

CITY OF WILLARD  
BOARD OF ALDERMEN  
REGULAR MEETING  
MARCH 25, 2024  
6:00 p.m.

Staff present: Interim City Administrator Donna Stewart, Project Engineer Steven Bodenhamer, Director of Finance Carolyn Halverson, Police Officer J.D. Landon, Planning and Development Director Mike Ruesch, Director of Parks and Rec Jason Knight, City Clerk Dona Slater, and City Attorney Holly Dodge.

Attendees: Steve Cobb, Larry Whitman, Stephanie Evans, Terry Kathcart, Janice and Thomas Bowmaker, Angie Wilson, Debbie Ihrig, Ashley Cossins, and Rick Stenberg.

**Call to Order**

Mayor Pro tem Troy Smith called the meeting to order at 6:00 p.m.

**Pledge of Allegiance**

Mayor Pro tem Smith led the Pledge of Allegiance.

A moment of silence was held due to the passing of Mayor Sam Baird's wife.

**Roll Call**

The City Clerk conducted the Roll Call.

Present: Aldermen Casey Biellier, David Keene, Joyce Lancaster, Landon Hall, Scott Swatosh, and Troy Smith

Not Present: Mayor Sam Baird

**Agenda Amendments/Agenda Approval**

Ms. Donna Stewart asked to amend the agenda by removing item #22 Mayoral Remarks due to his absence.

Motion was made by Alderman Hall and seconded by Alderman Keene to approve the Agenda as amended. Motion carried with a vote of 6-0. Voting aye: Aldermen Biellier, Lancaster, Keene, Hall, Swatosh, and Smith.

**Consent Agenda**

Motion was made by Alderman Hall and seconded by Alderman Biellier to approve the Consent Agenda. Motion carried with a vote of 6-0. Voting aye: Aldermen Biellier, Hall, Lancaster, Keene, Swatosh, and Smith.

**Citizen Input**

None.

**Current outstanding invoices, draft and check paid invoices for February/March 2024.**

**Discussion/Vote**

Motion was made by Alderman Hall and seconded by Alderman Biellier to approve the current outstanding invoices, and draft and check paid invoices for February/March 2024. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Citizen Input**

Stephanie Evans said she lives in Ward 2. She wants to let the Aldermen know that she opposes the appointment of Jen Rowe to the Board of Adjustments. She said Ms. Rowe, while a City employee, shared an

address with former government official Corey Hendrickson who, while serving in the Willard government, was convicted of embezzling \$300,000 from a local business.

Rick Stenberg said he lives outside of the city limits, but he thinks the Board of Aldermen is doing something awesome tonight (regarding the Proclamation naming Arbor Day as Lucille Murray Day). He said it's not often a volunteer will give thousands of hours of their time and not be recognized for it. He said Lucille Murray doesn't want the recognition and limelight, but he wants to say thank you to the Board of Aldermen for this recognition.

**A Mayoral Proclamation of 2024 Arbor Day to be known as Lucille Murray day in Willard, Missouri**

Mayor Pro tem Smith read the Proclamation proclaiming Arbor Day April 26, 2024, as Lucille Murray Day.

**Appoint members to the Board of Adjustments. Discussion/Vote**

1. **Jen Rowe**
2. **Mike Long**
3. **Steve Cobb**
4. **Ryan Simmons**

Mike Ruesch gave a background of the Board of Adjustments and their function. They are the last appeal for citizens and developers regarding City Code. Mayor Pro tem Smith said due to citizen concerns he would like the Board to vote on each applicant separately.

1. Jen Rowe – Motion was made by Alderman Hall and seconded by Alderman Keene to approve the appointment of Jen Rowe to the Board of Adjustments for a two-year term. Motion did not carry. Voting aye: Aldermen Keene and Hall. Voting nay: Aldermen Biellier and Swatosh. Aldermen Smith and Lancaster abstained because they did not have enough information about allegations that were made tonight against Ms. Rowe to make a decision.
2. Mike Long – Motion was made by Alderman Hall and seconded by Alderman Smith to approve the appointment of Mike Long to the Board of Adjustments for a three-year term. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.
3. Steve Cobb – Motion was made by Alderman Swatosh and seconded by Alderman Hall to approve the appointment of Steve Cobb to the Board of Adjustments for a four-year term. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.
4. Ryan Simmons – motion was made by Alderman Biellier and seconded by Alderman Hall to approve the appointment of Ryan Simmons to the Board of Adjustments for a five-year term. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Public Hearing to consider and recommend amendments to the City of Willard Municipal Code Book, Chapter 705: Waterworks System, Section 705.040: Water Rates**

Mayor Pro tem Smith opened the Public Hearing at 6:24 p.m.

No one wished to speak.

Mayor Pro tem Smith closed the Public Hearing at 6:24 p.m.

**Ordinance approving amendments to the City of Willard Municipal Code Book, Chapter 705: Waterworks System, Section 705.040: Water Rates. (1<sup>st</sup> Read) Discussion/Vote**

Ms. Stewart said this is the Ordinance that was brought to the Board before. This will increase water rates by ten percent (10%). It will get the City closer to being financially in balance but does not solve the problems.

The first read was conducted by the City Clerk.

Motion was made by Alderman Hall and seconded by Alderman Smith to adopt the Ordinance approving amendments to the City of Willard Municipal Code Book, Chapter 705: Waterworks System, Section 705.040: Water Rates as read.

Motion carried with a vote of 4-0. Voting aye: Aldermen Smith, Keene, Hall, and Swatosh. Aldermen Biellier and Lancaster abstained until after the rate study is completed.

**Public Hearing to consider and recommend amendments to the City of Willard Municipal Code Book, Chapter 710: Sewer Use and Sewer Rates, Section 710.470: Rates.**

Mayor Pro tem Smith opened the Public Hearing at 6:26 p.m.

No one wished to speak.

Mayor Pro tem Smith closed the Public Hearing at 6:26 p.m.

**Ordinance approving amendments to the City of Willard Municipal Code Book, Chapter 710: Sewer Use and Sewer Rates, Section 710.470: Rates. (1<sup>st</sup> Read) Discussion/Vote**

Ms. Stewart said we will not have any information back on the rate studies until late summer at best.

The first read was conducted by the City Clerk.

Motion was made by Alderman Hall and seconded by Alderman Keene to adopt the Ordinance approving amendments to the City of Willard Municipal Code Book, Chapter 710: Sewer Use and Sewer Rates, Section 710.470: Rates as read.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Ordinance accepting a Memorandum of Understanding (MOU) with the Joint Municipal Water Commission to re-establish membership. (1<sup>st</sup> Read) Discussion/Vote**

Ms. Stewart said this is a contract with the Southwest Missouri Joint Municipal Water Commission. This focuses on water allocation from Stockton Lake. We were members before.

The first read was conducted by the City Clerk.

Motion was made by Alderman Keene and seconded by Alderman Lancaster to approve the Ordinance accepting a Memorandum of Understanding (MOU) with the Joint Municipal Water Commission to re-establish membership as read.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Ordinance authorizing the Mayor to accept a proposal and contract with DeLong Plumbing Heating and Air for HVAC Unit Replacement at the Willard Recreation Center. (1<sup>st</sup> Read) Discussion/Vote**

Mr. Knight said this is approval of the contract to replace the HVAC unit at the small gym at the Recreation Center. Without this unit Summer Camp will not be able to meet because this unit is on that side of the building and it will be too hot without it.

The first read was conducted by the City Clerk.

Motion was made by Alderman Biellier and seconded by Alderman Keene to approve the Ordinance authorizing the Mayor to accept a proposal and contract with DeLong Plumbing Heating and Air for HVAC Unit Replacement at the Willard Recreation Center as read.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Ordinance accepting an agreement with Cochran Engineering for a Water Study Update and 5-year Department of Natural Resources (DNR) Supervised Program. (2<sup>nd</sup> Read) Discussion/Vote**

Ms. Stewart said this is the same Ordinance that was brought for the first read. Nothing has changed.

The second read was conducted by the City Clerk.

Motion was made by Alderman Hall and seconded by Alderman Biellier to approve the Ordinance accepting an agreement with Cochran Engineering for a Water Study Update and 5-year Department of Natural Resources (DNR) Supervised Program as read.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Agreement with Language Services to comply with the City's Limited English Proficiency (LEP) policy. Discussion/Vote**

Mr. Bodenhamer said this is a necessary part of our non-discrimination compliance with the Environmental Protection Agency (EPA) for our congressional earmark. When there is a need for translation the City Clerk will call them.

Motion was made by Alderman Hall and seconded by Alderman Lancaster to approve the agreement with Language Services to comply with the City's Limited English Proficiency (LEP) policy.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Additional policies for Civil Rights Compliance. Discussion/Vote**

Mr. Bodenhamer said this completes our second round of compliance policies to assure compliance with the Environmental Protection Agency (EPA) requirements.

Motion was made by Alderman Lancaster and seconded by Alderman Smith to approve the Additional policies for Civil Rights Compliance.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Resolution appointing Steven D. Bodenhamer as Corporate Representative for the City of Willard in the matter of City of Willard v. Hamilton and Dad. Discussion/Vote**

Mr. Bodenhamer said the purpose of this Resolution is to authorize him to testify regarding legal actions, provide stability during turnover of executive leadership, and to produce documentation legal counsel requires.

Motion was made by Alderman Hall and seconded by Alderman Smith to approve the Resolution appointing Steven D. Bodenhamer as Corporate Representative for the City of Willard in the matter of City of Willard v. Hamilton and Dad.

Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

**Sanitary Sewer Project status report**

Mr. Bodenhamer said Allgeier Martin is in conversations with Liberty Utilities regarding increasing the service capacity of the '94' lift station, and is focusing on pipe materials. Lumix is 95% complete with the installation of the variable frequency drive. We have permission from landowners in the Meadows to survey for easements.

**Jackson Street Overlay Project status update**

Mr. Bodenhamer said we have received approval from the Federal Highway Administration for the obligation of funds for preliminary engineering for the project and CJW is proceeding with engineering for the project. He said asphalt may be put down in October.

**Discussion of Residency for Election Candidates**

Ms. Dodge said state statutes delineate the requirements. One must be a resident of Willard for at least one year and the City cannot dictate their own requirements. Residency is based on intent. One may have a home in Willard but temporarily reside elsewhere. We look at where you are registered to vote and at driver licenses. If elected, you can impeach for failure to meet the requirements.

**New Business**

Alderman Lancaster asked if the City has a Code of Conduct for the Board of Aldermen and the Mayor. Ms. Dodge said the City's power to address someone's ability to remain in the elected seat is through the impeachment process and not in the creation of a code of conduct.

**Recess Open Session**

Motion was made by Alderman Hall and seconded by Alderman Smith to Recess the Open Session.  
Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.  
The Open Session recessed at 7:07 p.m.

**Open the Executive Session pursuant to RSMO Section 610.021 #(1) Legal, #(3) Personnel, and #(13) Personnel**

Motion was made by Alderman Biellier and seconded by Alderman Keene to Open the Executive Session pursuant to RSMO Section 610.021 #(1) Legal, #(3) Personnel, and #(13) Personnel.

Motion carried with a vote of 6-0. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.  
Mayor Pro tem Smith opened the Executive Session at 7:20 p.m.

**Close the Executive Session and Reconvene the Open Session**

Motion was made by Alderman Hall and seconded by Alderman Smith to Close the Executive Session and Reconvene the Open Session.

Motion carried with a vote of 6-0. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

The Executive Session closed at 7:50 p.m.

The Open Session reconvened at 7:50 p.m.

**Adjourn the Meeting**

Motion was made by Alderman Hall and seconded by Alderman Biellier to Adjourn the Meeting.

Motion carried with a vote of 6-0. Motion carried with a vote of 6-0. Voting aye: Aldermen Smith, Biellier, Keene, Lancaster, Hall, and Swatosh.

The meeting was adjourned at 7:50 p.m.

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Dona Slater, City Clerk

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Sam Baird, Mayor