

REGULAR MEETING MINUTES
BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI
TUESDAY – MAY 17, 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. Aldermen absent: Jeff Bouse. Police Chief present: Doug Shelton. City attorney present: Lance Thurman.

Motion by Holt, seconded by Honea, to approve the agenda as presented. Vote: All ayes. Bouse absent.

Motion by Black, seconded by Graddy, to approve the regular meeting minutes from May 3, 2022. Vote: All ayes. Bouse absent.

Citizens Participation:

Dan Eidson, 505 Kidwell Dr, questioned the urinalysis program. Eidson stated that to his understanding, someone was chosen for random drug testing and they refused the test. Eidson stated that he spoke with Black off the record prior to the meeting and he does have a better understanding of the situation. Eidson asked if the person selected was allowed to take the test and if so, was it passed or failed. Mayor Leathers stated he was aware of the situation and to his understanding, the person was going to another collection facility. Mayor Leathers stated that Jimmy Happel, drug program coordinator, is in attendance and can answer questions. Eidson stated that to his understanding of the employee handbook if an employee is picked for random testing and refuse then they are sent home without pay until a good test is gotten. Eidson's concern and question is if the employee is on terminal leave and is still getting paid after not taking the test. Jimmy Happel, Natural Gas Supervisor and Drug Program Coordinator, stated that this random drug testing was a DOT requirement and there are three phases of the testing. One is the collection facility, two is the lab facility, and three is the tox review. Happel stated that this test was not a refusal of testing but a problem with the collection facility. Happel stated that he can't make the decision, but within guidelines there is always an alternate for testing and chose to use the alternate instead, again stating there was no refusal of testing just of the collection facility. Happel stated that he was here to discuss something different that the city needs to state and clarify the three categories of testing. The collection facility during working hours for random testing, employment testing for full time, part time, and summer help or for reasonable suspicion testing to all be done at Active Chiropractic as they are compliant with the state plan. The afterhours facility for post accident testing or any additional testing after hours be done at Rolla Regional Medical Center. The Tox Review is who is used for the testing of positive or negative tests and contacts Happel, the city, and the employee with results. Happel stated that establishing the facilities had not been formally accepted but would like for them to be Active Chiropractic, Rolla Regional Medical Center, and Tox Review. If the board doesn't want to accept them, compliance with the state guidelines would have to be checked first. Mayor Leathers asked what would happen if Active Chiropractic wasn't open the day of testing, Happel replied that he makes sure the facility is open that day following the chain of command. Happel asked how to

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proceed and would like to get a protocol moving forward. Happel asked the council to approve the chain of Active Chiropractic for working hours, Rolla Regional Medical Center for after hours, and Tox Review for testing. Mayor Leathers asked if there was a current working contract with Active Chiropractic, Happel stated there was only a verbal agreement. Thurman stated that a contract is needed with Active Chiropractic as well as a protocol. A bid is not needed as they are accredited to the state program and currently being used. Copling stated that the facility, Active Chiropractic, was established in 2017 when Happel called and asked to use their facility for testing and the first check was received for services. Mayor Leathers asked if there was a contract then and there was not. Copling stated that previously an employee refused a test and was fired, and that this employee refused and was not fired knowing the facility was established. Copling stated the employee should have gotten the test done at Active Chiropractic and did not and feels the test was refused and the employee should be taken off leave and without pay. Mayor Leathers stopped Copling. Mayor Leathers stated that Happel broke protocol by letting the employee know about the test days ahead of time. Copling was also going to talk about that. Thurman stated to all to hold up and if they are going to talk about individual people it must be done in executive session. Mayor Leathers stated that Happel broke protocol and nobody wants to talk about that but does want to talk about a drug test. Happel stated that they have a great drug program in place and just wants to get a protocol and policy in place to avoid any further issues. Mayor Leathers asked how Copling could want one employee off leave without pay when the whole thing was done wrong from the beginning. Copling stated that he just wants to follow policy and follow the handbook. Copling agreed that Happel broke protocol and suggested that the new Public Works Director take over. Mayor Leathers stated that certain people are trying to start controversy and it is unnecessary. Holt stated that it sounds to him that Happel is wanting the council to vote on a main daytime testing facility. **Motion by Holt, seconded by Honea, to accept Active Chiropractic as the main daytime collection facility. Vote: All ayes. Bouse absent. Black abstain.**

Motion by Honea, seconded by Holt, to solicit a contract from Active Chiropractic. Vote: All ayes. Bouse absent. Black abstain.

Eidson asked if the employee in question has been allowed not to drug test and is going to continue to be paid or since there is no test are they to be suspended. Mayor Leathers stated that with going thru the protocol Happel chose, and alternate was used to test meaning the original draw is null and void. Thurman again stated that discussion of individual drug testing has to be discussed in executive session. Eidson stated that if alternates are going to be allowed in the protocol, then perhaps there needs to be a clear understanding of how to use an alternative and not because an individual decided to refuse the test. Mayor Leathers stated that the individual could have gone to another facility. Eidson asked if the employee was given an alternate facility. Mayor Leathers said to his understanding the employee was going to go to another facility but instead the alternate pick took the test and that fulfilled the drug testing according to the policy. Eidson doesn't agree with this as it is allowing employees to decide on their own. Mayor Leathers stated that was not a vote by council, Happel made the decision on his own.

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Eidson gave kudos to Happel for running the program and did not figure there would ever be a problem. Copling stated the handbook should be followed.

Happel stated that four months ago he purchased meters from KGM as they had refurbished meters. He is running out of materials. The meters once ready to ship jumped in price putting them over the amount of supervisor approval. Happel stated that there was money budgeted for meters but the wait for supplies has gone from receiving them in November to possibly April so with the need of meters that is why he jumped on the purchase. Thurman stated that the council can retroactively approve the purchase of meters. **Motion by Black, seconded by Graddy, to approve the purchase of gas meters in the amount of \$6300 from KGM retroactively. Vote: All ayes. Bouse absent.**

Archer-Elgin Engineering – Cameron Schweiss

Schweiss stated that the work has been completed on the sewer lining project. The contractor has submitted a final invoice and they are negotiating some prices, but the city should expect the invoice soon.

Schweiss stated that they have completed design efforts on the storm water project. Schweiss gave an update on the design and stated that there will be a 90 percent reduction of water which is a big win for the subdivision. There will be some stuff installed along Parkdale but on city property so no easements will be needed. Once flowed to the new retention pond, if filled up the water will spread out and dissipate. Honea asked if the water is discharged into a ravine and Schweiss replied that it is a natural drainage area and steers more water in that direction. Mayor Leathers asked the next step. Schweiss stated that they are prepared to bid this work for the city and can have bids out by next week, have the pre-bid meeting by mid June, then approve at the 6/21/22 regular meeting. The way the documents are prepared and with the budget, the project should be able to be contracted out. **Motion by Black, seconded by Graddy, to approve going out for bids for the storm water project and adopting the plans. Vote: All ayes. Bouse absent.**

Schweiss stated they are in design efforts on the north industrial park water loop project and hopes to have plans out for bid later this summer. DNR permits will be required.

Schweiss stated that they finalized the water system improvement recommendation. In relation, DNR opened ARPA grant funds and money has been set for water/sewer projects. Schweiss recommended discussing some projects for this grant with the upcoming budget approaching. Water and sewer grant projects can be submitted separately or together and amendments can be made if necessary. Grant applications are due July 14,2022.

Schweiss stated that there has been talk of another manhole project this coming budget as he has been discussing with AJ Harman and will get with Thurman for some questions.

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Mayor Leathers stated that they are in the process of setting the budget. Tonya Farace was hired for budgets and will get with the departments and recommended Schweiss meet with the water/sewer for their budget especially with money for ARPA projects. Schweiss recommended identifying 4-5 high priority projects for the grant.

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

Grounds committee recommendation:

Black stated that the ground committee met to review applicants, three applicants were received on time and one was received late, for the summer positions and recommends hiring three part time summer employees. Originally, they were only going to hire two, but without a property management department there is a need for three employees. **Motion by Black, seconded by Copling, to approve hiring Dustin Mitchell, Hailey Shockley, and Brandon Turner part time at \$11.15/hour. Vote: All ayes. Bouse absent.**

Motion by Black, seconded by Holt, to extend the offer of employment to the fourth applicant if one turns down. Vote: All ayes. Bouse absent.

EOC committee recommendation:

Graddy stated that according to state auditing, an employee can't be paid thru payroll and be a contracted employee. EOC Director Rodney Neff is paid for this position thru payroll and paid as a contractor for the camera duties. EOC committee recommends voiding the contract of camera duties and adding those duties to the EOC job duties. **Motion by Graddy, seconded by Holt, to approve adding camera duties to the EOC job duties with the pay of \$100/month paid thru payroll voiding the contract. Vote: All ayes. Bouse absent.**

Police Chief report:

PC Shelton presented a bid from AQM for a remote support plan for support and maintenance of the server. **Motion by Black, seconded by Honea, to approve the remote support plan from AQM. Vote: All ayes. Bouse absent.**

PC Shelton gave a nuisance update.

Motion by Holt, seconded by Graddy, to have the first reading of Bill No. 2051 by caption only. Vote: All ayes. Bouse absent. Thurman read Bill No. 2051 – An ordinance amending Section 2-7.2, Article I, Chapter 2, of the Cuba City Code concerning purchase of items without prior approval of the Board of Aldermen. **Motion by Honea, seconded by Holt, to approve the first reading of Bill No. 2051. Roll call vote: Holt-yes, Graddy-yes, Honea-yes, Black-yes, Copling-yes. Bouse absent. Motion by Graddy, seconded by Holt, to have the second reading of Bill No. 2051 by caption only. Vote: All ayes. Bouse absent.** Thurman read Bill No. 2051 a second time. **Motion by Graddy, seconded by Black, to approve the second reading of Bill No. 2051.** Thurman clarified that within this Bill the amount being authorized

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went to \$2500 and the original policy required a signature from the Public Works Director and it was added that in their absence the City Clerk or the Mayor designee as the auditors will want to see two signatures. No questions. **Roll call vote: Copling-yes, Black-yes, Honea-yes, Graddy-yes, Holt-yes. Bouse absent.** Mayor Leathers declared that Bill No. 2051 becomes General Ordinance 1206 on this 17th day of May 2022.

Motion by Honea, seconded by Graddy, to have the first reading of Bill No. 2052 by caption only.

Vote: All ayes. Bouse absent. Thurman read Bill No. 2052 – An ordinance amending Section 5-1, Article I, Chapter 5, of the Cuba City Code modifying definition for adequate care for animals and fowl.

Motion by Black, seconded by Honea, to approve the first reading of Bill No. 2052. Roll call vote: Holt-yes, Graddy-yes, Honea-yes, Black-yes, Copling-yes. Bouse absent. Motion by Graddy, seconded by Holt, to have the second reading of Bill No. 2052 by caption only. Vote: All ayes. Bouse absent.

Thurman read Bill No. 2052 a second time. **Motion by Black, seconded by Graddy, to approve the second reading of Bill No. 2052. Roll call vote: Copling-yes, Black-yes, Honea-yes, Graddy-yes, Holt-yes. Bouse absent.** Mayor Leathers declared that Bill No. 2052 becomes General Ordinance 1207 on the 17th day of May 2022.

Copling stated that there are set policies for employees to follow and wanted to let the citizens know that the aldermen have rules to follow also and that is what he is trying to do.

Copling stated he is still getting complaints on the odor from the pot factory in Rutz Subdivision and asked Thurman if there is an ordinance pertaining to the smell in subdivisions. Thurman replied that the whole marijuana business is in the constitution now and other places set the regulations. Thurman stated that many municipalities are dealing with the same situation and suggested that the citizens call the regulation companies directly.

Honea stated that the last park and recreation board meeting was cancelled. Honea gave an update on the pool as he walked it with Glen Shockley. The grating is done, and some patching still needs to be completed. The pool will start being filled on Wednesday, 5/18 and is scheduled to open on Memorial Day weekend.

Honea stated that the Tourism Board met and is recommending to hire Laurie Setter to fill the open position. **Motion by Honea, seconded by Black, to hire Laurie Setter as a part time employee for the Visitor Center at \$11.15/hour. Vote: All ayes. Bouse absent.**

Honea stated that in the Animal Control budget there was \$25,000 approved for a new building and they will not be able to do that. Missy Mullally is getting questioned by the state because of the floor paint bubbling. Honea would like to recommend taking \$6000 out of that for the flooring to avoid any write-ups from the state. Mayor Leathers clarified that the recommendation is coming from the state regulations for safety issues and Honea replied yes, and there could be other issues to follow due to

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some rusting. Mayor Leathers asked if the job had to go out for bid. Thurman replied no, it falls under an emergency due to danger to animals. Honea stated there is a bid for the job from Designer Surface Systems. **Motion by Honea, seconded by Holt, to approve the bid from Designer Surface Systems for flake broadcast epoxy flooring in the amount of \$6000. Vote: All ayes. Bouse absent.**

Honea stated that the feral cat issue Mullally reported on the previous meeting is costing the city money. The animal code stated to access a fine if not abiding the rules and perhaps if some people get cited and fined then maybe they will stop feeding the feral cats. Mayor Leathers asked if citing would fall under the police department. Mullally stated it would be the same as citing for a dog. Mullally stated that if they start writing citations the problem would be them claiming the cat isn't theirs. Honea feels it should be the judge's decision. Mayor Leathers would like to see some examples, maybe from other towns, about feeding feral cats on city property. Mullally has talked to the Animal Control Manager from Rolla and their policy does not work as they can't prove or enforce. Holt asked what Rolla does and Thurman replied that they also have a huge cat problem. Mayor Leathers stated that yes, it is becoming a problem when feral cats are taking over and damaging city property.

Holt stated that he spoke with Dennis Chandler and the street department is going to start doing asphalt in a couple of weeks and is wanting to post a job opening internally so that someone could be hired when it is time as it could be a possible lateral move. Mayor Leathers stated that it is unknown if it will be a lateral move. Holt asked if promoting within is what we would do first. Mayor Leathers replied that yes if there are applicants but that is unknown. Holt understands but would like to post internally and see if there is any interest and if so then they could be hired eliminating a couple of weeks wait time as the street department will need help soon. Mayor Leathers asked if that was the recommendation from the street committee. Graddy on the street committee stated this is the first he has heard of the situation and asked if NB West usually does the asphaltting. Mayor Leathers replied yes as they have the nova seal. Holt stated that he would bring it up for discussion. Copling asked if Holt is wanting to post the job internally only first. Holt replied yes, as it used to be openings were posted internally first and then if there was no interest, it would get posted externally. Black asked how many are currently on the street department and there are four. Copling stated that the rules say that the committee has to meet and recommend first, and they need to follow the rules. Mayor Leathers stated to have Chandler schedule a committee meeting for a recommendation to be presented.

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

Lainie Garbo, City Clerk