

**BOARD OF ALDERMEN  
MINUTES  
March 9, 2017**

The Board of Aldermen of the City of Marshfield, Missouri, met in regular session on Thursday, March 9, 2017, in Council Chambers at Marshfield City Hall.

**CALL TO ORDER** – Mayor Robert Williams called the meeting to order at 6:30 p.m.

**ROLL CALL** - Answering roll call were Mayor Robert Williams, East Ward Aldermen Rob Foster and Jeremy Loftin and West Ward Aldermen Vicki Montgomery and Champ Herren.

A Moment of Silence and the Pledge of Allegiance was observed.

**MINUTES** – Alderman Foster made a motion to approve the minutes of February 23, 2017. Alderman Loftin seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**EXPENDITURES** – Alderman Loftin asked about the Worker's Compensation Insurance for 2017 premium and asked if that was about what we budgeted. City Administrator John Benson stated he thought so, but would have to clarify that with the Financial Clerk. Alderman Herren made a motion to approve expenditures. Alderman Montgomery seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**MAYOR APPOINTMENTS** – Mayor Robert Williams made a recommendation to appoint Ann Rost to the Parks and Recreation Advisory Committee. Alderman Foster made a motion to accept the recommendation of the Mayor to appoint Ann Rost to the Parks and Recreation Advisory Committee. Alderman Loftin seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**OLD BUSINESS**

**DISCUSS AMENDMENT TO THE ANIMAL CONTROL REGULATIONS**- City Administrator John Benson stated due to several incidents involving dog bites over the past year, the Board of Aldermen requested Staff to research methods in which the City's animal control regulations could be strengthened in response to dog bites and declaring a dog dangerous. Staff has reviewed other city's dangerous dog regulations and their definition of dangerous dogs and sanctions that can be imposed when a dog is declared dangerous.

**Dangerous Dog Definition**: City of Marshfield's City Code currently defines a Dangerous Dog as any dog that:

- *Has a known propensity, tendency or disposition to attack when unprovoked, upon the streets, sidewalks or any public grounds or places or upon the property of another, to cause injury or otherwise endanger the safety of human beings or domestic animals, or approaches a person in a menacing fashion or apparent attitude of attack;*
- *Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on private or public property; or*
- *Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.*

*Definitions from another City (St. Charles County) states:*

- In deeming a dog dangerous, consideration may be given to information that the dog in question has bitten human beings or domestic animals in other Cities or Counties when that information is received in writing from the individual(s) responsible for animal control in that City or County.

Sanctions in our City's code possibly imposed against a Dangerous Dog are:

- Registration of the dog as a Dangerous Dog
- Confinement
- Liability Insurance
- Spaying or neutering
- Humane destruction
- Forfeiture

Other Cities have addition sanctions

- Bright Collar with the words "Dangerous Dog"
- Notice of death or relocation of animal
- Color of Photograph of Dangerous Dog turned into Division of Humane Services
- Failure to comply
- Prior acts
- Stay of order

### **Number of Dogs Allowed:**

The number of dogs allowed in the City of Marshfield is regulated by Section 215.020 of the Marshfield City code which specifies:

*No dog owner shall keep or harbor more than three (3) adult dogs within the City limits of the City of Marshfield, Missouri above the age of four (4) months.*

Staff solicited information from other cities in the State to see how many dogs they allow. Of the cities that provided information, the maximum number of dogs and cats allowed varies between three and four.

- Battlefield: 4 dogs and 4 cats, above the age of 6 months.
- O'Fallon: 3 dogs or cats (minimum age was not specified).
- Rogersville: 3 dogs or cats above the age of three months.
- St. Charles County: 4 dogs or cats, above the age of 6 months

Many of the regulations state that when someone wants to have more than the maximum allowed number of dogs and/or cats, it is deemed a kennel and must be approved as such through the City's zoning regulations.

Consensus of the Board of Aldermen was to allow 4 dogs or cats total, above the age of 6 months and to direct Staff to bring back a proposed amendment for the Board of Aldermen to look at.

**DISCUSSION ON TERM LIMITS FOR PARK & RECREATION ADVISORY COMMITTEE** – Discussion was held on having term limits on committees to help rotate the members in order to gain new ideas. Currently the Mayor may reappoint a committee member and then the Board of Aldermen have the option to approve or disapprove. The thought is to keep the committees moving forward in making decisions, and to not get into a rut.

Consensus of the Board of Aldermen is for Staff to put together what term limits would look like and bring back to the Board of Aldermen.

**FINANCING FOR ACTIVITY COMPLEX INFRASTRUCTURE** - City Administrator John Benson is asking the Board of Aldermen to give direction on a preferred financing method for the proposed new lift station to serve the Activity Complex and surrounding properties. There are in principle two options for providing sanitary sewer service to the Activity Center complex:

- Construct a lift station on the Activity Center property and a force main that will extend west to the existing sanitary sewer system in the Briarwood subdivision. The engineer's cost estimate for this option ranges from approximately \$250,000 to approximately \$550,000 depending upon the location of the lift station on the Activity Center property; or
- Construct a gravity flow sewer main from the activity center to a new lift station that would be constructed approximately ½ mile north of the Activity Center property with a force main that would extend from that lift station northwest to an existing force main that serves the Briarwood subdivision. The engineer's cost estimate for this option is approximately \$1.45 million

At the February 23, 2017 Board of Aldermen meeting, the chose to the option to construct a gravity flow sewer main from the activity center to a new lift station that would be constructed approximately ½ mile north of the Activity Center property if the

applicable property owners are willing to grant the necessary easements. Depending upon the exact location of the lift station, there are two and possibly three property owners that the City would need to obtain easements from for this option. Since the February 23<sup>rd</sup> Board of Aldermen meeting, staff has met with two of the property owners both of whom have stated they are agreeable to granting easements.

Concern of the Board was that the City would make investments into lift station and we will not recoup our costs. Alderman Foster stated he would like to be sure the land owners are on board, before the City spends the money. Alderman Herren stated he is in favor of the proposed lift station approximately ½ mile north, contingent upon property owners submit to voluntary annexation. City Administrator John Benson stated he would contact the other property owner and see if they would be on board.

Board of Aldermen set a Special meeting for March 16, 2017 at 6:30 p.m.

SAPP is requesting the Activity Complex Phase I amount be increased to \$4 million dollars for initial pool design SAPP proposed.

Joe Kinder with George K. Baum & Company provided scenarios involving an Activity Center in 5 years opposed to 3 years, given the increase in the work on the Pool.

Alderman Montgomery made a motion to increase project budget to \$4 million to cover site development costs in Phase I. Alderman Herren seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**FINANCING FOR WASTE WATER IMPROVEMENTS** – Alderman Loftin made a motion to table. Alderman Herren seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**LEASE FOR SENIOR CENTER** - skipped.

**AMENDMENT TO THE CITY'S SEWER RATES FOR OUTSIDE THE MUNICIPAL LIMITS OF THE CITY OF MARSHFIELD USERS** - City Administrator John Benson stated an error was made when calculating the increase for outside the City sewer rates. The error was unintentional and should have only increased by the same percentage as customers located in the city limits. Staff is recommending that the user rate for waste water customers located outside the city limits of Marshfield be changed from \$8.00 to \$4.33 per \$1,000 gallons.

**BILL NO. 2017 AN ORDINANCE AMENDING SECTION 700.080(B)(2)(b) OF THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD, MISSOURI BEING A SECTION ESTABLISHING THE SEWER RATES, TO ADJUST THE USAGE RATE FOR OUTSIDE THE MUNICIPAL LIMITS OF THE CITY OF MARSHFIELD** – Attorney Chuck Replogle read by title twice the proposed Ordinance for the City of Marshfield, Webster

County, Missouri an Ordinance amending Section 700.080(B)(2)(b) of the Municipal Code of the City of Marshfield, Missouri being a Section establishing the sewer rates, to adjust the usage rate for outside the Municipal limits of the City of Marshfield.

Alderman Foster made a motion to approve the first reading of the proposed Ordinance. Alderman Montgomery seconded the motion. The motion passed with a roll call vote. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

Alderman Herren made a motion to approve the second reading of the proposed Ordinance. Alderman Loftin seconded the motion. The motion passed with a roll call vote. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**ADJUSTING SEWER RATES FOR OUTSIDE THE MUNICIPAL LIMITS OF THE CITY OF MARSHFIELD CUSTOMERS ON THEIR FEBRUARY AND MARCH 2017 BILLS** -

City Administrator John Benson stated that the City only has three active customers on the outside city sewer rate. Those affected are presented by account numbers #10977001, #12732003 and #12733008. Staff is requesting the Board of Aldermen to adjust the bill months of February and March 2017 for those accounts affected by the incorrect rate. Alderman Foster made a motion to adjust the three accounts noted for the months of February and March 2017. Alderman Loftin seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**RECOMMENDATIONS FROM THE FINANCE COMMITTEE** - City Administrator John Benson stated the Board of Aldermen asked the Finance Committee to make a recommendation on the following two issues:

1. Transfer of funds from the General Fund Unallocated Cash Balance to the Reserve Fund: At the end of the City's FY2016 there was an unallocated cash balance of \$783,856.44. The unallocated cash balance is projected to increase to \$844,455.26 at the end of the City's FY2017. In an effort to increase the City's Reserve Fund the Board previously asked that the Finance Committee review the General Fund's unallocated cash balance and make a recommendation on whether a portion of these funds should be transferred to the City's Reserve Fund in an effort to more quickly reach the City's goal of establishing a \$400,000 Reserve Fund. As described in the attached Finance Committee meeting minutes, the Finance Committee has reviewed the cash balance and recommends that \$150,000 of the General Fund's unallocated cash balance be transferred to the City's Reserve Fund. In addition, the Finance Committee recommends that the remaining \$94,157.43 that the City owes to the Enhancement Grant I Cash Balance and the remaining \$67,624.78 that the City owes to the Enhancement Grant II Cash Balance be paid from the remaining General Fund's unallocated cash balance. The result of these two recommendations will result in an unallocated Cash Balance of \$472,074.23 in the General Fund.

2. Offer from TowerCo regarding existing tower lease at E.O. Jackson Park: The City received a letter from TowerCo offering a one-time payment of \$220,000 for the lease of the property for the existing cell tower at E.O. Jackson Park. The City currently receives \$1,400 per month for the lease of the property to TowerCo. Additionally, the City will receive an additional \$300 per month each time TowerCo leases space on the tower. The current lease structure is for a period of 10 years with five, five year options at which time lease payment escalators occur. Based upon the current lease payments being received of \$1,400 per month the City will receive \$168,000 at the end of the current ten-year lease period. This amount will increase should TowerCo lease space on the tower. The Finance Committee gave consideration to these factors, as well as future financial payments the City will receive beyond the initial ten-year lease period, in relation to the payment offer of \$220,000 received from TowerCo and opted to not make a recommendation to the Board of Aldermen.

Alderman Foster made a motion to approve the recommendation noted in paragraph 1. Alderman Montgomery seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

Alderman Foster stated the City needs to write a letter to TowerCo informing them the City of Marshfield is not interested in the offer of a one-time payment of \$220,000.

## **NEW BUSINESS**

**VICIOUS DOG BAN** – Jim Tyson stated he had attended the dog hearing which involved his son being bit by a pit bull. Tyson stated that there are 84 municipalities that have bans on pit bulls. Tyson believes it is a negligence on the dog owner.

Alderman Foster stated he would like for the City to be proactive in the control of dangerous dogs.

Mayor Williams stated that in the last year he has had five dangerous dog hearings and all have been on pit bulls.

Consensus of the Board of Aldermen is to have staff include language to prohibit a breed of dog, specifically pit bull, in the animal control amendment coming back to the Board of Aldermen.

## **ADDENDUM NO. 2 TO TRANSPORATION & ON-CALL ENGINEERING SERVICES WITH GREAT RIVERS ENGINEERING FOR DEVELOPMENT OF A LANDSCAPE PLAN FOR THE CURB BUMP OUTS AROUND THE DOWNTOWN SQUARE -**

Alderman Loftin stated this is not a good use of funds. Loftin stated there are Landscape Contractors that can bid on this project. City Administrator John Benson stated that a plan needs to be developed for the landscaping of the curb bump outs

around the square and that is what Ginny Randall can do. Benson stated Randall is a master gardener and that is her expertise. Alderman Foster stated he was with Loftin to not spend the \$10,000.

**BILL NO. 2017-18 AN ORDINANCE AUTHORIZING AN ADDENDUM NO. 2 TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MARSHFIELD, MISSOURI AND GREAT RIVERS ASSOCIATES, INC. FOR TRANSPORTATION AND ON-CALL ENGINEERING SERVICES** – Skipped.

**APPROVE PARK & RECREATION FEE AMENDMENT** - Skipped.

**BILL NO. 2017-19 AN ORDINANCE AMENDING CHAPTER 127 PARKS AND RECREATION OF TITLE 1 OF THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD, WEBSTER COUNTY, STATE OF MISSOURI** - Skipped.

**FUTURE AGENDA ITEMS** – Amendment to Animal Control regulations, Term limits on all committees and Parks Fee Amendment.

Break taken at 8:29 p.m.

**CLOSED SESSION** – Alderman Montgomery made a motion to enter into closed session Pursuant to Section 610.021.1 of the Revised Statutes of the State of Missouri pertaining to legal actions or causes of litigation at 8:34 p.m. Alderman Loftin seconded the motion. The motion passed in a roll call vote with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

Discussion was held. No action was taken.

Alderman Herren made a motion to enter regular session at 8:55 p.m. Alderman Montgomery seconded the motion. The motion passed in a roll call vote. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

**ADJOURN** – With no other business appearing before the Board of Aldermen, Alderman Loftin made a motion to adjourn the meeting 8:56 p.m. Alderman Montgomery seconded the motion. The motion passed with four ayes. Voting aye: Foster, Loftin, Montgomery and Herren. Nay: None.

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Robert Williams, Mayor

ATTEST:

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Karen Rost, City Clerk

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