

The Carl Junction City Council met in regular session on Tuesday January 20, 2009 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Mark Powers, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Pat Smith motioned to approve the agenda. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda. Carl Skaggs seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Tammy Thomas, 114 S Windwood, passed around an editorial in the Joplin Globe from 1977 regarding Briarbrook (see attached)

Bob Wentworth, 119 Briar Meadow, is the President of BYAA and he would like to see the Briarbrook property purchased to provide activities for the children. They deal with flooding fields and would like to see some green space for some new fields. He is here to speak in support of this issue. He feels it needs to go to the vote of the people. Richard Zaccardelli asked how many kids they provide activities for. Bob replied that they have 400 in soccer, 300 in football, and 1000 in baseball. They have 2 soccer seasons (spring & fall). It is run by all volunteers.

Steve Frederickson, 905 E Pennell, said at the last meeting he asked the council to consider their priorities. They have children walking down Pennell Street. He asked to see a feasibility study and see long range plans for the City. He is willing to do some fund raising for sidewalks on Pennell.

Dusty Thomas, 815 W Briarbrook Lane, addressed the council. He is the owner of Dusty's at the corner of Briarbrook & Fir Rd. He said they need to consider what is at stake. It was never a private country club. The families could use the pool. He does know without the amenity of the golf course we will lose a good family amenity. He said that with the proper investment it could be place that generates revenues. He also pointed out that it brings people from the outside not just the members. It will be good for the community and Carl Junction needs a viable solution to help our community.

### **MARY SCHILLACI-BRIARBROOK BOND ISSUE**

Mary Schillaci, 706 Springhill Dr, then gave a presentation to the council (see attached). It included some financial estimates that she had made. She said that the numbers don't add up. She also said that the option to purchase agreement does not include any personal property with it. She went over the purchase agreement with the council. She said that we will put the city at risk if we go with the agreement. Mike Talley agreed that the agreement does not include any personal property. Steve Lawver pointed out that most of the equipment is leased. Mary asked how we can run a golf course without equipment. Mike Talley stated that this option is to purchase real estate property. She again stated that we are putting the city at great risk if we sign the option to purchase.

### **TOBY TEETER-BRIARBROOK BOND ISSUE**

Toby Teeter, 126 Par Lane, asked the city to allow the voters to decide this issue. He said that the golf course has provided thousand of dollars for local charities such as project graduation sick children, golf scholarships as well as providing a course for the High school golf teams and MSSU and Webb City golf teams. It will include the club house, pool and tennis courts along with providing additional park space and a trail system that will connect the North side of Center Creek to the South side. It has helped provide the growth rate of 6% to our town and provides viable sales tax revenue. He is asking that they put it to the vote of the people. This involves the entire city of Carl Junction not just the Briarbrook area. He handed out statements from the previous owners that stated it would have a positive cash flow minus the debt service payments. He stated that it cost around \$300,000-\$800,000 per year to operate. He said that it would take 168 annual passes to make it cash positive. It was asked if we would have members as of day 1 and in the last 3 days he has received 130 signed statements of letter of intent to purchase passes if the City purchases this land. If it passes on the ballot he will do batches 2, 3 and 4. He said that if we tried to build a golf course from scratch it would cost \$10,000,000. Richard Zaccardelli said that 9 golf scholarships have been awarded to CJ students. He also said that it is irrigated from Center Creek. Pat Smith said that it will cost a lot to fix it up also. Steve Lawver said that the estimate AMA gave us was \$500,000 and it was done in December 2008. Pat Smith said that the bids could change by April.

Dusty Thomas asked Steve if he had enough time to do a due diligence by April. Steve said yes. Dusty said that we won't get a second chance and it will take a leap of faith on everyone's part. He said it is more then just numbers. He said that the council needs to keep that in mind also.

Ron Brewer, 403 Sunnybrook, said he wrote an editorial in the Globe. He asked how many years of past due taxes he owed on property. He owes 2 years at the County. He asked what the city will do to recoup the taxes. He said that this was not a wise investment. Mayor Moss said that it has to be delinquent for back taxes for 3 years to go to sale on the courthouse steps. Mr. Brewer said that there are other options out there and we need to look at them all not just one.

Steve Frederickson, 905 E Pennell, asked again about the feasibility of it. He asked about the \$650,000 extra on the bond issue. Steve said that it will take \$300,000 for the clubhouse, \$200,000 to repair the pool and \$150,000 for bond issuance fees. It has a 5% growth rate built into it. Steve pointed out that our building permits are going down due to the economy. He is afraid that we are biting off more then we can chew.

Steve Thomas, 114 S Windwood, said that the current financier will not allow the golf course to be sold on the court house steps and that is not a viable solution. Richard also pointed out that if we don't buy the course it will be sold to developers and we

will lose the golf course. That is the only thing that make Carl Junction unique. Webb City and CJ schools are equal. Pat Smith disagreed and said that people will still move here because of the school and the area. They are not all golfers. Toby Teeter stated that all the golf carts are leased and the mowers that he does own are all old. There is very little equipment that is usable. Mary Schillaci said that they are being taxed on \$210,000 in equipment. It was stated that you pay personal property taxes on leased equipment also.

Linda Teeter, 122 Foursome Lane, stated that we are all Carl Junction. She stated that years ago when we were trying to get tornado sirens and the council said they did not have the money it went to the vote of the people and it passed. They let the citizen's vote on it. We all have the right to make the decision. She doesn't understand why they are fighting to let all people have a voice in this matter. She also said that even if it does get voted in the council still has the option not to purchase it. She then said that our Bluegrass Festival was a dream and it has brought people to our community. It is a 1 day event. Linda said this is about 365 days of entertainment for the community. Pat said it is successful due to marketing. Linda said that we need to support our community and we need to promote Carl Junction. We need to market Carl Junction. Just as our Community Center is for the entire town so would the golf course be. Pat Smith said she likes the Briarbrook area her question is can the City afford it. She does not like the idea of raising taxes for everyone.

### **P&Z CASES**

Mayor Moss opened the public hearing on Case #09-01-plat exception on Katlin Homes Plat #1. There was no one in the audience to speak for or against the case. Steve Lawver stated that when Cecil Brill platted this plat the side set backs were wrong on the recorded plat. In order for our building inspector to issue building permits we need to grant a plat exception for these corner lots. Mike Talley pointed out that these lots currently have houses on them and that the Board of Adjustments has granted variances on the set backs on the vacant lots. When the council passed the final plat it did not abide by our code. Steve stated that P&Z are recommending approval. Wayne Smith motioned to approve the plat exception on the corner lots of Katlin Plat #1. Richard Zaccardelli seconded. All in favor. No opposed.

Mayor Moss then opened Case #09-02 – Option to purchase agreement with Equity Endeavors. Dee Lynn asked if we purchase the real estate doesn't that include all the structures. Mike Talley said yes and that the option is very one sided to the City. For \$1000 it gives us the time to put it to vote. Even if it passes we are not obligated to make that purchase on these terms. Steve reported that the P&Z is recommending approval. Walter Hayes said that he also ran some numbers from the appraisal. He said that it shows 35% of the expenses for wages and the average is 28%. That is a difference of \$72,000. It also shows \$77586 in interest which we would not have so between those 2 numbers we would be in the black by \$100,000. Pat said that we would need equipment. Steve said that it is in his budget. There was some discussion about past due taxes. Mike Talley said that they would have to be paid for clear title.

Mayor Moss then opened Case #09-03 contract for purchase of Briarbrook Golf Course. Mike Talley again discussed that this contract is all one sided toward the City. The council will have time to perform due diligence. Mike Talley said that the City can renegotiate the contract and the seller does not have that option. He has to abide by the contract agreement. Wayne stated that our options are wide open and his are few. Steve reported that the P&Z recommend approval.

Pat Smith motioned to put "AN ORDINANCE APPROVING AN OPTION TO PURCHASE REAL ESTATE, INCLUDING A CONTRACT FOR THE SALE OF REAL ESTATE, BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND EQUITY ENDEAVORS, LLC., A MISSOURI LIMITED LIABILITY COMPANY, THE EXERCISE OF SAID OPTION BEING CONTINGENT UPON VOTER APPROVAL OF THE ISSUANCE OF APPROXIMATELY TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000.00) IN GENERAL OBLIGATION BONDS OF THE CITY TO FUND THE PURCHASE, AND SUBJECT TO THE FINAL DECISION OF THE BOARD OF ALDERMEN TO EXERCISE SAID OPTION; AUTHORIZING THE CITY TO PURCHASE, IF THE OPTION IS EXERCISED, A TRACT OF LAND COMMONLY KNOWN AS BRIARBROOK GOLF AND COUNTRY CLUB LOCATED AT 502 BRIARBROOK DRIVE, CARL JUNCTION, MISSOURI, MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED TO THE OPTION TO PURCHASE REAL ESTATE WHICH IS ATTACHED AS AN EXHIBIT TO THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT A WARRANTY DEED TO SAID LAND FROM EQUITY ENDEAVORS, LLC.; AUTHORIZING THE PAYMENT OF ONE THOUSAND DOLLARS (\$1,000.00) FOR SAID OPTION, AND, IF THE OPTION IS EXERCISED, THE SUM OF ONE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$1,950,000.00) AND THE ACKNOWLEDGMENT OF A GIFT IN THE AMOUNT OF SIX HUNDRED FORTY THOUSAND DOLLARS (\$640,000.00) TO PURCHASE SAID LAND; AND AUTHORIZING THE MAYOR, CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS DOCUMENTS TO CONCLUDE SAID PURCHASE IF THE OPTION IS EXERCISED" on 1<sup>st</sup> reading by title only. Carl Skaggs seconded. All in favor. No opposed. Richard Zaccardelli motioned to put it on second reading by title only with a roll call vote. Mark Powers seconded. Zaccardelli-y, Marshall-y, Skaggs-no, Powers-y, P Smith-no, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-01 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.

### **ORDINANCES**

The next ordinance puts a \$2,700,000 bond issue on the April ballot. Walter Hayes motioned to put "AN ORDINANCE CALLING A SPECIAL ELECTION ON A GENERAL OBLIGATION BOND QUESTION IN THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Mark Powers seconded. All in favor. No opposed. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded.

Zaccardelli-y, Marshall-y, Skaggs-no, Powers-y, P Smith-no, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-02 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.

Kristi Beattie from SAPP designs then addressed the council about the bid process and her recommendation of Larry Snyder Construction for the bid on the Community Center. Pat Smith motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND LARRY SNYDER & COMPANY, TO CONSTRUCT A NEW SENIOR CENTER, RECREATION CENTER AND CITY HALL FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONDITIONS OF THE CONTRACT, DRAWINGS, SPECIFICATIONS, ADDENDA AND OTHER DOCUMENTS LISTED IN THE AGREEMENT FOR THE SUM OF \$3,839,173.00; 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. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-03 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.

Next the council reviewed an ordinance amending Section 125.030, 040 and 050 regarding personnel policies. Richard Zaccardelli stated that these are the recommendations from the Human Resource committee. It increases sick leave and vacation and keeps the holidays the same. Pat Smith motioned to put "AN ORDINANCE AMENDING TITLE 1. GOVERNMENT CODE, CHAPTER 125: PERSONNEL POLICY, SECTIONS 125.130, 125.140 AND 125.150 TO MODIFY AND CLARIFY EMPLOYEE BENEFITS INCLUDING HOLIDAYS, SICK LEAVE AND VACATION" on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-04 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.

#### **APPROVAL OF ENERGY EFFICIENT LOAN FOR \$132, 000 FOR COMMUNITY CENTER**

Steve explained that this is an energy efficient loan from DNR for our community center. The interest rate is 4.89%. Dee Lynn stated she thought that it would have been lower. Pat Smith motioned to approve the Resolution for the energy efficient loan. Carl Skaggs seconded. All in favor. No opposed.

Richard then showed the council a poster of the girl's golf team. He stated that they are doing one for all the sports and suggested in our new community center we have a bull dog corner to display these posters.

#### **REPORTS**

The council reviewed the Administration report. Steve reported that we had the generator for the lift stations. Steve also stated that his 6 months are completed and that it was time for the Human Resource Committee to start his performance review.

Public Works report – there was nothing to add.

Police Department report – reported that he put a code enforcement report on the council's dais for review.

#### **COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Park/Pool reported that she would discuss the city flag under old business.

The Code Review Committee had nothing to report.

The Budget/Finance Committee will meet on 1/23/09 at 10:00 AM to go over the streets and parks budgets. They will be meeting the next 2 Fridays also.

Human Resource Committee had nothing to report.

The Citizen's for Better Life had nothing to report.

#### **UNFINISHED BUSINESS**

Walter Hayes then discussed the sidewalks on Pennell. Jimmy said that it is the states highway and we can't do anything on their easement. Steve Frederickson said he thought that he could get the land owners to give them sidewalk easements on private land. Steve said he would help any way possible. Walter said that the people may not realize how wide the easement is and it might be closer to their houses then they realize.

Dee Lynn reported that she has talked to Empire about the lights at Country Club Park and they are trying to get to them.

Pat Smith reported that they had narrowed the flag selection down to 4 and asked if the council wanted to make it 3 before it goes to the vote of the people. After some discussion the council said to put all 4 on the ballot.

#### **NEW BUSINESS**

Pat Smith then asked about the old car wash., part of the ceiling is falling down and is a safety issue.

Wayne Smith commented that every citizen has the right to voice their opinion. We need to remember that.

City Clerk Matney asked who was all going to the MML Legislative Conference. It is 2/18 & 2/19. She needs to know so they can get reservations made.

Steve Lawver reported that HB 181 & HB 207 has language stating that the landlord would not be liable for past due services. HB 181 was introduced by Rep Stephenson from Webb City.

Pat Smith asked who had all filed for elective offices. City Clerk stated that Mayor Mike Moss signed up and is running unopposed. Wayne Smith and Jeff Hammons signed up for Ward I. Walter Hayes, Ward II and Richard Zaccardelli Ward III are running unopposed. Steve Daniels and Pat Smith signed up for Ward IV.

**ADJOURNMENT**

Carl Skaggs motioned to adjourn the meeting. Pat Smith seconded. All in favor. No opposed. Meeting adjourned at 8:55 PM.

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CITY CLERK

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MAYOR