

City of Lake Lotawana

Board of Aldermen Meeting Minutes

December 20, 2011

I. Call to order

Mayor, Howard Chamberlin, called to order the meeting of the Board of Aldermen at 7:00 pm on December 20, 2011 in the Board Chambers of the Municipal Building.

II. Roll call

City Clerk, Rhonda Littrell, conducted a roll call.

Mayor Howard Chamberlin - Present

Alderman David Welsh – Present

Alderman Scott Miles – Present

Alderman Terry Reed – Present

Alderman Carl Calcara – Present

Alderman David Needles – Present

Alderman Chuck Falkenberg – Absent

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

III. Approval of Minutes – Regular Meeting November 15, 2011 and Work Session December 6, 2011

Alderman Welsh made a motion to approve the November 15, 2011 regular meeting minutes as submitted. The motion was seconded by Alderman Calcara. Alderman Welsh had one correction, on page 13. He was reporting on the watershed committee and giving the names of the people who were elected to be on the Board of Directors. The name Mitizi Angarita needed to be changed to Cesar Yanes and the word form needed to be changed to from. The minutes were approved as corrected with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Absent

Alderman Miles made a motion to approve the December 6, 2011 work session minutes as submitted. The motion was seconded by Alderman Welsh. Alderman Calcara brought up the fact that the meeting started at 6:30 and ended at 8:20 with only one item on the agenda. It doesn't mention anything about going into closed session. Did it take 2 hours for that one item? Response was it did not take two hours; the only thing recorded in minutes for a work session is any decisions voted on by the Board. The minutes were approved with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Absent

IV. Consideration Of October 2011 Financials

Alderman Welsh presented the financial report to the Board. On the November General operating funds, the expenditures exceeded the revenues by a little over \$6,000 for that one month. For the year the General Fund Revenues exceeded expenditures by \$21,833. We are on track for the year as far as expenditures and revenues. With the fact that we are ahead of the game through November, means we will finish the year in very good shape because December is one of the two months that we get most of our revenue from Real Estate Tax. In the Sewer Fund for the month of November, revenue exceeded expenditures by over \$128,000. We are ahead for the year at about \$235,000. Part of the reason we had such a large excess of revenue over expenditures for November is a timing situation. Some of the December numbers got added into the November ones so it will even out by the end of the year. Both funds are in very good shape.

V. Approval of Disbursements for November 11, 2011 thru December 10, 2011

Alderman Welsh made a motion to approve disbursements from the General Fund in the amount of \$55,277.14, Check Numbers 38098 thru 38141. 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 – Absent

Alderman Welsh made a motion to approve disbursements from the Sewer Fund in the amount of \$108,963.38, Check Numbers 24554 thru 24587. The motion was seconded by Alderman Miles. The Sewer Fund disbursements were approved with the following votes:

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

VI. Department Reports:

A) The Administration report was presented by City Clerk, Rhonda Littrell. Troutt Beeman Co has the opportunity to perform the 2011 audit prior to May which would provide the City with more timely financial information. The planning meeting is scheduled for January 30, 2012 and the audit fieldwork is scheduled for March 5-9, 2012. On December 7, 2011 I filled in as Court Clerk in the absence of Michelle Pegram. Candidate filing for office opened on December 13, 2011 and as of today no one has filed. Business/liquor licenses for November of 2011 the total issued was 35, of which 26 is for 2012, the total revenue was \$4,507; compared to November of 2010 the total issued was 22 of which 12 were for 2011, the total revenue was \$2,955. The monthly sewer billings and past due notices were mailed out. There were 5 disconnects for past due sewer bills this month, which is down a little from previous months. Usually there are 10 or more.

- B) The Planning and Zoning report was presented by P&Z Administrator, Frank Davis. For the period 11-11-11 through 12-9-11 the Inspections Division completed 96 site visits, 15 property inspections, Issued 19 new permits, closed 16 permits, issued 7 stop work orders and resolved 6 stop work orders. As of 11-9-11 there are 29 open permits which include 6 sewer repair permits. Cumulative totals for the Inspections Division from May 25, 2011 are: 575 site visits, 149 property inspections, 38 stop work orders issued, 4 processed complaints for weeds, and 143 new permits issued. There has been recent communication with Mr. Pipe's business manager, Mr. Dan little in the last month. They have submitted a proposed new plat and site plan, but are still working on a level one environmental study and permit from MoDOT to erect a new highway frontage sign on Highway 50. Once the environmental study is done and is approved, staff will review the submittal and if there are no further comments on the initial submittal, prepare the overall submittal package for review by the Planning Commission. The department has received 2 new construction plan sets for review at H-35 (plan set approved) and WR-1 (currently under review). Issues that the department has interacted with City Attorney on are the proposed addition to the city code book for licensing industrial uses within the city, a proposed city code change for the ability to require special and third party inspectors. Recently submitted proposed changes to the city code include language requiring a two year period to complete ICC certifications in the areas of structural, electrical, plumbing, and mechanical certifications; submittal requirements for proposed projects to be permitted (large additions, new housing construction and projects requiring engineering). There are no issues in which the department is involved that are in any stages of litigation. Alderman Welsh asked if F-3 was going to be pretty soon. Response – Our contractor is done, however there is a change order due to the rock we hit, which we will be discussing at the January work session.
- C) The Public Works report was presented by Keith Herzberg. F-3 is all connected all hooked up. The Association has hauled off the extra dirt and rocks. The guys have a little bit of clean up to do. They are putting up some slit fence to keep any dirt from running off into the lake. We are going to have to do some seeding and stuff but we are going to have to wait on until later on that part of it. We are continuing to work on the manholes repairs weather permitting. Over at F-3 after a rain event there was very little flow going down through the sewer line, there was a little bit like a washing machine was on or something. Nothing major like we had happening in the past. David and I had a conference call with DNR providing some information on the I&I issues that been repaired. They seem to be real happy with what we gave them. I am working on getting information on the dialers for the lift stations. Alderman Needles added – They are very receptive to what we have done so far. They are moving away from any discussion of building a new sewer plant to fixing the I&I. They looked at the five year plan and said they did not see any problem with that. As this progresses and we get this I&I under control, I think if we can prove to them at least temporally that we would like to extend that plan of constructing that new plant out, they might be receptive to that. The conversation was nowhere near the

threatening tone of the letter. We were talking to Jeff City. The whole tone of the thing was clear on the other side of the scale from the letter we got. I think the focus is away from the new plant and more towards the I&I. I think the dialer, as we discuss it in a little bit, it will just impress them that we are going to that extent to pinpoint these problems. It was a very positive conversation as far as I'm concerned. We need to be prepared to who them what we've done and we plan to do when we go to meet with them in Jeff City. I think we're on the right track.

- D) The Police Department report presented by Jeff Rogers. We have generally agreed on placing the new siren on Association property west of approximately K-10. I met with Heath Lanahan of KCP&L. After examining the site area, he located a place the siren could be erected and the cost of extending electricity would be about \$250. On December 12th Alderman Welsh and I met with the area fire chiefs, members of their boards and the sheriff and undersheriff to discuss emergency management. It was agreed to use the arrangement CJCYPD has with their cities as a starting point to draft an agreement between all the cities, fire districts and sheriff's office. We will meet again the first part of January for further discussion. Alderman Welsh made some comments how he thought the meeting went – I thought what was particularly good about it was the fact that the Sheriff's Department was very much in favor of participating in the process that we would module it after the one after the one North of us. It would probably be called something like the Southeast Jackson County Emergency Management District. The Sheriff's office would host the emergency operations. The idea is to get it in place before the end of February or early March if possible for the tornado season and the same thing is true for the siren. We do have to formalize an agreement for the sirens with the Association and the Fire district. Mr. Rogers continued with his report - Police Officer Miller attended CIT training earlier this month. After a call he handled this weekend he is already seeing the benefit of the training.

VII. Public Speaks

Steve Wagner addressed the Mayor and Board of Aldermen regarding the status of request made in August and then came back in October, then in November, and it is now December. Mayor responded – Did we not we respond to the police one. Alderman Welsh – We sent a letter from the Police Department. Mr. Wagner – We got a letter from the Chief of Police about one incident but not the other incident. It is good that on has been responded to but where is the other one. That's half the job. Mayor – I think maybe not response is the response. We felt the one that really needed to be address was the Police and we did that. Mr. Wagner – I asked specifically about the letter of Mr. Miller when we came in and gave a report at the direction of the County Sheriff and he was then told by the Mayor to not take the report. We are pretending like that didn't happen now? In other words it is good with the City government that the Mayor decides who gets police services and who doesn't? Somebody needs to speak. Sitting silently and doing nothing when a citizen who is denied services comes up to you and asks for an explanation and to sit mutely before us is unacceptable. City

Attorney – I will go back and look at your Attorney’s letter. Since your attorney did send a letter, maybe it is best if he and I just start communicating.

VIII. Aldermen Concerns

Alderman Reed – As I reviewed the minutes that we approved tonight. There was reference to Idecker and someone alluded to the fact that they were not leaving the first of the year. I was under the impression that we were going to discuss that at some point. We received a letter from their Attorney, I believe. Is that correct? Mayor responded – I have received no letter from anybody from Idecker. I received a phone call from a lawyer who actually was representing Barber. Barber would like Idecker to stay if that were possible. However, we have an agreement with Idecker that they are not to perform work past December 31, 2011. We have not issued them a new license for next year or anything to that effect. Clearly Idecker cannot stay there and we have not given them any indication that they can stay there.

IX. Mayor’s Comments

The Mayor had no comments

X. Unfinished Business

a. Second Reading of Bill 1046 an ordinance establishing the 2012 budget for all departmental expenditures and anticipated revenue of the City of Lake Lotawana.

Alderman Welsh made a motion to approve the second reading of Bill 1046 as submitted. The motion was seconded by Alderman Miles. The Second Reading of Bill 1046 was approved with the following votes:

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

Alderman Welsh made a motion to adopt Ordinance 936. The motion was seconded by Alderman Needles. Ordinance 936 was adopted with the following votes:

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

b. Second Reading of Bill 1048 (as amended) revising Chapter 500 Section 500.110 – allowing special and third party inspections.

Alderman Welsh made a motion to approve the Second Reading of Bill 1048 as amended. The motion was seconded by Alderman Miles. The Second Reading of Bill 1048 was approved with the following votes:

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

Alderman Welsh made a motion to adopt Ordinance 940. The motion was seconded by Alderman Needles. Ordinance 940 was adopted with the following votes:

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

Alderman Calcara – Aye
Alderman Needles – Aye
Alderman Falkenberg – Absent

c. Update regarding an ordinance amending Exhibit 410-A and Chapter 440 of the Municipal Code of the City of Lake Lotawana, Missouri regarding supplemental conditions and business regulations for asphalt plants (First Reading was tabled at the November 15, 2011 meeting).

This is still being discussed with Attorney's. The City Attorney had not received any communication from any attorneys regarding this. The Planning and Zoning Commission has tabled this issue so it has not cleared the Planning and Zoning Commission yet. The P&Z Commission tabled it due to the confusion regarding the businesses in the overlay and quarry operations area as to what businesses are or are not grandfathered in prior to the annexation. It was tabled until it could be clarified as to what businesses are or are not grandfathered in. We have not rescheduled is yet for a number of thing we are waiting on. The City Attorney recommended that we get this out from the P&Z Commission, get their recommendation. Get the public hearing rescheduled. This is just a text amendment. We need to get it in front of the Board for consideration. Once the changes are adopted then the P&Z Administrator is going to have to make a formal determination for each of the businesses about whether they are a lawful or unlawful conforming use. For the ones he determines that are not lawful conforming uses, then those will be the ones that will be subject to applying and receiving a special use permit. Alderman Welsh made a motion to table Bill 1047 until the January 17, 2012 meeting. The motion was seconded by Alderman Calcara. Bill 1047 was tabled with the following votes:

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

Alderman Calcara – Aye
Alderman Needles – Aye
Alderman Falkenberg - Absent

XI. New Business

a. Discussion of Show Me Ready Mix 2011 (paid for but never issued) and 2012 (application and payment received) business licenses

Steve Motto, manager addressed the Mayor and Board of Aldermen – Show Me Ready Mix started business December 14, 2005. Since that time the City had issued Business Licenses. A year has not been missed except for this year. One of the reasons they need to get a license has to do with getting the trucks licensed. The gentleman with DOT came by and one of the things on his check list was a business license. They wanted to see a current business license. He gave them until January 6th to get a business license. They have never been issued a special use permit or any other kind of permit other than a business license. Most of what they produce is taxable. The Mayor requested that the Board consider giving

Show Me Ready Mix a temporary business license so that they could get their DOT license. A 90 day period would be feasible. It was asked of Mr. Motto if this would be acceptable. He state he thought it would, that all the gentleman from DOT stated was that they needed a business license. Alderman Welsh made a motion to issue Show Me Ready Mix a temporary business license for 90 days which has to be a letter from the Mayor because it can't be at standard business license form. The motion was seconded by Alderman Needles. The 90 day temporary business license was approved with the following votes:

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

b. Consideration and approval of the Canoe Club and T-Bones Deli & Meat Market 2012 Liquor License.

Alderman Calcara made a motion to approve the 2012 Liquor License for the Canoe Club and T-Bones Deli & Meat Market. The motion was seconded by Alderman Miles. A separate liquor license will be issued to each of the businesses; the Board is just approving them with one motion and vote. The Canoe Club and T-Bones Deli Meat Market Liquor License was approved with the following votes:

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

c. Consideration and approval of the purchase of 19 dialers plus the service charge for each unit.

Alderman Welsh made a motion to approve the purchase of 19 dialers plus the service charge for each unit. The motion as seconded by Alderman Needles. If we could get a reading of the flow of each pump station, then we could pin point where the I&I is occurring. In the future when we have problems, this would give us a heads up. The purchase of 19 dialers plus the service charge for each unit was approved with the following vote:

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

d. Consideration of Bill 1050 approving the sale of the C-Block Dock to David Klein and Dave Frantz.

Alderman Welsh made a motion to approve Bill 1050 as submitted adopting Resolution 11-09. The motion was seconded by Alderman Needles. Resolution 11-09 was adopted with the following votes:

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

e. **First and Second Reading of Bill 1051 and ordinance appointing special legal counsel – Coronado Katz LLC.**

Alderman Welsh made a motion to approve the First Reading of Bill 1051 as submitted. The motion was seconded by Alderman Miles. The attorney representing the City in a litigation matter is moving to a new firm, this is just to allow that attorney to continue to represent the City under the new firm. The First Reading of Bill 1051 was approved with the following votes:

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

Alderman Welsh made a motion to approve the Second Reading of Bill 1051 as submitted. The motion was seconded by Alderman Miles. The Second Reading of Bill 1051 was approved with the following votes:

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

Alderman Welsh made a motion to adopt Bill 1051 as Ordinance 941. The motion was seconded by Alderman Miles. Ordinance 941 was adopted with the following votes:

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

XII. 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 closed session concerning employee relations and litigations. The motion was seconded by Alderman Needles. The Board went into closed session at 8:45 pm with the following votes:

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

The open session reconvened at 9:45 pm.

XIII. Adjournment

Alderman Welsh made a motion to adjourn the meeting. The motion was seconded by Alderman Miles. The meeting was adjourned at 9:47 pm with the following votes:

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

Minutes submitted by: _____
City Clerk Rhonda Littrell

Minutes approved by: _____
Mayor Howard Chamberlin