

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF AIRPORT DRIVE, MISSOURI

A Regular Meeting of the Board of Trustees of the Village of Airport Drive, Missouri was held on Thursday, July 27, 2023, at the Village Municipal Building. The meeting was open to the public.

Chairman Terry Myers called the Board of Trustees to order at 7:02 p.m. The members present were Mark Rains, Kara Charbonneau, and James Paul. Trustee Ray Bryant was absent. Village Clerk Sue Hirshey was present to take the minutes. Village Attorney Derek Snyder, Village Engineer Clayton Cristy, and Deputy Clerk Sharon Clark attended. In the audience were Residents Marvin and Debie Heckart, Edwina Rains, and Denise Winans. All in attendance gave the Pledge of Allegiance to the Flag of the United States of America. Attorney Snyder gave the invocation.

AMEND THE AGENDA

A draft council bill was discussed during the Public Hearing at 6:00 p.m. Trustee Charbonneau motioned to amend the Regular Meeting Agenda to add Council Bill 21-23, amending Title IV “Land Use”, Chapter 405 (Zoning Regulations) of Code, to amend Section 405.180. Trustee Paul seconded the motion. Motion passed unanimously.

MINUTES

Minutes of the Board of Trustees Regular Meeting held on June 22, 2023, having been previously provided to the Trustees, were discussed. Trustee Rains motioned to approve the minutes previously provided. Trustee Paul seconded the motion. Motion passed unanimously.

TREASURER’S REPORT

Clerk Hirshey presented the Treasurer’s Report for July 2023. The Board was provided the Balance Sheets by Fund, Cash Receipts Control Report, Payroll Calculation Report, Accounts Payable Check Register, Accounts Payable Control Report, Currents Statements of Revenues and Expenditures, worksheets for Recap of Sales Tax Revenue, and Sewer Maintenance Charges Paid to Carl Junction, and Certificates of Deposits for Airport Drive. Trustee Rains motioned to approve the Treasurer’s Report and to pay the bills. Trustee Charbonneau seconded the motion. Motion passed unanimously.

PETITIONS, REQUESTS, AND COMPLAINTS

Arturo Elivo, Schuber Mitchell Homes, appeared before the Board to discuss the **Performance Bond** for the **Briarwood Subdivision**. On Tuesday, July 25th, Chairman Myers and Engineer Cristy inspected the site of the subdivision to see how much of the infrastructure was still not completed. Mr. Elivo stated that Schuber Mitchell Homes had done everything Airport Drive asked. Engineer Cristy stated all the sidewalks were not completed, and some of the yards were not seeded and mulched. Four driveways were not completed. Attorney Snyder stated Schuber Mitchell Homes wanted to reduce the amount of their Performance Bond. Trustee Rains asked how many lots were not yet sold. Mr. Elivo stated of the six unsold lots, sidewalks were complete on four, not on two. Attorney Snyder stated two council bills had been prepared, one to approve a new, lower bond amount and one to release the old bond. Attorney Snyder said the council bills would be discussed later in the meeting.

Sarah and Austin Eidson appeared before the Board to discuss their property at the **east end of Northeast Street**. The Eidsons wanted to rezone all their property to R-1, Single Family

Residential. The Eidsons also planned to split off and sell the west side of the property. Their first surveyed drawing did not meet Code requirements due to insufficient frontage. The drawing presented at the present meeting showed sufficient frontage for the two lots. Sarah Eidson asked the Board of Trustees to approve a Lot Split according to the new drawing. The current drawing did not include legal descriptions of the two tracts. Attorney Snyder stated the previous drawing included three tracts, which would need to meet Code requirements for a small subdivision. Two lots would be a Lot Split and would still need to conform to the Code. Engineer Cristy asked about sewer plans. The Eidsons did plan to hook up to Airport Drive's sewer system. Engineer Cristy said the Eidsons would need to extend the sewer main to reach their property. Northeast Street was discussed. Engineer Cristy estimated the Eidsons would need to extend Northeast Street by approximately 100 feet. Sarah Eidson said Carl Junction Fire District told them they did not need a turnaround at the end of Northeast Street, vehicles for the Fire District could back out of the properties. Mrs. Eidson questioned why they should extend Northeast Street to their property. Engineer Cristy stated the Board would need to decide about the roadway, the area was already Airport Drive's right-of-way. Attorney Snyder said the road would need to meet Airport Drive standards for the Village to take it over; and some sort of turnaround was usually required. Trustee Rains stated any roadway would need to meet Village standards and have Engineer Cristy's approval. Chairman Myers stated the area was a country setting, not a residential setting. Attorney Snyder said a council bill was prepared to approve rezoning the entire parcel from A-1, Agricultural, to R-1, Single Family Residential. He suggested the Board could adopt the council bill to rezone the property and then discuss to approve the lot split, with conditions. Engineer Cristy asked that all plans for the sewer line and streets be sent to him to review. Attorney Snyder advised that to finalize the Lot Split, legal descriptions of each lot would need to be submitted. Sarah Eidson asked at what point could they sell the west lot? Attorney Snyder stated the Lot Split could be approved by the Trustees with conditions. He cautioned the title company may throw a red flag about the street extension and sewer requirement conditions. A bond could be provided to the Board of Trustees for the street and sewer improvements. An Occupancy Permit could not be issued until the street was completed.

Property owner **Dale Janssen** appeared before the Board to discuss his property on **East Fountain Road**. His property was the furthest property to the east in Airport Drive, on the north side of Fountain Road. The Fountain Road Lift Station was on his property. The Village had an ingress/egress easement to access the lift station. Mr. Janssen's property was not fenced and there was no gate on the driveway. The property owners to the west of Mr. Janssen at 389 E Fountain Road, were using his driveway to get to their home and were parking on his property. Mr. Janssen asked the Board for a joint survey of the property so he could build a fence and place a locked gate at the entrance. Mr. Janssen's property did not have a house on it. Trustee Rains stated only Airport Drive staff and contracted staff should be using the easement to the lift station. Attorney Snyder said the property owners to the west had split their property into two lots, access for the two properties was a driveway between the properties. The Village could send notice to the property owners at 389 E. Fountain Road that only the Village had the right to use the easement, no one else. Mr. Janssen had every right to build a fence on his property. Engineer Cristy asked Mr. Janssen to place the gate far enough off Fountain Road to allow room for vehicles to pull off Fountain Road and park while unlocking the gate. Attorney Snyder promised to send a letter to the property owners at 389 E. Fountain Road explaining the easement driveway was only to be used by the Village of Airport Drive. Attorney Snyder would send a copy of the letter to Mr. Janssen.

ATTORNEY REPORT

Dollar General's property at 25994 Fir Road was discussed. Dollar General was only mowing small areas around the store, not the entire lot. Notification letters were sent by Clerk Hirshey and Attorney Snyder to Dollar General informing them of the maintenance requirements of Airport Drive. Dollar General's Client Relationship Manager Patrick Hopwood had been emailing Attorney Snyder and Clerk Hirshey about the property. He was unaware of the mowing requirements. Mr. Hopwood promised the property would be mowed prior to the meeting. Portions of the area were brush hogged, but not the entire lot. Attorney Snyder said the Board could vote to hire someone to finish cleaning up the lot, or the Board could give Dollar General until the August meeting to remedy the situation. Trustee Charbonneau said it should be Dollar General's problem to deal with and the Board needed to be firm. Marvin Heckart said he had been to the store to look at the grass and weeds. There was nylon netting in the grass in many areas. He thought it should have deteriorated by then. Engineer Cristy thought it should have deteriorated, but some netting can take a long time to dissolve. Trustee Charbonneau motioned to send an abatement notice to Dollar General, to give them seven days to completely clean up the area to meet Airport Drive's Code requirements. Trustee Rains seconded the motion. Motion passed unanimously. Attorney Snyder would send the notice.

COUNCIL BILLS

Council Bill 15-23, a council bill **to approve a Performance Bond Agreement with Schuber Mitchell Homes, LLC and Old Republic Surety Company** was discussed. Trustee Rains motioned to have the first reading of Council Bill 15-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 15-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 15-23 by title only and have the second reading of Council Bill 15-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 15-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 15-23 by title only, and to adopt Ordinance 15-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 15-23 was adopted.

Council Bill 16-23, a council bill **authorizing the release of a Performance Bond to the Village of Airport Drive on behalf of Schuber Mitchell Homes, LLC and Great Midwest Insurance Company** was discussed. Trustee Rains motioned to have the first reading of Council Bill 16-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 16-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 16-23 by title only and have the second reading of Council Bill 16-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 16-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 16-23 by title only, and to adopt Ordinance 16-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 16-23 was adopted.

Council Bill 17-23, a council bill **to amend the Zoning Code from District A-1, Agricultural, to District R-1, Single Family Residential** was discussed. Trustee Rains motioned to have the first reading of Council Bill 17-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 17-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 17-23 by title only and have the second reading of Council Bill 17-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 17-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 17-23 by title only, and to adopt Ordinance 17-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 17-23 was adopted. The Eidson property at the east end of Northeast Street on the north side of the road, was zoned R-1, Single Family Residential as requested.

Trustee Rains motioned to approve the **Eidson's** requested **Lot Split**. Trustee Rains withdrew his motion. Trustee Charbonneau motioned to approve the Eidson's Lot Split request contingent on receiving legal descriptions for the two tracts of land. Trustee Rains seconded the motion. Motion passed unanimously. No building permits would be issued until completion of construction of Northeast Street to both properties to the satisfaction of Engineer Cristy.

Council Bill 18-23, a council bill **to approve an agreement between Airport Drive and Empire District Industries to provide internet services for the Village Office building** was discussed. Trustee Rains motioned to have the first reading of Council Bill 18-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 18-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 18-23 by title only and have the second reading of Council Bill 18-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 18-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 18-23 by title only, and to adopt Ordinance 18-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 18-23 was adopted. Attorney Snyder reminded the Board State Constitution does not allow government to be bound to a contract for more than one year's appropriations. The contract would be unenforceable. Language in this agreement says if it conflicts with the laws of the state then that part of the agreement is invalid.

Council Bill 19-23, a council bill **to approve an agreement between Airport Drive and Total Electronics Contracting, Inc., to provide monthly phone services for the Village Office building** was discussed. Trustee Rains motioned to have the first reading of Council Bill 19-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 19-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 19-23 by title only and have the second reading of Council Bill 19-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 19-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 19-23 by title only, and to adopt Ordinance 19-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 19-23 was adopted.

Council Bill 20-23, a council bill **amending Title VI Business and Occupation, Chapter 600, Alcoholic Beverages, to amend Section 600.030, License Regulations to amend paragraph (E) “number of licenses limited” to increase the number of aggregate licenses** was discussed.

Attorney Snyder informed the Board they could discuss the number presented and could amend the council bill to change the number if they wanted. Trustee Rains motioned to have the first reading of Council Bill 20-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 20-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 20-23 by title only and have the second reading of Council Bill 20-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 20-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 20-23 by title only, and to adopt Ordinance 20-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 20-23 was adopted.

Council Bill 21-23 was presented to the Board in Draft form, written based on the recommendations of the Zoning Commission from their meeting July 19, 2023. It had been posted and available to view for more than 24 hours. Council Bill 21-23 **amended Title IV “Land Use”, Chapter 405 Zoning Regulations, to amend Section 405.180 “C-2” General Commercial District, paragraph A.(2) to require approval for improvements and building in said district and paragraph B. to amend ingress and egress requirements, as well as Fencing or Buffer Protections if abutting certain districts** was discussed. Trustee Rains motioned to have the first reading of Council Bill 21-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 21-23 by title only. Trustee Rains motioned to approve the first reading of Council Bill 21-23 by title only and have the second reading of Council Bill 21-23 by title only. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Attorney Snyder read Council Bill 21-23 by title only. Trustee Rains motioned to approve the second and final reading of Council Bill 21-23 by title only, and to adopt Ordinance 21-23. Trustee Charbonneau seconded the motion. Myers; aye, Rains; aye, Charbonneau; aye, Paul; aye. Ordinance 21-23 was adopted.

OTHER BUSINESS

The application for **Street Excavations Permit** was discussed. Engineer Cristy suggested adding additional requirements for street cuts. This should improve the quality of repairs to roadways. Trustee Charbonneau motioned to accept the new Street Excavation Permit. Trustee Rains seconded the motion. Motion passed unanimously.

The **grates in the south driveway** of the Municipal Building were discussed. Engineer Cristy provided a quote from PM Fabrication and Welding in the amount of \$3,915.44 for non-serrated painted 3/16” by 1 ¼” bar grating. Engineer Cristy offered a second option to have the existing grates welded for approximately \$400.00. Welding the grates would be a short-term fix. Engineer Cristy also suggested modifying the ditch and using different grates. Trustee Charbonneau motioned to have the existing grates welded and to allow Engineer Cristy to continue researching better options. Trustee Rains seconded the motion. Motion passed unanimously.

Auditor Gene Mense recommended researching rates for two **Certificates of Deposits at Guaranty Bank**. The CDs at Guaranty Bank were earning 1.24%, while CDs at Southwest Missouri Bank were earning 2.55%. Guaranty Bank offered rates of 4.95% for six-month CDs or 4.70% for 15-month CDs. The early withdrawal penalty for CD #3092000228 would be \$1,366.83 and for CD #3092000328 the penalty would be \$1,419.68. At 4.95% interest, CD #3092000228 would earn an

additional \$8,175 annually; and CD #3092000328 would earn an additional \$8,034 annually. SMB offered rates of 3% for 7 months, 4% for 10 months, and 3.3% for 18-month CDs. Trustee Rains motioned to cash out Certificates of Deposits #3092000228 and #3092000328, and to purchase two 6-month CDs at Guaranty Bank earning an interest rate of 4.95%. Trustee Charbonneau seconded the motion. Motion passed unanimously. Trustees Rains and Paul agreed to go to Guaranty Bank to cash out CDs 3092000228 and 3092000328, and purchase two new CDs.

The structures at **6355 Park Circle** were discussed. Trustee Paul said he could see the houses from his property. He said the roof on the smaller house had been damaged. Attorney Snyder said Building Inspector Jami Strickland could ask Resident David Bozung for permission to view the houses from his property.

The Trustees discussed the property at **25261 W. Bland**. Attorney Snyder said a citation could be issued if the condition of the property was not improving. Trustee Rains motioned to send a Code violation citation. Trustee Charbonneau seconded the motion. Motion passed unanimously.

CLERK'S REPORT

The Zoning Commission held a meeting on Wednesday, July 19, 2023 to discuss regulations for C-2, General Commercial Code requirements, focusing on reviews of building plans and fencing requirements. Their recommendations were provided in council bill 21-23.

Mike from MacCo Builders said the plan approved AC unit was installed on July 20, 2023. Building Inspector Strickland approved the Final Inspection on July 21, 2023. The Board was asked if they wanted the parking lot light issue resolved prior to issuing the Certificate of Occupancy. The Trustees said to issue the Certificate of Occupancy.

The final Certificate of Occupancy, #864, was issued to the SCP Agency at 499 W Fountain Road on July 7, 2023.

The Missouri Ethics Commission suggested cities adopt the Conflict of Interest Ordinance every year. Cities must adopt the ordinance every other year. Would the Board like to adopt the ordinance every year? The Trustees said to continue to adopt the ordinance every two years.

Twelve families responded to the question of curbside recycling. Republic needed 40% participation to bring the service to Airport Drive.

A resident responding to the recycling question disclosed she operated an accounting, finance, and entrepreneur coaching business out of her home. Should the business be listed on the business listing of the newsletter and website? The Board said only licensed businesses should be listed in the Newsletter and on the website.

Reports from Blue Valley Public Safety Inc. for the storm sirens were provided. Both sirens tested fine.

Would the Board like to use the same airplane Christmas cards this year? We had 38 Christmas cards left over from last year. The Trustees said to use the airplane Christmas cards again.

Sergeant Crossley asked if they could have electrical service added to the white shed. The batteries in the speed trailer would need to be charged. The Trustees said to wait to see if the batteries are removable and able to charge inside the Municipal Building.

At the suggestion of Engineer Cristy, Clerk Hirshey contacted State Representative Bob Bromley to try to find someone “higher up the food chain” with MODoT to discuss the lack of mowing on north Highway 43 and west Highway 171. Representative Bromley promised to try to help.

Auditors Gene and Matt Mense started the six-month audit at the Municipal Building on Tuesday, July 18, 2023. The auditors found no issues but suggested checking interest rates for the Certificates of Deposits at Guaranty Bank.

Clerk Hirshey requested a vacation day on Friday, July 28, 2023, to take her Mother-in-Law to a doctor’s appointment in Springfield. Trustee Rains motioned to approve the vacation day for Clerk Hirshey. Trustee Charbonneau seconded the motion. Motion passed unanimously.

Deputy Clerk Clark requested vacation days from Friday, August 25th through Friday, September 1, 2023. Trustee Rains motioned to approve Deputy Clerk Clark’s vacation days as requested. Trustee Charbonneau seconded the motion. Motion passed unanimously.

The Green Folder contained documents requiring the Chairman’s signature.

REMINDERS

Sgt. Tom Crossley and Deputy Justin Henry planned to host a movie night at the Municipal Building on Saturday, July 29, 2023. Kids will be able to watch The Super Mario Brothers Movie.

On Saturday, August 5, 2023, Sgt. Crossley, Deputy Henry, and Deputy Linder scheduled a water balloon fight at the Municipal Building from 2:00 to 5:00 pm.

Airport Drive planned to hold an election Tuesday, August 8, 2023. There would be two questions on the ballot: To add 3% tax to Adult Use Marijuana and to continue to not hold elections if the number of candidates is equal to the number of open positions.

The next Board of Trustees Work Sessions and Regular Meetings were scheduled for Thursday, August 24, 2023, at 6:30 pm and 7:00 pm respectively.

ADJOURNMENT

With no other business to come before the Board, Trustee Charbonneau motioned to adjourn the meeting. Trustee Rains seconded the motion. Motion passed unanimously. Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Sue Hirshey, MRCC-C
Village Clerk