Mr. Kelly mentioned the Dangerous Building Ordinance requires the owner to bring the building up to code or to demolish the building. Mr. Kelly noted a scenario where there could be damage to the roof and the floor could be rotted, etc. which a person could break in and possibly get injured in conjunction with the reference to Dangerous Building Ordinances. Alderman Billings asked, if this was a standard ordinance for surrounding cities. Mr. Kelly noted this was a standard ordinance for most cities and the City cannot go to the County Circuit Court to enforce our enforcement codes, so we must approve our own so we can do our own inspections and gain access to the property. Motion was made by Alderman Shawn Billings to have the first reading of Bill #12-09 by title only. The motion was seconded by Alderman Debra Hickey. A roll call vote was taken and the vote was 6 ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed. The Bill was read by title only by City Clerk Beth Anne West for the first time. Motion was made by Alderman Mike Goldenberg to approve the first reading of Bill #12-09 by title only. The motion was seconded by Alderman Shawn Billings. A roll call vote was taken and the vote was 6 ayes-Shawn Billings, Stephen Esterline, Carolyn Poole, Debra Hickey, Charles Yates, and Mike Goldenberg. 0 Nays. All Board members were present for the vote. Motion passed. Motion was made by Alderman Debra Hickey to have the second reading of Bill #12-09 by title only. The motion was seconded by Alderman Charles Yates. A roll call vote was taken and the vote was 6 Ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. The Bill was read by title only for a second time by City Clerk Beth Anne West. Motion was made by Alderman Billings to approve the second reading of Bill #12-09 by title only and make it ordinance #12-09. The motion was seconded by Alderman Mike Goldenberg. A roll call vote was taken and the vote was 6 ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

Mayor Kruse asked for the guests in the audience to introduce themselves referring to the Boy Scouts of Troop 520. Alderman Esterline suggested if the Troop would like to they could help the City with the Pledge ceremonies and possibly with Park projects in the future. Mayor Kruse also acknowledged that Steve Goehl of D. A. Davidson was here as well.

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Item 10b Discussion and Possible Vote to Authorize attendance of Alderman and/or City Clerk for Missouri Municipal League Annual Conference for September 16-19th in Tan-Tar-a Resort.

Mayor Kruse noted he would be unable to attend and that Alderman Hickey showed interest in attending. City Clerk Beth Anne West noted she may or may not be able to attend the conference due to possible maternity leave potential, but would know more by early August. Mayor Kruse asked if any of the other aldermen were interested in attending. The cost of the rooms was discussed and Mrs. West noted she had not had opportunity to check on each price option when preparing the memo for the Board to review but would choose the lowest cost to the City. Mrs. West noted she had priced the rooms separately in case Mr. Hess would attend in her absence. Motion was made by Alderman Shawn Billings to approve the authorize the attendance of Alderman Hickey and the City Clerk or other designee not to exceed \$2,000 for MML Annual Conf. for Sept. 16-19th in Tan-Tar-a Resort. Motion was seconded by Alderman Mike Goldenberg. A roll call vote was taken and the vote was 6 Ayes- Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

Item10c Discussion and Possible Vote to Approve Possible Refinancing of the Certificates of Participation (COP) 2004, with D. A. Davidson & Co.

Steve Goehl of D. A. Davidson & Co. provided a presentation to the Board of Aldermen on how they could refinance the COP that were originated in 2004, for the Building of the Community Center and City Hall to save the City money in the long run and help pay the debt back faster. The Board discussed the options provided by Mr. Goehl to determine if this would be in the best fiscal interest of the City. Mr. Goehl mentioned the City could call a portion of the bonds now to refinance them now and this could be done only once with this type of funding. Mr. Goehl noted the City would need to consider the amount of savings they would want to require to make sure they were protected in the refinancing and to note that in their motion, so it would give him reference on how to proceed with the refinancing of the issue. Mr. Goehl noted it would take a month or so to complete the refinancing and there would be costs involved of about \$30,000 that would be absorbed with the cost of issuance and the City would have a net savings of approximately \$35,000.00 to the City. Mr. Goehl mentioned that after 2017, the City could revisit the debt owed and determine if they want to consider refinancing in the future. Motion was made by Alderman Shawn Billings to approve the Refinancing of the Certificates of Participation (COP) 2004, with D. A. Davidson & Co. with a net savings percentage to be no lower than 3.5% with a new optional redemption date of 2017. Motion was seconded by Alderman Mike Goldenberg. A roll call vote was taken and the vote was 6 Ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

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Item10d Discussion of Section 106.82 of the Springfield City Code Book regarding the "Closing of residential streets for Neighborhood Block Parties."

Alderman Ward III representative Debra Hickey noted she had been asked by constituents about holding a block party to close a residential street; therefore she contacted City Administrator Rick Hess and Mayor Aaron Kruse about the City's regulations on this matter and then contacted the Chief of Police to see if there were any rules against holding such an event. Alderman Hickey stated the Chief explained there was not an ordinance so he could not tell the residents they could have it and he could not tell them they could, in lieu of this situation the Chief had found a copy of what Springfield does for reference for the Board to review and consider if they wanted to adopt something similar. Discussion was held on whether to pursue the matter and Alderman Hickey stated the block party she was speaking of was held and went well over the 4th of July Holiday. Motion was made by Alderman Debra Hickey to authorize City Attorney to develop an ordinance for closing residential streets for neighborhood block parties. Motion was seconded by Alderman Charles Yates. A roll call vote was taken and the vote was 5 Ayes- Shawn Billings, Carolyn Poole, Debra Hickey, Charles Yates and Mike Goldenberg. 1 Nay-Stephen Esterline. All Board members were present for the vote. Motion passed.

Item10e Discussion and Possible Vote to Approve Extension of Contract for Intergovernmental Agreement for Pre-Disaster Emergency Services.

City Administrator Rick Hess explained the Office of Emergency Management for Greene County had contacted to City to extend the contract by two months (June 30, 2017), so all the cities involved would have the same end date. Mr. Hess noted no additional cost would be added to the contract and the date was the only change as reference under section II of the contract. Motion was made by Alderman Mike Goldenberg to Authorize the Mayor to execute the amended Intergovernmental Agreement for Pre-Disaster Emergency Services from July 17, 2012 to June 30, 2017. Motion was seconded by Alderman Shawn Billings. A roll call vote was taken and the vote was 5 Ayes-Mike Goldenberg, Charles Yates, Debra Hickey, Carolyn Poole, and Shawn Billings. 1 Nay-Stephen Esterline. All Board members were present for the vote. Motion passed.

Mayor Kruse adjourned the meeting for a 5 minute recess which began at 8:56 p.m. Mayor Kruse brought the meeting back to order at 9:04 p.m.

Item 11a Executive Session

Discussion and possible vote concerning hiring, firing, and/or promoting of employee(s) per RSMo 610.021 (3) & Personnel Records, Performance Ratings, or Records Pertaining to Employees or Applicants for Employment per RSMo.610.021 (13). Closed Session. Closed Vote. Closed Record. Motion was made by Alderman Goldenberg to go into executive session at 9:04 p.m. Alderman Stephen Esterline seconded the motion. A roll call vote was made and the vote was 6 ayes-Shawn Billings, Stephen Esterline, Carolyn Poole, Debra Hickey, Charles Yates, and Mike Goldenberg. 0 Nays. All Board members were present for the vote. Motion approved.

