

# City of Marthasville

## MINUTES OF THE CITY OF MARTHASVILLE Special Meeting March 2, 2016

The March 2, 2016 special meeting of the Marthasville Board of Alderman was held at Marthasville City Hall and called to order at 7:00 PM with Mayor David Lange, presiding. Roll call was taken by the Deputy City Clerk, Lisa Irwin. Aldermen Nick Lange, Pam Jensen, Mike Kloeppe, Dan Grafrath and Mayor David Lange were present. After roll call Mayor Lange reported a quorum was present.

Also in attendance was Deputy City Clerk, Lisa Irwin; Police Chief Jenkins; City Attorney Jamis Kresyman; Tom Haberberger (811 Northridge Dr); Butch Broeker (501 E Main St); John Graham (806 Northridge); Brenda Daniels (103 Shawn Patrick Dr); Kevin & Lauren Williams (100 Lane Garret Dr); Kelly & Shayne Adkins (103 Lane Garrett Dr); Anna Travers (104 Lane Garrett Dr); Mike Borgmann (101 Lane Garrett Dr); Mike & Laurie Benz 9100 Shawn Patrick Dr); Steve Burleson II (106 Shawn Patrick Dr); Sarah Thomas (106 Lane Garrett Dr); Grover Hilgedick (908 Tanglewood Dr) and Chris DeVore (303 Hillcrest).

### **APPROVAL OF AGENDA**

Mayor Lange asked to amend the agenda and add Hiawatha Bidding to Old Business. Mayor Lange asked for a motion to approve the amended agenda. Motioned by Alderman Lange, seconded by Alderman Grafrath, to approve the amended meeting agenda. All Aldermen present voted "Aye". Motion passed with a 4-0 vote. Agenda was approved.

### **PUBLIC COMMENT**

Mike Benz (100 Shawn Patrick Dr) The streets haven't been adopted. We are still paying taxes and still getting some services, but streets need repaired. He asks that City Council dig into this deeper and figure out what we need to do to resolve this. The City Council needs to adopt these streets so we can move on and have some pride in the neighborhood. Steve Burleson II (106 Shawn Patrick) He has dealt with this issue a couple of years ago when he brought it to the Council. They said nothing can be done, it's private property. One solution by them was to form a Homeowners Association. His warning to that is, number one, I've seen Homeowner Associations in St. Louis County and how they operate. It's not good for cities or towns to do something like that. If they have to create a Homeowners Association, then the first thing he would want to do, is keep the riffraff off his property and make it a gated community. It's in our rights as a Housing Community to gate off that area.

Kevin Williams (100 Lane Garrett Dr) This is his third time speaking over the same issues. In regards to the Homeowners Association that Pam brought up at the last meeting, why should they have to pay twice? We are already paying City taxes. Why should we have to put money in for a Homeowners Association to fix the streets? Dan, I know you were close last time, Mike its frustrating that you say its smooth where the speed bump is. Kevin has pictures that he took today and anyone can see that it is not smooth. If I would have know these issues were a problem when I bought my house, then I wouldn't have bought my house. I didn't know we would have to battle the City to fix the things that we pay taxes for. We've lived here since December 2012 and have paid taxes since December 2012. Whenever I asked about the snow plowing on our streets, the answer was because it's a courtesy since you pay taxes. I have paid a lot of taxes for the street to be plowed three times in the time that I have lived there. Where has the rest of my tax money gone? Hiawatha is getting improved with new asphalt. Why aren't we afforded the same rights as tax payers? It's frustrating that Pam and Mike are West Alderman and you guys are against it. The bank sent a letter from their attorney stating that they have nothing to do with it and don't own those streets. The problem arises that you are supposed to have our best interests in mind as a board. A couple of you guys do and a couple of you don't. Marthasville is not this old time town anymore. You need to appease everybody, not just the old timers.

Sarah Thomas (106 Lane Garrett Dr) This is her second time addressing the Board. Back in December, her back yard was completely under water. It is affecting all streets and all neighbors. She has kids that walk and ride bikes to school and its

going to take one time for them to hit that (Rottmann bump) and we will have broken bones and concussions. With the Homeowners Association, it is our property and they are trespassing at this point and time. We can have stop signs and patrols, but how come we can't get it fixed? With the water issue and the drains, if it's broken, if it's fixed or if it's not, we should not have standing water for three to four days in our yard. It's temporarily ruined. We either have to dig it up or whatever. I am one of the newer people that have moved in, but where do our taxes go? The last time I was here a comment was made that it doesn't affect them. I don't drive down Hiawatha, it doesn't affect me. Still in my subdivision, it's where we are at and I drive down it. It's still a road in town. I sent an email to Pam and haven't received a response about any of it knowing that she is my alderman. At this time, the City needs to move forward.

Amanda Travers (104 Lane Garrett Dr) I have a sink hole in my yard because of the drainage, so it needs to be fixed please. We have filled it in numerous times, it doesn't work. I'm not sure what is going on with it, but you need to look into it. It's a serious issue. There are children running around and if they fall in that, I'm not going to be liable for that. I pay tax dollars and it needs to be fixed. A Homeowners Association or they want us to put our taxes into an escrow account, that's kind of odd to me and I don't get that. Would we still get a receipt on the taxes we pay. In Warren County we get a receipt for taxes paid in full. I am just wondering why we can't get our streets and drainage fixed?

Steve Burleson II (106 Shawn Patrick Dr) I had to deal with that with the last mayor. I had to pay for it myself. I have children and there are children living behind me in rental properties. It's a liability for me and I had to borrow \$10,000 to get it fixed. He found out that the state does allow for a municipality to pay for it if it benefits more than one person, which it did.

Brenda Daniels (103 Shawn Patrick Dr) Questioned if the City has easements on our property for the sewer and water? We pay for water and sewer, we pay city taxes and I don't mind my taxes going to pave another street that needs fixing or fixing water and sewer somewhere else, but I think we should be afforded the same thing. We are all paying, there are quite a few people that live on those streets and they are paying taxes. I don't see any reason why shouldn't get the same rights as everyone else. There was also a half of one percent sales tax passed some years ago, that was supposed to be for maintenance of streets, sewer and storm water issues in this town. I think that tax is still in force and what is the City doing with that money? We would like to see the same thing that everyone else in town has.

Kevin Williams (100 Lane Garrett Dr) To touch on what you (Steve Burleson II) said, my basement floods every hard rain. I've had to fork out about \$20,000 in basic restoration fees. I had an engineer that came out and told us the problem and how much it would cost to fix the street.

Brenda Daniels (103 Shawn Patrick Dr) If our sewer were to back up, and your running this stuff across our properties, is the sewer and water not public on our properties? We are understanding that it's not. If it's not, and it were to shut off at our street, it would back up the hill.

Mike Borgmann (101 Lane Garrett Dr) The streets and everything all boil down to a safety issue.. We need to be safe. If for some reason the roads fail, could you get fire trucks down there? Will the hydrants work? If my house catches on fire, I want to make sure Marthasville Fire has water and be is able to get trucks down there. We are paying City taxes, I want my streets working for my safety. If I need law enforcement, I want them to be able to get there. When I first moved in, the street sign for Lane Garrett was placed in the crack up on Rottmann. That just goes to show how big of a hole this was.

John Graham (806 Northridge Dr) I don't live down there, but I wanted to voice an opinion on the subject. The previous board knew that it was a problem. It was more than just that area. There were rental properties that had mold and would come to the City asking for assistance. We didn't have the legal recourse to do anything about it. We started with a comprehensive plan, which was supposed to springboard the City to put rules and regulations in place to protect everyone. After that, they were to start a bidding process with some engineering groups to take a look at the big problems in your area. To see what the biggest problems were and to figure out a way to financially and responsibly correct those in the future. Look at the state of our country, spending isn't always the answer. Having a strategy to take care of the problems so we don't go under is what we all need to work for. He wanted to let everyone know that there had been a plan in place to address these issues and would like everyone to give it a thought to entertain that as a solution.

Steve Burleson II (106 Shawn Patrick Dr) In order for that to happen the City would have to obtain control of those streets, right? Even if the City doesn't do anything to the streets, knowing that the City has accepted the streets is a step in a direction. He felt that if the City accepted them, then eventually something would be done about them. But right now, when we are told its private property, it's like you're saying you live here and we'll take your money, but we're not going to help you.

## OLD BUSINESS:

- a. **Social Media Policy** - Mayor Lange asked the Board to review the social media policy that Deputy Clerk, Lisa Irwin put together and review the possible additions he has recommended. The additions would be: 1) The appointed moderator/administrator of the City of Marthasville social media sites shall be the City Clerk and/or Deputy Clerk. The moderator/administrator shall be responsible for randomly monitoring all of the sites activities. The moderator/administrator shall be the only one to make official City postings to the sites and/or make post/reply removals with the approval of the Mayor. The following will not be allowed on City sites: 1) Official postings by City employees that are not the designated moderator/administrator as a representative of the City is prohibited unless approved by the Mayor. 2) Employees shall not post any comment or picture involving an employee, council member, patron, citizen or volunteer of the City "on the job" or at City sponsored functions without the City's expressed written consent. 3) Employees are cautioned that they may be subject to discipline, up to and including discharge, for making defamatory, obscene, libelous or offensive statements in posts/replies pertaining to the City or its employees. Attorney Kresyman asked if they were proposing to pass this tonight or did they want her to review it. There needs to something about spoilage or recovering and any of the information is subject to the Sunshine Law. She advised that these are some things that needed to be added. Motioned by Alderwoman Jensen, seconded by Alderman Grafrath to have Attorney Kresyman review the social media policy and then pass at the next meeting. All Alderman present voted "Aye". Motion passed with a 4-0 vote.
- b. **Purchasing Policy** - Mayor Lange asked the Board to review the changes he would like to make to the Purchasing Policy. The change would be: Excluding the Board of Alderman and the Purchasing Agent, only full time employees may make purchases up to \$\_\_ if the purchase is budgeted for, without any approval of the Board of Alderman and/or Purchasing Agent. Employees may make \_\_ such purchases(s) a month. If a full time employee needs to make a purchase above \$\_\_ but under \$1,000.00, it must be approved by the Purchasing Agent and or be preapproved by the Board of Alderman. All other purchases besides those authorized above shall be approved by motion, ordinance or resolution of the Board of Alderman. Alderman Lange stated that the way the current Purchasing Policy is set up only the Purchasing Agent may make purchases. Nobody else is allowed to make purchases, so there are several people in violation of this policy. We are trying to make it so the employees can make purchases without the approval of the Board. Mayor Lange stated he left those blank areas intentionally, so the Board can fill those in. The Board could even split those by department if they wanted. Alderman Kloeppel stated \$500 is a good amount. Alderman Grafrath thought \$500 was a good amount. Alderman Jensen thought \$500 would be a good amount. Alderman Lange thought that if it didn't need to be done right away it should come before the Board for approval. He also didn't like that we had only full time employees can make purchases because we don't have an employee handbook defining a full time employee. Alderman Lange thought we should have different amounts for each department and those amounts should be very different. Alderwoman Jensen motioned that we give the Public Works \$500 one time a month, the City Clerk/Deputy Clerk \$500 one time a month and the Police Department \$100 one time a month, with all other emergency purchases to be brought before the Mayor. No second, motion failed. Alderman Lange motioned to allow the Public Works Department to make a purchase of \$750.00 two times a month, the Clerk's Office \$250.00 once a month and the Police Department \$50.00 once a month. Alderman Grafrath seconded. Alderman Lange "Aye", Alderman Grafrath "Aye", Alderman Kloeppel "Aye" and Alderwoman Jensen "Nay". Motion passed with a 3-1 vote. Alderman Grafrath made a motion to look at the emergency purchases and put the Board President on besides the Mayor. Alderman Kloeppel seconded. All Alderman present voted "Aye". Motion passed with a 4-0 vote. Mayor Lange stated we need to add this sentence to the policy under section 3.E. If the Mayor is unavailable, the President of the Board can approve.
- c. **Employee Benefits/Handbook** - Alderman Lange suggests that this needs to discussed at a work shop. Motioned by Alderwoman Jensen, seconded by Alderman Grafrath to table this topic. All Alderman present voted "Aye". Motion passed with a 4-0 vote.
- d. **Boone Estates: Rottmann Dr/Storm Water Issues** - Mayor Lange asked the Board if they received the letter from Eckelkamp Keunzel LLP, representing the Bank of Washington, which stated that they do not own any streets in Marthasville. Alderman Lange read a complaint received via email from Emily Ratcliff who resides on

Rottmann Dr and was unable to make the meeting. Alderman Kloeppeel stated he thought the City did do its job by inspecting the streets and not accepting them because they weren't up to code. The City of Marthasville is not the only City that has streets that they do not own. Attorney Kresyman stated that when it comes to governmental police powers, the Missouri Supreme Court said it considers the use and not the ownership of the street and if the use is, the public uses it as a public street then the government can have police enforce on it. Alderman Kloeppeel stated he is not opposed to accepting these streets, but he would like to get an assessment of how much it will cost before the City puts money towards it. Alderman Grafrath stated he feels they should be fixed. We purchased a mini to start fixing the problem and doesn't think it would that big of an issue to fix half of the problems. There are bigger storm issues at current resident houses that might be a bigger undertaking. Alderman Lange stated the previous Board and Mayor told him that this issue was addressed and they need to form a Homeowners Association. He referenced John Graham's comment about how a plan was in place, but Lange felt that \$30,000.00 spent on a comprehensive plan, which is basically common sense information, was a waste of money and not accurate. Alderman Jensen stated that the City was legally required to have that before they could move forward with Planning and Zoning. The Plan was to address water and street issues everywhere in town. Attorney Kresyman recommends the City do a title search by a title company for those streets. Mayor Lange asked what a title search will tell you. Attorney Kresyman replied it will tell you who owns those streets. Alderman Lange asked Attorney Kresyman if that was her opinion and then thanked her for her opinion. Attorney Kresyman reiterated that legally the City should do a title search so the City knows who they are accepting the streets from. Alderman Lange thanked her for her opinion. Alderwoman Jensen motioned to do a title search for the streets. Seconded by Alderman Kloeppeel. Alderwoman Jensen "Aye", Alderman Kloeppeel "Aye", Alderman Lange "Nay", Alderman Grafrath "Nay". With a split vote of 2 "Aye" and 2 "Nay" Mayor Lange declared the motion failed. Alderman Lange motioned to accept Shawn Patrick, Lane Garrett, Rottmann Dr and a part of Griswold. Alderman Kloeppeel stated he didn't think Alderman Lange could vote on this motion due to a conflict of interest with him having family that lives on those streets. Attorney Kresyman advised that it would be a conflict of interest. Alderman Lange stated that could be taken as far as you want and thanks for your opinion. Seconded by Alderman Grafrath. Alderman Grafrath "Aye", Alderman Lange "Aye", Alderman Kloeppeel "Nay", Alderwoman Jensen "Nay". With a split vote of 2 "Aye" and 2 "Nay" Mayor Lange declared a tie vote and approved the motion. Attorney Kresyman stated she again advised that it was a conflict of interest.

Alderman Lange motioned to accept KJ Unnerstall Construction's bid for \$7,515.00 to fix the hump on Rottmann. No second, motion failed. Alderman Grafrath motioned for Public Works to rent a breaker for the mini and have the City do it and have someone pour it. Seconded by Alderman Lange. Alderman Grafrath "Aye", Alderman Lange "Aye", Alderman Kloeppeel "Nay", Alderwoman Jensen "Nay". With a split vote of 2 "Aye" and 2 "Nay" Mayor Lange stated he would break the tie and the motion passed.

- e. **Bid Discussion for: Solid Waste Removal, Workers Compensation Ins, Collection Agency, Waste Water Treatment & Water System** - Alderman Kloeppeel stated that Grace Hauling hasn't raised their prices in six years and if we put this out to bid, we are going to get higher prices. Mayor Lange thought the competition might come back with a cheaper price. Alderman Lange stated that the City reserves the right to reject any and all bids and if we don't accept them, then the previous bid can stay in place. Mayor Lange asked the Board to review the bid notice that Deputy Clerk, Lisa Irwin put together for solid waste removal. Alderman Lange motioned to go out for bids with the information that the Deputy Clerk gave the Board. Alderman Grafrath seconded with the correction of adding a zero to make it \$500,000 under page 7, section 8.3. All Alderman present voted "Aye". Motion passed with a 4-0 vote.

Mayor Lange is looking to go out for bids for workers compensation insurance. Alderman Grafrath motioned to go out for a better workers compensation bid. Seconded by Alderman Kloeppeel. All Aldermen present voted "Aye". Motion passed with a 4-0 vote.

Mayor Lange is looking to go out for bids for a collection agency. Alderman Lange motioned to go out for bids for collection services. Seconded by Alderwoman Jensen. All Aldermen present voted "Aye". Motion passed with 4-0 vote.

Mayor Lange is looking to go out to bids for waste water treatment and water system. Alderman Lange suggested that we do line item break outs on the bid where they can bid on one or all of the items. Alderman Lange

motioned to go out for bids for testing and reporting for the water system and sample, testing and reporting for the effluent system and hourly repair rate with a minimum call out fee as line item bid amounts. Seconded by Alderwoman Jensen. All Alderman present voted "Aye". Motion passed with a 4-0 vote.

Mayor Lange wanted to discuss unit bidding for concrete by the square foot, how much for equipment of water leaks so that we have these in place when we need them. Alderman Kloepfel suggested that since it's not on the agenda that we wait until the March regular meeting to discuss this. It was decided to table it for a couple of weeks.

Mayor Lange stated that the Hiawatha Project quit claim deeds have been signed. BFA gave an improvement plan to the City to review. They will also do the ads and send them to the clerks to put in the paper, create plans to be made available to contractors, have a pre-bid conference with the contractors and schedule a bid opening. BFA will then make recommendations to the Board about what to do with the project. Alderman Lange motioned to have BFA go out to bids on the Hiawatha Widening Project and then have them present to the Board. Seconded by Alderman Grafrath. Alderman Grafrath "Aye", Alderman Lange "Aye", Alderwoman Jensen "Aye", Alderman Kloepfel "Nay". Motion passed with a 3-1 vote.

**NEW BUSINESS:**

- a. **Complaints** - The City of Marthasville has a complaint form that a resident can fill out if they have a complaint against employees or policy and procedures within the City. Mayor Lange asked the Board to review the complaint forms that he came up with. One complaint form is for complaints against City Employees and one is for Requests, Suggestions and Complaints. He is looking to make an improvement in communication, that when complaints come into City Hall, they can be forwarded to the Board. Alderwoman Jensen stated the original form served the purpose and was less complicated to just have one form. Alderman Lange noted that the current complaint form doesn't have that the form will be forwarded to the Board and Mayor. Alderwoman Jensen motioned to rework the original and add that the Mayor and Board will be notified. Seconded by Alderman Lange. All Alderman present voted "Aye". Motion passed with a 4-0 vote.

**VOTE TO ADJOURN**

Motioned by Alderman Lange, seconded by Alderman Grafrath, to adjourn the meeting. All Aldermen present voted "Aye". Motion passed with a 4-0 vote. Meeting adjourned at 8:57 PM.

I hereby certify that these are the original minutes of the workshop meeting of the Board of Aldermen held on Wednesday, March 2, 2016.

Lisa Irwin, Deputy City Clerk

Date Accepted 3-16-16

Mike Kloepfel  
Mike Kloepfel, Board President

Carla Heggemann  
Attest: Carla Heggemann, City Clerk

