



**CITY OF WELDON SPRING
BOARD OF ALDERMEN MEETING
ON TUESDAY, AUGUST 13, 2019, AT 7:30 P.M.
WELDON SPRING CITY HALL
5401 INDEPENDCE ROAD
WELDON SPRING, MISSOURI 63304**

******AGENDA******

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL and DETERMINATION OF A QUORUM**
- 4. APPROVAL OF MINUTES**
 - A. July 25, 2019 – Regular Board Meeting Minutes
- 5. CITIZENS COMMENTS:**
- 6. PUBLIC HEARING:**
- 7. CITY TREASURER:** Paid Bills (7-17-19 – 8-6-19) & Unpaid Bills (7-26-19 – 8-13-19)
- 8. OLD BUSINESS:**
 - A. Bill #1127 - An Ordinance Amending Section 340.117 of the Municipal Code of the City of Weldon Spring to Address the Operation of Golf Carts on City Streets and Alleys - **No Reading, Discussion Only (Alderman Schwaab/Alderman Clutter)**
- 9. NEW BUSINESS:**
 - A. Mountain Farm Community Improvement District (CID) Appointment & Reappointments (**City Clerk**)
 - B. IT Service Support RFQ Results (**City Clerk**)
 - C. An Ordinance Amending Chapter 120 of the Code of Ordinances of the City of Weldon Spring, Missouri to Establish A Video Conference Meeting Policy (**Alderman Baker**)
 - D. Parks & Facilities Manager Position Discussion (**City Administrator**)
 - E. Wolfrum Road Walking Trail Extension RFQ Results (**City Administrator**)
- 10. REPORTS & COMMITTEES:**

A. City Administrator	B. City Attorney
C. Planning & Zoning Commission	D. Finance Committee
E. C.E.R.T. Report	F. Parks & Recreation
G. City Priorities Update (Alderman Clutter)	
- 11. RECEIPTS & COMMUNICATIONS**
- 12. WORK SESSION:**
- 13. CLOSED SESSION:** *In Accordance with RSMo Section 610.021, the Board of Aldermen may go into Closed Session during this meeting to discuss matters of Litigation, Legal Actions, and/or Communications from the City Attorney as provided under Section 610.021(1), and/or Personnel under Section 610.021(3), and/or Real Estate under Section 610.021(2).*
- 14. ADJOURNMENT**

**CITY OF WELDON SPRING
REGULAR MEETING OF THE BOARD OF ALDERMEN
JULY 25, 2019**

CALL TO ORDER: The regular meeting of the Board of Aldermen of the City of Weldon Spring was held on Thursday, July 25, 2019 at approximately 7:30 PM. The meeting was held at the Weldon Spring City Hall, which is located at 5401 Independence Road. Mayor Donald Licklider called the meeting to order.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

ROLL CALL AND DETERMINATION OF QUORUM: On a roll call, the following members were present:

Ward 1:	Alderman Clutter	Alderman Hillmer
Ward 2:	Alderman Schwaab	Alderman Kolb
Ward 3:	Alderman Baker	Alderman Martiszus

A quorum was declared.

MINUTES: June 27, 2019 Board Minutes - Alderman Clutter moved to approve the minutes as written from the June 27, 2019 regular meeting. Alderman Schwaab seconded the motion. **Motion carried** with 5 ayes and Alderman Hillmer abstained from voting.

July 2, 2019 Board Minutes - Alderman Hillmer moved to approve the minutes as written from the July 2, 2019 regular meeting. Alderman Clutter seconded the motion. **Motion carried** with 5 ayes and Alderman Baker abstained from voting.

PUBLIC COMMENTS:

Kristen Kniest, 50 Agriavaine Court: She spoke about Independence Road Phase 4. Mainly, she believes the line of sight on the westbound left turn lane at the intersection of Camelot Drive and Independence Road is unsafe. She was curious if the intersection line of sight was built to plan. A brief discussion took place.

Edwina Conly, St Charles County Municipal League: She gave a brief presentation about the St Charles County Municipal League and how the organization would benefit the City of Weldon Spring.

Vicki White, Salvation Army: She reported about the St. Charles County Elected Officials Bell Ring Challenge, which will be held on December 14, 2019. She asked the elected officials to consider participating in the event.

PUBLIC HEARING: There was no public hearing scheduled.

TREASURER'S REPORT: Alderman Hillmer made a motion to accept the Treasurer's packet of paid bills from June 19, 2019, to July 16, 2019, and the unpaid bills from June 28, 2019, to July 25, 2019. Alderman Clutter seconded. **Motion carried** with 5 ayes.

Alderman Clutter asked about the charges on the St Charles Engineering invoice for work as result of the Missouri Department of Natural Resources'(DNR) Audit. The total about for the work is \$4,525. Alderman Baker asked if the City was require to provide the information asked for in the DNR Audit of the City's MS4 Permit and if the City could charge the Missouri Department of Natural Resources for the information. After a brief discussion, it was decided that City staff would find out the answers to the Aldermen's questions.

OLD BUSINESS:

Bill #1227 - An Ordinance Amending Section 340.117 of the Municipal Code of the City of Weldon Spring to Address the Operation of Golf Carts on City Streets and Alleys: Alderman Clutter made a motion to take Bill #1127 off the table, seconded by Alderman Hillmer. **Motion carried** with 6 ayes.

After a lengthy discussion, it was decided to make these 5 changes (shown below) to the draft Bill and share it with the Whitmoor Homeowners Association to provide additional public input

- Omit Section C-4 from the Bill, which states "Be operated upon a roadway unless equipped with a red, orange, or day glow safety flag of at least thirty (30) squared inches that extends, and is visible, at least seventy-two (72) inches above the ground."
- Add the word "Alleys" back in the title.
- Omit Section B-3 from the Bill, which states "Any individual operating a golf cart shall be at least sixteen (16) years old."
- Add wording to Section B, which states "Any individual operating a golf cart shall adhere to all traffic signs and/or signals and when crossing subdivision streets, the golf cart operator shall yield to all cross-traffic, on-coming vehicles and/or pedestrians."
- Add wording to Section B, which states "The golf cart shall be properly insured or have other coverage; and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model."

This Bill is tabled for more public input.

St. Charles County Municipal League: Alderman Baker made a motion to join the St. Charles County Municipal League, seconded by Alderman Hillmer. **Motion carried** with 6 ayes.

City Signage: Alderman Baker made a motion to have custom-made directional signage made for Nancy Lane directing drivers to use John Linn Place for access to Nancy Lane, seconded by Alderman Hillmer. **Motion carried** with 6 ayes.

Alderman Clutter made a motion to accept the design concept for the monument sign and solicit bids, seconded by Alderman Martiszus. **Motion carried** with 6 ayes.

Alderman Baker made a motion to seek an estimated cost for an electronic monument sign, seconded by Alderman Clutter. **Motion carried** with 6 ayes

Right-of-Way Grass Maintenance: This topic will be discussed later in the meeting.

NEW BUSINESS:

Asphalt Walking Trail Maintenance: Alderman Clutter made a motion to accept the bid from McConnell & Associates for \$10,990.00, seconded by Alderman Baker. **Motion carried** with 6 ayes

Missouri Municipal League Conference: A brief discussion took place.

Independence Road Phase 4 Change Order #2: Alderman Clutter made a motion to approve the change order from Karrenbrock Construction, Inc., for \$14,904.75, seconded by Alderman Baker. **Motion carried** with 6 ayes

REPORTS AND COMMITTEES:

City Administrator: Mr. Padella (City Administrator) briefly summarized his report.

Alderman Baker made a motion to start the process to hire the Full-Time Park Facilities Manager, which will be included in the budget for next year. The motion was seconded by Alderman Clutter. **Motion carried** with 5 ayes and Alderman Schwaab abstained from voting.

After a brief discussion, it was decided that the City Administration would provide a job description for the next Board meeting.

City Attorney: Mr. Wohler commends the Board on being proactive with the passage of Ordinance 19-12 on regulating products containing synthetic cannabinoids and other dangerous drugs.

Planning and Zoning Commission: No report given

Finance Committee: The next Finance Committee Meeting is scheduled for 4:00 PM on August 14, 2019.

CERT Committee: No report given.

PRAC Committee: Alderman Baker talked about Forest ReLeaf on replacing and planting trees and shrubs in the City park and rights-of-way where appropriate.

Priorities Update: Alderman Clutter requested the Board to review the City's priorities after the fiscal year 2020 budget passed

RECEIPTS & COMMUNICATIONS:

Alderman Schwaab: He asked about the recently passed Missouri legislation on concentrated animal feeding operations (CAFO). After a brief discussion, it was decided that Mr. Wohler would research the topic to see if the City need regulations.

Alderman Kolb: She gave an update on the St. Charles County Planning & Zoning meeting regarding the Bluffs Preliminary Plat. She stated the Planning & Zoning Commission made a recommendation to deny the plat and the topic, with the Planning & Zoning Commission's recommendation, will be considered by the County Board at the August 13, 2019, meeting.

Mayor Lickliger: He gave a brief update on Independence Road Phase 4 project.

ADJOURNMENT:

Alderman Kolb moved to adjourn the meeting at 10:28 PM and Alderman Clutter seconded the motion. **Motion carried** with 6 ayes.

Respectfully submitted,

William C. Hanks
City Clerk

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 340.117 OF THE
MUNICIPAL CODE OF THE CITY OF WELDON SPRING TO ADDRESS
THE OPERATION OF GOLF CARTS ON CITY STREETS, ALLEYWAYS, AND
PATHWAYS AS WELL AS PROVIDING FOR PUNISHMENT FOR VIOLATION

Whereas, Section 340.034 of the Missouri Revised Statutes empowers municipalities to regulate golf cart usage on streets and highways; and

Whereas, the Board of Aldermen of the City of Weldon Spring, Missouri, realize that it is necessary to regulate golf cart usage to ensure the safety of their residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

SECTION 1: That Section 340.117 of the Municipal Code of the City of Weldon Spring, Missouri ("Code") shall be amended to read as follows:

Section 340.117 - Golf Cart, Operation on Streets and Roads - Classification As Low-Speed Vehicles - Violations, Penalty.

A. Classification. A golf cart which may be operated on the streets, roads, alleys, and pathways of the City shall be classified as a low-speed vehicle (LSV).

1. The following must appear on the manufactured statement of origin (MSO):
 - a. The body type must be specified as a low-speed vehicle.
 - b. There must be a statement indicating that the LSV meets or exceeds the minimal Federal safety requirements.
2. All golf carts classified as low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles. Golf carts operated on City streets shall conform to safety standards as outlined in 49 CFR 571.500c.

B. Requirements for Operating Golf Carts on Streets, Roads or Pathways Within The City.

1. Any individual operating a golf cart shall have a valid operator's or chauffeur's license.

2. Any individual operating a golf cart shall adhere to all traffic signs and/or signals and when crossing subdivision streets, the golf cart operator shall yield to all cross-traffic, on-coming vehicles and/or pedestrians.
3. The golf cart shall be properly insured or have other coverage; and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
4. The golf cart shall be operated at a speed not exceeding twenty (20) miles per hour pursuant to Section 304.034, RSMo.

C. No individual operating a golf cart shall:

1. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person.
2. Operate the golf cart while under the influence of alcohol or controlled substance.
3. Carry more passengers than the golf cart is specifically designed to carry.
4. Operate the golf cart between the hours of official sunset and sunrise, unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals.
5. Operate the golf cart on any Federal, State or County highways, except to cross.
6. Cross any Federal or State highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour pursuant to Section 304.034, RSMo.
7. Be hanging on or standing up and all passenger must be seated while the golf cart is moving.

D. A violation of this Section shall be an ordinance violation, which is subject to penalties stated in Section 100.220(A).

SECTION 2: That this ordinance shall be in full force and effect upon its enactment and approval

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS ____ DAY OF _____ 2019.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF WELDON SPRING THIS _____
DAY OF _____, 2019.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

To approve Bill #

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Clutter	_____	_____	_____
Hillmer	_____	_____	_____
Schwaab	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Baker	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____

July 29, 2019

VIA EMAIL

bhanks@weldonspring.org

Bill Hanks
5401 Independence Road
Weldon Spring, MO 63304

Re: Mountain Farm Community Improvement District ("CID") Board of Directors

Mr. Hanks:

We own the property within the CID. It's our understanding that there are two directors whose term has expired and one director who no longer qualifies to serve.

We request the appointment of the following individuals to the Board of Directors to serve the following terms:

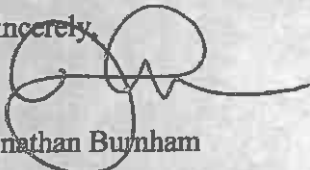
- Joe Wolk through 12/7/19 (replacing Tim Lewis)
- Larry Chapman through 12/7/20 (term expired 12/7/17)
- Caroline Saunders through 12/7/20 (term expired 12/7/17)

Jeff Pardieck will continue to serve his term, which expire 12/7/20.

Todd Flowers will continue to serve his term through 12/7/19.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jonathan Burnham

Director of Corporate Development/Real Estate

Asbury Automotive Group

7.1451. Board of directors, election, qualifications, appointment, terms, removal, actions.

1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with [chapter 355](#).

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

1. At least eighteen years of age; and
2. Be either:
 - a. An owner, as defined in section [67.1401](#), of real property or of a business operating within the district; or
 - b. A registered voter residing within the district; and
3. Any other qualifications set forth in the petition establishing the district.

If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

1. The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

2. The election shall be conducted in the same manner as provided for in section [67.1551](#), provided that the published notice of the election shall contain the information required by section [67.1551](#) for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

3. Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

4. The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-

year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

5. Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected.

In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.



CITY OF WELDON SPRING

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MEMORANDUM

To: Board of Aldermen

From: William C. Hanks, City Clerk

Subject: IT Support Services

CC: Michael Padella, City Administrator

Date: 8/11/19

A Search Committee was created to review a total of 5 Request for Proposals for future IT management and support services. The Search Consisted of Alderman Phil Martiszus, Michael Foster, and Bill Hanks (City Clerk). I believe that the committee has done its due diligence on reviewing the proposals.

On July 17th, the Committee met for the first time and ultimately identified two finalists. It was decided to have the top two firms make a final presentation in front of the Committee. On August 1st, the committee heard presentations from the top two firms and evaluated the two firms. The criteria for the evaluation was based on area, which were the City needs, availability and responsiveness, qualifications & past track record, and cost/benefit consideration.

After the presentations, the committee made a unanimous decision by recommending **Wheelhouse Solutions** for IT management and support services at a retainer flat rate of \$719.34 per month (See attachment). The Committee was thoroughly impressed with the past track record for Wheelhouse Solutions and felt more confident that the firm's staffing will meet and exceed the City future needs.

In closing, I would like to extend my sincere gratitude to the Committee for their time and commitment during the whole process. The recommendation for **Wheelhouse Solutions** was forwarded to the City Administrator, which was accepted for Board consideration.

RFP - IT Management and Support Services - Bid Results										
Bid #:	Low Bid #:	RFP Instructions Met (Y/N):	Company Name:	Address:	Bid Item Name/Description:	Summary/Details:	Flat-rate Monthly for Unlimited Support Services:	Hourly-rate for Support Services:	Flat-rate/ monthly Plus an Hourly-rate as needed for Support:	Total Project Cost:
3	1st	Yes	St. Charles IT	5988 Mid Rivers Mall Dr., St. Charles, MO 63045	Full IT Network Support - Unlimited Off & Onsite	See Bid Sheet for details	\$ 420.00	\$ -	\$ -	\$ 420.00
1.a	2nd	Yes	CDS Office Technologies	13758 Shortline Dr., Earth City, MO 63045	IT Support & Datto Backup System	Includes WebRoot -24/7 Unlimited Helpdesk Includes 4 hours Onsite Support	\$ 745.75	\$ 85.00	\$ -	\$ 745.75
4	3rd	Yes	Wheelhouse Solutions	117 S. Main St, Suite 112, St. Charles, MO 63301	Managed Services: Onsite support is an additional hourly rate	Unlimited Helpdesk, Cloud Backup, Hosted Services, plus onsite hourly rate.	\$ -	\$ -	\$ 719.34	\$ 719.34
2	4th	Yes	Marco Technologies LLC.	2275 Cassens Dr., #112, Fenton, MO 63026	Managed Services: Onsite support is an additional hourly rate	Unlimited Helpdesk, Cloud Backup, Hosted Services, plus onsite hourly rate.	\$ 1,458.00	\$ -	\$ -	\$ 1,458.00
5	5th	Yes	Brookfield Group	1283 Research Blvd., St. Louis, MO 63132	Managed Firewall, Network Service, Server Service, workstations (10)	Additional hourly rate charge for new equipment (not replacement) install	\$ -	\$ -	\$ 145.00	\$ 145.00
6	DQ	No	Menlo/Civic ITC	N/A	"Sam" system, turn-key IT infrastructure.	Cloud-based solution	\$ 1,375.00	\$ -	\$ -	\$ 1,375.00
1.b		Yes	CDS Office Technologies	13759 Shortline Dr., Earth City, MO 63045	Flat Rate w/ hourly As Needed Support	Includes WebRoot -24/7 Unlimited Helpdesk Includes 11 devices (\$15/ per add device)	\$ -	\$ -	\$ 85.00	\$ 85.00
1.c		Yes	CDS Office Technologies	13760 Shortline Dr., Earth City, MO 63045	Straight Hourly		\$ -	\$ 99.00	\$ -	\$ 180.60

Note: Wheelhouse Solutions will charge \$125.00 per hour for on-site service; however, the majority of service can be done remotely

Note: The City will be notified by Wheelhouse Solutions about any charges before coming on-site



LAUBER MUNICIPAL LAW, LLC
Serving those who serve the public



Sample Missouri Video Conference Meeting Policy

Prepared by: Joseph G. Lauber and
Megan L. Taggart, Law Clerk, 2014 J.D. Candidate of the UMKC School of Law

In 2013, the Missouri General Assembly adopted SB 170, which amended § 610.015, RSMo to allow roll call votes to be cast by elected members of a public governmental body who are attending by video conference. While this measure was vetoed by the Governor, the General Assembly overrode that veto in its special veto session. Prior to the amendment, roll call votes could only be cast by members physically present at the meeting. Practical implementation of this amendment may be difficult due to ambiguity of the language caused by undefined terms as well as public policy concerns related to the public's desire to have elected officials physically present at meetings for face-to-face interaction.

In light of these concerns a municipality should consider adopting a policy establishing parameters for video conference attendance of meetings by members of public governmental body. While the most appropriate policy for any municipality is one determined in the specific factual context of the community, we have provided a sample policy for adoption as an insertion to an existing policy, or as a stand-alone policy addressing the practical application of meetings having a video conference component.

In addition to the language we recommend for a resolution or ordinance adopting this policy, we have embedded footnotes in each subsection to describe some of the policy considerations that should be made in conjunction with the adoption of this policy. These footnotes are for the information of the public governmental body considering the adoption of this policy, and as such the footnotes and explanatory information in *italic font* should be deleted from the final version of the ordinance or resolution ultimately adopted by the public governmental body.

Ordinance or Resolution Language:

1. Section _____. Meetings Using Video Conference Technology.

- a. **Policy Statement.**¹ While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via video conference transmission,

¹ *This policy statement is designed to balance the benefits of additional participation from members who would not otherwise be available to be physically present with the concern that elected and appointed officials should take*

a member's use of video conference attendance should occur only sparingly.² Because it is good public policy for citizens to have the opportunity to meet with their elected officials face-to-face, elected members of a public governmental body should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body's members. A secondary purpose of attendance by video conference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all efforts should be expended to ensure that a quorum of the members of the public governmental body be physical present at the normal meeting place of the body.³

- b. Video Conference Defined.⁴ For purposes of this section "video conference" or "videoconferencing" shall refer to a means of communication where at least one member of a public government body participates in the public meeting via an electronic connection made up of three components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting.⁵ If at any time during a

their roles seriously and make attendance at meetings a priority in their schedules. Evidence of these concerns can be found in the legislative intent as expressed by Senator Chappelle-Nadal and by Governor Nixon. (Senator Chappelle-Nadal's brief explanation behind the bill can be found on her website at: <http://www.senate.mo.gov/13info/members/mem14.htm> and the Governor's veto letter can be found at: <http://www.senate.mo.gov/13info/GovLetters/SB170.pdf>.)

² § 610.015, RSMo does not restrain on the use of videoconferencing; rather videoconferencing is allowed and now has been extended by the amendment to § 610.015 to allow roll call votes to be cast in meetings held using this technology. Despite this, some have grown concerned that videoconferencing undermines the public's desire to meet face-to-face with its elected and appointed officials as they carry out the public's work. Nevertheless, there are instances where videoconferencing can be a useful tool to allow public governmental bodies to function where circumstances prevent a quorum of members from attending a public meeting. Likewise, videoconferencing may be necessary in times of emergency for a public governmental body to meet and conduct official business, even that requiring a roll call vote, in order to act in the best interest of the community. As a measure of best practice, a municipality should consider the balancing of these concerns in its own context and adopt a policy to establish expectations of members of a public governmental body with respect to the use of videoconferencing technology at meetings.

³ Practically, if multiple members of the public governmental body cannot be in physical attendance at a meeting the body should consider rescheduling the meeting and/or holding a special meeting that is more accommodating to the body's schedule.

⁴ Videoconferencing is not expressly defined in the Sunshine Law, but it is good public policy for all participants in a meeting to be able to see, hear, and fully communicate with one another because it both focuses the members on the governmental tasks at hand and also ensures to confirm the identity of the participants (thus preventing any risk of impersonation).

⁵ In defining "public meeting" at § 610.010(5), RSMo, the General Assembly indicates meetings may be conducted in person or by means of communication equipment, including "conference call, video conference, internet chat, or

meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes. A video conference participant's absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a broken quorum.

- c. Frequency of Use of Video Conference Attendance. A member of a public governmental body shall not attend more than ____ meetings via video conference in a rolling twelve-month period.⁶ In keeping with the policy stated in subsection (a) above, attendance via video conference should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member seeking to attend by video conference, but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.⁷
- d. Physical Location. Members of the public may not participate in a public meeting of a governmental body via video conference.⁸ The public wishing to attend a meeting, and elected officials not participating via videoconferencing of a meeting, shall participate at the physical location where meetings of the public governmental body are typically held, or as provided in a notice provided in accordance with the Sunshine Law. The public governmental body shall cause there to be provided at the physical location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) of the public governmental body participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.⁹

internet message board..." The use of "video conference" in this serial list suggests that "videoconferencing" cannot be a "conference call", "internet chat", or "internet message board."

⁶ *This provision is likely to be one of the most difficult provision to agree upon and enforce as it begs very difficult questions of where to "draw the line" as to whether to include a hard cap on the number of video conference meetings a member may use and what happens if all of those meetings have been used and another tragic event occurs for a particular member. However, this was chief among the concerns raised by the Governor in his veto letter as a potential method of abusing the use of this technology. Obviously, both the cap and the time frame against which the cap is measured can be modified.*

⁷ *This also represents a potentially controversial topic to be addressed for this policy as it attempts to define what is or isn't a catastrophic event for a particular member. Alternative methods for addressing this issue would include expanding or retracting the list of example "significant events," or making the matter the subject of a vote of the other members of the public governmental body before allowing the video conference attendance to occur.*

⁸ *The language of the statute reflects this assertion however, the Sunshine Laws might lend themselves to an interpretation that if members of the public governmental body may participate via videoconferencing, so too can the public. Such an interpretation would cause an undue logistical burden on government bodies to provide the equipment and technology to support participation of this nature by both elected officials and members of the public.*

⁹ *§ 610.020.4, RSMo, requires all public meetings be reasonably accessible to the public. To the extent legally required, meetings should be held in facilities appropriate for the anticipated amount of attending public and be accessible to persons with disabilities as required by the ADA and Sunshine Law. This will require the video*

- e. Voting. Elected members¹⁰ of a public governmental body attending a public meeting of that governmental body via video conference are deemed present for purposes of participating in a roll call vote to the same effect elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present.¹¹ As indicated in subsection (b) above, if any component of the video conference communication fails during the meeting, the member attending the meeting by video conference whose connection failed shall be deemed absent immediately upon such failure, and if the public governmental body was in the act of voting, the voting shall stop until all of the components of video conference attendance are again restored and the video conference participant's presence is again noted in the minutes.
- f. Closed Meetings. In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at their location to see, hear, or otherwise communicate during the closed session.¹² The member must also take all reasonable precautions to guard against interception of communication by others. Failure to ensure the requirements of this subsection may result in corrective action by the full public governmental body in accordance with City regulations.
- g. Minutes. In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, participating via video conference; the members in physical attendance; and members, if any, absent.¹³

conference participant be accessible to the public in attendance and to any in attendance with disabilities meaning a screen projecting the participant will need to be at the physical meeting location that is large enough and placed in a location for all to view and speakers provide audio so that everyone may hear the video conference participant. To utilize full communication, there must also be a microphone and camera so that any member of the public (or elected official in physical attendance) may communicate back to the video conference participant. The camera should be able to focus on anyone speaking at any one time and the microphone should be able to relate any expressions made by a meeting attendee directed to others in attendance.

¹⁰ *Note that previously the physical presence requirement only applied when (1) votes were taken by roll call; and (2) the public governmental body consisted entirely of elected officials (except for the General Assembly and a committee established by a public governmental body). Thus, bodies consisting of non-elected officials have always had the ability to meet and vote, even by roll call, notwithstanding the 2013 amendment. As roll call voting now applies to many more votes and roll call votes are completed over a longer time frame than non-roll call votes, it is even more necessary to develop a policy for the situation when a video conference connection fails during the act of voting.*

¹¹ *Consistent with § 610.015, RSMo.*

¹² *The location of a person who is participating via video conference can vastly vary. In fact by its very nature they can be participating from almost any location imaginable. The implications of this are such that they may not be isolated from other people at their location making it more difficult to comply with the requirements of a meeting closing to the public than if they were at the physical meeting location. It is however, of the utmost importance that should a meeting go into a closed session the video conference participant completely isolate themselves from anyone else.*

¹³ *§ 610.020.7, RSMo requires the journal of minutes of the meeting, whether open or closed, to reflect members present and members absent. To carefully comply with this statute it should expand the reflection of members*

- h. Emergency meetings. In the event that emergency circumstances create impossibility for the members of a public governmental body to physically attend the body as a whole may meet, and if necessary vote, by video conference. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood, or blizzard. To the extent possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation.

present to distinguish those physically present and the elected official participating via video conference (although technically if participating via video conference the member is deemed "present").

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 120 OF THE CODE OF
ORDINANCES OF THE CITY OF WELDON SPRING, MISSOURI TO
ESTABLISH A VIDEO CONFERENCE MEETING POLICY.**

WHEREAS, Chapter 120 of the City Code of Ordinances establishes provisions regarding open meetings and records, and

WHEREAS, the Board of Aldermen has determined it is necessary for expeditious transaction of City business and that it should establish a procedure which would allow Board of Aldermen members, when necessary, to attend a meeting by video conference,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, AS FOLLOWS:

SECTION 1: That Chapter 120 of the Code of Ordinances of the City of Weldon Spring, Missouri is hereby amended by the addition of a new section, to be initially designated as 120.110, to read as follows:

Remote Participation Policy

A. Notwithstanding any other provision of the Code of Ordinances to the contrary, a member of the Board of Aldermen may attend and participate in a meeting of that body from a remote location via videoconferencing provided attendance and participation in the meeting is in compliance with the Remote Participation Policy set forth in this section and Missouri law.

B. *Definitions:* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD MEMBER - shall mean any Board of Alderman member of the City of Weldon Spring

CLOSED MEETING - shall have the same meaning as set forth in Section 610.010, RSMo. as amended

OPEN MEETING LAW - shall mean Chapter 610 RSMo. as amended

PUBLIC MEETING - shall have the same meaning as set forth in Section 610.010 RSMo. as amended but shall not include a closed meeting.

PUBLIC GOVERNMENTAL BODY - shall have the same meaning as set forth in Section 610.010 RSMo. as amended.

C. Policy Statement: It is the policy of the City of Weldon Spring that any Board of Alderman member may attend and participate in a public meeting of the Board of Alderman from a remote location via videoconferencing provided attendance and participation is in compliance with this policy and any other applicable law. This policy is promulgated to promote greater participation in government. Board members are encouraged to make all efforts to physically attend public meetings whenever possible. Board members have a responsibility to ensure that remote participation in a public meeting is not used to thwart the purposes of the Open Meeting Law.

D. Prerequisites: A board member shall be provided the opportunity to attend a public meeting from a remote location if the board member meets the following conditions.

1. The board member must notify the City Clerk at least two business days before the public meeting of his/her intent to remotely participate in the public meeting.
2. Board members who participate remotely and all persons present in the public meeting location shall be clearly visible to the greatest extent practicable and audible to each other.
3. The board member must assert one of the following reasons why he or she is unable to physically attend a public meeting of the public governmental body of which he or she is a member
 - a. Personal illness or disability
 - b. Employment duties outside the City, military services of other City business
 - c. A family or personal emergency
 - d. Vacation outside the City
4. A majority of all members of the Board of Aldermen must be physically present at the meeting location to constitute a quorum.
5. Not more than two board members shall be permitted to participate remotely during any one public meeting. If more than two board members desire to participate remotely during the same public meeting, priority shall be granted to the two board members that first notified the City Clerk pursuant to paragraph D.1 of this section.

SECTION 2: Video Conference Meeting Policy.

Meetings Using Video Conference Technology.

A. *Policy Statement:* While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via video conference transmission, a member's use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face to face, elected members of a public governmental body should endeavor to be physically present at all meetings unless video conference attendance is unavoidable, after exercising due diligence to arrange for physical presence at the meeting.

- a. The primary purpose of attendance by video conference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent a physical attendance of all of the Board's members.
- b. A secondary purpose of attendance by video conference should be to ensure that all members may participate in business of the public governmental body.

Except in emergency situations, all efforts should be expended to ensure that a quorum of the members of the public governmental body be physically present at the normal meeting place of the body.

B. *Video Conference Defined:* For purposes of this Section "video conference" or "videoconferencing" shall refer to a means of communication where at least one (1) member of a public governmental body participates in the public meeting via an electronic connection made up of two (2) components:

1. A live audio and video transmission allowing the member of the public governmental body not in physical attendance to be seen and heard by those in physical attendance; and
2. A live audio and video transmission allowing the member of the public governmental body not in physical attendance to see and hear those in physical attendance at a meeting.

If the member of the public governmental body not in physical attendance becomes unable to see and hear the meeting or the members of the governmental body in physical attendance become unable to see and hear the member not in physical attendance, then the video conference participant is deemed immediately absent unless and until audio/visual conference is reestablished and this absence should be reflected in the minutes. A video conference participant's absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a broken quorum.

C. *Frequency of Use Of Video Conference Attendance:* In keeping with the

policy stated in Subsection (A) above, attendance via video conference should only occur sparingly and causes identified in section D.3 above,

- D. *Physical Location:* Members of the public may not participate in a public meeting of a governmental body via video conference. The public wishing to attend a meeting, and elected officials not participating via videoconferencing of the meeting, shall participate at the physical location where meetings of the public governmental body are typically held, or as provided in a notice provided in accordance with the Sunshine Law. The public governmental body shall cause there to be provided at the physical location communication equipment consisting of an audio and visual display, a camera and a microphone so that the members of the public governmental body participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meaning in accordance with rules of meeting to quorum. The communication equipment at the physical location at the meeting must allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.
- E. *Voting:* Elected members of a public governmental body attending a public meeting of that governmental body via video conference are deemed present for purposes of participating in a vote, including a roll call vote, to the same extent as elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. As indicated in Subsection (B) above, if any component of the video conference communication fails during the meeting, the member attending the meeting by video conference whose connection failed shall be deemed absent immediately upon such failure, and if the public governmental body was in the act of voting, the voting shall stop until all of the components of video conference attendance are again restored and the video conference participant's presence is again noted in the minutes or the member's remote attendance is terminated or abandoned. If the connection with the member attending the meeting by video conference fails during the voting process and before the results are announced the member's vote, if any, is nullified and shall not be counted.
- F. *Closed Meetings:* In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's initiation of a closed meeting, all members of the general public not required for purposes of the closed meeting and invited to attend by the public governmental body, shall be excluded. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at their location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to

guard against interception of communication by others. Failure to ensure the requirements of this Subsection may result in corrective action by the full public governmental body in accordance with City regulations.

- G. *Minutes*: In the meeting, whether in open or in closed session, the minutes taken should reflect the member(s), if any, participating via video conference the members in physical attendance, and members, if any, absent.
- H. *Emergency Meetings and Quorum*: In addition to the provisions of Section 110.200, in the event that emergency circumstances prevent the members of a public governmental body to physically attend, the body may meet and vote by video conference without the requirement that a quorum be physically present in the same place. Examples of such emergency circumstances include, but are not limited to war, riot, terrorism, widespread fire, or natural disaster, such as earthquake, tornado, hurricane, flood, or blizzard. To the extent reasonably possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation. The nature of the emergency shall be recorded in the minutes. If no emergency exists, a quorum of the public governmental body shall be physically present at the physical location for which notice of a meeting is provided.

SECTION 3: The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 4: It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

SECTION 5: This ordinance, and the code adopted hereby, shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF
WELDON SPRING, MISSOURI, THIS ____ DAY OF _____ 2019.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF WELDON SPRING THIS _____
DAY OF _____, 2019.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

To approve Bill #

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Clutter	_____	_____	_____
Hillmer	_____	_____	_____
Schwaab	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Baker	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____