

MINUTES  
REGULAR BOARD MEETING  
MARCH 15, 2005

The regular meeting of the Weatherby Lake Board of Aldermen was called to order by Mayor Mike Henderson on Tuesday, March 15, 2005 at City Hall, 7200 NW Eastside Drive, Weatherby Lake, Platte County, Missouri at 7:00 P.M.

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

Also present were six (6) members of the public.

**MINUTES:**

Davenport moved, second by Clark to approve the minutes of the February 15, 2005 regular board meeting with the \$ inserted where appropriate. Yeas: Rittenhouse, Moratz, Davenport and Clark. Motion passed unanimously.

Clark moved, second by Rittenhouse to approve the minutes of the March 1, 2005 special board meeting as written. Yeas: Davenport, Moratz, Clark and Rittenhouse. Motion passed unanimously.

Clark moved, second by Davenport to approve the minutes of the March 8, 2005 special board meeting with the insertion of the last half of the motion (final paragraph page 1) cashing the general fund CD to include the informational letter to the residents. Yeas: Moratz, Rittenhouse, Clark and Davenport. Motion passed unanimously.

**MAYOR'S COMMUNICATIONS TO BOARD:**

Discussion turned to the continuing problem of funding much-needed street repairs/overlays. Mayor Henderson notes the correspondence from the City Attorney's office containing research on various possibilities of funding mechanisms. Discussion continued outlining levies, agreements with special road districts, special assessments and bond issues. The current 3/8% tax in place at Platte County is currently in shortfall. This flows into fewer tax dollars to the municipalities. With no other funding mechanism in place, Weatherby Lake has no long-term funds available for the continuing maintenance needs of the City. Mayor Henderson, Director of Public Works George Lowman and Alderman Clark will begin the process of producing a priority list for street repairs/overlays.

Alderman Moratz notes that this is not only a problem for the streets, but carries forward to other capital expenses city wide, including the community center, the police department, computers etc. The department heads should also prepare a listing of their capital expenses for the May meeting. These issues/items will flow into the GASB 34 reporting requirements.

## **REPORTS:**

### **Public Works:**

Public Works Director George Lowman came forward to give his report to board members.

Discussion turned to the missed water line tie at Potomac and 80<sup>th</sup> Terrace. This was missed by both the engineer and well as City personnel. K & S Construction has submitted a bid for the installation of the water line tie in the amount of \$3,000.00. Clark moved, second by Rittenhouse to accept the bid of K & S Construction in the amount of \$3,000.00. Yeas: Davenport, Moratz, Clark and Rittenhouse. Motion passed unanimously. Following along the same discussion, the issue of funding available in the “construction account” will be in a deficit. At the inception of the project with original bid was with-in approximately \$12,000.00 of the cash generated by the sale of bonds. Since that time there have been a number of change orders. There is a very real possibility that a CD held by the City for “Water” will have to be cashed to make up the differences.

Alderman Clark came forward with a letter prepared by City Attorney Don Witt regarding the properties in the City owned storage lot. Alderman Clark reminded board members that this has been an on-going concern with the abandoned, derelict and un-licensed articles stored in the lot. Clark moved, second by Davenport to send out letters to the property owners out-lining the steps that the City will be taking regarding the penalties and or disposal of the items. Yeas: Moratz, Rittenhouse, Clark and Davenport. Motion passed unanimously.

### **Finance Report:**

Board members note their receipt of the budget to actual report for the period ending 2/24/05. Alderman Rittenhouse expresses her concern that the legal expenses incurred by the City are currently 25.7% of total reflected. The fiscal year runs January through December. Alderman Moratz would like additional information gathered regarding the franchise fees currently being collected compared to other cities in the metropolitan area. Additional information regarding “broadband” telephone service will be explored.

7:48 P.M. Mayor Henderson steps out.

### **Police Report:**

7:49 P.M. Mayor Henderson returns.

Chief Gary McMullin came forward to give his report to board members.

Protective equipment, funded by Homeland Security, was picked-up in Jefferson City for use in responding to chemical and biological incidents.

7:51 P.M. Mayor Henderson steps out.

Alderman Moratz questioned the enforcement of the non-renewal of city stickers. If possible a list will be generated and supplied to the police department for their records.

### **Treasurer's Report: N/A**

7:53 P.M. Mayor Henderson returns.

### **City Clerk's Report:**

Board member's attention is directed to the written material prepared. Along with information requested, additional material includes the City's past history on the issue of worker's compensation coverage's, limits, exclusions (road & street, sewer, building inspections) as well as employee bonds. The carrier for coverage in 2004 and prior was/is Missouri Employer's Mutual, with a bid submitted for 2005, and a secondary bid from MARCIT (Thomas McGee). Discussion followed with board members noting the differences in the bids as well as the limits.

Moratz moved, second by Clark to accept the proposal from MARCIT for workers compensation coverage (April 8, 2005 – July 1, 2005 pro-rated in the amount of \$3,759.00) July 1, 2005 through June 30, 2006 in the amount of \$16,335.00. Yeas: Davenport, Rittenhouse, Moratz and Clark. Motion passed unanimously.

At the special board meeting held March 8, 2005 Marr and Company was selected to perform the City's audit for the next three (3) years. Discussion followed, with board members requesting that contact be made and any information returned out-lining the starting dates as well as any information they could provide regarding a possible lead for the open treasurer's position.

**Court Report:**

Board members note the written report submitted for the February period.

**Community Center Report:**

Alderman Clark notes that a special meeting was held on March 1, 2005 with a walk through conducted and various items noted for attention.

Alderman Clark further notes that the written report submitted indicated problems had been encountered renting the center due to the condition of the upper parking lot. Again, this feeds back into the capital expenditures (un-budgeted). The walk-through list should be noted as to cost and man-hours for the April meeting. A clear determination needs to be made, if the community center is a financially feasible venue or if it worthwhile for the community to continue to operate at a loss. Should the currently procedures continue i.e. a full time position versus other options?

**Computer Administrator's Report: Not submitted.**

**Fire District Report: Not submitted.**

**Park Board Report:**

Board members note the written report submitted.

**Historical Board Report:**

Board members note the written report submitted. Mayor Henderson notes an attempt will be made to locate the graves in the old Anders Jacks Cemetery east of 76<sup>th</sup> & Eastside Drive on Sunday, March 20, 2005.

**WLIC:**

Alderman Clark gave a short verbal report to board members. A special meeting has been called for April. The legal committee met March 14, 2005.

8:35 P.M. board members take a break.

8:40 P.M. board members return to session

### **ORDINANCES AND CONSIDERATION OF ORDINANCES:**

Davenport moved, second by Clark to pass Bill NO. 748-A on the first and place on the second. Yeas: Moratz, Rittenhouse, Davenport and Clark. Motion passed unanimously.

Bill NO. 748-A, an ordinance amending Section 700.010 with regard to water and sewer rates.

Discussion followed with Alderman Moratz noting the attached communication from Linda Eckerle out lining implementation of the bi-monthly billing process. Further information was brought forward regarding the feasibility study conducted by an out-side consultant for Incode. This study shows the continuing issues of the sewer fund being in the red, with only the water portion carrying that fund. Further as indicated during the interview process for City Auditor's the need to segregate these funds was confirmed. This will be an area that will have to be addressed during the May/June time frame when the City deals with the KCMO rate increases for water service. Davenport moved, second by Clark to pass Bill NO. 748-A as Ordinance NO. 747-A with a beginning date of June 2005. Yeas: Rittenhouse, Moratz, Davenport and Clark. Motion passed unanimously.

Davenport moved, second by Moratz to pass Bill NO. 749 on the first and place on the second. Yeas: Clark, Rittenhouse, Davenport and Moratz. Motion passed unanimously.

Bill NO. 749, an ordinance appropriating and authorizing payment of general funds of the City of Weatherby Lake, Platte County, Missouri. Alderman Rittenhouse notes that 1/3 of the total is in the line items for legal expenses from Mr. Witt. Davenport moved, second by Rittenhouse to pass Bill NO. 749 as Ordinance NO. 748 in the amount of \$11,713.98. Yeas: Moratz, Clark, Davenport and Rittenhouse. Motion passed unanimously.

Clark moved, second by Davenport to pass Bill NO. 750 on the first and place on the second. Yeas: Moratz, Rittenhouse, Davenport and Clark.

Bill NO. 750, an ordinance appropriating and authorizing payment of road and street funds of the City of Weatherby Lake, Platte County, Missouri. Clark moved, second by Davenport to pass Bill NO. 750 as Ordinance NO. 749 in the amount of \$3,838.10. Yeas: Rittenhouse, Moratz, Clark and Davenport. Motion passed unanimously.

Davenport moved, second by Clark to pass Bill NO. 751 on the first and place on the second. Yeas: Moratz, Rittenhouse, Davenport and Clark. Motion passed unanimously.

Bill NO. 751, an ordinance appropriating and authorizing payment of water and sewer funds of the City of Weatherby Lake, Platte County, Missouri. Discussion followed with Alderman Moratz asking Mr. Lowman questions on the grinder repair line items. Clark moved, second by Rittenhouse to pass Bill NO. 751 as Ordinance NO. 750 in the amount of \$12,131.49. Yeas: Davenport, Moratz, Clark and Rittenhouse. Motion passed unanimously.

Davenport moved, second by Clark to pass Bill NO. 752 on the first and place on the second. Yeas: Rittenhouse, Moratz, Davenport and Clark. Motion passed unanimously.

Bill NO. 752, an ordinance appropriating and authorizing payment of capital improvement funds of the City of Weatherby Lake, Platte County, Missouri. Davenport moved, second by Rittenhouse to pass Bill NO. 752 as Ordinance NO. 751 in the amount of \$400.00. Yeas: Davenport, Moratz, Clark and Rittenhouse. Motion passed unanimously.

**Open Floor to Visitors:**

Ms. Carol O'Hare asked if the City has attempted to advertise the Community Center for rentals. Mayor Henderson responds that there have been various and repeated attempts at advertising.

Mr. Larry Maher came forward to address board members, regarding the proposed "Sonoma Ridge Sub-division". Mr. Maher stated that it was his understanding that there was to be a letter generated by the City and sent to all the residents of Weatherby Lake. Mayor Henderson noted that any letter sent to the residents of Weatherby Lake, would out-line the facts only as of this date. Mr. Maher re-iterated that the City does not want to get into a letter writing campaign, because once started it will not stop, with only the City generated letter in circulation.

Mr. Maher went on to ask about the "Conflict of Interest" policy/ordinances of the City. An explanation was given, that the City does pass an ordinance/policy every two (2) years as required by the State of Missouri. Mr. Maher questioned who it covers, (boards, commissions, etc) as well as how it was monitored.

Mr. Maher further indicated, that with regard to the community center, Mrs. Maher had previously handled the management/cleaning etc with no apparent complaints, and limited funding.

**Old Business:**

No issues were brought forward at this time.

**New Business:**

Discussion turned to the annual Citywide clean up day. Mr. Lowman reports that after the winter storms, the existing brush needs to be disposed. Moratz moved, second by Clark to grind the existing brush (generated by winter storms) with the expense not to exceed \$1,000.00. Yeas: Davenport, Rittenhouse, Moratz and Clark. Motion passed unanimously.

9:20 P.M. Rittenhouse leaves.

The fiscal year 2005 budget allows a total of \$3,500.00 for the costs of the clean up.

9:21 P.M. Rittenhouse returns. Debris will be accepted in the brush lot during the hours of 8:00 A.M. to 5:00 P.M. May 20, 21 and 22. Information will be placed in the newsletter indicated the same fee schedule as used in 2004, as well as reiterating the Platte County clean up scheduled for April 2005.

Davenport moved, second by Clark to schedule the annual clean up days for May 20, 21 and 22, 2005 8:00 A.M. to 5:00 P.M. with the indicated fee schedule. Yeas: Moratz, Rittenhouse, Davenport and Clark. Motion passed unanimously.

Mayor Henderson and Chief McMullin each voice their concern about the costs being generated by placing information in the Women's Club Newsletter. These costs are being billed to the City, but there were no funds allocated, as this was not an expected expense.

Mayor Henderson notes the recent letter from Mr. Witt regarding the reading of ordinances. This is an un-solicited communication and will not be paid for if billed on the next statement from the law offices.

Alderman Moratz notes the communication from Timer Warner Cable indicating an upcoming price increase to users. Discussion noted that the only impact on the franchise fee budget would be minimal (a few hundred dollars annually not thousands).

Alderman Rittenhouse notes her concern regarding the apparently published statement the donations to the Irish American Social Club are tax-deductible donations. Discussion follows with Alderman Moratz reiterating the worthiness of the club and the various projects/items it funds. He further expressed his concern along with Alderman Rittenhouse regarding the use of the “City of Weatherby Lake” in conjunction with the Irish American Social Club for tax purposes. Alderman Moratz would like to see the checks/donations made solely to the Irish American Social Club, since the City does not control nor account for the expenditures or account for the donations. Mayor Henderson notes the presence of Co-Chairman Ray Eaton and asks the Mr. Eaton to come forward to address board members concerns. Mr. Eaton explained the genesis of the club and how the current donation focus was determined (an ice rescue boat/hover-craft). Mr. Eaton further expressed disenchantment that this has become an issue, and states that he and the club aimed to “do things for the City, not to the City”. Should the concerns continue, a different decision could be made by the Club regarding its existence and direction.

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

9:50 P.M. closed session.

10:15 P.M. return to open session.

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

10:16 P.M. adjourn.

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Michael Henderson  
Mayor

ATTEST:

Juretta Goode  
City Clerk