

# ***City of Lake Lotawana***

## ***Board of Aldermen Meeting Minutes***

September 20, 2011

### **I. Call to order**

Mayor Pro Tem, Charles Falkenberg, called to order the meeting of the Board of Aldermen at 7:00 pm on September 20, 2011 in the Board Chambers of the Municipal Building.

### **II. Roll call**

City Clerk, Rhonda Littrell, conducted a roll call.

Mayor Howard Chamberlin - Absent

Alderman David Welsh – Present

Alderman Scott Miles – Present

Alderman Terry Reed – Present

Alderman Carl Calcara – Present

Alderman David Needles – Present

Alderman Chuck Falkenberg – Present

City Clerk, Rhonda Littrell, declared a quorum was present for the meeting to proceed.

Alderman Welsh made a motion to amend the agenda to add Public Speaks after section B under new business before going into closed session. The motion was seconded by Alderman Miles. The agenda was amended with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Aye

### **III. Consideration and approval of Alderman Charles Falkenberg as President of the Aldermen**

Alderman Falkenberg – I will preference this a little bit. Basically it is consideration and approval of my resignation as president of the Aldermen. Dave Welsh who has a lot more time who has spent a lot more time out and is fully involved in the budget issues is probably much more suited to take that position in the event of the Mayor's absence. That being stated, I will read the September 6, 2011 letter presented to Howard Chamberlin Mayor Lake Lotawana, Missouri. Subject President of the Aldermen Resignation. Dear Mr. Mayor, Please accept this letter as my resignation from the position of President of the Aldermen, Board of Aldermen, Lake Lotawana, Missouri. Signed, Charles Falkenberg, Ward III. That is my official resignation; I believe it has to accepted. The resignation of Alderman Falkenberg as the President of the Board of Aldermen was accepted with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Aye

**IV. Consideration and approval of Bill 1041 a resolution electing Alderman David Welsh as the Mayor Pro Tem**

Alderman Miles made a motion to approve Bill 1041 as submitted adopting Resolution 11-07. The motion was seconded by Alderman Reed. Resolution 11-07 was adopted with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

**V. Approval of Minutes Special Meeting August 12, 2011; Regular Meeting August 16, 2011; Special Meeting August 29, 2011; Special/Work Session Meeting September 6, 2011**

Alderman Calcara made a motion to approve the August 12, 2011 special meeting minutes as submitted. The motion as seconded by Alderman Miles. Mayor Pro Tem Welsh – This is the meeting that we approved the contract for the sewer line at L-22 and that was the only thing accomplished at that meeting. The minutes were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Calcara made a motion to approve the August 16, 2011 regular meeting minutes as submitted. The motion was seconded by Alderman Miles. Alderman Miles – Are you still posting all of these in the Lotawana News all 32 pages? City Clerk – I will just send them to Barb and leave it up to her. The minutes were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Ay
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Calcara made a motion to approve the August 29, 2011 special meeting minutes as submitted. The motion was seconded by Alderman Miles. Mayor Pro Tem Welsh – This meeting was for one purpose to hire two people for the Sewer Department. The minutes were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Abstained
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Calcara made a motion to approve the September 6, 2011 special/work session meeting minutes as submitted. The motion as seconded by Alderman Miles. The minutes were approved with the following votes;

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

**VI. Consideration of August 2011 financials**

The financial report was presented by Alderman Falkenberg. What we have been doing is comparing this month year to date versus last year this month year to date. Both funds combined in 2010 as of August 31, we had an excess of revenues over expenditures of \$171,000. We have had different things thrown into the mix this year. This year, of course expenses and costs have gone up, our excess of revenues over expenditures this year is \$127,798. We are not reflecting quite the difference that we had before. Some of the areas that affect that this year on the General Fund are – Collections in Real Estate Taxes at this point and time those are still fluid are down \$8,000. We are however up, this is good news, our 1% sales tax we have \$101,739 that versus \$82,000. The 1/8 cent sales taxes they stayed pretty much the same. Our gas service revenues are up \$5,000. We know about telephone franchise fee that is up by \$26,000 because of that one time settlement. Dock and building permits we have discussed in the past why we are down \$14,000 and that would be on collection fees. Our court and police were down by \$5,000. On the standard General Fund we are down about \$13,000 in income. Where we start to show the difference is on the expenditures and in a nut shell our salaries are up and those is understandable about \$17,000. We have an increase in standard expenditures in the Administration of about \$23,000. We have some other areas that have gone up. Some additional areas, we have a City Attorney and that has contributed to some of the expenses. On the Sewer Fund, we are pretty much right on track. Just hitting that budget right on the money. In a nut shell we are still in good shape and if the Mayor were here what he would say is what is really good is we have money in the bank. We have gone for years where we didn't have money in the bank and there was a period of time when Rhonda did a little bit of juggling to make everything to work out at month end. Things are good in that sense. That would give you a quick over view of the financials. Mayor Pro Tem Welsh – I would only add one thing and that is in the revenues for this month on the court fines revenue came in a little late. It shows here for August \$305, it is normally between \$9,000 and \$12,000. It's as some people like to say a timing issue. That explains a little as to why for the month the revenues were less than the expenditures, just for the month.

**VII. Approval of disbursements for the period of August 11, 2011 to September 10, 2011**

Alderman Falkenberg made a motion to approve the disbursements for the General Fund in the amount of \$62,050.57, check numbers 37935 to 37978. The motion was seconded by Alderman Calcara. The General Fund disbursements were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara – Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Falkenberg made a motion to approve the disbursements for the Sewer Fund in the amount of \$98,591.86, check numbers 24448 to 24476. The motion was seconded by Alderman Calcara. The Sewer Fund disbursements were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara – Aye
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Alderman Miles – Aye  
Alderman Reed – Aye

Alderman Needles – Aye  
Alderman Falkenberg – Aye

### **VIII. Department Reports**

- a. The Administration report was presented by City Clerk, Rhonda Littrell. The paper work for the 2011 Tax levy has been sent in to the County Clerk and it has been verified that they have received it. I sent it certified mail with return receipt requested and I have received it. For the month of June there were 11 business licenses issued for a total of 180 business/liquor licenses. Compared to 8 business licenses were issued in August of 2010, for a year to date total of 175 business/liquor licenses. The monthly sewer billing and past due notices were mailed out. There were 4 disconnects for past due sewer bills this month.
  
- b. The Planning and Zoning Report was presented by P&Z Administrator, Frank Davis. For the period 8-11-11 to 9-10-11 the inspections division completed 67 site visits, 19 property inspection, issued 28 new permits, closed 26 permits, issued 4 stop work orders of which 3 were resolved. As of 9-10-11 there were 53 open permits which include 6 sewer repair permits. Cumulative totals for year since May 15<sup>th</sup> are 275 site visits, 79 property inspections, 12 stop work orders issued, 4 processed complaints for weeds, I want to thank the Police Department for their assistance with that, and 80 permits issued. Planning and Zoning – The annexation of the Pipes property, I met with Mr. Pipes last Friday. They submitted a new site plan. I have some issue with it. There are some obvious variances I think that are common sense type of things that I don't anticipate to be a problem. I will recommend approval of those particular issues. Without going into them they are pretty numerous. However there are some issues that I would probably not recommend. Mr. Pipes still needs to submit a site plan that does not cross the property lines of the two lots for his business. The new site plan shows them crossing that property line again. I told his business manager that we need to either agree that he is going to re-plat and make those two lots into one or he is going to have to submit a site plan that only shows his business operating on one lot by City Code. The other one is of course rezoning the property. Those two things aside, there is sign they want to put up I will have to see what they are actually proposing to determine where they can put it up. They still want to annex. I also have told them we would be requiring some environmental information so that we can determine that there is not an environmental impact to the City if the property is annexed into the City. He is going to pass that information along to Mr. Pipes and after they discuss those major issues, he is to get back with me to let me know where they stand. Alderman Needles – What did they decide to do about the sewer? Mr. Davis – The last time we talked about this, the Board indicated to me in a work session that there was no issue with them having a holding tank at the site. Alderman Needles – Can we make that somehow a onetime offer? Meaning if somebody wanted to put a box store there, then they would have to connect to the sewer. We're not setting a precedence that would allow another business to come in and do that? Mr. Davis – I don't think we are. There are a couple of businesses out there already that have holding tanks. Because of the agreement that we

discussed the last time this came up, with Foxberry, the plant out there and the capacity it has. Right now what I think what we are doing is trying to protect the City from overloading that particular system should Foxberry get built out in the future at some point. By doing that I think we're doing what is in the City's best interest not necessarily setting precedence would be my take on it. If somebody buys those two lots, for a commercial business there, they are going to have to dig a whole new tank up and we will have to address the sewer then. Alderman Falkenberg – Will we put this on the next work session agenda and go point by point through the disputed items? Mr. Davis – We can. Alderman Miles – Do they know they have to start over? I thought we had decided that we were going to start this process from scratch again. Mr. Davis – Basically we are. He submitted the new site plan. The new site plan has a lot of issues on it that we discussed with him personally that are still on the site plan. I thought it was a positive meeting but there are still some issues there that were preexisting that we need to get taken care of before he comes to present the site plan to the P&Z Commission. Alderman Welsh – They have to go through the full gamut of going to the Planning & Zoning Commission, Review Board and everything. Mr. Davis – They will have to go before the Board of Adjustment for several variance items on there, to the P&Z and then it will have to go the Board of Aldermen. They will get the full cycle of the process. Alderman Reed – Is that considered part of Foxberry? The master plan for Foxberry, as the property is developed that is adjacent to that property and not part of inside the lake here, is the master plan for Foxberry, what I am addressing is water retention, because that is addressed in the Foxberry plan. Are those going to bleed off onto adjacent properties as they are brought in? Mr. Davis – I don't believe so because they are at the bottom of the topographical scale there. There is a really large ditch that runs parallel to his property, between his property and the outer road there on the north side of his property. Any run off issues that would result, I think would be minimal at that point. If we get more intensified in the environmental side, whatever study we determine needs to be done up there for that, we can certainly take a look at that. I will probably work with County on that as well and MoDOT just to be thorough about it because all of those parties are involved in some degree. I think that those are issues that we will have to address as we work through the process. Alderman Reed – I was just wondering, from my building experience in Blue Springs, there are formulas they have to apply to the acreage regardless of the what the natural topography is. There is reasons to hold water back especially when you start paving and covering up natural drainage. Mr. Davis – Out there he doesn't want to install asphalt or concrete for his drive through his property. He wants to do more of a chip and seal type of surface just for the trucks to run through. Which to me makes sense because if we ask him to install asphalt or concrete it is just going to get completely destroyed in a year or two anyway with all of the back and forth traffic across that property. I don't think we are creating any real impervious surface to the point of being detrimental to the development and what he wants to do on his site plan. The reason I haven't submitted a copy of it to you today is because we're just too far away at this point from presenting anything that is reasonable to talk about. I don't think it's a big issue but we will address as we go through the process. Alderman Miles – His

permit expires on October 1<sup>st</sup>? Mr. Davis – I don't know when his permit actually expires but I am in communication with the planning department with the County about this property. They're keeping me informed about what they are doing and I am keeping them informed of what they have submitted to us so that we are all on the same page as with what is going on. They don't really have anything significant to say other than is he still annexing or that are they trying to annex. I keep telling them yes, they keep telling me that they are trying to annex. Alderman Falkenberg – This is a question to you and Paul, going through a personal experience in purchasing some property on environmental impact, there is a phase one study. It is very simple. It is \$1,500 and they come out to do basic survey searches. Those are not expensive in relative term but it is for the protection of the people loaning the money and it would also be for our protection too. Where would we stand on requiring not only the phase one but a phase two inspection just because of the nature of things that have been on that property? Is that something that would be appropriate for us to consider? Mr. Davis – I know it says in our code book that when we consider that type of situation we can require environmental study. I don't recall it saying it has to be any specific level. I think is probably on a case by case basis. I don't think there are any set guidelines for that. City Attorney – It just depends on what the language of the zoning code says about requiring studies. My experience has been you don't make a determination on phase two generally until you get your phase one report back. Then a lot of times that will suggest or recommend whether they think a phase two is really necessary. Alderman Falkenberg – As we would say eventually annex that property in, we could be inheriting a issue if we don't. If we all of the sudden accept it as part of the City and then find out that there was something dumped there that would require remediation, then we would or someone would be stuck with that. Knowing that that corner has been used as a dumping site for various things, I really think that we probably should at least investigate the need for it. Simply because who is really liable if there was something there maybe they were storing transformers, or something like that that would require a significant amount of money to remediate. Mr. Davis – They have been informed that we are going to require an environmental study and it is going to be the burden of Mr. Pipes to make that happen. Like Paul said we are going to have to review a phase one study, then the results of that would have to determine what would have to be done next. City Attorney – If your concern is bringing property into the City that may have an environmental impact associated with it then waiting until the zoning approval stage is almost too late in that regard because you have to annex the property first before you can make any decisions on zoning. Say you get a phase one and maybe a phase two that says there is lots of problems and it is x number of dollars to remediate. They say we're not going to do, we'll just leave the property as is, well then you have lost your leverage because the property is in the City. If they don't seek any land use approval, you've got no hammer. If that truly is your concern, then that is the type of issue you should address in the pre-annexation agreement before you even bring the property in. Alderman Falkenberg – My thought is we make it a phase two just because of the things that have been stored there for a long period of time. Mr. Davis – Just to let you all know we re-platted lots at T-131 and G-4 to

legally allow proposed projects that required permitting. Alderman Miles – What is going on with 131. Mr. Davis – He wants to put in an attached garage. He had to do a re-plat and now he has to get a variance because the garage exceeds the current set back ordinance by 4 feet.

- c. The Public Works report was presented by Public Works Director Keith Herzberg. The force main at L-22 has been repaired. It will be put into service after they get the retaining wall replaced. Our part time employees are on board and we have started to repair our sewer lines again. I will be starting a spread sheet to make sure that we don't go over 1,500 hours per year and get into trouble that way. In your packet there were proposals from Olsson Associates on the sewer plant issues. We need to set up a meeting fairly quick, because we have to get it to DNR by the end of October. We need to set up a time when everyone can be here so we can discuss our options with Olsson.
  
- d. The Police Department report was presented by Police Chief Jeff Rogers. In our ongoing radio battle, we fixed a programming error in car 4 and had the repeater in the attic of the fire station across the street realigned to fix a hum that dispatch heard when we used it. Just a brief reminder we contact them on of two ways, either on a direct radio channel or if the guys on the lake particular close to the water we switch to an alternate channel so the signal goes through our repeater to the Sheriff's office so they have a chance of hearing us. It was that repeater that had a misalignment. It is working properly now. In the never ending battle of storm sirens, we had a meeting attended by the Mayor, Alderman Welsh, Jan Olsen, Bill Large, and one of his board members who lives in Tarsney and myself. We discussed the current gentleman's agreement between the entities. Everybody was in agreement that we should have a more formal agreement between all of the agencies so that there is not confusion about who does what when. Nobody apparently has money in the current budget year to purchase a storm siren to replace the one at Fire station two. The fire districts fiscal year is the same as ours so sometime after the first of the year they should have the money available. As you know from the email I sent you, in response to the Goat Hill siren going off Sunday, there was reassurance that siren does work, just not correctly. Blue Valley was out yesterday and they examined it. It does work; they think there might have been a problem with one of the circuit boards in the radio receiver. They replaced that, at least today it didn't go off. We're good for the time being until they can come up with something more definitive if it goes off again. One of the other things they had discovered was that in their file that they keep, about 5 or 6 years ago, there was something in their file about the radios were to be programmed to be set off, so when they did their recent work here, they programmed them so that only the in-coder at the fire station could set them off and not Lee's Summit. They have now all been reprogrammed so that they can be sounded by Lee's Summit and the in-coder across the street. We will not know if that is accurate, they have a machine on their truck locally, but the will test will be the siren test for October to see if Lee's Summit tones set the alarms. We can't really ask Lee's Summit to test it because it sets their storm sirens off in throughout their entire City. The one signal

code that Lee's Summit sends activates all of the sirens and we will be at all the sirens to be sure they are working. If the Goat Hill siren sounding was any indication, if we are able to relocate the siren that currently operating at station two. There is that chance but we will not know until they are up and working that we would be able to that we may be able to remove this siren and Gate 3 siren. We have the option then of replacing one or both of those sirens down South to cover that area. There wouldn't be an additional expense of buying a siren. As far as emergency management in general is concerned, we have talked about that and though perhaps the best way to approach that would be for Chief Large has been trying to get all the Fire Chiefs from 3 districts together as well as us to get a proposal to present to you all as to how we think emergency management should go and to get some agreement between all the entities involved. CIT training, Officer Jeffrey is at that training this week. It seems like we've needed once a week here lately. Most recently down in Foxberry where a person who lives in Blue Springs, one night was knocking on a residents door because he was concerned about the helicopter and the secret agents that were following him. We got that person directed to the help they needed. They are not all that extreme, it seems like there are a lot of folks who needs services and it is good to have guys trained to recognize the difference between somebody who is giving them a hard time and somebody who needs some type of emotional or mental help. Like I told you before by attending this training, it streamlines the process when you take somebody to a facility. They recognize this particular training the officers have received as first step of verifying that they need the treatment. In regards to Alderman Falkenberg's pet project, as soon as he gets back from training, we will just about have the wall display completed for you of officer photos. We were well represented at the Methodist Church a week ago Sunday. My wife and I were there in addition to Officers Thompson and Jeffrey both brought their families. Officers Lynch and Hawkins were also there. Lone Jack Officer Curves was also there, some of our guys had been at the ceremony that had occurred in Lone Jack earlier in the day and he was reciprocating. It was a very nice program. Personally I got to visit with several friends I haven't seen in quite awhile. That was a good experience. Last but not least, if you look at this, I was obviously multi tasking because if you look at this, I spotted four spelling errors in this report before I gave it to you. I will try not to let that happen next month. Alderman Needles – I saw something in the budget, it said badges. You're getting new badges? Chief Rogers – Yes, the Mayor authorized that. We needed some badges. We didn't have enough with the new officer we brought on board so we had to buy some badges anyway. We also had some badges that needed to be repaired. The Mayor authorized us, I believe Alderman Welsh was at that meeting, to go ahead and get those. I have one guy who has not badge at all. Alderman Needles – What is the cost of that? Chief Rogers – The new badges are \$75 a piece. The old ones we were buying were almost \$100. Alderman Welsh – I am trying to find my piece of paper he gave us on that. On that budget line there is three things covered. The badges, uniforms and dry cleaning. The badges were? Chief Rogers – I didn't bring that with me. Alderman Needles – How much was the badges? How much did you pay for the badges? Chief Rogers – We bought 10 badges, no 8 badges at \$75 a piece.

Aldermen Needles – What is the total \$750? Alderman Welsh answered that it was \$750. Chief Rogers – Then we have some to buy out of next year’s budget.

Alderman Needles – How many do we need? Just asking. There are Police Departments that hand down badges that are 100 years old and are proud to do it.

Chief Rogers – Absolutely, but we physically didn’t have a badge to hand somebody.

Alderman Needles – So couldn’t we just spend \$100 instead of \$750? Everybody gets a new badge? Chief Rogers – The guys who needed them, yes.

Alderman Welsh – I am not sure what you are asking? Are you saying you don’t think they all need them, is that what you’re saying? Alderman Needles – Yes, I am asking is everybody getting a new badge? Alderman Welsh – I don’t know if everybody is getting a new badge or not. We just put it in the budget to be able to cover the eventuality and I think it is for an as needed basis. Is that not correct?

Alderman Miles – As you need them. Alderman Welsh – We may not spend the full \$750, I don’t know if we will or not. It’s just when we put the budget together, that line includes those.

Alderman Needles – Who did you get them from? Chief Rogers – A company called Symbol Arts. Alderman Needles – In Utah? Chief Rogers – Yes.

Alderman Needles – They told me the bill was \$945. Chief Rogers – It should have been less than that. Two of those badges I purchased myself. Plus there was a onetime set up fee of \$175.

Alderman Needles – I just question the need for new badges. Are the same as what we have? Chief Rogers – No.

Alderman Needles – Why did we change badges? Chief Rogers – It is a design the guys came up with several years ago and there was no reason to go out and buy a bunch of badges then. We waited until we needed some additional badges to make that change.

Alderman Needles – They are not the same as you have now, correct? Chief Rogers – They are slightly different.

Alderman Needles – What is the difference? Chief Rogers – They are the same size and shape. The design of the badge is a little different and there is no numbers. In the long run they will be more cost efficient because they don’t have numbers on them. Our current badges have number on them so when you come to me and say my badge is messed up I need a new badge, I have to take your badge from you, send it off to get refinished and bring it back to you. Now if you come to me and say my badge is messed up, if I have a spare badge in stock, I give you one, I have your badge refinished and then it goes back into stock to rotate to somebody else who has a problem. We didn’t have a whole of problem with badges years ago, but as shoulder straps on seat belts became common and required, it comes right across your badge and rubs the finish off of them. We made this switch several years ago where I formally worked because we had to have new badges. We found this is much more cost effective for all of the badges to be the same so that when you come to me with your messed up badge, you either got it scratched up in fight or hung it up on the buckle of the seat belt getting out of the car and scratched or knocked a piece off whatever it might be, I can go into the drawer pull out another badge just like it, give it to you and your back on your way with no confusion.

Alderman Needles – They just don’t wear out, I don’t think. Chief Rogers – I can tell you from my 39 years experience.

Alderman Needles – Do you have one on you? Chief Rogers – No.

Alderman Needles – It just seems like a waste of money. Chief Rogers – I think there has been some things that we have wasted a lot more money on and I think that this is

actually a good business decision. Alderman Miles – What are you going to do with the old ones? Chief Rogers – I would have to look to the Mayor and you guys on some guidance on that. Traditionally where I have been before we have allowed the officers to keep the old ones. Put in a display box or whatever because at that point they are of no use to us. Alderman Calcara – What does it cost to typically refurbish an old one and then have those back to hand out if you need the instead of buying new ones? Chief Rogers – It depends, just to refinish it, you are looking at \$25 or \$30 at tops. It is nominal cost effective and once again I would mention that these badges are about \$25 a badge cheaper than what we have been paying for the badges that we have which is a generic badge the only thing that personalizes it is the name plate and number that is stamped on it. Alderman Needles – It is a hard question I know. I just got to see the new ones and got to see the old ones for the reason to replace them. It reflects to the hard questions I ask and it's kind of what I see as a rift between you and me. Given the fact that the public can come in and what I am talking about is the last meeting. I underlined some things here from the minutes. You said you didn't say anything about me. Chief Rogers – I don't believe I did. Alderman Welsh – This is not the place. Alderman Needles – Yes it is, I need to do this. You said I would tell it to his face. Alderman Welsh – No I am sorry it is not. David, if you have a problem with the Chief, you really need to do it private. Alderman Needles – I want to do it here, I want everybody to hear it. Alderman Falkenberg – I would just as soon save that for. Alderman Welsh – I really think that is a private matter. Alderman Needles – I have my neighbor here, I think it is a public matter. You said right here I would tell him to his face. You didn't say anything. Chief Rogers – Let me respond to you in this way. I don't remember making the statement that you asked about in that meeting. I will tell you I have made that statement before to other people because I believe it to be a true statement. I don't remember that to him. Alderman Needles – Why is that Jeff? Alderman Welsh – Gents, come on we're done here, this is done we are going to move on. Alderman Needles – Dave, I am sorry you have always protected him. Alderman Welsh – I am not trying to protect him. We're trying to conduct this meeting according to the way we are following the agenda. Alderman Needles – Simple yea or no Chris did it happen or not. Unidentified Citizen – He brought your name up. Alderman Needles – There you go, you said no, I said yes. I now have a witness. Chief Rogers – Ok, I don't recall it but it could have happened. Alderman Needles – Maybe you were on the phone, I don't know.

## **IX. New Business**

### **a. Consideration and approval of public speaks procedures**

Alderman Welsh – The next item on the agenda is new business. We are going to consider the approval for some guidelines on how we conduct public speaks. This is something we worked out in the public work session meeting. The Mayor signed off on this. I hope you all have had a chance to look at it. I would like to approve this as a resolution tonight as it is on here. Actually it is not a resolution; it is just approving it as procedures that we are going to follow. Alderman Welsh read the attached Public Speaks Guidelines. One issue that I don't know if you all agree on is that we're limiting people to 5 minutes. That is done in other cities. I put it in

there because I had to put a number in. If you all feel it should be longer or shorter we can change it. Alderman Miles – They can submit this when the walk in, right? Forms will be back there, fill this out, hand it to Rhonda/Mayor Chamberlin then they are on the public speaks agenda? Alderman Welsh – Right, then the Mayor will pick through, if there were 10 people here who wanted to speak on the same thing, the presiding officer could select one or two people out of the group or all of them. It is up to the person serving as the presiding officer to decide who gets to speak or how many speak. Alderman Reed – I have a question. This is a public hearing per say, not public speaks as an agenda item. Is that going to be treated differently? Alderman Welsh – This is going to be the guidelines for that but the presiding office can modify these for that public hearing if he needs to for a particular situation. It is not going to be, these are guidelines these are not etched in stone. This is in order to establish some sort of procedure for how we handle it. Alderman Reed – I have mentioned this, so I think you guys know how I feel about some of this. The annexation, when that was going on, there was a lot of time given to the people who want the annexation to happen and we weren't really given the opportunity to rebut. It was very disorganized. I always felt what was lacking there was the ability for the anti-annexation people to have a time to come in to give their presentation to rebut the developers and the people that were wanting that. I would just like to think that there would be some provision and maybe you covered that by saying if it was a hearing it would be up to the person chairing the hearing. I would like to think in the future we would let the other side be heard a little better than it was. Alderman Welsh – That is always going to be at the prerogative of the person running the meeting. What we are trying to do here is to get some agreement on whether we as this body would support these guidelines as they are set. Alderman Miles – The way he has this worded is a good thing and bad thing on the five minute rule, right? Under your scenario where they were cut short they would be given at least 5 minutes under these guidelines. Alderman Reed – If you want to give a power point presentation that is really professional as a rebuttal to the types of presentations that I saw here by the developers. That may be the petitioning process. Alderman Welsh – Because of the way we are asking people that have something where there is an actual presentation and public information, printed information that is submitted in advance. Then the person presenting this thing is going to have some advance notice that there needs to be some special consideration given. Alderman Miles – Do we need to put that into these guidelines? There is nothing addressed about advanced contact, advance materials. Alderman Welsh – It says here persons who want to distribute a document or handouts must submit them to City Hall by the close of business three working days prior to the meeting. I am hoping that that covers that. Alderman Miles – That doesn't guaranty them a spot on the agenda though if they do that or does it. Alderman Welsh – They can come in and they can say I submitted my stuff on Friday or whenever it was. They are on the agenda because this will come up to the presiding officer and say on there that handout was given Friday. Alderman Falkenberg – My comment would be, 5 minutes is an eternity sometimes, what if it were 3 minutes for an individual because all they are doing is trying to make their point to double up further discussion. Say if there is a group however and as we

have had groups come in here before, then extend for a group or multiple speakers then it maybe 10 minutes. That would be 3 people 3 speeches but would acknowledge the fact that there may be an organized group and they want to make points, they may have them divided up in what they're making. I would shorten one and allow longer for another. That's just my outlook. That also if there was somebody who had a formal presentation in the form of a power point or whatever that that would probably be something that you would have prearranged well before the meeting to where the projector was here, the screen if required and whatever.

Alderman Welsh – Maybe we need to make these guidelines for the Board of Aldermen meetings and not for public hearings so that the public hearing people can run their own. Alderman Falkenberg – I think it is separate. Alderman Welsh – We're not likely to have presentations at Board of Aldermen meetings as much as we would at a Planning & Zoning meeting. Alderman Falkenberg – I think it would be more organized if you say ok I have six of you that all are going to talk about the same thing. They are usually organized or they're talking together about it say who is in charge pick your 3 people you have ten minutes. I think there is still room to work out some of the details. Alderman Welsh – Why don't I make some of these changes then at the work session we can review them again and then see if we all agree. We can ask for approval tonight but do you want to see it modify first? The consensus of the Board was that they wanted see it modified first. Alderman Miles – If we approve this October 4<sup>th</sup> can we still get it in place for the October meeting? Alderman Welsh – Yes. Alderman Needles – If you get this modify to your liking on October 4<sup>th</sup>, how will you communicate to the public that this is it? Alderman Welsh – That is a good question and we will certainly have it here. We probably would not enforce the advance notice for the handouts for the October meeting because those folks coming in, we would ask to fill out the forms and abide the rules. The forms would be back there and they can read them. We will have to not enforce if they have a handout, the handout rule until the November meeting.

Alderman Terry Reed – When Rhonda posts the agenda, if we are going to start having an itemized notation of public speaks on the agenda, we could put a foot note on there saying see rules at City Hall or go to the website or whatever else. Alderman Welsh – We could just put them on the website. City Clerk Rhonda – Once you approve it, I can send to Skip to be put on the website and we could even have Skip put that form on the website as a permanent thing. Alderman Welsh – Thank you I needed the feedback. No action was taken.

**b. First and Second Reading of Bill 1042 an ordinance approving change order Number 1 with J & N Utilities Inc related to the L-22 sewer improvement project.**

Alderman Miles made a motion to approve the First Reading of Bill 1042 as submitted. The motion was seconded by Alderman Needles. Alderman Welsh – If you read through it, Frank has an explanation. The change order requested if for \$3,000. There was reduction in the original bid of \$1,695. What we are asking for is a change order to cover the extra \$1,305 that is the difference. It's that simple. If you want to read through Frank's memo that explains it, that is basically what it is. The original bid was for \$12,452. We are approving tonight, assuming that we

approve this, the additional payment that is the difference. Alderman Needles – This is those holes that were dug down in the yard where they were looking for that pipe? Mr. Herzberg – Yes sir. Mr. Davis – That is not the reason for the change order. Part of the reason for the change order is one is to put in to replace the line that was damaged was actually a six inch line. We assumed it was probably a four inch line so we had to upgrade parts to accommodate the larger line. Alderman Needles - Wasn't that the wrong pipe that was in there though? Mr. Herzberg – Basically it was a gas leak line. Alderman Falkenberg – Is that coming from L-22, the 6 inch? Mr. Herzberg – No, it was the one that went up and around. Mr. Davis – It was the one that went up the road on the south side of the property. The only thing left to do out there is to sod and they are going to do that at the same time as they sod to clean up the other side of the property. Alderman Miles – What is their warranty on this work? Mr. Davis - We have a two year maintenance bond. The first reading of Bill 1042 was approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Falkenberg made a motion to approve the second reading of Bill 1042 as submitted adopting Ordinance 933. Alderman Needles seconded the motion.

Ordinance 933 was adopted with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

## **X. Public Speak**

Greg Rudder Operations Manager for the Lake Lotawana Association – You had a resident a couple of months ago come and talk to you about putting a dock in next to the dock you own at C-80. The Lake Improvement instructions to him was to go to the City and either have the City remove the dock or purchase the dock. If he purchased, he could encroach on himself. I don't know that that dock has ever had any value. The previous Board actually took bids to sell that dock rights but it never got sold. There's only 10 or 11 members that could have dock at that location. I don't know why you couldn't send out an invitation for those members to bid and dispose of that dock. The dock has no value, the space has some. This guy has a situation where he has a shared stationary well and that well is only about 6 foot wide so he can't put his boat in it. He's like everybody else wants to come up with a solution to keep his boat up out of the water to deal with the zebra mussel issue. His only option would be to have that C-80 dock to go away to create the space he wants. Alderman Falkenberg – He never mentioned that the options that you just expressed. Mr. Rudder – He came in here asking your permission to encroach in the space. Alderman Falkenberg – He asked just like I was the neighbor and never even floated the idea of buying that space. Alderman Welsh – When he first came to us that was the first time any of us knew the City owned that. Mr. Rudder – It was a couple of administrations back. Mr. Falkenberg – We approved it as if we were the neighbor who said it is ok but you turned him down. Mr.

Rudder – The Lake Improvement Board turned him down. The watershed consortium is viable to all of us. They are wanting to make this thing a volunteer driven and volunteer run Board of Directors with the option of the current Board members which are the City Board member, the association, Carriage Oak, Blue Springs, and Grain Valley. They have the option of staying on that Board. The Association is going to stay on as a director. I am just asking that the City maintains a spot on there.

Alderman Welsh – I think we are going to definitely do that. Mr. Rudder – There was some discussion about 5 months ago of actually disbanding this group. Alderman

Welsh – I know that that has been mentioned and I wish that could be corrected because in March we were so caught of guard that the Board had to decide was trying to figure out what to do. The Board only consisted of 3 people at that point and there were different options. Nobody wanted to disband it. Please understand that nobody wanted to disband it. Mr. Rudder – The meeting that I came to, that was the discussion that I sat in on. Alderman Welsh – That was an impression that was mistakenly given and I apologize for that if that is what you came away with. There is no intention of the City wanting to disband it at all. The others, I will admit that Grain Valley sometimes shows less interest and we have had a very difficult time getting a representative from Carriage Oaks. We have had representation from Blue Springs which has been really good. We have lost representation from Jackson County. Even so as you know from the last meeting we are persevering. I think that the reason I haven't explained to these guys that we wanted to change to a mix of the Cities, Homes Associations, and as well as volunteers is to be able to help cover when for when people come and go. That's really is the basis behind trying to do that. I'm glad you brought it up because we need to get this clarified. This group hasn't been kept up to date with what has been going on with it over the last 3 or 4 months. I have talked to the Mayor about this before and the City wants to be a part of it. Mr. Rudder – I have also spoken with the Mayor several times about it. I just think we have the most to gain from it. As far as the Association goes we have we have put \$15,000 in our budget for next year for watershed services. Alderman Welsh – On the dock thing are you suggesting or holding or advocating that the City sell that dock to one of the members. Mr. Rudder – I suggest to put it out for bid, I can provide the list of potential applicants that the Association would approve transfer. That is the way the process would be, the City would apply to the Lake Improvement Board asking to transfer the rights to that dock. Alderman Welsh – I think we definitely need to put this on our work session agenda. Alderman Reed – Greg what is your suggestion in the future so that we hear exactly what you stipulated when you send somebody here? Mr. Rudder – I probably need to come to the meeting. Alderman Miles – He totally presented it to us as can I get your acceptance. Mr. Rudder – He came back to the Lake Improvement Board and said the city said it was ok. We said well that is not what we asked. The dock needs to go way so you can have the 15 foot space to put your lift station in.

**XI. A vote to close the meeting pursuant to Section 610.021.1, 610.021.3, and 610.021.13, RSMo.**

Alderman Calcara made a motion for the Board to go into executive session concerning employee relations and litigations. The motion was seconded by Alderman Needles. The Board went into executive session at 8:20 pm with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Aye

**XII. Adjournment**

Alderman Falkenberg made a motion to come out of executive session and to adjourn the meeting. The motion was seconded by Alderman Miles. The meeting was adjourned at 9:15 pm with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Aye

Minutes submitted by: \_\_\_\_\_  
City Clerk Rhonda Littrell

Minutes approved by: \_\_\_\_\_  
Mayor Howard Chamberlin