

JUDGE RULES FOR CITY IN 1ST LAWSUIT

Lee Stubbs
Editor

The City of Platte City won the first battle in the war to send its involuntary annexation issues to voters next week.

In a ruling handed down Friday afternoon, Platte County Circuit Court Judge Abe Shafer said the City of Platte City made “a good-faith effort to notify all the fee owners of record within the area proposed to be annexed” and rejected a lawsuit aiming to remove the issues from the Feb. 6 ballot.

“We’re glad the court saw the issue the way we did,” Platte City Administrator Keith Moody said. “I think it’s unfortunate we were forced into the proceedings.”

The lawsuit, filed by local attorney Bob Shaw, on behalf of Douglas Yeager and Linda Cuquet, maintained that the City failed to notify them at their 13710 Running Horse Road address of a public hearing concerning the City’s annexation plans. The property is located within area A, south of Platte City.

As first reported last week in *The Citizen*, Shaw alleged that the City was careless in obtaining correct property ownership information. The City maintained that it made a good-faith effort to contact the plaintiffs, but they received incorrect information from the Platte County Assessor’s Office.

When contacted at his office, Shaw declined to comment on the court’s ruling.

The court’s eight-page ruling outlined many facts and evidence supporting the decision. Figuring prominently in the ruling was testimony from Platte County Deputy Assessor Janine Overton. Overton testified that no updates were made to the Assessor’s database from Sept. 22 to Oct. 19 because an outside company was working in the database to help the County Collector’s Office prepare tax bills.

The database information given to the City per its request on Oct. 12 did not contain an update on the ownership of the 13710 Running Horse Road property. Yeager and Cuquet assumed ownership of the property on Sept. 15 from the previous owners, Denise and Charles Day. Overton testified that had the halt on database maintenance not been issued, the information would have been updated when the City obtained it.

In his ruling, Shafer also referred to the legal case of the City of Town and Country v. St. Louis County in 1983. In that case, a landowner asserted that the city failed to give notice to all residents of a proposed annexation area. The Sixth Judicial Circuit Court rejected the suit and stated that state law governing annexations requires “only a good faith effort to notify by certified mail all fee owners in an area to be annexed prior to a hearing on the proposed ordinance. The legislature’s silence on the need for anything more than a good faith effort to reach fee owners by certified mail indicates the legislature’s recognition of the difficulties of individual notice.”

Shafer’s ruling went on to state that “Even though the method of determining fee owners and the method of notification of fee owners employed by the City of Platte City were not flawless, the Court concludes based upon the evidence that the City of Platte City made a good faith effort.”

The judgement calls for both parties to bear their own costs.

Now that it won the first lawsuit, the City faces a ruling in a second lawsuit, heard by Judge Lee Hull on Jan. 24. The lawsuit, filed by Platte City resident Harold Coons and tried in court by Shaw, maintains the City violated the state’s Sunshine Law when it met in closed session in September to discuss the annexation. The suit asks that the annexation issues be removed from the ballot, the City be fined for the violation and that it pay for the plaintiffs legal fees. Hull promised a ruling on Jan. 31.

If Hull rules in favor of the City, the issues will remain on the Feb. 6 ballot. There will be an annexation question for area A and a question for area B. Platte City residents will vote on each question and residents in the proposed annexation area will vote on each question. If a simple majority of voters in each of the areas vote “yes” on the question, then the City of Platte City’s annexation plan will be approved. If any of the questions fail to receive a majority, a second election may be held. In that election, which City officials say would be held April 3, the votes of both city residents and proposed annexation area residents are tabulated together on each question. If two-thirds of the voters vote “Yes,” the annexation proposal passes. If the issues receive voter approval, the final step in the process would be a declaratory judgement from the Platte County Circuit Court ruling the annexation to be in effect.

For a legal notice detailing the annexation area and polling places, go to page B6.

For continued coverage and updates, go to www.plattecountycitizen.com and check our print version next week.

Platte City church aims to build on its foundation

Jerry Keuhn
Reporter

Ask Platte City First Christian Church Reverend Wade Miller what he's most excited about along with his church congregation, and he's likely to tell you it's the growth of the church as a foundation for families to build their spiritual lives upon.

"A big part of what our church identity is has to do with its place within the heart of the community, not only physically but also dynamically," Miller said. "A lot of community leaders and old families have come through this church, and that can be attractive for families who are looking for deeper roots.

"We're looking for ways right now to help better serve the young families who have come into the church recently, as well as the whole congregation."

Since June 2003, when Miller stepped up to the podium in the Platte City church for the first time as pastor, he has watched his congregation grow and breathe new life into the city's oldest church building. The sanctuary was constructed 115 years ago, while the congregation dates back 160 years. Miller, along with his wife of six years, Theta, and their children, Clarissa, 5, and Quinn, 2, shared a common profile of many of the new members of the church when they moved here — a young family with children who lives in Platte City and was looking for a new church home.

It's this growth that has prompted the congregation to move forward with an expansion project that began in developmental stages in the winter of 2003. At that time, small discussion groups of church members began to meet and discuss possibilities, then an architect from Atlanta who is available on retainer through a church extension of the National Disciples of Christ and who specializes in church additions was brought in. The architect developed plans, drafts and eventually a cost estimate of approximately \$2-4 million for the entire project.

When the cost of the first estimates proved to be too hard for the church to swallow, a local Northland architect came up what Miller said was a "much more palatable budget." Funds were raised through the capital campaign and the church now hopes ground can be broke in April. Plans call for Phase 1 to be completed with a possible December dedication, near the Dec. 20 anniversary date of when the original sanctuary was dedicated.

"I knew it (the expansion) would be a possibility from the beginning when I first came here," Miller said. "Two of the church's trustees – John Higgins and Larry Leachman – came to me within a month of starting here, and I joked with them that the honeymoon was already over. Now we're ready to get going with Phase 1 and will be able to do so without much debt, then three years from now we'll have another campaign to finish the commitment and see what the next step is."

The entire project was divided into two phases, with the total estimated to cost \$1.8 million. Phase 1, with an estimated cost of \$686,000, includes plans to double the size of the church's nursery and off-street parking, add accessible restrooms and a choir room to the main floor of the church, create a weekday entrance and a remodel to bring all the offices together in the same area.

Even more ambitious is Phase 2, which calls for the construction of a large multipurpose building in the area of what is now the church's west parking lot. Plans for the building call for it to house a fellowship hall for a second worship service and community events, a kitchen, a couple of classrooms and a potential for further development of classrooms.

Miller said the project reflects the congregation's desire to grow as a part of the body of Christ and to be a vital component of the community, and to do it at the current location in downtown Platte City.

"It's really neat to see all the churches in Platte City doing so well – it's kind of like the school system here with lots of good buildings filling up with good people," Miller said. "It's not just about any single church but about the greater body of Christ. Regardless of future growth, the congregation felt that it wanted to stay here with the historical ties. God may call us to do something different in the future, and we won't know those things until we get there and with God's direction."

County to focus on bridges in '07

Jeanette Browning
Assistant Editor

Director of Public Works Greg Sager presented his annual report on county roads and bridges to the Platte County Commission last week.

"In 2007, we plan to repair and replace more of the county's deficient bridges than any time in recent history," Sager said. The department has developed and adopted a bridge rehabilitation and repair prioritization program that rates the structures and allows the department to prioritize the bridges most in need of help.

Bridges on the department's list for repair or replacement include the Stanton and Cogan roads bridges in the Weston Special Road District, the South Ridgely Road bridge, two bridges on Sharp's Station Road and several others in rural areas of the county.

The rehab program and Sager's report on the financial status of the special road districts within the county, are part of the Public Works Department's ongoing restructuring of county road and bridge projects that began when Sager came on the job.

In Weston, the replacement of the Thomas Street Bridge is one of the major projects already under way. The old bridge and its underlying predecessor were demolished late last year. Contractor L.G. Barcus and Sons saved the old bridge's wrought iron railing, which will be later reused in a city park. A 51-foot long single-span bridge will be installed, with final completion expected by the end of August 2007. Traffic will be redirected to Main, Spring and Washington streets. The project also includes decorative lighting and railings to allow the new bridge to blend with the look of the Weston Historic District. Funding for these additions came from \$158,000 in federal funds through the Missouri Department of Transportation.

"Our county road system is improving," Sager said. "We are using the Roads master Plan and Land Use Plan to help us manage the increased dependency on our road system."

Work also continues on county Roads Master Plan projects, with several projects completed just before the end of 2006 and some ongoing now.

Improvements to Baker, Farley Hampton and Hillsboro roads were completed in December and included chip and seal and intersection adjustments. Hillsboro Road was chip and sealed from Farley Hampton to N Highway. Farley Hampton itself was widened and asphalted from 45 Highway to N and box culverts were installed. Several ditches along Baker Road were not altered due to existing phone lines and may be addressed later. The intersection of Baker and 112th Street was lowered by more than four feet.

On Humphrey's Road, the county has signed a contract for the design of the planned improvements from N. Farley Road to 45. Plans have been reviewed with the help of the Farley Special Road District to reduce easements and adjustments to the alignment of the road and minimize the impact on local residents. The project is scheduled for the 2007 construction season, with a public meeting planned for later this spring.

Also on the Roads Master Plan slate this summer are the reconstruction of Elm Grove Road and improvements to Sharp's Station Road. Improvements include grading, resurfacing, drainage improvements, signage and pavement markings and the aforementioned replacement of the bridges on Sharp's Station. Once the 2007 budget is approved, design work will proceed on this project.

Plans for the ongoing reconstruction of Barry Road will continue in 2007, with actual construction expected to begin in 2008. The project is a joint one with the City of Kansas City and calls for Barry Road from Potomac to Chariton to be rebuilt into two travel lanes, curbs, storm sewers, sidewalks, streetlights and vertical safety improvements. Kansas City will be responsible for further construction as funding and traffic demands increase. A public meeting on the project will be scheduled for later this spring.