

REGULAR MEETING MINUTES
BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI
TUESDAY – MAY 3, 2022 – 6:00 P.M.
CUBA CITY HALL COUNCIL ROOM

Mayor Cody Leathers called the meeting to order. Aldermen present: Kevin Copling, Sam Black, Warren Graddy, Curtis Holt, Jeff Bouse. Aldermen absent: Dave Honea. Police Chief present: Doug Shelton. City attorney present: Lance Thurman.

Mayor Leathers stated that line item #6 – FY 2021 Audit Report – Sikich, LLP will be taken off as they could not attend. **Motion by Graddy, seconded by Holt, to approve the agenda removing line item #6.**
Vote: All ayes. Honea absent.

Motion by Black, seconded by Graddy, to approve the regular meeting minutes of April 19, 2022.
Vote: All ayes. Honea absent.

Citizens Participation:

Ms. Kathryn DeClue, residing at Victorian Manor, suggested an elevator to get to the second story of the Historical Museum as it is not wheelchair accessible. Ms. DeClue stated that there is state funding available for these projects.

Dan Eidson, 505 Kidwell Dr, stated that since the recent election, he has not felt a need to show up at the council meeting, but at the last one he witnessed something disturbing. Two meetings prior there was an issue with the handbook and was expecting to see it on the next agenda or maybe see a discussion regarding the issue on the council meeting video but didn't see anything. An alderman brought the issue up at the last council meeting and was publicly berated by the Mayor and hopes that isn't the person he voted for. Mr. Eidson feels that a threatening move needs to be addressed and would like to see a public apology from Mayor Leathers to Bouse. Mayor Leathers stated that he got up to throw something away while Bouse was stating that he was picking and choosing who the policy pertained to and the raised voice was of annoyance not a threat. It was already stated that the city would not pay out sick time, and maybe the handbook does need clarified, but Mayor Leathers was being accused of picking and choosing when he felt Bouse was the one picking and choosing. Mayor Leathers apologized to Bouse for the tone. Eidson stated that he thinks that there is a gray area, and the argument could go either way but thinks it needs to be on the agenda and discussed and would like to see that happen. Bouse feels the handbook situation needs to be addressed and thinks it needs to be talked about in executive session. Copling stated that he also had some citizens that supported and voted for Mayor Leathers approach him about Mayor Leathers looking aggravated and thought Mayor Leathers owed Bouse an apology. Bouse stated that he also gets mad and no apologies are needed as they shouldn't lose the fire to fight.

Brandon Lickliger with Maries County Bank formally invited all to the grand opening of their facility on May 14, 2022 from 11:00 am – 1:00 pm providing food and refreshments.

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Comptroller report/fund balance transfers and budget revisions as of 3/31/22:

Comptroller Christine Nash noted the revenue and expenditure accountings and the increase of purchased transforms along with the electric 7200 circuit project. No questions from the council.

Motion by Graddy, seconded by Bouse, to approve the fund balance transfers and budget revisions as of 3/31/22. Vote: All ayes. Honea absent.

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

Comptroller Nash reported on the General Code project for ordinances to be online. It has been a work in progress for two years and is now down to 8 pages for completion. Those pages will be left with Clerk Garbo and Thurman to be turned in by June 8, 2022 to be up and running by mid-summer.

Comptroller Nash reported on the ARPA fund reporting. All reporting has been turned in as it was supposed to be for this year. There is an ordinance being presented later in this meeting to contract with MRPC for the next years reporting and if approved then all login information will be given to MRPC with Mayor Leathers and Clerk Garbo to also have access taking Comptroller Nash's name off the account. Mayor Leathers asked the council if there were any questions. None.

EOC Director report:

Rodney Neff stated that there was no monthly siren testing due to the weather.

Neff stated that he is still applying for grants but will need a copy of an audit to proceed. Mayor Leathers advised to ask City Hall for necessary information.

Copling stated that Neff is doing a good job.

Discussion of current projects:

Mayor Leathers stated that with the budget coming up the budget worksheets are out and is hoping to get with Comptroller Nash to see where they are at on it while she is still here. Mayor Leathers asked Electric Supervisor Andy Simpson how the 7200 project is looking on the budget. Simpson stated that they are waiting on materials to come in and some are on backorder for 6 months. Simpson also stated that they have had other projects come in and it has been very wet. Mayor Leathers asked if the project would be completed by June 30th, Simpson replied probably not but will within the next budget year. Simpson stated that when budgeting last year, there were more poles that were bad and needed replaced. Mayor Leathers reminded to make sure to relay to the council budget needs.

Copling asked Simpson if the lights at the football field were installed. Simpson replied no, it has been too wet which will make deep ruts in the field.

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Copling asked the status of the engineering on the retention pond. Mayor Leathers stated that Cameron Schweiss with Archer Elgin Engineer will be at the next council to update on projects and the retention pond project could possibly be ready to go out for bid.

Graddy stated that he was looking at some reports from the Dude Solution (work order) software and asked Simpson to pass along the message to the supervisors to add more detail on the report. Graddy stated that if making a repair, the location is in there but to maybe add an explanation or reason for the repair. This helps understand the labor load and if not getting the proactive jobs done then it could show that there is low manpower.

Electric Bids:

Simpson presented the council with two bids for a single phase pole mount 25 KVA. Mayor Leathers asked if these were budgeted, Simpson replied these were new expenses as they are low on transformers. These are for the schools ball fields.

Emerald Transformer \$1050

Sunbelt Solomon \$1835

Motion by Graddy, seconded by Bouse, to approve the bid from Emerald Transformer for \$1050.

Vote: All ayes. Honea absent.

Simpson presented the council with two bids for a single phase pad mount 25 KVA.

Sunbelt Solomon \$5745

Midwest Electric Transformer \$6595

Motion by Bouse, seconded by Black, to approve the bid from Sunbelt Solomon for \$5745. Vote: All ayes. Honea absent.

Simpson presented the council with two bids for a single phase pad mount 50 KVA.

Sunbelt Solomon \$6045

Midwest Electric Transformer \$8410

Motion by Bouse, seconded by Graddy, to approve the bid from Sunbelt Solomon for \$6045. Vote: All ayes. Honea absent.

Public Works Director position discussion:

Mayor Leathers stated that Thurman has looked at the job description to take any language regarding building inspection out and stated that it can be done by motion. **Motion by Black, seconded by Graddy, to remove the language from the current job description requiring certification for building inspection.** Holt asked if later the director be required to perform inspections. Mayor Leathers replied yes, this is to broaden the range of applicants. Black stated that most towns' PWD doesn't do inspections and Bob Baldwin is currently doing them now. **Vote: All ayes. Honea absent.** Mayor Leathers asked the council what to do moving forward, advertise the position or go without. Blacks thoughts are to advertise the position with no rush and filter thru the applicants to see what they get. Holt remembers a time that there wasn't a PWD and all was fine and from what he has seen all is

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currently running ok. Mayor Leathers stated that if they advertise the position, they do not have to hire, this just allows to see what is out there. **Motion by Black, seconded by Bouse, to advertise the Public Works Director position internally and externally for four weeks state wide. Vote: All ayes.** Mayor Leathers stated that with that job description there is a position the director will fall into on the salary tier, an asked if there was any concern with that pay with removing duties on the salary tier. Black stated that the former PWD wasn't fulfilling those duties so it shouldn't have any affect. Bouse suggested to leave alone and decide at a later time.

Copling stated that without a PWD, there is no one to sign off on purchase orders up to \$2500. Himself and other aldermen have been called on many times to sign and would like to allow supervisors to sign purchase orders up to \$2500. Thurman stated that will require an ordinance change and suggested to do so. **Motion by Copling, seconded by Bouse, to allow supervisors to sign purchase orders up to \$2500. Vote: All ayes.** Holt was going to also bring this up as he has been called to sign. Thurman stated the ordinance change is for approval of purchase and sees no problem with this and with supervisors signing, it is taking out a step. Thurman will clarify by department in the ordinance.

Animal Control:

Feral Cat Issues: Missy Mullally gave an update on the feral cat issues (see attached letter). Mullally stated that they are trying to be proactive and need help. Bouse asked what happens if a feral cat is captured and Mullally replied that they are euthanized, which is \$35. Mayor Leathers stated that all in animal control are trying to help the problem and are maxing out their capabilities by doing all they can. Mullally stated that in public places they can put signs up and talk to the people, but it doesn't help. Mayor Leathers asked if there were any ordinances in surrounding towns that handled these situations. Mullally stated that to access fines and ordinance would have to be adopted and it will have to be something with more teeth. These problems are causing the city money by making repairs on city buildings that the animals are damaging. Mayor Leathers stated that setting traps would be helpful at the city buildings and for Public Works to get with Cameron Sanders to do that. Mullally wanted all to know they are not ignoring the issues and are working on it.

Proposed ordinance change on adequate care discussion: Mullally discussed adequate care and some proposed changes (see attached letter). Mullally stated that the animal control committee had a meeting previously and has added adequate care definitions for feed, water, and shelter and was ok with the changes. **Motion by Copling, seconded by Bouse, to approve Thurman to make the changes to the ordinance adding adequate care definitions. Vote: All ayes. Honea absent.**

Police Chief report:

Nuisance reports: None.

PC Shelton stated that Michael Centunzi replaced Robbie Yates as detective and is doing a great job clearing up a lot of cases. Steve Scharfenberg is also moving up in rank to a higher position and both

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would like to be compensated. **Motion by Bouse, seconded by Copling, to move forward with the recommendation of promoting Michael Centunzi to detective and Steve Scharfenberg promoted to lieutenant with compensation effective immediately.** Black clarified that Yates was detective and lieutenant and is being replaced with two people and asked how that pay breaks down on the salary tier. Mayor Leathers is not sure, but if there is a tier for these positions then it won't be a problem. Mayor Leathers asked PC Shelton if he met with Comptroller Nash to check and it hadn't been recently, but there are tiers for those positions. Mayor Leathers told PC Shelton to get with Comptroller Nash to look at the tiers again and make sure all is right. Comptroller Nash stated she will send the salary tiers to the police committee of Bouse and Honea as well as Black. **Vote: All ayes. Honea absent.**

PC Shelton reported that there was property damage done at Patti's Playground and they did find out who did the damage. They will need a contact for restitution as they can't take them to court until then. They will also need estimates for the damage as well as material and labor cost. Jerry Montgomery did the clean up and ordered new sinks to get the facility working again. Montgomery will get all the costs to PC Shelton. Ben Scharfenberg stated that this case will go to the juvenile office. Copling stated that he was home that day it was vandalized and was sent a video, so he was aware.

Copling asked PC Shelton where they were at on the SRO contract. PC Shelton stated they are working on the budget stuff and is working with Sheriff Layman.

Copling stated that he remembered something about reporting vandalism and there was a \$500 reward. He thought it was an ordinance that was passed, but not sure. Mayor Leathers asked Comptroller Nash and she felt she heard something about that but doesn't know for sure.

Motion by Bouse, seconded by Graddy, to have the first reading of Bill No. 2049 by caption only. Vote: All ayes. Honea absent. Attorney Thurman read Bill No. 2049 – An ordinance authorizing the Mayor of the City of Cuba, Missouri, on behalf of said city, to enter into a technical assistance contract with the Meramec Regional Planning Commission for American Rescue Plan Act Administration. **Motion by Bouse, seconded by Graddy, to approve the first reading of Bill No. 2049. Roll call vote: Bouse-yes, Holt-yes, Graddy-yes, Black-yes, Copling-yes. Honea absent. Motion by Bouse, seconded by Graddy, to have the second reading of Bill No. 2049 by caption only. Vote: All ayes. Honea absent.** Attorney Thurman read Bill No. 2049 a second time. **Motion by Bouse, seconded by Black, to approve the second reading of Bill No. 2049. Roll call vote: Copling-yes, Black-yes, Graddy-yes, Holt-yes, Bouse-yes. Honea-absent.** Mayor Leathers declared that Bill No. 2049 becomes Special Ordinance No. 852 on this 3rd day of May 2022.

Motion by Bouse, seconded by Black, to have the reading of Bill No. 2050 by caption only. Vote: All ayes. Honea absent. Attorney Thurman read Bill No. 2050 – A resolution accepting the proposed emergency plan and adopting the proposed emergency plan as the emergency plan for the City of Cuba, Missouri. **Motion by Bouse, seconded by Graddy, to approve the reading of Bill No. 2050. Roll call**

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vote: Bouse-yes, Holt-yes, Graddy-yes, Black-yes, Copling-yes. Honea absent. Mayor Leathers declared Bill No. 2050 becomes Resolution No. 05-03 on this 3rd day of May 2022.

Mayor Leathers stated that Fire Chief Mike Plank reached out to him regarding the burnt building on Route 66 to let them know they are having difficulty getting ahold of the property owners and they are concerned about the safety of the building. The building can't be taken down due to an ongoing investigation. FC Plank does feel the building is unsafe and wanted all to know they are working on the situation. Thurman will try to reach out to the property owners to see the status and Clerk Garbo will send the contact information.

Mayor Leathers stated that the park board president, Roger Bridgeman, contacted him about the lifeguard certification cost going up. There are two employees that need certified. In the past years, the employees would pay for their certification up front and if they worked the full season they would get reimbursed half on the last paycheck. With the cost going up it is difficult for them to pay up front and recommended the city pay \$150 upfront and the employee pay the other half. Graddy clarified that they would not get any reimbursement at the end of the year as they got it upfront. Mayor Leathers is aware of the risk that they could quit. Graddy clarified that it is only two employees that need certified. **Motion by Bouse, seconded by Black, to pay the \$150 upfront for lifeguard certification training.**
Vote: All ayes. Honea absent.

Copling reminded the council of the trash bash at the fourway if anyone is interested in helping. Saturday May 7, 2022 at 8am.

Copling stated that when Patti's Playground was vandalized, the city is pursued for damages. There was another incident at the city dump where an individual stacked boxes around a post and lit it on fire then drove away. Copling feels the city should pursue for damages as it is still vandalism of a city property. Black asked if it is known as to who did it. Copling stated he does not know but wants to find out and pursue. PC Shelton and Scharfenberg will look into the damage and will also get with the sheriff's department as the dump is in the county. Neff hasn't seen anything on cameras. Mayor Leathers agreed that any case of vandalism should be pursued.

Black stated that with Comptroller Nash's retirement, something needs to be done to fill the position. Black stated that he spoke with an individual familiar with the system that could come in as an interim basis to get thru the budget. **Motion by Black, seconded by Bouse, to allow Mayor Leathers to contact Tonya Farace to see interest in accepting the comptroller position on an interim basis as a part time position.** Mayor Leathers asked if it would be a part time position that does not exceed the 1499 hours with a W2. Black stated that it is just something to put into place for the budget and isn't sure as to how long. Thurman recommended a part time employee with a W2 and then once thru the budget if she would want to do something else like a contract then pursue. Mayor Leathers asked if the position needed to be advertised. Thurman stated n, that it is called an emergency hire and has to be done in a timely fashion so that doesn't leave any time for interviews. Thurman stated that once they are thru

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budget time, if they choose to hire an employee then they will go thru the hiring process. Mayor Leathers asked what the council formally accepts. Black stated that she has to be offered the position by making a formal offer. Mayor Leathers questioned the pay and if it is hourly with a timecard. **Black and Bouse withdraw motion. Motion by Graddy, seconded by Bouse, to allow Sam Black to contact Tonya Farace to offer an interim comptroller part time position paying \$55/hour not to exceed 1499 hours. Roll call vote: Copling-yes, Black-yes, Graddy-yes, Holt-yes, Bouse-yes. Honea absent.** Black will reach out. Black stated that there is time to discuss a one year contract if interested as of July 1. Thurman stated that discussion can take place. Black asked how long a contract process would take, Thurman replied that an agreement is placed, one meeting to draft and ok, then the next meeting to approve the Mayor to sign. Thurman stated that at 20 hours a week, she would be under the 1499 hours and wouldn't necessarily need a contract. Black asked if it would benefit the city with a contract due to the taxes, Thurman replied probably. Mayor Leathers suggested to start with this offer because of the auditors all contracted employees will have to go out for bid. Black stated the goal was to get thru the budget and this is at least a possibility. Black will let the council know about the offer.

Garbo wished Christine Nash well in her retirement. It was a pleasure to work with her and she will be missed. Mayor Leathers agreed.

Motion by Graddy, seconded by Holt, to adjourn. Vote: All ayes. Honea absent.

Lainie Garbo, City Clerk

Feral Issues

Location: Hood Park

Hood Park is a considerable issue in the city for feral cats. Last year we concentrated on Hood Park and trapped and worked with Public Works with maintenance on the barns. Before the fair season 2021 over 40 cats and kittens were removed and the barn was clear before fair time.

This year, more cats have moved in due to dumping at this location. Several people are feeding them despite being told by Animal Control, Public Works and PD not to feed them. As of April 2022, there are at least 16 that we could count with a couple of them that appear to be pregnant. They are seeking shelter in the hog barn and causing damage to the building and defecating inside the building.

The food is also attracting raccoons and other wildlife into the buildings that is also adding to the building damage. It also puts people at risk of confrontation by the animals especially during mating and birthing seasons.

Resolution:

The once repaired vents need secured back on the building where the food is being placed. Feeding from the public needs to come to a stop as this is a common dumping ground for cats. They will not go into our traps when there is another food source nearby. It is a waste of time to try to trap there.

Location: Highland Terrace/ Rutz Subdivision

This too, is a heavy feral cat area, also a heavy feeding area. There is a house on Locust Street that has feeding bowls, water bowls and outside cat houses on the front porch. We pick up several deceased cats a week on the road that are killed coming and going from Locust to PP to get to this feeding spot.

We have received numerous calls from a house about cats on Magnolia they feed and allow to continue to have babies. On the other side of Magnolia, a cat was picked up recently and they too had two outdoor food and water dishes on their porch for their "outdoor" cats.

On Shenandoah, there are several others who also feed outdoor cats which in turn attract other cats to join their feeding station.

Location: St Joseph trailer park/ McLeod/ School Street/McLeod Street/Zac Drive

This problem area is loaded with people feeding their cats outdoors which attracts other cats. They call us when other cats show up and want us to trap them and leave their cats alone. They allow their cats to run free and it causes a nuisance and property damage to neighbors.

Many dwellings in St Joseph Trailer Park have had multiple litters that just get tossed outside or left to birth kittens all over with no plans of spaying any of them. Those feeding have food and water out 24/7. This feeding has also caused increase in wild life presence in the area. We are constantly receiving calls in this area.

The people feeding the cats are often getting in trouble by landlords. They then call and expect the shelter to just take them when we have our hands full in other areas that we are trying to clean up for the homeowner that is being bothered and NOT feeding anything outside. We clear these areas first.

When someone is continues to feed outside and we remove them from the area, this only allows new cats or wildlife to move in unless they STOP feeding **their** outside cats. Last year for example, Fleenor apartments were completely cleaned up. This week, we received 2 phone calls in one day both feeding their outside cats and one just gave birth to 4 kittens. They call us and expect us to take them because their landlord is threatening eviction when they themselves caused the problem.

We are spinning our wheels cleaning up these locations and then have to start all over in the next spring because people are not being responsible.

Feeding needs to be stopped or an understanding that under RSMO an animal fed or harbored for three consecutive days becomes the responsibility of that person. Therefore, they are responsible for the animal going onto others property as well as any damage the cat causes or medical care needed.

Cat enforcement should be the same as dog enforcement. Dogs cannot run at large and cats should not be allowed to run at large either. Both cause a nuisance to neighbors and to people that are responsible pet owners. If we allow feeding of outdoor animals, they must stay on their property per our city ordinance and can face citations if they are allowed to roam or run at large off of their property.

We do not have a cat problem; we have a people problem. Citizens should be responsible for whatever eats out of the food dishes they put outside and not make expect the shelter to fix the problem.

We have been screamed and cussed at both in person, and on social media, for asking people not to feed the feral cats because they will not go into our traps. "They WILL NOT let them starve. "No one will tell me I can't feed an animal, etc."

On the other side of the spectrum, we have also been screamed and cussed at for not doing enough to take care of the ferals that are a nuisance to the complaining neighbors.

We need a new look at this problem because it is not going away. It is exhausting and we are spinning our wheels.

In reference to definitions Section 205.010. Ord. No. 803 (Section 2 – Definitions) I would like to propose the following changes to expand on the definition of adequate care to include the following:

Adequate Care – Normal and prudent attention to the needs of an animal including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal as further described below:

FEED - means food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian.

WATER - means clean, fresh, and potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size, and type of each animal. Except as prescribed by a veterinarian animals must have access to water at all times. Water must be provided in clean and durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests.

SHELTER means shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, (a dog house will not be considered shade in and of itself), the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to stand up and turn around and lie down in a normal manner. Shelter must be maintained in a sanitary manner. Once the temperature drops below 32 degrees F, it shall be unlawful to house an animal outside and not provide a shelter that protects the animal from distress.

Under this Chapter, shelters with wire, grid, or slat floors that permit the animal's feet to pass through the openings, sag under the animal's weight, or otherwise do not protect the animal's feet or toes from injury are not adequate shelter. Materials not suitable for shelters include, but are not limited to:

- (1) Metal or plastic drums;
- (2) Plastic dog houses or crates not insulated in some way that protects the animals from distress;
- (3) Abandoned or parked vehicles;
- (4) Uncovered porches or decks;
- (5) Lean-tos; or
- (6) Any other structure that fails to provide sufficient protection from the elements.