

The Carl Junction City Council met in regular session on Tuesday May 6, 2014 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Mark Powers, Steve Daniels, Bob Cook, Tim Smith and Roger Spencer. Also present were City Clerk Maribeth Matney, City Administrator Steve Lawver and City Attorney Mike Talley.

#### AGENDA

Steve Lawver asked that the agenda be amended to add 11(b) an ordinance approving the transfer of water #5 to the BCID and to strike off item 15 the closed session. Mark Powers motioned to approve the agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed. Mark Powers motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed.

#### PUBLIC FORUM

There was one for public forum.

#### CHAMBER REPORT

There was no Chamber report.

#### ACCEPT LETTER OF RESIGNATION FROM SEAN HAASE

Mayor Moss stated that he had received a letter of resignation from Sean Haase. Mayor Moss said that Sean had served the City well and he would be missed. Steve Daniels motioned to accept the letter of resignation. Don Marshall seconded. All in favor. No opposed. Mike Talley said that we need to call a special meeting to appoint someone to replace Sean. He is to be selected by the Mayor and approved by the council to serve until the next regular election. After some discussion Mark Powers motioned to meet at 6:45 PM on 5/20/14 to appoint a council member to Ward I. Steve Daniels seconded. All in favor. No opposed. Bob Cook asked how come we were not having people write a letter and approach the council. Mike Talley said that the state statute says the Mayor is to appoint and be approved by the Board. Mayor Moss said he has a candidate in mind.

#### REVIEW AND APPROVE DEMOLITION BIDS ON 514 S JOPLIN STREET

Steve reported that we did not receive any bids on the demolition so they have solicited 4 bids. It will be on next meeting's agenda. Tim Smith asked if anyone could bid on it. Steve said that we are accepting bids until Friday. Bob Cook has someone in mind also. The bill will be attached to the property as a lien.

#### PROCLAMATION ON POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY

Mayor Moss read the Proclamation. Mark Powers motioned to affirm the resolution. Don Marshall seconded. All in favor. No opposed. Mayor Moss said he appreciated the Police Department for their good service.

#### DISCUSSION AND POSSIBLE DISPOSITION OF WATER TOWER #5

Mark Powers stated that the discussion can be held when the ordinance is read.

#### ORDINANCES

Mark Powers motioned to put **“AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 720: USER CHARGE SYSTEM BY ADOPTING A NEW APPENDIX “A” TO SEWER USE CHARGE ORDINANCE (ACTUAL USE RATE STRUCTURE) (APRIL 2014) AND BY AMENDING SECTION 720.040 “USER CHARGE RATES” TO REFLECT SAID CHANGES IN RATES; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID NEW RATES”** on first reading by title only. Roger Spencer seconded. Bob Cook asked why the in town user rate was higher than the out of town user rate. Steve went over the formula that Dean uses to calculate the rates. Bob said that he just wants the out of town people to pay their fair share. Steve pointed out that on page 4 and 5 it shows what the average user's charge would be. Mark Powers agreed with Bob on the point that the per thousand gallon user charge for the out of town residents is less than the in town residents. The more they use the closer the charges are. It was pointed out that we have a cap on the amount of flow that APD can use without being charged extra. It was stated that it is all based on flow. There was a lot of discussion regarding these charges. Mark asked that if next year they could use the same flow for estimating the average bill for out of town user and in town users. There was more discussion about APD paying their fair share. Bob Cook motioned to put it on second reading by title only. Mark Powers seconded. Steve Daniels motioned to put it on final passage. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #14-17 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.

Mark Powers motioned to put **“AN ORDINANCE TRANSFERING, ASSIGNING, RELEASING AND DELIVERING TO THE BRIARBROOK COMMUNITY IMPROVEMENT DISTRICT ALL OF THE CITY’S RIGHT, TITLE AND INTEREST IN AND TO THAT CERTAIN 50,000 GALLON PEDISPHERE WATER TOWER KNOWN AS WATER TOWER NO. 5 LOCATED GENERALLY AT THE NORTH EAST CORNER OF THE INTERSECTION OF BRIARBROOK DRIVE, PAR LANE, AND FAIRWAY DRIVE IN THE CITY OF CARL JUNCTION, MISSOURI, SUBJECT TO CERTAIN CONDITIONS; AND AUTHORIZING THE MAYOR AND ALL OTHER CITY OFFICERS TO EXECUTE APPROPRIATE DOCUMENTS TO CONCLUDE THE TRANSFER FOR THE CITY OF CARL JUNCTION,**

**MISSOURI**” on first reading by title only. Don Marshall seconded. Mark Powers stated that we would have to do a lot of changes to the tower if we keep it such as fencing and other items. We also can't find out who owns the tower for sure. Mark is hoping that the CID will agree to take the tower and give us an easement for our water lines. We will disconnect the tower from our water lines and bypass it. The land is owned by the CID. Mark feels that this is the best financial solution to both the City and the CID. Mike Talley said that this is unprecedented and that it was put together quickly. The CID meets next Monday and they needed it by then for consideration. There may be other documents that will need to be signed. In Section #3 it stated that in order for this ordinance to take effect the CID has to pass a Resolution. If they do not pass one we will still own the tower. In section #2 it authorizes the Mayor and any city officers to sign any additional documents that may need to be signed. Mike Talley and Mayor Moss went over the history as we have been able to put it together. It was asked if we would ever need the tower. Steve replied that it would take a lot of money to be able to use it again. We have not used it since about 2006 or 2007. There was a lot of discussion regarding this tower, DNR and the CID taking it over. Bob Cook motioned to put it on second reading by title only. Roger Spencer seconded. Roger Spencer motioned to put it on final passage. Bob Cook seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #14-18 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

### **REPORTS**

The council reviewed the Administration report. Steve reported that Allgeier-Martin & Associates are working up a set of drawings on the ADA ramp that was requested. They think that it might be doable on the North end. We might lose a parking space with it. The diving board has been fixed and is in good shape. We have received our new Standard and Poor's rating. We were bumped up from a A+ to a AA- which is the same as Joplin. They commended us on how stable we are and our debt ratio. We have sent some workers over to Baxter Springs to help them along with a backhoe and skid steer loader. They called and asked for some assistance. Barney Barnett was gracious enough to haul our backhoe over there since we did not have a big enough trailer. The last thing he wanted to discuss was the kids at the front desk. One has graduated and is moving on to other things. Seth Hackney and the Mayor talked about making a full time position and one part time position for consistency. They could also take over the cleaning of the gym which would save us \$650/month on our cleaning service bill. The kid who stepped up and would take this position is Seth Lawver and he wanted to make sure that the council was aware of this. He knows it is pushing the boundaries on nepotism and that Maribeth is not comfortable with it. Mike Talley stated that if Steve hired Seth he forfeits his job. He just wanted him to know that. Mike said that the law is very strict on this and that forfeiture of his office is what would be required. He said that the courts are brutal on this subject. Tim Smith said that he does not want to lose Steve and it is not worth the risk and that he suggested Steve pass on it. Mayor Moss said he feels we need a full time position out there. There was a lot of discussion regarding the budget, cleaning service and the pros and cons. Mark Powers said he would like to see the impact of hiring a full time person before we make that decision.

Bob Cook asked if we should have know ahead of time about the USDA money not being available. Steve said no that it caught everyone by surprise even the people in Austin Texas had no idea. Bob said that we need to be careful about spending money on studies that we don't need and waste the tax payers money. Mark Powers stated that the board approves all the studies done. Steve does not do it without council approval.

Public Works report - had nothing new to report

Police Department report – had nothing new to report. Delmar said that they have been working on search warrants and that the new cars are waiting on Joplin to get the radio's installed. They have recovered some stolen property. Bob Cook asked if copies of the code are being handed out when the dog licenses are issued. Delmar said that they are supposed to be but he will make sure.

Court report - had nothing new to report.

Building Inspector report - had nothing new to report. Tim Smith asked how many storage buildings are allowed on a property. It was replied that they can have up to 30% of their rear yard with detached buildings. Tim asked that we look at 203 S Grimes since they have 2-3 of them in their back yard.

### **COMMITTEE REPORTS**

Budget/Finance – Mark Powers had nothing to report.

Code/Nuisance –Don Marshall had nothing to report.

Human Resources – Steve Daniels had nothing to report.

Public Facilities & Planning – Tim Smith had nothing to report.

Senior Citizens - Richard Zaccardelli asked if there are regulations on who has to put a shelter in. Steve said that FEMA puts a book out on building regulations but not who has to have one.

### **UNFINISHED BUSINESS**

Tim Smith asked about the pole barn being build along Briarbrook Drive down by Fir Road. Steve responded that it going to be an automotive repair business and they have their license and building permit.

### **NEW BUSINESS**

Mark Powers stated that he has received phone calls with concerns about people walking along Briarbrook Drive from Casey's to the Club House. He knows that there is drainage concerns. Tim Smith suggested maybe we could put a small area marked off for bicycles and such like there is in Joplin in places. Mark said that is not wide enough. The City Clerk said that she has had

people ask for a sidewalk and suggested that they go to the CID to see if they would want to partner with the City on that issue. Steve said that the CID is permitted to make those types of improvements. Mark said that they are looking for something they can drive a golf cart on.

Bob Cook reported that Jamie Thwreath asked about a road going up Summit to Cherry Street especially now that the duplexes are being built there and there is more traffic. It has base rock on it already. Steve said that Jimmy could build a road if the council wishes. We specifications that we have to follow and it can't just be a gravel road. This was part of the discussion when the duplexes were approved.

Tim Smith received an e-mail stating that the Destination Imagination team is leaving for Tennessee for the national competition. They will be leaving between 9:00-10:00 PM on 5/18/14 and they asked if we could do something to send off the kids. We are proud of their achievements and he asked that the council be there to send them off. Chief Haase said they could escort the bus out of town. Tim Smith said he would call Gary Stubblefield also.

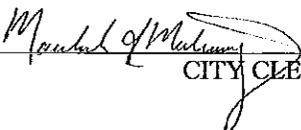
Roger Spencer reported that we are still working on Four Oaks Park paperwork. Mike Talley reported that Charlie Edwards found his notes and we have a copy of the deed just not the original. We are going to order a title search to make sure we have the only deed. There are a lot of gaps in the documentation. Roger said he only brought it up because he thought we needed an ordinance drawn up. Mike Talley said that once we are sure we have the only deed we can have an ordinance accepting it.

Steve Lawver informed the council that he had a party interested in buying 18-20 acres of Lakeside park. They are trying to buy it for future development to tie into the development of Steve and Tammy Thomas and be a part of that gated community. Steve said his offer is real close to the market value. We currently owe \$182,000 on the property and his offer is just short of that. Mark asked of we had to use that money to pay off the loan or can we use the money on something else. After some discussion it was decided that we could do whatever we wanted with the money. Mark stated that if we decide to sell the property we should consider paving some streets. Mike Talley said we might want to consider advertising it if we want to sell it. He would need to research on the laws regarding this. Mark said that it is the only part of the park big enough to make a nice park. It was asked if the council wants to pursue this further. Steve Daniels, Mark Powers, Richard Zaccardelli, Tim Smith and Roger Spencer said no. Don Marshall and Bob Cook did not really care one way or the other. The offer was \$150,000. There was a lot of discussion regarding this and procedures on disposing of property.

Chief Haase said that he needed a Human Resource Committee meeting in the near future. It was decided that they could meet at 6:30 PM before the next meeting on 5/20/14.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Tim Smith seconded. All in favor. No opposed. Meeting adjourned at 8:45 PM.

  
CITY CLERK

  
MAYOR