

**Aurora City Council Meeting Minutes**  
**Aurora City Hall**  
**City Council Chambers**  
**2 W. Pleasant**  
**Aurora, Missouri**  
**Tuesday, June 23, 2020 – 6:00 p.m.**

1. **CALL TO ORDER:** Mayor Ferguson called the meeting to order at 6:00 p.m.
2. **PRAYER AND PLEDGE:** Mayor Ferguson led the Council in prayer and the pledge of allegiance.

3. **ROLL CALL:**

Mayor Doyle Ferguson - present  
Chairman Pro Tem Jason Lewis - present  
Councilwoman Dawn Oplinger - present  
Councilman Don McWade – present  
Councilwoman Pettit - present

4. **PUBLIC COMMENT**

*A citizen desiring to speak on an item not on the agenda may do so at this time. Each citizen is limited to three minutes and the Council will not take action or discuss items at this time. Discussion should be limited to matters of City business and public comment is not permitted in regard to personnel matters or on pending legal matters. Items introduced under "Public Comment" may become agenda items at a later date.*

Shannon Walker addressed council with an update on Light The Night. The Light the Night event was held Saturday and it went really well. They had about 2,000 people in the park and more cars parked around town to watch the event. There were 10x10 squares marked off in the park and they were all utilized. Ms. Walker wanted to thank all their sponsors and volunteers who helped make the event happen. She also wanted to thank the police department and the fire department for their partnership. It was a very successful event.

5. **COUNCIL FORUM**

*Council Forum provides an opportunity for Council Members to share information with the rest of the Council regarding communications with constituents, meetings attended, request items to be put on the agenda, make requests of staff, or direct questions to staff regarding issues that are not on the agenda.*

There was nothing for Council Forum at this meeting.

## **6. CONSENT AGENDA**

*Items listed on the 'Consent Agenda' are considered routine and shall be enacted by one motion of the City Council with no separate discussion. If separate discussion is desired by a member of the Council, that item will be removed from the 'Consent Agenda' and placed on the regular agenda as a final item under 'New Business'.*

- 6.I. Approval Of Minutes: Special Session Held On June 9, 2020*
- 6.II. Approval Of Minutes: Regular Session Held On June 9, 2020*
- 6.III. Approval of Appropriations: June 2020 Appropriations*

Councilwoman Oplinger made a motion to approve the Consent Agenda. Councilman McWade seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN:

## **7. OLD BUSINESS**

- 7.I. Second Reading of Bill 2020-3191 – Statutory Updates*

City Manager Holmes reminded council what the statutory updates were and why they were before the council for approval. Councilwoman Oplinger made a motion to approve the second reading of Bill 2020-3191. Chairman Pro Tem Lewis seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

## **8. NEW BUSINESS**

- 8.I First Reading Ordinance 2020-3192 Sales Tax Renewal*

City Manager Holmes explains to council that this is the sales tax renewal that was put before the voters on June 2, 2020 and was passed. Once approved, we will send the ordinance and attachments to Jefferson City. Mayor Ferguson made a motion to approve the first reading of Ordinance 2020-3192. Councilwoman Pettit seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

#### *8.II Second Reading Ordinance 2020-3192 Sales Tax Renewal*

Motion made by Councilwoman Oplinger to approve the second reading of Ordinance 2020-3192. Councilman McWade seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

#### *8.III Planning And Zoning: Werdein Vacate Request*

Planning and Zoning Director Carrie Howlett explained to council that this is the original request from Edward Werdein but the property has since been sold to Liberty Utilities. The reason for the delay on the request is due to the COVID-19 regulations preventing her department from holding any Planning and Zoning Meetings. Ms. Howlett explained where the property is and why the vacate has been requested. Staff recommendation is to approve the vacate request. Mayor Ferguson made a motion to approve the Werdein Vacate Request. Chairman Pro Tem Lewis seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

#### *8.IV Planning And Zoning: 115 McNatt Donation*

Planning and Zoning Director Carrie Howlett brought a property donation to council on behalf the property administrator. She is the mother of the property owner who is now deceased. Ms. Howlett explained that the property administrator has made an attempt to sell the property with no luck and at this time does not have the resources to maintain it. There is currently a commercial building on the property and it is starting to fail. Ms. Howlett also reports that there are no liens or unpaid taxes on the property and everything is clear on the title. She went on to explain what her intent would be for this property if council chose to accept the donation. Councilwoman Pettit made a motion to approve the 115 McNatt Donation. Councilwoman Oplinger seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.V Planning And Zoning Special Event Application - Poker Run For Rylee*

Planning and Zoning Director Carrie Howlett addressed council with a request from Robin Crumm to hold a Poker Run at Oak Park for an 11 year old child that has been affected by major illness. She has requested use of the park for June 28, 2020. Councilwoman Oplinger made a motion to approve the Special Event Application Poker Run for Rylee. Councilman McWade seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.VI Resolution 2020-1742 Building Board Of Appeals Appointment - Craig Ellis*

Planning and Zoning Director Carrie Howlett explained to council that there will be four of these in a row. She wanted to first clarify some confusion, these appointments are for the Building Board of Appeals. The gentlemen have collectively been on this board for several years now and meet the qualifications our city code lays out. This board only addresses unsafe structures, dilapidated buildings, and demolitions. This board does not have any dealing with zoning, development, planning or anything of that nature. The terms of the board were initially staggered but for whatever reason they did not remain that way. The intent tonight is to reappoint members of the board in staggered terms to avoid this issue in the future. Councilwoman Oplinger made a motion to approve Resolution 2020-1742. Mayor Ferguson seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.VII Resolution 2020-1743 Building Board Of Appeals Appointment - Jeff Heller*

Councilwoman Pettit made a motion to approve Resolution 2020-1743. Councilwoman Oplinger seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.VIII Resolution 2020-1744 Building Board Of Appeals Appointment - Richard Werner*

Councilwoman Oplinger made a motion to approve Resolution 2020-1744. Councilman McWade seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.IX Resolution 2020-1745 Building Board Of Appeals Appointment - David White*

Councilman McWade made a motion to approve Resolution 2020-1745. Mayor Ferguson seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*8.X Planning And Zoning: Heman Rezone Appeal*

Planning and Zoning Director Carrie Howlett explained to council that the original request had went to the Planning and Zoning Commission on June 2, 2020 and was denied. Ms. Howlett went on to explain where the property was located, the current zoning of that property, alternatives presented to the property owners that would allow them to move forward with their plans to build, documentation requested by the property owners under the Sunshine Law and the final request of the property owner to be heard at a City Council Meeting.

Mayor Ferguson addressed the room at large. He explained that this is not a public hearing that is was an appeal but that he would be taking public comment from the floor. He said that anyone wanting to speak on this topic would need to go to the microphone to do so.

Bianca Eden spoke on behalf the Heman's. She spoke of the city's current ordinances, zoning and comprehensive plan. She discussed the changes in town since the comprehensive plan was put in to place and the changes that need to be made. She compared the difference between rezoning and reclassification, the differences between

C1 and C2 and the zoning on various properties that should be in the city's central business district. Stephanie Heman added that their business will not be intrusive and gave examples of C2 properties that did not work for their business.

Chairman Pro Tem Lewis asked Ms. Eden what her definition of spot zoning is. Ms. Eden responded with "it is a change in the district such that is not suited for those other purposes. Technically, anytime you change a zone you are spot zoning." Chairman Pro Tem Lewis asked Ms. Eden what her definition of illegal spot zoning is. Ms. Eden responded with an example of changing a residential zone in to a commercial zone to make room for a factory.

Councilwoman Pettit asked the Heman's when they realized their property was not zoned correctly for the purpose they intend. Bruce Heman responded that they realized the property was zoned incorrectly when they applied for the building permit.

Councilman McWade asked the Heman's if anyone ever told them that they could move on with their business despite not being zoned correctly. Bruce Heman responded with no.

Councilwoman Pettit commented that everyone here on behalf of or in support of the Heman's is speaking to the choir. We have to go through the process and do it correctly. Councilman Pettit went on to say that things had not always been done correctly in the past and that City Manager Holmes is doing a great job and has been playing catch up since he started. What we have to do is try to figure out how we do this with the current master plan. Councilwoman Pettit asked about the driveways planned for the future development. Brett Heman responded that they had been working closely with the architect for the project to ensure that the driveways are conducive to the property and the street.

Councilman McWade asked what happens when you sell the property and the next business is intrusive? Do the neighbors have repercussions? Ms. Eden responded that this building is not designed for any kind of auto repair work that would be intrusive. They would have a lot of work to do to the building to make that happen.

Councilwoman Oplinger asked City Attorney Ken Reynolds if spot zoning is legal or illegal in the state of Missouri? City Attorney Ken Reynolds replied that a court would have to decide that issue. All cases are fact driven and that this case does follow the guidelines of spot zoning. Councilwoman Oplinger asked how we get the Heman's on this property if it is in fact spot zoning. City Attorney Ken Reynolds replied with rezoning the entire street, a conditional use permit, or ignore the law and change that spot to C2. Councilwoman Pettit commented that they could use a variance. Councilwoman Oplinger commented that we are all on the same page we just have to get there.

Councilwoman Oplinger and Councilwoman Pettit asked if the Heman's would be willing to use a special use permit until a new master plan can be put in place. The Heman's responded with no.

At this point Mayor Ferguson called for a stretch break. When the stretch break was over, Mayor Ferguson opened the floor to public comment.

Cathy Pratt, Brett Heman, Marsha Egan, Zach Sumners, Linda Barton, Taylon Sumners, Megan Heman, LeAnn Inman, and Stephanie Heman all spoke on behalf and in support of the rezone.

Councilman McWade asked City Attorney Ken Reynolds if this would put us in a situation where we will be breaking the law if we do this. City Attorney Ken Reynolds responded with "you will be breaking your own ordinance if you do." Councilman McWade stated that if we do this then we will be breaking the oath we took. He also asked if there was anyone present that lives around the property. Lindsey Baker came forward as the manager of Elite Properties. She spoke on behalf of her tenants in the apartment complex behind the property in question. She stated that her and her tenants would love for the building to be built. That right now all you can see is trash.

Councilwoman Pettit asked what the statute of limitations were on something like this. City Attorney Ken Reynolds said that he would have to research that.

Mayor Ferguson asked City Manager Holmes and Planning and Zoning Director Carrie Howlett what the process would be to rezone a large section of Elliott Street. Planning and Zoning Director Carrie Howlett responded that it would be treated the same as the Heman rezone request. There would need to be a public hearing, letters sent to all property owners within a 185 feet, 15 day minimum notice, it would go before the Planning and Zoning Board and then would come to council. City Manager Holmes added that those guidelines are state statute requirements and that there are already property owners with concerns about Elliott Street being rezoned.

Discussion was held with members of council, City Attorney Jon Holmes, Ms. Eden and City Attorney Ken Reynolds about rezoning, changing the master plan, and the refusal to use a special use permit.

Richard Carr came forward and addressed council on behalf of the Heman's.

Mayor Ferguson stopped any more public comment. He asked council if they were ready to move forward. Chairman Pro Tem Lewis made a motion to approve the Heman Rezone Appeal. Councilwoman Pettit seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, Lewis, Pettit

NAYES: McWade

ABSTAIN: 0

## **9. STAFF REPORT/ORGANIZATIONAL BUSINESS**

### *9.I. Board Liaison Report*

Nothing at this time.

### *9.II. City Manager Report*

Full report attached.

## **8. ADJOURNMENT**

Mayor Ferguson asked if there was anything further that needed to be discussed. There was nothing at this time. Councilwoman Oplinger made a motion to adjourn the meeting at 8:24 p.m. Councilwoman Pettit seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

**To:** Mayor Ferguson & Aurora City Council

**From:** Jon Holmes, City Manager, City of Aurora

**Re:** City Manager Report

**Date:** 06/23/2020

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## **Dept. Items**

- **Police**

- Light the Night went very well, with no problems
- Mike Palmer from the Lawrence County Emergency Services Board will be attending the next meeting on July 14<sup>th</sup> to discuss reimbursement for 911/Dispatch services

- **Fire**

- Light the Night went well – received many compliments about the fireworks show



- **Street & Cemetery**
  - Brush and Limb pickup is finally done. It took 6 days to complete, normally it takes 2 or 3 days.
  - Mosquito Control spraying continues
  - Blevins has assured us that the bids for additional paving will be honored if the City Council decides to do more paving – We will know if that is going to be requested at the next meeting
  - Trimming of trees over the roads to address low hanging branches for busses
  
- **Park**
  - All Park amenities opened
  - Very busy with all sports starting back up.
  
- **Stormwater**
  - Nothing to report
  
- **Wastewater**
  - Camera Work is done on sewer lines – ACE Pipe Services will be working on getting ready for sewer line linings to be completed in the fall
  -
  
- **Admin. & Finance**
  - Laptops for Council - Update: Original order has been cancelled and a new order has been made. Original ordered laptops ceased production.
  - Councilwoman Pettit and Councilman Lewis are attending the Missouri Municipal League New Elected Official Training Conference in Columbia
  - **Human Resources Notes:**
    - 1 Dispatch Position open
    - 2 Police Officer Positions open
    - Employee BBQ will take place Friday, June 19<sup>th</sup>, 11:30 am at the Fire Station. Employee Families welcome. Council assistance with grilling and serving always appreciated!
  - **Municipal Court Items:**
    - Municipal Court resumed June 2<sup>nd</sup> with virtual court (online court) by the direction of the MO Court System – this will continue
  - **Finance Items:**
    - We are looking into timekeeping modules for our management software for better/easier calculation & tracking of employee's time.

- Sales Tax Renewal – The renewal of the sales tax is a great thing for our community.
- Reminder of listed Council Priorities:
  - Stormwater Projects
  - Deferred Maintenance Items:
    - Needed City Hall Repairs and Historic Preservation
  - Blight Abatement – City Wide
  - Street Repair/Rehabilitation -City Wide
  - New Community Amenities
    - Community/Event Center
    - Downtown Revitalization, Downtown Infrastructure, Historic Preservation Improvements
    - Walking Trails
    - Swimming Pool - Splashpad
    - Park Projects
- **Economic Development**
  - I am currently working with 3 potential developers regarding possible 4 different large developments in our community. They may be requesting using various State economic development programs for their developments. These will require Council approval, and will be coming before the City Council for discussions and consideration in the next few months.
- **Planning & Code Enforcement**
  - Code Enforcement items increasing
  - GIS Mapping – We have been moving forward with updating our mapping for the City. P&Z and the Police and Fire Dept. will be using this system.
  - Planning and Zoning Meeting – July 7<sup>th</sup>
    - Liberty Development
  - Heman's have appealed the Planning and Zoning Commissions decision regarding their rezoning request. That will be coming before the Council at the next meeting.
  - Board of Zoning Adjustment – The City may have need of this body in the future. At this time we do not have one, I am working on a list of possible candidates for this board. If the Council has someone that they would like to be considered for this board, please let me know. All nominations for this board come before the City Council for approval.

**Meetings/Events Attended:**

- SW Solid Waste District Meeting – June 23<sup>rd</sup>

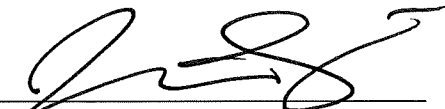
**Upcoming Meetings and Events Attending:**

- None

**Follow-Up Items/Misc. Items**

- AFB Discussion – Planning on bringing them in to discuss issues with the Council as soon as scheduling permits
- Non-traditional Domestic Animals (chickens, pigs, et. al)

**APPROVED:**

  
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Doyle Ferguson, Mayor  
Jason Lewis Mayor Pro-Tem

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Breedlove, City Clerk