

The Carl Junction City Council met in regular session on Tuesday April 19, 2011 at 7:00 PM at City Hall. Mayor Michael Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Mark Powers, Steve Daniels and Dee Lynn Davey. Aldermen Wayne Smith, Walter Hayes and Carl Skaggs were absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley and City Clerk Maribeth Matney.

AGENDA

Mark Powers motioned to approve the agenda. Steve Daniels seconded. All in favor. No opposed. The City Clerk asked that Tiff City Pump be added to the disbursements. Don Marshall motioned to add Tiff City Pump to the disbursements. Steve Daniels seconded. All in favor. No opposed. Dee Lynn Davey motioned to approve the consent agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM

Anna Mitchell, 203 S Summit said she had applied for a special keeping permit. Steve reported that the P&Z did not have a quorum and it had been tabled until their 4/25/11 meeting.

CHAMBER REPORT

Gary Stubblefield reported that April 25th was the deadline for the garage sale list and that they will be appearing on several TV stations promoting it. The Mobile Mammography will be here 4/26/11 from 8:00 to 4:30. No appointment is necessary. The annual Chamber banquet is 4/28/11 at 6:30 and the City has been nominated for awards in 2 categories. The Lions club is hosting a breakfast from 7:00 to 10:00 on Saturday also. The next Chamber meeting is 5/5/11.

ORDINANCES

The council then reviewed the ordinance amending current water rates. Mark Powers motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 705: WATER ARTICLE III. USER CHARGE SYSTEM BY AMENDING SECTION 705.330 "ACTUAL USE RATE STRUCTURE" TO INCREASE THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS FROM FIVE DOLLARS FIFTY-EIGHT CENTS (\$5.58) TO FIVE DOLLARS SEVENTY-FOUR CENTS (\$5.74) FOR THE FIRST THOUSAND GALLONS AND FROM TWO DOLLARS NINETY-THREE CENTS (\$2.93) TO THREE DOLLARS AND ONE CENT (\$3.01) PER ONE THOUSAND (1,000) GALLONS THEREAFTER, AND ALSO INCREASING THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS, TO BE EFFECTIVE MAY 15, 2011; PROVIDED HOWEVER, EFFECTIVE JUNE 15, 2016, THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS SHALL BE REDUCED BY NINETEEN CENTS (\$0.19) FOR THE FIRST THOUSAND GALLONS AND FOR EACH ONE THOUSAND (1,000) GALLONS THEREAFTER, AND THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS SHALL ALSO BE REDUCED AT THAT TIME" on first reading by title only. Steve Daniels seconded. Mayor Moss asked for discussion. Steve Lawver pointed out that this is part of the projected budget revenue for the new fiscal year. We should not have to raise our sewer rates this year. Mark Powers motioned to put it on second reading by title only with a roll call vote. Steve Daniels seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-absent, Powers-y, Daniels-y, Davey-y, Hayes-absent, W Smith-absent. Motion on Ordinance #11-11 was approved by roll call vote, signed by the Mayor, attested by the City Clerk and made a part of the permanent records of the City of Carl Junction.

The council then reviewed the ordinance amending our agreement with DNR. Mark Powers motioned to put "AN ORDINANCE APPROVING A REVISED SETTLEMENT AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI, THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE ATTORNEY GENERAL OF MISSOURI REVISING THE SETTLEMENT AGREEMENT ENTERED INTO BY THE PARTIES ON NOVEMBER 29, 2007, TO RESOLVE ALLEGED VIOLATIONS OF THE MISSOURI CLEAN WATER LAW AND APPLICABLE PERMIT CONDITIONS TO INCLUDE PROVISIONS REFLECTING REVISIONS TO REGULATIONS GOVERNING STORMWATER DISCHARGES FROM OUTFALL NUMBER 2; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID REVISED AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. Steve Lawver reported that this amends our agreement with them from 2007. We have 5 years to eliminate outfall #2 with this agreement. Allgeier-Martin is working on the plans for that and a sewer expansion within the next 5 years. Steve Daniels motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Don Marshall motioned for passage of the ordinance. Steve Daniels seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-absent, Powers-y, Daniels-y, Davey-y, Hayes-absent, W Smith-absent. Motion on Ordinance #11-12 was approved by roll call vote, signed by the Mayor, attested by the City Clerk and made a part of the permanent records of the City of Carl Junction.

Steve then asked the council to table the next ordinance with Community Foundation of SW Missouri since Michelle Ducre could not attend the meeting tonight. She will be at our next meeting. Mark Powers motioned to table this ordinance until our next meeting. Don Marshall seconded. All in favor. No opposed.

The council then reviewed the ordinance amending our current fiscal year budget. The City Clerk pointed out that these were decisions made by the council throughout the year but we need to amend the budget before our fiscal year ends. Mark Powers motioned to put "AN ORDINANCE AMENDING THE GENERAL FUND, WWTP FUND, GENERAL OBLIGATION FUND, SALES TAX FUND, CAPITAL IMPROVEMENT FUND AND THE WWTP I&I FUND FOR THE FISCAL YEAR 2011" on first

reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-absent, Powers-y, Daniels-y, Davey-y, Hayes-absent, W Smith-absent. Motion on Ordinance #11-13 was approved by roll call vote, signed by the Mayor, attested by the City Clerk and made a part of the permanent records of the City of Carl Junction.

ACCEPT KEN WILLIAMS RESIGNATION FROM P&Z COMMISSION

The council reviewed the letter from Mr. Williams resigning his position on the Commission. Mayor Moss said that we need to replace him with someone else and asked for names of residents who might volunteer. Mark Powers motioned to accept the resignation of Ken Williams. Steve Daniels seconded. All in favor. No opposed.

REPORTS

The council reviewed the Administration report – there was nothing to add.

Public Works Department report – Jimmy stated that they had pulled #2 well and there was only ½” of shaft left. They will be going out for bid for a 65 HP motor that should pump 400/gallons/minute. He also will put a soft start on it.

Police Department report – had nothing to add.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee had nothing to report.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

The Senior Citizen Committee had nothing to report.

UNFINISHED BUSINESS

Mike Talley gave an update on the BBG lawsuit. He is keeping track of the case but the city is not involved.

Steve Lawver asked the council to review the rates for the cardio room. We need to increase our rates to help replace our equipment. It is very popular and we have issued around 750 cards so far. We are replacing some of the equipment already but are buying commercial grade this time. After some discussion it was the consensus of the council to approve the rates proposed.

Steve then asked the council who they would like to receive the free tickets to the chamber banquet. After some discussion Richard Zaccardelli motioned that the Mayor should have one. Mark Powers seconded. All in favor. No opposed. Don Marshall then motioned that Steve Lawver should receive the 2nd one. Steve Daniels seconded. All in favor. No opposed.

ACCEPT CERTIFIED ELECTION RESULTS

Mark Powers motioned to approve the election results. Don Marshall seconded. All in favor. No opposed.

SI-NE-DI

The Mayor then si-ne-di the meeting.

SWEAR IN NEWLY ELECTED OFFICIALS

The City Clerk then swore in all the newly elected officials.

ELECT MAYOR PRO-TEM

Richard Zaccardelli nominated Mark Powers. Don Marshall motioned that nominations cease. Richard Zaccardelli seconded. 6 (Zaccardelli, Marshall, Daniels, Davey, Haase, Cook) voted for Mark Powers. 1 (Powers abstained). 1 (Skaggs) absent.

ASSIGN COMMITTEE MEMBERS

Mayor Moss then handed out the list of committee members and the reorganization of those committees.

Budget/Finance – Mark Powers, Chair – DeeLynn Davey – Bob Cook – Sean Haase

Code/Nuisance – Delmar Haase, Chair – Steve Daniels – Don Marshall – Mark Powers

Human Resources – DeeLynn Davey, Chair – Richard Zaccardelli – Don Marshall – Maribeth Matney - Steve Daniels

Public Facilities & Planning – Steve Daniels, Chair – Pat Smith, Citizen – Sean Haase – Jimmy Chaligoj – Walter Hayes, Citizen – Carl Skaggs - Richard Zaccardelli – Tracie Skaggs, Citizen

Senior Citizen – Richard Zaccardelli, Chair – Don Marshall – Bob Cook – Carl Skaggs

NEW BUSINESS

Sean Haase said that we should research an indoor aquatic center for revenues during the winter.

Mike Talley reported that he cannot attend the 5/3/11 meeting due to a deposition he has to attend.

Mark Powers said that we need to name our new park and suggested we name it Lakeside Park. The council agreed. Mike Talley will draw up that ordinance.

Richard Zaccardelli asked if the decision in the MML newsletter will affect our contract with Utility Services. Steve has talked to them and will try to get an answer for the council. Mike Talley will look at it also.

Steve reported that he will be meeting with Mr. & Mrs. Frack on Thursday regarding concerns they have with the public parking and fishing next to their property. It is right in their back yard and they have small children. They are going to discuss ways we can protect their property and our park. We also have some residents whose property goes all the way to the water. We are ordering no trespassing signs for those properties. We will try to get a parking lot put in this summer also. Steve is also meeting with the Conservation department the same day.

ADJOURNMENT

Richard Zaccardelli motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 7:58 PM.

CITY CLERK

MAYOR