



P.O Box 370
Kimberling City, Missouri 65686
417-739-4903, Fax 417-739-2752
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MINUTES

The regular meeting of the
Board of Aldermen
City of Kimberling City, Missouri
July 6, 2021

Called to order 6:01 pm by Mayor Robert E. Fritz

This meeting was held with a virtual option:

<https://us02web.zoom.us/j/84641095231?pwd=cEk4MG11TTVvaEtpUHhqVIVieXdVZz09>

Meeting ID: 846 4109 5231

Passcode: 017176

Acknowledgement of quorum:

Alderman Virgil Moore: Present- Present
Aldерwoman Michele Stump: Present
Alderman Christian Martin: Present
Alderman Dan Jacobs: Present

Also Present:

Jerry Harman (City Administrator), Laura Cather (City Clerk), Larry Brown (City Treasurer), Randy Reed (Public Works Manager), Sara Fennema (Deputy City Clerk), and 5 citizens

Pledge of Allegiance

Public Comments and Presentations:

Andy Murphy, 32 Woodland Ave: Mr. Murphy Inquired about mailing meeting notices for the Public Outreach Meetings on July 13th and 15th.

City Administrator Harman responded that a mailing would not be done, but meetings would be posted on social media, the City website, in the Branson newspaper, and at City Hall.

Approval of Minutes:

Mayor Fritz asked for a motion to approve the minutes from the Public Hearing held June 1, 2021, minutes from the Regular Meeting held June 1, 2021, and minutes from the Work Session held on June 16, 2021.

Alderman Moore made a motion to approve the minutes from the Public Hearing held June 1, 2021, minutes from the Regular Meeting held June 1, 2021, and minutes from the Work Session held on June 16, 2021.

Motion was seconded by Alderman Martin. Discussion followed (none).



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Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Presentation of Financial Reports:

Mayor Fritz asked for a motion to approve the paid disbursements of \$70,862.23 from June 1, 2021 through June 25, 2021 and the scheduled payments of \$24,189.40 from June 28, 2021 through July 2, 2021 totaling \$95,051.63.

Alderwoman Stump made a motion to motion to approve the paid disbursements of \$70,862.23 from June 1, 2021 through June 25, 2021 and the scheduled payments of \$24,189.40 from June 28, 2021 through July 2, 2021 totaling \$95,051.63.

Motion was seconded by Alderman Martin. Discussion followed (none)

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

City Treasurer Larry Brown presented the May 2021 Financial Report.

City Administrator Harman presented the 1st and 2nd quarter budget amendments to the Board of Aldermen. Amendment 1: Work Comp Adjustments totaling \$4,020.00.

Amendment 2: Municipal Judge pay increase totaling \$1,800.00. Amendment 3: Sewer bond principal/interest refunding totaling \$183,600.00.

Alderman Moore made a motion to approve 2021 budget amendments totaling \$189,420.00.

Motion was seconded by Alderwoman Stump. Discussion followed (none).

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Reading of Bills / Ordinances:

Mayor Fritz asked for a motion to approve Resolution 489: City Driveway, Culvert, and Street Cross policy.

Alderman Martin made a motion to approve Resolution 489: City Driveway, Culvert, and Street Cross policy.

Motion was seconded by Alderman Jacobs. Discussion followed (none)

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried



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Mayor Fritz asked for a motion to approve the first reading of Ordinance 509 Zoning and Subdivision Regulations, repealing in its entirety Section 400 Zoning Regulations, of the Kimberling City Code and replacing with amended Section 400, Zoning and Subdivision Regulations. Including the updated Use Table, Parking Minimum Table, and Commercial 2 (general), and Commercial 3 (Lakefront Overlay) revisions in the Northern and Southern section of Kimberling City. This is the first reading, two are required.

Alderman Martin made a motion to approve the first reading of Ordinance 509 Zoning and Subdivision Regulations, repealing in its entirety Section 400 Zoning Regulations, of the Kimberling City Code and replacing with amended Section 400, Zoning and Subdivision Regulations. Including the updated Use Table, Parking Minimum Table, and Commercial 2 (general), and Commercial 3 (Lakefront Overlay) revisions in the Northern and Southern section of Kimberling City.

Motion was seconded by Alderman Moore Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None
Motion Carried

Mayor Fritz asked for a motion to approve the first reading of Ordinance 510 Excavations, amending section 510.020 Excavations of the Kimberling City Code. This is a first reading, two are required.

Alderman Moore made a motion to approve the first reading of Ordinance 510 Excavations, amending section 510.020 Excavations of the Kimberling City Code
Motion was seconded by Alderman Martin. Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None
Motion Carried

Mayor Fritz asked for a motion to approve the first reading of Ordinance 511 Applicable Building Codes amending Appendix C of the City Code changing applicable building codes from 2012, to 2015 building regulations. This is the first reading, two are required.

Alderwoman Stump made a motion to approve the first reading of Ordinance 511 Applicable Building Codes amending Appendix C of the City Code changing applicable building codes from 2012, to 2015 building regulations.
Motion was seconded by Alderman Martin Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None
Motion Carried



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Mayor Fritz asked for a motion to approve the first reading of Ordinance 512 Adult Entertainment repealing in its entirety Section 400.320 Adult Entertainment Establishments, of the Kimberling City Code and replacing with amended Title VI Business and Occupation: Section 606 Adult Entertainment. This is the first reading, two are required.

Alderman Jacobs made a motion to approve the first reading of Ordinance 512 Adult Entertainment repealing in its entirety Section 400.320 Adult Entertainment Establishments, of the Kimberling City Code and replacing with amended Title VI Business and Occupation: Section 606 Adult Entertainment.

Motion was seconded by Alderman Moore Discussion followed (none)
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Mayor Fritz asked for a motion to approve the first reading of Ordinance 513 Wireless Facilities amending Title IV Land Use by adding Section 405 Wireless Facilities. This is the first reading, two are required.

Alderwoman Stump made a motion to approve the first reading of Ordinance 513 Wireless Facilities amending Title IV Land Use by adding Section 405 Wireless Facilities.

Motion was seconded by Alderman Martin Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Unfinished Business:

New Business:

D Wise Sewer Leak Adjustment:

City Clerk Cather presented the D. Wise sewer leak request to the Board of Aldermen. Mrs. Wise owns 149 Lakeshore Drive, as a rental property. In April of this year when the unit was empty, the pipes under the kitchen sink sprung a leak resulting in 70,500 gallons of usage before the leak was caught and repaired. The normal monthly average for this unit has been 900 – 1,000-gallon usage when rented. Public Works Manager, Randy Reed verified that there was no way for the leak to filter into the sewer. The total credit to the account would be 69,558 gallons equaling \$596.81.

Alderwoman Stump made a motion to approve a 69,558 gallon- \$596.81 credit to 149 Lakeshore Drive.

Motion was seconded by Alderman Moore Discussion followed (none).



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Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Port Holiday Building #8 Sewer Leak Adjustment:

City Clerk Cather presented the Port Holiday Building #8 sewer leak request to the Board of Aldermen. Port Holiday Building #8 had a leak outside the building under the under a concrete slab. The leak started in April 2021 and continued into May 2021 and was initially found by Ozarks Environmental Services who contracted Kimberling City Plumbing to help repair the line. Because this crossed over two months of billing, the total credit being requested is 159,817 gallons, \$1,371.23. Total average usage per month is 12,142 gallons.

Alderman Moore made a motion to approve a 159,817 gallon- \$1,371.23 credit to Port Holiday Building #8.

Motion was seconded by Alderman Martin. Discussion followed (none)

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

Hilltop Park RFQ:

City Administrator Harman presented the Hilltop Park Engineering RFQ to the Board of Aldermen. The Park Board receive six bids from the Hilltop Park RFQ. After reviewing the information on each firm, the Park Board has recommended the Board of Aldermen move forward with SWT Design for the Hilltop Park design and build. Next steps will include discussions with SWT on design recommendations and pricing.

Alderman Moore made a motion to approve the recommendation to continue the Hilltop Park design and pricing portion of the bid with SWT Design.

Motion was seconded by Alderwoman Stump. Discussion followed (none).

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None

Motion Carried

City Sewer Main Extension Estimate Worksheet:

City Administrator Harman presented the city sewer main extension estimate worksheet to the Board of Aldermen. At this time, Public Works is completing the first sewer main extension that has been brought to the City. City Code 705.070 Sewer Main Extensions details the process for the City to complete a sewer main extension. The owner who is requesting the extension is responsible for all costs, and the Public Works Manager is responsible for issuing an estimated cost of work before the project commences. Potentially there are several other areas in the city that can be connected if the parcels are purchased for new homes. City Administration, and Public Works have created an



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estimate worksheet that the Public Works Manager will fill out before main extensions are started. This worksheet will be given to the owner prior to work and will be signed by the owner, the public Works Manager, and the City Clerk.

City Fleet Replacement Policy:

City Administrator Harman presented the city fleet replacement policy to the Board of Aldermen. City Administration along with the Police Chief and Public Works Manager created a fleet replacement policy that will now be completed before vehicle replacement requests are brought to the Board of Aldermen for approval. This policy will be the backup for the Board to justify the purchase of new vehicles, and equipment. The forms take into account wear and tear, engine hours (idle time), maintenance, and mileage to calculate when equipment or cars should be replaced.

Alderman Martin made a motion to approve the Fleet Replacement Policy.
Motion was seconded by Alderman Moore. Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None
Motion Carried

Opioid Class Action Litigation:

City Administrator Harman presented the opioid class action litigation to the Board of Aldermen. Lauber Municipal Law, on behalf of the City, joined a class action law suit with Purdue Pharma L.P and its Affiliated Debtors. Lauber Municipal Law is requesting approval to move forward and submit the required paperwork to accept or reject the distribution plan as they think would best benefit the City. Lauber Municipal will only be charging the City for the hours spent on working hours to submit the required paperwork.

Alderwoman Stump made a motion to move forward with Lauber Municipal Law continuing the Class Action Lawsuit.
Motion was seconded by Alderman Martin. Discussion followed (none).
Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs
Voting Nay: None
Motion Carried

Report of Officers, Boards, and Committees

Economic Development: Economic Development met on June 16th- Economic Development Committee are looking at ways to expand advertising for the City. Lee with Prep the Page attended the meeting, but because of technical issues, she was not able to speak. Lee will be back at the August meeting to talk about City Vision. The



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August meeting will coincide with the Chamber Economic Development Meeting so both meetings will be held together in the Community Center.

Park Board: Park Board met June 22nd – The Park Board talked about the Hilltop Park Engineering Bid and completed the recommendation for SWT design. The Park Board talked about issues at the Lakeshore Park and what could be done to help with the vandalism, and speeding. Park Board is also talking about hosting a small Pickleball Tournament in the fall.

Police Committee: Police Committee met June 8th- Police Committee met for the quarterly meeting reviewing all training for the first quarter. Sgt. Smigiel will be retiring this month and his retirement Party will be held on July 16th from 12pm – 2pm. Chief Alexander received a grant for a traffic counter that will be available for use mid-July. Park Board member Korina Jones attended the meeting to discuss vandalism, and speeding at Lakeshore Park.

Planning & Zoning: Planning & Zoning met on June 28th- the Planning & Zoning Commission talked about Chapter 400 Rezoning and gave the recommendation to the Board of Aldermen to approve the Chapter 400 code revisions with the included tables, and the Commercial 2 and 3 zoning changes.

City Administrator: City Administrator Harman is working with SMOG to complete a storm water grant. The Board will be informed as more information becomes available. The Alliance Water Resources contract will expire the end of this year so a new RFQ will be sent out. The RFQ packet is being updated and should be ready to be sent out by the end of July. City Administration, the Police Chief, and Public Works Manager have been working on updates to the employee handbook. Lauber Municipal has already submitted comments on areas that will need to be updated to conform with new laws, and Connell Insurance will be submitting update recommendations as well. Once all updates to the handbook have been made a mandatory employee meeting will be scheduled to review changes. The American Rescue Plan Act still has not released a date when funds will be received, but as of today funds will be used for wastewater projects. Mr. Harman has been appointed to a Stone County subcommittee, to draft a plan for bringing Broadband to the County and surrounding areas who need it. The County will be receiving 6.2 million dollars from the American Rescue Plan that will be used for Broadband. Mr. Harman will also be a part of the executive committee with SMOG.

Rezoning Outreach meetings will be July 13th 6:00 pm – 8:00 pm and July 15th 10:00 am- 12:00 pm

Work session meeting will be July 21st at 5:00 pm



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City Clerk: City Clerk Cather made the Board aware that Per Chapter 710 Sewer Rate Structure, the 5-year plan that was approved last year shows an increase that will take effect August 1, 2021. The increase will bring the base fee from \$24.31 to \$25.04 and the sewer rate from \$8.58/1,000 gallon to \$8.844/1,000 gallon. Customers will be notified of the change on the back of the July sewer bill being processed this week.

Public Comments and Presentations:

Marcel Glynn, 10 Woodland Court: Mrs. Glynn inquired further about the Rezoning Outreach Meetings being held July 13th and 15th. She requested to how how the City would make citizens aware of the meetings if a mailing would not be done, and has the City checked into doing a bulk mailing to citizens?

Mayor Fritz responded that the meetings are posted on social media, on the website, and at City Hall. Flyers would also be available to anyone who comes into the City Hall lobby. Completing a mailing would not be in the best financial interest to the City and pricing have been received by the Kimberling City Postmaster.

Mrs. Glynn asked what the City would be presenting during the meeting that would convince citizens that the changes being proposed should take place?

City Clerk Cather responded that the meeting is not to convince citizens that the changes should be made as is, but to talk with citizens to see what compromises can be made to make everyone happy. All concerns can be brought to the meeting and hopefully a mutual outcome can be reached. The City would also be doing its best to get the information out to the public to get as much input as possible.

Jim Podwinski, 48 Kimberling Blvd.: Mr. Podwinski asked if a zoom meeting could be set up for each of these meetings for those citizens who could not attend in person.

City Administrator Harman responded that he would set up the zoom meetings, and they would be added to the information being posted.

Andy Murphy, 32 Woodland Ave: Mr. Murphy inquired about Resolution 489, that was approved earlier in the agenda. Will the policies listed be implemented for anyone who already has a culvert, or only for new construction?



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Public Works Manager Randy Reed responded that the policy changes will be for major changes to driveways/culverts, or new construction.

Mayor: Mayor Fritz was happy to report that the Police Department received a \$4,600.00 donation from an area native. The 2021 Fireburst Event was a success, Mayor Fritz gave thanks to the Table Rock Chamber for once again organizing the event. Mayor Fritz thanked all the citizens who came to the meeting, and said if they had any ideas on how the City could get more involvement he would be open to hearing them.

Alderwoman Stump made a motion to adjourn into closed session pursuant to RSMo 610.021 (1) Legal Actions.

Motion was seconded by Alderman Moore Discussion followed (none).

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs

Voting Nay: None

Motion Carried

Alderwoman Stump made a motion to close the closed session meeting, and open in open session on July 6, 2021.

Motion was seconded by Alderman Moore. Discussion followed (none).

Voting Aye: Alderman Moore, Alderwoman Stump, Alderman Martin, Alderman Jacobs

Voting Nay: None

Motion Carried

Meeting Adjourned: 7:01 pm

APPROVED:

Robert Fritz, Mayor

ATTEST:

Laura Cather, City Clerk