

**Aurora City Council Meeting Minutes**  
**Aurora City Hall**  
**City Council Chambers**  
**2 W. Pleasant**  
**Aurora, Missouri**  
**Tuesday, August 25, 2020 - 6 P.M.**

**1. CALL TO ORDER:** Mayor Ferguson called the meeting to order at 6:00 p.m. Mayor Ferguson announced that we had one council member joining us remotely and that it would be important for anyone who wishes to speak to do so in the microphone.

**2. PRAYER AND PLEDGE:** Pastor Wade Rogers with the First Baptist Church 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 Theresa Pettit – present via phone

**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.*

There was no Public Comment

**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 to report in Council Forum

**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 - City Council Regular Session August 11, 2020*
- 6.II *Approval Of Minutes - City Council Special Session August 18, 2020*
- 6.III *August 2020 Appropriations*

Motion made by Councilwoman Oplinger to approve the Consent Agenda. Chairman Pro Tem Lewis seconded the motion. Mayor Ferguson announced that since we do have a council Member joining us remotely we will be taking a roll call vote on each item. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit  
NAYES: 0  
ABSTAIN: 0

## **7. NEW BUSINESS**

### *7.I First Reading Of Ordinance 2020-3196: AN ORDINANCE OF THE CITY OF AURORA, MISSOURI LEVYING TAXES ON ALL TAXABLE REAL PROPERTY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 TO DECEMBER 31, 2020*

Mayor Ferguson addressed council regarding the information presented in the agenda packet and asked if there were any questions or discussion on this item.

Councilman McWade asked if we would go straight to a vote if there was no discussion. Mayor Ferguson agreed that if there was no discussion the floor would be open to a motion. Councilman McWade said that he personally did not feel that we need to raise taxes at this time. He stated that knowing what our revenue on personal property taxes are...at this time Chairman Pro Tem Lewis stated that this ordinance is not related to personal property taxes but that it is real estate property taxes. Councilman McWade asked if this is what is mandated every year. Mayor Ferguson concurred that it is. Councilman McWade stated that he was sorry and had nothing further.

Mayor Ferguson asked if there was any other discussion at this time. There was no further discussion and Mayor Ferguson said he would entertain a motion concerning this item. Motion made by Councilwoman Oplinger to approve the first reading of Ordinance 2020-3196. Councilwoman Pettit seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit  
NAYES: 0  
ABSTAIN: 0

### *7.II Second Reading Of Ordinance 2020-3196: AN ORDINANCE OF THE CITY OF AURORA, MISSOURI LEVYING TAXES ON ALL TAXABLE REAL PROPERTY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 TO DECEMBER 31, 2020*

Mayor Ferguson announced that this was a follow up to the motion that was just approved. Motion made by Mayor Ferguson to approve the second reading of Ordinance 2020-3196. Councilwoman Pettit seconded the motion. Motion passed

with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*7.III First Reading Of Ordinance 2020-3197: AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS*

Mayor Ferguson asked City Clerk Kimberly Breedlove to refresh his memory on this item. He asked if this is the one that comes to us frequently where the state tells us how we should show/handle conflict of interest. City Clerk Breedlove explained that he was correct. It is in your initial packet of information that you receive when signing up to run for public office. Mrs. Breedlove stated that she had double checked with Chairman Pro Tem Lewis and Councilwoman Pettit that they had in fact filed their financial disclosure statement with the Missouri Ethics Commission prior to adding this ordinance to the agenda. Mayor Ferguson asked if there were any other questions regarding this item. Since there were no other questions Mayor Ferguson stated that he would entertain a motion. Motion made by Councilwoman Oplinger to approve the first reading of Ordinance 2020-3197. Mayor Ferguson seconded the motion. Motion passed with the following council members voting aye:

AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

ABSTAIN: 0

*7.IV Second Reading Of Ordinance 2020-3197: AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS*

Mayor Ferguson announced that this was a follow up to the motion that was just approved. Motion made by Councilwoman Oplinger to approve the second reading of Ordinance 2020-3197. 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

*7.V Special Use Permit Request - Jerry And Summer Sumners*

Planning & Zoning Director Carrie Howlett addressed Council regarding the Special Use Permit requested by Jerry and Summer Sumners, property owners at 715 Lakeview Drive. Director Howlett explained that this agenda item is based on an appeal from a decision made by the Planning and Zoning Commission who denied this request. Mr. and Mrs. Sumners would like to build a garage/shop

building larger than 900 square feet. Our current city code only allows for 900 square feet without special approval. The request is to build a building that would be approximately 2,000 square feet. Director Howlett explained that the lot they reside on is over 30,000 square feet and is of suitable size to house a building that size and still be in conformance with setbacks in Code. The building would be of like material to their residential structure so it will be fitting to the other structures on the property. Director Howlett went on to further explain that a public hearing was held and all proper protocol was followed. There was opposition that came from the neighborhood. There were three property owners that were present at the public hearing or who have since sent letters to her office indicating that they are opposed to it due to the size. The neighbors have stated that it does not follow the neighborhood/subdivision covenants. Director Howlett stated to the council that our city code does mandate that we follow such covenants.

Jerry Sumners presented Council with the amended covenants that do allow for a detached garage. Mr. Sumner's stated that they were willing to make a compromise on the size of the building they are wishing to build. He stated the building would be flush with the front of their house. Currently there is a tree he would have to cut down, relocate solar panels and change the location of his water main to attach said garage to his house. The added costs to do all of those things would be substantial. He also presented Council with pictures of what he would like to build.

Chairman Pro Tem Lewis asked for the current dimensions of the building he would like to build and for the dimensions of the 1600 square foot building. Mr. Sumners stated that the original permit was for a 40x50 building. He had figured in oversizing for the permit so that he did not have to come back and request another after construction had started. He was not sure on the dimensions for a smaller building. He would probably take a little off the sides and back.

Councilman McWade asked if it would be the same floor plan only smaller. Jerry and Summer indicated that it would be the same floor plan.

Mayor Ferguson asked what the purpose of such a large structure would be. That 2,000 square feet is larger than a lot of houses. Jerry responded that he has 8 cars, a boat, a jet ski, lawn mowers, and he owns a construction company with a lot of tools to house. It is his opinion that all of that stuff would look nicer in a garage than in his yard the way it currently is.

Chairman Pro Tem Lewis asked about noise. Would Mr. Sumners be building anything in his shop making excessive noise in the neighborhood. Mr. Sumners explained that, with the building he will be constructing, noise will not be an issue and the tools he will be using are the same ones he currently uses with no noise complaints from neighbors.

Councilwoman Oplinger asked Planning and Zoning Director Howlett if the options on this item were a building 900 square feet, something attached to the house which they do not want to do because of the solar panels, and special use permit

for let's say 1600 square feet? Director Howlett confirmed that is correct. If Council approves for him to build a structure larger than the 900 square foot then her office would issue him a special use permit.

Councilwoman Pettit asked Director Howlett if there had been any complaints on their property? Any noise complaints? Director Howlett stated that there had not been to her knowledge but generally noise complaints are handled through the police department. She also stated that the Police Chief was shaking his head no indicating that there have not been in his department as well.

Councilwoman Pettit asked Mr. Sumners if he could attach it with a pergola or some type of breezeway. Mr. Sumners stated that option had previously been suggested but he was unaware if it had been determined acceptable or not. Director Howlett stated that it can be workable within the International Building Code for the structure to be attached with a breezeway depending on what the plans showed but she does not believe a pergola would be acceptable. Councilwoman Pettit stated that she believes the building in question would be a nice structure and barely visible even though it is a large building. She believes he is being kind to the neighbors by not putting in a big Morton Building. She also stated that attaching the structure to the house would be a win win for everyone. Mr. Sumners replied that with the additional expense of cutting in to his house he would just move out of the city.

Chairman Pro Tem Lewis stated that he would rather Mr. Sumners build a nice brick building without a breezeway than a breezeway and a shed. Chairman Pro Tem Lewis also stated that he shares a fence with Mr. Sumners and wanted to be completely transparent with that.

Mayor Ferguson stated to Council that the request before us is to issue a special use permit so if anyone would like to make a motion it would be in regard to that. Motion made by Councilman McWade to approve the Special Use Permit. Chairman Pro Tem Lewis seconded the motion. Motion passed with the following council members voting aye:

AYES: Oplinger, McWade, Lewis, Pettit

NAYES: Ferguson

ABSTAIN: 0

#### *7.VI Review/Approve Preliminary Site Plan, Highway 60 & Highway 39 - Lyla Corners*

Mayor Ferguson announced that due to a technicality on the issuance of the agenda, the next four or five items will be discussion only. No vote or action will be taken tonight however both the first and second reading on these items will be on the next Council Agenda.

Planning & Zoning Director Carrie Howlett addressed the Commission advising them that there are two developments on the agenda tonight brought to Council by the same developer and the same engineer. She stated that this information was brought to Council at a previous meeting due to economic development and

TIF reasons. The first project, Lyla Corners, will be comprised of five lots all to be developed individually and commercially. The property is currently zoned C-3 so everything they have requested from her office is fitting and conforms to that. Plans have been reviewed by city engineers, changes were requested, those changes have been made and are adequate. Plans have been provided in the agenda and the developer's engineer, Ryan Schweissguth, is present for questions.

Councilwoman Pettit asked about the no sidewalks in the site plan for both Lyla Corners and the other development. Director Howlett stated that City Manager Holmes feels that sidewalks are a growing concern in the community as far as who is actually responsible for upkeep and maintenance. If the city puts in the sidewalks we will have more of an opportunity to have control of those sidewalks, put them in as we see fit, and maintain them in our own capacity.

Ryan Schweissguth concurred what Director Howlett stated concerning the sidewalks.

Councilwoman Pettit asked Mr. Schweissguth if the utilities were out of the roadway. He confirmed that they are out of the roadway and there is a 12' utility easement that the water line will be installed in. Councilwoman Pettit asked if the easement will be pavement or grass and Mr. Schweissguth stated that it would be grass.

Mayor Ferguson thanked Mr. Schweissguth for the information and reiterated that no action can be taken at this time. However, that with the information provided Council has everything they need to move forward on this project and it will be addressed at the next Council meeting.

#### *7.VII Review/Approve Preliminary Site Plan, Highway 60 & Business 60*

Planning & Zoning Director Carrie Howlett addressed the Council regarding site development of Silver Maples Estates at Hwy 60 and Business 60. Director Howlett explained the name change on previous documentation. The development will be single family residential homes initially. Phase 1 will consist of lots one through six and phase 2 will consist of lots seven through forty. There are some commercial lots there as well that could be future development. Site plans have been reviewed and approved by the city's engineers. Everything is in conformance to our city code currently.

Councilwoman Pettit asked where the utilities lines for this development would be. Will they be in the roadway? Mr. Schweissguth stated that there was a utility easement on this development as well and the only encroachment would be when the driveways are installed. The sewer lines will be installed in backyards under grass and not under pavement.

## *7.VIII Review/Approval Of Preliminary Site Plan From Liberty Utilities*

Planning & Zoning Director Howlett addressed the Council regarding preliminary site plans for Liberty Utilities. This will be for a customer service center and a parking/holding yard for equipment. All documents requested from the Planning and Zoning Department have been provided and reviewed by our city engineers. A representative from Liberty and Heithaus Engineering are here to answer any questions that you might have. Director Howlett stated that in terms of the site plan, everything is in conformance with city code. There was some discussion at the Planning and Zoning meeting from a couple of neighboring property owners who expressed their concern over stormwater runoff and the second entrance being requested on Rinker street. Director Howlett addressed these concerns with Council with separate explanations. She explained that Liberty is doing a fee in lieu of detention and explained what that means exactly. She also went on to explain that Liberty does not intend to use the Rinker Street entrance for regular traffic. Liberty has spoken with MODOT about entrances off of Church Street and what they can and cannot do there and that is the reason for the second entrance off of Rinker.

Councilwoman Pettit addressed Director Howlett regarding a concern of an R-1 zone butting up to a C-2. She asked if the entrance off of the west side will come straight off of College Street or is that further north on Rinker. Theresa with Heithaus Engineering replied to Councilwoman Pettit's question saying that the gated access actually lines up with College Street. She went on to further explain that MODOT will only allow them one entrance on Church Street. With both entrances being gated, any kind of inclement weather or gate malfunction would make a secondary entrance a necessity. Ms. Davison also stated that Liberty wants to be a good neighbor. She explained the proposed screening so that it meets city code and their intention for visibility to be minimal. Ms. Davison also discussed and explained the benefits for the fee in lieu of detention with Chat Creek running along the property.

Councilwoman Pettit asked if the service gates will be locked at night. Ms. Davison answered that they would and the gate to the entrance on Rinker Street would be locked at all times.

Chairman Pro Tem Lewis asked if there is any recourse the city would have if the secondary entrance turned out be more than just a secondary entrance. Ms. Davison assured Council that Liberty does want to be a good neighbor and would work with the city on that issue.

Councilwoman Pettit asked about a completion date for this project. Ms. Davison stated that some of the things that need to be done have already been addressed and that once construction begins she foresees that project completion would be a year.

Councilwoman Pettit took an opportunity to thank Liberty for staying in Aurora and providing this service center.

#### *7.IX Liberty Utilities Zoning Request*

Planning & Zoning Director Howlett explained there are four lots total. The lots that line Church Street and one additional lot that is set back are currently zoned C-2. The additional lot on the backside that is approximately 12-13 acres is currently zoned R-1. This is a request to rezone the northern most parcel from R-1 to C-2. In order to do the lot combination, the zoning has to be conforming with the other lots according to state statute. Contiguous lots are zoned C-2 therefore this request conforms to state statute.

Mayor Ferguson verified with Director Howlett that this zoning request comes to them approved by the Planning and Zoning Commission. Director Howlett confirmed it was approved at last week's meeting.

#### *7.X Minor Subdivision Lot Combination - Liberty Utilities*

Director Howlett explained that this is opposite of what her department normally does. Liberty is requesting that the four lots in question be combined in to one lot with one legal description. All paperwork, including survey, has been turned in to her office and meets requirements.

Mayor Ferguson verified with Director Howlett that this request comes to them approved by the Planning and Zoning Commission. Director Howlett confirmed it was approved at last week's meeting.

### **8. STAFF REPORTS/ORGANIZATIONAL BUSINESS**

#### 1. Board Liaison Reports

Nothing at this time.

#### 2. City Manager Report

No report

### **9. ADJOURNMENT**

Motion made by Councilwoman Oplinger to adjourn the meeting at 6:46 p.m. Chairwoman Pettit seconded the motion. Motion passed with the following council members voting aye:


AYES: Ferguson, Oplinger, McWade, Lewis, Pettit

NAYES: 0

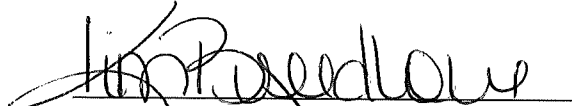
ABSTAIN: 0



**APPROVED:**

  
\_\_\_\_\_  
Doyle Ferguson, Mayor

**ATTEST:**

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