

The Carl Junction City Council met in regular session on Tuesday, July 19, 2005 at 7:00 at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Gary Stover, Carl Skaggs, Pat Smith, Walter Hayes and Wayne Smith. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney. Aldermen Mike Palmer was absent.

### **AGENDA**

Walter Hayes motioned to approve the agenda. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda as presented. Gary Stover seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Tammy Reed, 404 Timber Lane, addressed the council about a problem she is having. She has tried to resolve it by going through the City office. She tried to talk to the City Administrator about issues before and his response was he had no time for it. She turned in her letter of resignation with her last day in office as 6/14/05 and then she was taking her 2 weeks vacation which would put her final date 6/28/05. She has been told her last day was 6/14/05 and this will cut the month of June out of her retirement. She has to work past the 15<sup>th</sup> to get credit for the month of June and her letter states her last day is 6/28/05. She has talked to the State Labor office and Missouri Lagers and they tell her it is a matter of company policy and is not regulated by them. Nothing was said to her before she left or she could have taken her 2 weeks vacation and 37.5 comp hours which would have put her into July and then come back to work a part of a day. They would have then had to pay for her health insurance for July but she tried to be fair to the City. It is a matter of \$111 and she is asking the council to do what is right since there is no law. It is a matter of policy on what the board decides to do. Carl Skaggs asked if she was paid for her comp time. She replied yes. Joe stated it is an issue between her and Lagers not the City and we can't falsify the records. There was a lot of discussion regarding this matter. Tammy stated that they accepted her letter as written. There was a lot more discussion between council members. They then reviewed her resignation letter. Mike Talley asked if she had known there was a problem would that have changed her actions. Tammy said yes. It was stated if we could legally put the 28<sup>th</sup> why don't we. Tammy stated if she got letters from those people would the council consider her request. There was considerable more discussion. It was stated that we should have told her it was unacceptable if there was an issue. It was stated her last day of employment was 6/14/05 and her date of separation was 6/28/05. Walter Hayes motioned to make a note in her file that her last day of work was 6/14/05 and her date of separation is 6/28/05. Pat Smith seconded. All in favor. No opposed.

### **ORDINANCES**

Walter Hayes motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND TOTAL ELECTRONICS CONTRACTING, INC., TO INSTALL A PHONE SYSTEM IN THE NEW POLICE DEPARTMENT FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE BID SPECIFICATIONS, FOR THE SUM OF \$8,551.91; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Richard Zaccardelli seconded. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-33 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.

Mike Talley then explained the next ordinance regarding the change orders on the Police/Court building. It rescinds a previous ordinance that we passed due to the change order # being incorrect. It also approves all 3 change orders. Walter Hayes motioned to put "AN ORDINANCE APPROVING CHANGE ORDERS #1, #2 AND #3 TO A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND DALTON KILLINGER CONSTRUCTION COMPANY, INC., TO CONSTRUCT A POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING FOR THE CITY OF CARL JUNCTION, MISSOURI, TO INCREASE THE CONTRACT AMOUNT TO \$1,113,442.85, IN ACCORDANCE WITH SAID CHANGE ORDERS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDERS FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI, AND RESCINDING ORDINANCE NO. 05-02 PASSED ON THE FIRST DAY OF FEBRUARY, 2005" on first reading by title only. Carl Skaggs seconded. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-34 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 Joe's report. Walter Hayes asked about the Police/Court Building. Joe reported that the roof is on the backside now and they are taking care of the water damage. There was discussion if the roof was up to the specifications now. They couldn't proceed with the second half until the first half was done right. It was also stated that the heating and air ductwork had water in them and some insulation got wet in the rains. Joe has asked for a meeting every two weeks. He reminded the contractor that we need to be done before November or the money from FEMA goes away. He received a commitment for the 1<sup>st</sup> of October. There is no penalty clause in the contract because it would have increased the total cost. Gary Stover asked if the contractor's had been involved with the DNR inspections. Joe stated no. They found several deficiencies by the developers. We will be following up to make sure the developers correct the problems. Gary Stover felt that the developers should have been there and possibly could have cleared up some questions right then. He also stated that the developer would be contacted directly from DNR regarding these deficiencies.

Memo #1 – Pending Items. Mike Talley stated that he has asked the court to settle the Rails to Trails as quickly as possible. Joe received a brochure on severe weather helpful hints. He would like to order some and hand them out to our residents. We still have not found anyone to cut grass yet. It was stated that we have started on the West Briarbrook Lane ditch.

Memo #2 – Lakeview waterfall. The City has received several complaints regarding the waterfall at Lakeview and Briarwood Ridge. He has talked to Dan Walters and they have agreed to let our garden cultivators maintain it. The water is off now and they will mow it and keep it clean. If the pump is broken they will drain it and fill it in with sand. We have a written agreement.

Memo #3 – Survey. We sent 288 surveys to homeowners in the NW section of the City. We got back approximately 1/3 and have compiled the information. We will be having a public comment hearing on 7/21/05 at 6:30 PM.

Memo #4 – Masonic Lodge. We will need a certificate of insurance with a hold harmless agreement since it is going to be on city property according to our insurance company.

### **COMMITTEE REPORTS**

Gary Stover reported that they met and reviewed our insurance property schedule and an updated list of vehicles. They also reviewed their goals and objectives. They discussed ways to finance the fluoride equipment and they set their next meeting for 9/20/05 at 6:00 PM. He will ask the department heads for a report on their facilities that they are responsible for.

Wayne Smith reported that the Nuisance Committee has not met yet. He will be getting with the Chief about the new procedures that have been set up.

Pat Smith reported that the Park/Pool committee would meet 8/16/05 at 6:00 PM.

The Code Review Committee did not meet tonight.

Human Resource Committee met 7/12/05. Richard Zaccardelli reported that they went over the employee handbook and the wage schedule. Joe will be setting up a meeting with the employee's to make sure that they receive the new handbook. They will meet again 8/8/05 at 3:00 PM.

Budget/Finance Committee met 7/7/05 and discussed the Briarbrook Drive and Fir Road intersection improvements. It was determined that we should take the money out of reserves rather than borrow the money. They also went over a project wish list. They have not set another meeting yet.

### **NEW BUSINESS**

Joe reported that all of our water tests came back good. Our code is now on line with Sullivan Publications.

Mayor Moss reported that we had a schedule for the council members to attend the P&Z meetings. It is a rotating schedule and each member would attend 3 meetings a year. He reviewed the list and stated they would be receiving a copy of it.

Mike Talley reported that Tiff City Pump wants us to rebid the Well #5 project. Their attorney contacted him this afternoon.

Richard Zaccardelli asked if we were going to the MML meeting in September this year. It was replied yes.

### **UNFINISHED BUSINESS**

Joe reported that Hoaglins bankruptcy attorney regarding the easement needed for Briarbrook Drive and Fir Road improvements had contacted us. They want reimbursed for the property. We need 353.5 square feet and have sent them a letter that we would pay them \$1237.25 for the easement pending council approval. The judge has to approve the sale. We sent the letter off Friday. Mike Talley said that we would need an ordinance approving the deal. Richard Zaccardelli motioned to go forward with this project. Barbara Evans seconded. All in favor. No opposed.

Mayor Moss went back to new business to inform the council that Mike Palmer gave his notice of resignation effective immediately. We will be placing an ad in the paper for a replacement. Mayor Moss called a special meeting for 8/2/05 at 6:30 PM to review the letters of interested parties. He also pointed out that we would need to appoint a new Mayor Pro-Tem. Walter Hayes stated we should get a plaque for Mike for his service to the City.

Pat Smith asked about a retreat. Mayor Moss would like to see a retreat before Christmas. It would be a good chance for the residents to have input on our public facilities. It was stated that they would like Tom Simpson to facilitate and if he can't we could try Harry Rogers.

Joe reported that Sludge Technology has finished their project and has requested payment today. It is not listed in our disbursements. The money is in the budget and the invoice is for \$36,400. Walter Hayes motioned to amend the agenda to add this disbursement. Richard Zaccardelli seconded. All in favor. No opposed. Richard Zaccardelli motioned to approve the disbursement to Sludge Technology for \$36,400. Carl Skaggs seconded. All in favor. No opposed.

### **ADJOURNMENT**

Walter Hayes motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:06 PM.

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CITY CLERK

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MAYOR