

MINUTES
FEBRUARY 21, 2006

The regular board meeting of the City of Weatherby Lake Board of Aldermen was called to order by Mayor Mike Henderson, on Tuesday, February 21, 2006 at City Hall, 7200 N.W. Eastside Drive, Weatherby Lake, Platte County, Missouri at 7:00 P.M.

Aldermen present were: Cummings, Clark, Moratz and Rittenhouse.

Also present were: John Reddoch, Scott Sullivan, City Attorneys and thirteen (13) members of the public.

MINUTES:

Clark moved, second by Cummings to approve the minutes of the January 17, 2006. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously.

REPORTS:

Public Works:

In his absence, George Lowman, Director of Public Works submitted his written report via Alderman Clark. Discussion turned to the request from WLIC to install a streetlight south of U-Cove. Cummings moved, second by Clark to contact KCP&L to install the requested streetlight south of U-Cove. Yeas: Rittenhouse, Moratz, Cummings and Clark. Motion passed unanimously.

Finance:

Board members review the information provided relating to budget to actual revenues and expenses for the period ending January 31, 2006 as well as the current cash accounts balance.

Discussion turned to the six-month financial statement for the period ending December 31, 2005 submitted by Rob Jones, City Treasurer. Cummings moved, second by Moratz to accept and publish the financial statement as presented for the period ending December 31, 2005. Yeas: Clark, Rittenhouse, Cummings and Moratz. Motion passed unanimously.

Police:

Chief Gary McMullin came forward to give his report to board members. Chief McMullin requests that Platte Woods officers Shannon Case and Leona Housell be granted mutual aid commissions for the City of Weatherby Lake. Moratz moved, second by Clark to grant Weatherby Lake Commissions to officers Case and Housell. Yeas: Cummings, Rittenhouse, Moratz and Clark. Motion passed unanimously.

Discussion moved to the sealed bids submitted for the 2002 Crown Victoria. Cummings moved, second by Clark to accept the bid of Grace Motors in the amount of \$2,233.00. Yeas: Moratz, Rittenhouse, Cummings and Clark. Motion passed unanimously.

Treasurer:

The City Treasurer's information was relayed in the finance report.

City Clerk:

Written information was supplied, containing various requested documentation for various board members.

Meeting procedure guidelines utilized in the management of meetings were discussed, with an ordinance to be prepared for consideration at the regular board meeting held in March.

Additionally, an ordinance authorizing the Missouri High-way Patrol to conduct criminal back-ground checks for municipal employees, will be prepared by the City Attorney for consideration at the next regular board meeting.

As requested, job descriptions were prepared for administrative positions for consideration. No action was taken at this time.

Court:

A written report was supplied for board members information.

Alderman Cummings expressed his concerns regarding the excessive speeding violations of 40+ miles per hour. A monitoring trailer is scheduled for the upcoming months.

Community Center:

Ms. Sadler submitted a written report for the period of January 2006. Board members note that they would like to see the upcoming month as well as the current month shown on the report.

Mayor Henderson noted the presence of Mr. Paul Gross, and is written request for use of the Community Center and have the fees waived. Mr. Gross has scheduled a "Town Hall Style" meeting for March 7, 2006 regarding the proposed ambulance district. Mr. Gross came forward to explain the current anticipated agenda for the meeting as well as to invite board members to attend. Discussion followed, with the Aldermen expressing their concern that an impression has been given that the Board of Aldermen/City supports the initiative (which it has not passed any resolution(s) for or against). Board members also questions the status of funding available to the group, had administrative costs for the proposed district as well as the issue of a representative from the Weatherby Lake Community on the governing board of any proposed district. City Attorney Reddoch indicated that he would like to have the board hear his communication (Mr. Reddoch) in closed session.

Computer Administrator:

VRI Business Technology Solutions provided a written report to board members. Discussion moved to the status of the previous computer administrator, Mr. Brandon Dale. City Attorney Reddoch indicates that in addition to the report from VRI there are three (3) items remaining to be resolved. This includes software licenses, back-up tapes and the Veritas software. Board members expressed their wish to move quickly to resolve this situation.

Planning:

Board members review the Finding and Recommendation of the planning commission regarding the application for re-plat of Lots 1-5 of Block Z in the Lakeview Subdivision. Cummings moved, second by Clark to accept the recommendation of the planning commission to accept the re-plat application. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously. Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 838. Yeas: Rittenhouse, Moratz, Cummings and Clark. Motion passed unanimously.

Bill NO. 838, an ordinance dealing with the final replat/combining of Lots 1, 2, 3, 4 and 5 of Block Z Lakeview Subdivision into Lots 1A and 2A of Block Z Lakeview Subdivision, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 838 as Ordinance NO. 837. Yeas: Moratz, Rittenhouse, Clark and Cummings. Motion passed unanimously.

Parks:

A written report was submitted for board members information.

Historical:

A written report was submitted for board members information.

WLIC:

Alderman Rittenhouse gave a verbal report to board members.

8:25 P.M. board members take a break from session.

8:30 P.M. board members return to session.

ORDINANCES AND CONSIDERATION OF ORDINANCES:

Cummings moved, second by Moratz to pass on the first and place on the second Bill NO. 831. Yeas: Clark, Rittenhouse, Moratz and Cummings. Motion passed unanimously.

Bill NO. 831, an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 831 as Ordinance NO. 830 in the amount of \$12,590.50 in General Funds. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 832. Yeas: Rittenhouse, Moratz, Cummings and Clark.

Bill NO. 832, an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 832 as Ordinance NO. 831 in the amount of \$3,655.00 in Road & Street Funds. Yeas: Moratz, Rittenhouse, Clark and Cummings. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO 833. Yeas: Rittenhouse, Moratz, Cummings and Clark. Motion passed unanimously.

Bill NO. 833, an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 833 as Ordinance NO. 832 in the amount of \$9,057.19 in Sewer Funds. Yeas: Moratz, Rittenhouse, Clark and Cummings. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 834. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously.

Bill NO. 834, an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 834 as Ordinance NO. 833 in the amount of \$1,180.22 in Water Funds. Yeas: Moratz, Rittenhouse, Clark and Cummings. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 835. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously.

Bill NO. 835 an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 835 as Ordinance NO. 834 in the amount of \$162,320.00 in Debt Service Funds. Yeas: Moratz, Rittenhouse, Cummings and Clark. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 836. Yeas: Rittenhouse, Moratz, Cummings and Clark. Motion passed unanimously.

Bill NO. 836, an ordinance appropriating and authorizing payment of funds of the City of Weatherby Lake, Platte County, Missouri. Cummings moved, second by Clark to pass Bill NO. 836 as Ordinance NO. 835 in the amount of \$1,947.22 in pre-paid Park Funds. Yeas: Moratz, Rittenhouse, Clark and Cummings. Motion passed unanimously.

Cummings moved, second by Clark to pass on the first and place on the second Bill NO. 837. Yeas: Rittenhouse, Moratz, Clark and Cummings. Motion passed unanimously.

Bill NO. 837, an ordinance approving the lease agreement with the Weatherby Lake Improvement Company. Cummings moved, second by Clark to pass Bill NO. 837 as Ordinance NO. 836. Yeas: Rittenhouse, Moratz, Cummings and Clark. Motion passed unanimously.

Open Floor to Visitors:

Mayor Henderson recognizes Mr. Tom Cvetan, 9308 NW 80th Street. Mr. Cvetan expressed his concerns regarding nuisance violations apparent with-in the City. Additionally, Mr. Cvetan would like to see the current nuisance code relating to grass decreases from the current 12” length to a 6” length. Mayor Henderson notes that the entire nuisance section of the Code is currently under evaluation. Board members express their support in lowering the height of grass from 12” to 6” and will consider an amended ordinance at the next regular meeting.

Old Business:

Rittenhouse moved, second by Cummings to amend the agenda to address City cell phones. Yeas: Clark, Moratz, Rittenhouse and Cummings. Motion passed unanimously. Discussion followed, relating the current budget allowance only anticipated the base charges. Any overages over the allowed minutes were not included as part of the budget package. Rittenhouse moved, second by Cummings to collect reimbursement from the cell phone user for any overages beyond the base cost of the phone. Yeas: Clark, Moratz, Rittenhouse and Cummings. Motion passed unanimously.

Cummings moved, second by Moratz to amend the agenda for discussion regarding the fire district. Yeas: Rittenhouse, Clark, Cummings and Moratz. Motion passed unanimously. Moratz moved, second by Clark to accept the agreement between the City of Weatherby Lake and the Weatherby Lake Fire Protection District, with an amendment noting the location of meetings is to be in Town Hall. Yeas: Cummings, Rittenhouse, Moratz and Clark. Motion passed unanimously.

New Business:

Alderman Clark came forward to address board members regarding the actions of Mayor Henderson. Alderman Clark reads Chapter 110 Section 110.050 of the City code to those present.

“SECTION 110.050: MAYOR AND BOARD-DUTIES

The Mayor and Board of Alderpersons of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.”

Alderman Clark continued with the following specific items outlining Mayor Henderson’s behavior, acting on his own in the public domain, without consulting the Board of Aldermen or directly opposite the Board’s clear position(s)/direction(s):

- 6/17/04 – “Command decision” to retain previous City Clerk for 2 additional weeks against this Board’s clear directive otherwise.
- May – August 2004 because of the Mayor’s lack of attention to employee health insurance contract, Board of Aldermen had to pass the same ordinance twice, once each in July and August.
- Delayed writing a letter to KCMO Mayor/City Manager/Public Works Director in regard to the U Cove sewer lift station. Ordinance to send letter to them passed 7/20/04, however the letter wasn’t sent until the last week of September.
- Dealing privately without Board of Aldermen’s knowledge with the developers of Sonoma Ridge.
- Ambulance District – Board of Aldermen consensus was negative when given the financial facts. Lack of communication to the Board of Aldermen and petition signers that our City would be included in a possible district even if our citizens vote against it. Mayor did not give the City a “Riverside Option” to opt out initially, and be able to opt “in” later.
- Lack of leadership in the City Hall office resulted in a long delay in implementation of the bi-monthly water billing and overage of hourly employee work hours, affecting the budget.
- Not responding to an email of mine dated 1/25/06 insisting that he do what this Board of Aldermen instructed him to do in rectifying the above-mentioned subject. NOT the “Great Communicator”.
- Lastly dealing with Jim Owens, a developer, for a second time after this Board of Aldermen specifically told him not to do so last June 21st. This Board of Aldermen instructed the Mayor to include it in any further dealings with Mr. Owens in the future, and then voted 4-0 on a resolution to oppose his development. The Mayor was seen in Shelter Haven, riding in Mr. Owens’ truck with him before the County Planning Commission meeting of 2/14/06. At this meeting Mayor spoke, under oath, as the public official that he is and implied that this City approved of Mr. Owens’ latest plat, without consulting this Board of Aldermen.

Clark moved, second by Rittenhouse to approve a resolution of censure for Mayor Mike Henderson. Yeas: Cummings, Moratz, Rittenhouse and Clark. Motion passed unanimously.

Clark moved, second by Moratz to amend the agenda to address the issue of providing censure information to various entities. Yeas: Rittenhouse, Cummings, Moratz and Clark. Motion passed unanimously.

Clark moved, second by Moratz to submit the notice of censure to the Platte County Commissioners, Northland Mayor's Council and the Platte County Planning Commission. Yeas: Rittenhouse, Clark and Moratz. Nays: Cummings. Motion passed.

Alderman Moratz came forward to report on information from the Northland Mayor's Council meeting he had attended. When questioned by Alderman Moratz, members of the Mayor's Council indicated that they were not aware that the Weatherby Lake Board of Aldermen had not taken a positive position regarding the proposed ambulance district, that Ms. Betty Knight was asked to include Weatherby Lake in the ballot initiative, as well as the Parkville Board of Aldermen's minutes of their December 2005 meeting showed that Weatherby Lake was a participant.

Mayor Henderson responded to board members, by noting that Mr. Owens has to live up to the current requirements at the county level, not the requirements of the City of Weatherby Lake. Additionally, the Board of Aldermen has a pattern of disagreement regarding anything/issue that he has brought forward/attempted. Regarding the proposed ambulance district, the City of Riverside had no "opt out" ability, just the ability to offset costs of ambulance service to their residents, without seeking a voter approved levy, with their City picking up the costs.

Alderman Rittenhouse notes that the City is included in the proposed ambulance district, even if the voters of Weatherby Lake vote down the proposed levy. Alderman Rittenhouse continued that both she and Alderman Clark had received phone calls from Mr. Owens after the last hearing before the Platte County Planning Commission.

Cummings moved, second by Moratz to amend the agenda to address the up-coming Platte County Commissioners meeting on the Owens development. Yeas: Rittenhouse, Clark, Cummings and Moratz. Motion passed unanimously.

Clark moved, second by Rittenhouse to oppose the proposed Brentwood Parc Development by Jim Owens. Yeas: Moratz, Cummings, Rittenhouse and Clark. Motion passed unanimously.

Discussion moved, to the need to schedule an information session for the proposed levy changes. A meeting will be held on Saturday, March 25, 2006 at 2:00 P.M. to answer any questions relating to the finances of the City as it relates to the proposed levy changes.

Rittenhouse moved, second by Moratz to go into closed session pursuant to RSMO 610.021(1&3). Yeas: Cummings, Clark, Rittenhouse and Moratz. Motion passed unanimously.

9:50 P.M. closed session.

10:35 P.M. return to open session.

Cummings moved, second by Rittenhouse to amend the agenda for consideration of items including sick pay for part-time employee(s) and use of the community Center on March 7, 2006. Yeas: Clark, Moratz, Cummings and Rittenhouse. Motion passed unanimously.

Cummings moved, second by Clark to pay part-time employee Linda Eckerle un-used sick leave when funds are allocated. Yeas: Clark and Cummings. Nays: Rittenhouse and Moratz. Tie vote. Mayor Henderson votes yea. Motion passed.

Cummings moved to approve the request of Paul Gross to waive the fee for the information meeting at the community center. Motion died for lack of second.

Moratz moved, second by Rittenhouse to amend the agenda for discussion of the proposed ambulance district. Yeas: Clark, Cummings, Moratz and Rittenhouse. Motion passed unanimously.

Board members indicate their concerns that they were not fully informed on specifics relating to the proposed ambulance district. Questions remain.

11:00 P.M. Clark steps out.

11:02 P.M. Clark returns.

The Board's position is that service will not improve, only incur more costs.

Cummings moved, second by Rittenhouse to adjourn. Yeas: Clark, Moratz, Rittenhouse and Cummings. Motion passed unanimously.

11:05 P.M. adjourn.

Michael O. Henderson
Mayor

ATTEST:

Juretta Goode
City Clerk