

**REGULAR MEETING MINUTES
BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI
TUESDAY – MAY 5, 2020 – 6:00 P.M.
CUBA CITY HALL COUNCIL ROOM**

Mayor Mortimeyer called the meeting to order. Aldermen present: Kevin Copling, Sam Black, Debbie Martin, Warren Graddy, Cody Leathers and Jeff Bouse. Public Works Director present, Craig Bouse. City Attorney present: Lance Thurman. Police Chief Doug Shelton present.

Motion by Leathers, seconded by Black, to approve the agenda as written. Vote: All ayes.

Motion by Martin, seconded by Copling, to approve the regular meeting minutes of April 21, 2020. Vote: All ayes.

Park and Recreation Committee recommendations: Mayor Mortimeyer stated the Park and Rec met on Monday to discuss the ball program and the pool season. He stated that they recommended closing the pool this season and to cancel the ball program as keeping social distancing and surfaces clean would pose a problem. Mayor Mortimeyer would also like to keep the Visitor Center and the Historical Museum closed until May 31 as well as our parks and playgrounds with the exception of Hood Park for walking. **Motion by Copling, seconded by Black, to approve the Park and Recreation Committee recommendations of closing the pool this season and canceling the ball program.** Discussion: Alderman Martin inquired on the purpose of closing the parks. Mayor Mortimeyer stated that since the bathrooms are closed and playgrounds are closed there isn't a reason to have them open; other than Hood Park for walking. **Roll call vote: Martin –yes, Black –yes, Leathers – yes, Copling –yes, Bouse – yes, and Graddy – yes.**

Discussion of Bill No. 1933 – an ordinance vacating the end portion of Commerce Ave with the City of Cuba, Missouri. – Mayor Mortimeyer explained that Green Farms would like to put a fence across Commerce Drive on their property and therefore the ordinance is to vacate a portion of Commerce Dr into a dead end. (City Clerk Nash was showing that tractor trailers park on that portion of the street now). Mayor Mortimeyer stated this is not unusual and they will create 50 jobs and give up the liability on the road. They may have future expansion. They paid for the survey, they have never asked the city for anything. This is not something new as the city has done this before for other businesses/organizations. Alderman Leathers asked about the utilities, Mayor Mortimeyer stated it is on the ordinance. Alderman Martin stated she is not in favor and does not like to give property away. She is curious what will be developed to the North. Shenandoah comes through there in which they may want to connect. She went on to say that when they purchased the property, they know what they looked at. In addition, Martin is concerned if there is another owner down the road. Alderman Leathers asked who owns Lots 1 and 9. It was discussed that perhaps Hayes owns 1 and city owns 9. Alderman Leathers stated if they passed the city ordinance, then how would the city use lot 9? Mayor stated that would enter the other end. That is why the city was given the corner lot at the other end. Alderman Martin asked to we give this street away to build one later? Alderman Leathers asked who owns Lot 10. It was determined the Branson's do. Leathers stated that lot is for sale and if he only sold lot one he would have to give an easement for a driveway or use the gravel strip. Alderman Graddy

CITY OF CUBA – BOARD OF ALDERMEN MINUTES – TUESDAY – MAY 5, 2020

asked why Green Farms wants to take on the street. The Mayor stated they want to expand and put another building on the corner. Alderman Black stated to connect to Shenandoah from Commerce the city is blocked anyway. Leathers agree but argued if Branson's wanted to sell lot 1, the owners would not be able to get to it. Leathers does not want to inhibit the rights to sell the property. He stated that Lot 9, the city's, will not sit there forever. Alderman Bouse asked why we even keep the property.

Alderman Graddy stated that Commerce Street doesn't compare to the Fleming or Wallace Streets that were given. He is not in favor of land locking someone. City Clerk Nash asked if the council would like her to call Mr. Joe Delia, as he stated he would be available for discussion. Alderman Graddy asked why we are not pushing the 9 acres by the industrial park for more industry. Mayor Mortimeyer stated because it is in the back of houses. Alderman Leathers is presenting something I cannot see (refer to video for this portion). Leathers shows Nash the areas for a possible gate on a b/w map. Attached. Alderman Leathers stated that the tractor trailers are parking there now because the building has been vacant.

City Clerk Nash called Mr. Delia at 6:25 p.m. Mr. Joe Delia stated that the fence is needed from a security standpoint. There have been a lot of trucks parked on the road. Or trucks come in and do not have a place to turn around. There are layers of security and the cameras work in motion. It is critical to buffer the street. Alderman Leathers stated to Mr. Delia - that if the city removes the tractor trailer truck issue and the city retains the road, and then Green Farms put in gates at existing entrance and put another gate in for future development. The PD would be responsible to get the tractors off the street. The city would put signage up so tractor trailers do not go down that street. Mr. Delia stated that from a security standpoint they will have product that needs to have a buffer security to detect intrusion before they get to the facility. Alderman Martin stated to Mr. Delia that his company was amenable to purchasing that land (portion of the road). They have a \$2 million investment. They are using all local contractors when they can. They will use a lot of electricity. They want to be good neighbors. Mr. Joe Delia called ended 6:35 p.m.

Nonsensical talk from Clerk's perspective. Several conversations were going on.

Alderman Black stated that if Green Farms sets back their fence approximately 100 ft, the city would not lose access to their property. Alderman Leathers inquired about keeping the street and putting a gate in ourselves. Attorney Thurman stated that you would still need to vacate the street. Alderman Black asked about putting up a gate and leasing for \$1/year and Green Farms will maintain the road. Attorney Thurman stated that is a right of way and you cannot sell it, because technically the city does not own it. When you vacate a right of way it reverts back to original owner. Attorney Thurman points to information Nash cannot see (see video for reference). Alderman Graddy does not like it. Alderman Graddy stated that the future entrance coming into the industrial park, perhaps coming down Shenandoah, the other side of the entrance is busy due to school. If an area was more industrialize there may be an entrance out of there safely. Graddy does not want to land lock the city. He feels Green Farms has plenty of room for them do fulfill their needs.

CITY OF CUBA – BOARD OF ALDERMEN MINUTES – TUESDAY – MAY 5, 2020

Attorney Thurman stated the council can move forward with the reading, table the ordinance or remove the ordinance from the agenda and it goes away.

Alderman Leathers is not opposed to moving the gate back. He would like to know if this would affect the Branson's. Alderman Bouse asked if someone wanted to sell lot 1 and annex into the industrial park and put a business there, how would they get in to it. Graddy states that is the problem he has. Attorney Thurman stated on section 1 it looks like there is a 45 ft easement that leads into section 1 and stops, which doesn't prohibit the property owner from using his property how he wants. Alderman Graddy stated that nobody from Shenandoah wants a tractor trailer going down their road.

Motion by Graddy, seconded by Martin, to remove Ordinance No. 1933 from the agenda. Roll call vote: Martin – yes, Black – yes, Leathers –yes, Copling – no, Bouse –yes, and Graddy – yes.

Alderman Black stated there is something to be worked out. Leathers agrees. Leathers believes the real threat is in the woods. Alderman Graddy asked for us to put in a gate in ourselves. Attorney Thurman stated the city can't gate off a roadway. Does this go back to the city?

Motion by Bouse, seconded by Leathers, to pay the bills as presented. Vote: All ayes.

Mayor Mortimeyer stated that in conjunction with Governor Parson's guidelines, he would like to extend the emergency declaration until May 31 as the city's sets to expire May 15 to include the waivers of fee's and disconnections, as well as video meetings only. Hold off on the 15% utility abatement. Alderman Leathers stated that the Governors order is through June 15. City Clerk Nash cautioned on the abatement process would be included if it was through June 15. As the rebates may be not be eligible for reimbursement. She will give an update. Alderman Martin asked to extend through the next meeting. And asked if crews were all back to work. Yes. Attorney Thurman stated the current ordinance is through May 15. The next meeting is May 19.

Motion by Bouse, seconded by Black, to extend the emergency declaration until May 31. Roll call vote: Martin – no, Black –yes, Leathers –yes, Copling – yes, Bouse –yes, and Graddy – yes.

Police Chief Shelton stated the Watchguard one year warranty is due for \$6,775 and is asking for council approval. **Motion by Bouse, seconded by Leathers, to pay the \$6775 Watch Guard warranty (vehicle camera's). Vote: All ayes.**

Police Chief Shelton stated that the PD applied for a grant for a computer with a value of \$5,500 (one computer) and asked if he could sign it. Attorney Thurman stated as long as it doesn't require obligation for the city, he can.

Alderman Copling inquired on the Tourism Tax and if it is being conducted legally and asked to appoint a new board. Mayor Mortimeyer will appoint a new board. There may be new members and they may be the same. Alderman Martin stated there is only one member that is legally on there as far as length of time.

CITY OF CUBA – BOARD OF ALDERMEN MINUTES – TUESDAY – MAY 5, 2020

Alderman Leathers stated that positive headway was being made on the nuisance ordinance (administrative order). Leathers states it was on the agenda (March 17) and was taken off due to COVID – 19. He wants to know when it is going to be put back on again. Attorney Thurman when things are back to normal it can be put back on the agenda.

Alderman Leathers stated that National Medical building needs to be mowed. Public Works Director Bouse stated that they have hired someone to do it.

Alderman Leathers stated that Shaw Street is very bad and something needs to be done. Police Chief stated that he has been summons. Leathers stated that he needs a ticket at the very least. Attorney Thurman stated that after the Administrative Order has been passed the city can clean it and then send them a bill or put a lien on the property.

Public Works Director Bouse would like to get two summertime employee's to help with mowing the grass in the Grounds Dept. Alderman Martin spoke with Jerry Montgomery and he is good with getting two. **Motion by Black, seconded by Martin, to hire two summertime grounds laborer. Vote: All ayes.**

Public Works Director Bouse received a bid on the airport sign for \$1600 from Miles Signs. **Motion by Bouse, seconded by Black, to approve the sign for \$1600 from Miles Signs. Vote: All ayes.**

Public Works Director announced spring clean up is May 11 and 12.

Alderman Copling asked when All Clear is coming back for the sewer project. PW Director Bouse stated that they will be back next week or the week after.

PW Director stated the mechanic is at his new shop.

Alderman Martin asked the stance on the city cleaning ditches. There are a lot of leaves in ditches causing water to run on the roads. PW Director yes.

Martin asked about the online code book. Nash stated there was a meeting last week and Lance is working on. Attorney is hopeful to have done by the next meeting.

Alderman Martin would like a discussion at the next meeting regarding the Mayor days off and other changes.

Alderman Martin heard favorable things about the Police Dept and she thanked them.

City Clerk Nash asked for clarification on the ditches. What was put on Facebook was correct per the Public Works Director.

Motion by Bouse, seconded by Black, to adjourn. Vote: All ayes.

Christine Nash, City Clerk