

City of Battlefield  
Board of Aldermen  
Regular Session Minutes  
August 7, 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: Mike Goldenberg, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. Alderman Absent: Debbie Hickey was absent for the meeting. Also present were City Administrator Rick Hess, City Attorney Jim Kelly, City Clerk Beth Anne West, and Police Chief David Vallely.

**Item 2 Ceremonial Matters**

Pastor Marc Cerce led the opening prayer. Alderman Mike Goldenberg led the pledge of Allegiance.

**Item 3 Announcements**

Mayor Kruse acknowledged that tomorrow was Alderman Poole's birthday. City Administrator Rick Hess noted the inserts in the packets for the Board regarding the Sunshine Law review part 1 of 2 and next year's court dates plus the Court Clerk's certification for her attendance of the spring training for MACA.

**Item 4 Mayor Updates (Verbal)**

Mayor Kruse noted he would be out of town the end of the week and would return before Monday and he appreciated everyone's patience with his schedule this summer. Mayor Kruse noted he missed attending the grand opening of the Greene County Emergency Center Offices and he hopes to get an opportunity to do so in the future. Mayor Kruse noted that Randall Moody the current EMA Director for the City has become too busy to volunteer his services so the City would need to consider finding a new person to take this position on which can be highly stressful and demanding. Mayor Kruse asked the Board to let him know of anyone that would be interested.

**Item 5 City Administrator Updates (Verbal)**

City Administrator Rick Hess spoke to Mr. Larino on Friday of and the ordinance for vacating Wilderness Road is being prepared for the next meeting. Mr. Hess stated that the closing with Menard's should occur soon, and then the final plat for the project would be presented for approval. Mr. Hess noted the Spirit Life Church had begun the infill. Mr. Hess noted he sent a letter to the Chick-Fil-A corporate offices in light of recent comments by other cities like Chicago to let them know Battlefield would be willing to have their franchise here.

**Item 6 Police Chief Update**

The Chief of Police was not able to attend the meeting due to assisting the Fire Department with some wildfires in the area.

**Item 7 Adoption and Approval of Consent Agenda**

Motion was made by Alderman Shawn Billings to approve the consent agenda including items a-f: July 17, 2012 regular session minutes; July 17, 2012 executive session minutes; Bills paid in the amount of \$67,830.31; Bills to pay in the amount of \$11,874.25;

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Committee and employee reports; Summary of Revenues In-Expenditures Out (July 1, 2011-June 30, 2012). Motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 5 Ayes-Mike Goldenberg, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. Debra Hickey was absent for the vote. Motion approved.

**Item 8            Public Input**  
None.

**Item 9a            Discussion and Possible Vote to Approve Raises for City Employees  
retroactive to new Fiscal Year July 1, 2012.**

Mayor Kruse noted there was comparison information provided to the Board for cities in Missouri to compare with the proposed raises for the City Employees. Mayor Kruse noted he appreciated all the work the City Clerk and City Administrator put into obtaining this information for the Board to have a complete set of information with which to make their decision. City Administrator Rick Hess explained the paperwork showing the increases for the City Employees which he was proposing would be retroactive to July 1, 2012. Mr. Hess noted the increase in pay overall would be approximately \$12,600 annually but there would be sufficient funds to pay since the General Obligation Bonds have been paid off and there is about \$21,000 that could be transferred to the General Fund, which will cover this amount. Motion was made by Alderman Shawn Billings to approve raises for City Employees retroactive to new Fiscal Year July 1, 2012, for Fiscal Year 2012 to 2013. Motion was seconded by Alderman Charles Yates. A roll call vote was taken and the vote was 4 Ayes-Shawn Billings, Carolyn Poole, Charles Yates, and Mike Goldenberg. 1 Nay-Stephen Esterline. Debra Hickey was absent for the vote. Motion approved.

**Item 10 a        City of Battlefield Chamber of Commerce Update presented by  
Chairman Becky Wright.**

Ms. Wright announced to the Board of Aldermen the formal closing of the Battlefield Chamber of Commerce and the closure has been a year-long process with the biggest reason being the current members were unsuccessful in recruiting replacements for the Chamber to make it work for the future. Ms. Wright noted many of the members live in Springfield so it was hard to be active in Battlefield and the bylaws for the organization would not allow the inactivity. Ms. Wright stated the closing of the Chamber is set for the 15<sup>th</sup> of September. Ms. Wright is hoping in the future the Chamber could be revived and it would just take a new tax id number from the State and new bylaws. Ms. Wright noted there was a little money left over and they would like to donate it to a non-profit organization within the community.

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**Item 10 b Greene County Emergency Management Update for future EMA Activities presented by Robert Taylor and Ryan Nicholls of Greene County Office of Emergency Management.**

Mayor Kruse noted neither Mr. Taylor or Mr. Nicholls could be there to provide the presentation this evening and would be at the next meeting instead.

**Item 10 c Discussion and Possible Vote to approve Bill #12-10 An Ordinance Authorizing The Closing Of Residential Streets For Neighborhood Block Parties.**

**Alderman Debra Hickey entered the meeting at 7:16 p.m.** Alderman Hickey stated that she had received questions about holding such a block party near her home then she found out the City did not have the authority or parameters to handle this issue. City Administrator Rick Hess noted the requests are infrequent in nature, so we used Springfield's code as a reference. Motion was made by Alderman Mike Goldenberg to have the first reading of Bill #12-10 by title only. The motion was seconded by Alderman Shawn Billings. A roll call vote was taken and the vote was 6 ayes-Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. Motion passed. The Bill was read by title only for the first time by City Clerk Beth Anne West. Motion was made by Alderman Mike Goldenberg to approve the first reading of Bill #12-10 by title only. The motion was seconded by Alderman Debra Hickey. A roll call vote was taken and the vote was 6 ayes-Shawn Billings, Stephen Esterline, Carolyn Poole, Charles Yates, Debra Hickey, and Mike Goldenberg. 0 Nays. All Board members were present for the vote. Motion passed. Motion was made by Alderman Shawn Billings to have the second reading of Bill #12-10 by title only. The motion was seconded by Alderman Mike Goldenberg. A roll call vote was taken and the vote was 6 Ayes-Mike Goldenberg, Debra Hickey, Charles Yates, 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 Shawn Billings to approve the second reading of Bill #12-10 by title only. The motion was seconded by Alderman Carolyn Poole. A roll call vote was taken and the vote was 5 ayes- Shawn Billings, Carolyn Poole, Charles Yates, Debra Hickey, and Mike Goldenberg. 1 Nay-Esterline. All Board members were present for the vote. Motion passed.

**Item 10 d Discussion and Possible Vote to Approve Bill #12-11 an Ordinance Amending the Budget for Fiscal Year 2011-2012.**

City Clerk Beth Anne West noted that the trash (Refuse Service) was not in the budget and was added after the approval of the Budget, so this amendment to the revenue and the expenses would need to be added. Motion was made by Alderman Mike Goldenberg to have the first reading of Bill #12-11 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, Charles Yates, Debra Hickey, and Mike Goldenberg. Motion passed. The Bill was read by title only for the first time

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by City Clerk Beth Anne West. Motion was made by Alderman Shawn Billings to approve the first reading of Bill #12-11 by title only. The motion was seconded by Alderman Carolyn Poole. A roll call vote was taken and the vote was 6 ayes- Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed. Motion was made by Alderman Mike Goldenberg to have the second reading of Bill #12-11 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, Charles Yates, Debra Hickey, and Mike Goldenberg . 0 Nays. The Bill was read by title only for a second time by City Clerk Beth Anne West. Motion was made by Alderman Shawn Billings to approve the second reading of Bill #12-11 by title only. The motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 6 ayes-Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

**Item 10 e Discussion and Possible Vote to Approve Bill # 12-12 An Ordinance Amending Section 215.100 Weeds Or High Grass Specifically Subsection E And Replacing It With A New Subsection E.**

Alderman Shawn Billings asked what the prior format looked like as far as the request for the change to reference the need for said change. City Attorney Jim Kelly stated the current ordinance refers to the property begin mowed and then the property owner is given 45 days to respond before a lien is put against the property, only the problem with this is the invoice may not be received in that timeframe, so the ordinance needs to be altered to adjust for this situation. Motion was made by Alderman Shawn Billings to have the first reading of Bill #12-12 by title only. The motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 6 ayes-Shawn Billings, Stephen Esterline, Carolyn Poole, Charles Yates, Debra Hickey, and Mike Goldenberg. Motion passed. The Bill was read by title only for the first time by City Clerk Beth Anne West. Motion was made by Alderman Shawn Billings to approve the first reading of Bill #12-12 by title only. The motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 6 ayes- Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed. Motion was made by Alderman Shawn Billings to have the second reading of Bill #12-12 by title only. The motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 6 Ayes- Shawn Billings, Stephen Esterline, Carolyn Poole, Charles Yates, Debra Hickey, and Mike Goldenberg. 0 Nays. The Bill was read by title only for a second time by City Clerk Beth Anne West. Motion was made by Alderman Shawn Billings to

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approve the second reading of Bill #12-12 by title only. The motion was seconded by Alderman Stephen Esterline. A roll call vote was taken and the vote was 6 ayes- Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

**Item 10 f Discussion and Possible Vote to Approve Bill #12-13, An Ordinance Authorizing the Execution and Delivery of a Base Lease Agreement and a Lease Agreement: Approving the Issuance and Sale by the Trustee of the City of Battlefield, Missouri, Refunding Certificates of Participation (Refunding Project) Series 2012 in the Principal Amount of Not to Exceed \$850,000; Authorizing and Approving Certain Documents in Connection with the Issuance of Said Certificates and Authorizing Certain Other Actions in Connection with the Issuance of Said Certificates.**

Mayor Kruse introduced Mr. Steve Goehl from D. A. Davison who was assisting the City with the refunding project. Mr. Goehl noted the City set at their last meeting a net present value of 3.5% and the City actually received 5.4% for the issue which meant more savings for the City. Mr. Goehl noted the City would close on the issue on August 16, 2012. Alderman Shawn Billings asked if City Attorney Jim Kelly had reviewed the refunding documents. Mr. Kelly replied yes. Mr. Goehl stated the City had the option in five years which would be 2017 to look at refinancing the issue again if they so choose. Motion was made by Alderman Mike Goldenberg to have the first reading of Bill #12-13 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, Charles Yates, Debra Hickey, and Mike Goldenberg. Motion passed. The Bill was read by title only for the first time by City Clerk Beth Anne West. Motion was made by Alderman Mike Goldenberg to approve the first reading of Bill #12-13 by title only. The motion was seconded by Alderman Shawn Billings. A roll call vote was taken and the vote was 6 ayes-Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed. Motion was made by Alderman Mike Goldenberg to have the second reading of Bill #12-13 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, Charles Yates, Debra Hickey, and Mike Goldenberg. 0 Nays. The Bill was read by title only for a second time by City Clerk Beth Anne West. Motion was made by Alderman Mike Goldenberg to approve the second reading of Bill #12-13 by title only. The motion was seconded by Alderman Shawn Billings. A roll call vote was taken and the vote was 6 ayes- Mike Goldenberg, Debra Hickey, Charles Yates,

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Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

**Item 10 e Discussion and Possible Vote to Approve Municipal Agreement with Allied Waste to provide service through the Preferred Provider Program.**

City Administrator Rick Hess stated the City was opting to stay with the Preferred Provider Program offered through Allied Waste which began last summer based on what has occurred recently with the neighboring City of Republic who was trying to go to a single provider and has incurred a lot of scorn over the potential change. Mr. Hess noted the Board recently discussed the issue and determined it worthwhile to continue with the status quo, since about 400-600 people are utilizing the program. Mr. Hess added the City could still pursue the single hauler option within the next year, if they change their minds. Mr. Hess noted that some of the other trash providers had asked if they could also be a preferred provider. Mr. Hess contacted them and noted they would need to match the offer by Allied Waste but none had pursued the option. Alderman Esterline stated it made his trash hauler more competitive. Chris Snyder of Allied Waste spoke to the Board and noted this was the same type of agreement the City had and it would continue the program for 2 years. Mr. Snyder noted they have 20 municipalities that have exclusive programs within their respective cities and Ozark and Willard have preferred provider programs that have been successful. Mr. Snyder noted that a part of the program is the City is provided trash service for free including the Fireworks event. Motion was made by Alderman Shawn Billings to approve Municipal Agreement with Allied Waste to provide service through the Preferred Provider Program for a term of two years. The motion was seconded by Alderman Charles Yates. A roll call vote was taken and the vote was 6 ayes- Mike Goldenberg, Debra Hickey, Charles Yates, Carolyn Poole, Stephen Esterline, and Shawn Billings. 0 Nays. All Board members were present for the vote. Motion passed.

**Item 10 f Discussion of City Code Book Section 210.255 Firearms prohibited in City Buildings.**

City Administrator Rick Hess provided the Board with a copy of the abovementioned section of the City Code regarding firearms. Mr. Hess discussed recent activities like those of the Colorado Shooting and the Kirkwood tragedy noting these areas were gun free zones like the City and asked if they City wanted to consider changing the Code. City Attorney suggested reviewing the State Statutes before taking action to alter the Code. Mayor Kruse stated that recently a citizen entered City Hall and did not introduce themselves to the front desk before seeking out the City Administrator, so

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since then access to the City Offices has been changed to lock all the doors, so this would not occur again and staff would be safer. Mayor Kruse stated that safety is always a concern and the question is how far we go to protect our staff. Mr. Hess noted that a fence was installed a year and a half ago to protect employee's vehicles and City Property. Mr. Hess mentioned this item was a discussion item only and no decisions needed to be made this evening. Mr. Kelly noted the City's sign that is posted was incorrect and it should read no firearms concealed or otherwise, because at this time a person could enter City Hall with a concealed weapon. Mr. Hess asked for any additional input to be sent to him via e-mail from the Board.

**Item 10 g Discussion and Possible Vote to Seek Authorization from the Board to add a Maternity Leave Policy to the existing Personnel Policy.**

City Administrator Rick Hess noted the City did not currently have this policy in place and would need to do so with the City Clerk's impending need to utilize such a policy. City Clerk Beth West noted she had contacted other cities to put together a draft for the Board to review and had the City Attorney review the policy and was hoping for input to finalize the policy. Discussion followed on whether 8 or maybe even 12 weeks would be enough for the maternity leave. Consensus from the Board was to increase the amount of unpaid leave from 8-12 weeks. Mayor Kruse asked if anyone had any other suggestions to contact either the City Clerk or the City Administrator to provide more input.

**Item 10 h Discussion of Business License Requirements.**

Alderman Shawn Billings noted he had received a call this past Sunday as he was preparing to have dinner from a neighbor of Alderman Hickey. Mr. Billings noted this individual was upset that when he was assisting his children in mowing a friend's lawn a City employee took a picture of him mowing and it upset him so this individual confronted the City Administrator. Mr. Hess noted the individual in question had been seen mowing various lawns within the City as if they were doing this as a business and the City Administrator had asked the employee to take a photo if he observed this type of work being done for proof so a letter could be sent to the individual, therefore promoting them to obtain a business license. The Board of Aldermen discussed what constituted the need to obtain a business license. Mayor Kruse mentioned the need to comply with the City's laws and the need for staff to make sure this was done. City Attorney Jim Kelly noted the state statues that refer to the different types of businesses which define a specific action or trade. Mayor Kruse noted that time could be allotted at the next meeting to discuss this issue further.

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**Item 11a 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.** The Board of Aldermen did not go into closed session.

**Item 12 Adjournment**

Motion was made by Alderman Mike Goldenberg to adjourn the meeting. The motion was seconded by Alderman Charles Yates. 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 Aldermen were present for the vote. Motion approved. The meeting adjourned at 9:00 p.m.

\_\_\_\_\_ Mayor Aaron Kruse \_\_\_\_\_ Date

ATTEST:

\_\_\_\_\_ City Clerk \_\_\_\_\_ Date

Reading and Vote to Approve Minutes:

Minutes Approved: