

The Carl Junction City Council met in regular session on Tuesday February 15, 2011 at 7:00 PM at City Hall. Mayor Michael Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Mark Powers, Dee Lynn Davey, Walter Hayes and Wayne Smith (7:10 PM). Aldermen Steve Daniels was absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley and City Clerk Maribeth Matney.

AGENDA

Mayor Moss said that we need to add the closed session minutes to the consent agenda. Carl Skaggs motioned to approve the agenda as amended. Mark Powers seconded. All in favor. No opposed Carl Skaggs motioned to approve the consent agenda. Mark Powers seconded. All in favor. No opposed.

PUBLIC FORUM

Bob Cook, 208 E Allen, addressed the council. He has not attended the meetings in 2 months but read about a remark he made regarding the 95 acres. He doesn't think he made that remark but sincerely apologized if he did and it offended anyone. He also wondered about how we were to purchase 95 acres and ended up with 87 acres but still paid the same price. That is \$24,000 that we could have used for other things. How did we let that happen? (Alderman Wayne Smith arrived at 7:10 PM). He also said that he doesn't understand why the taxes have not been paid yet and they are still up in the air. Mayor Moss responded that there was a lot of discussion regarding his comments during the meetings he missed on how and why it happened.

CHAMBER REPORT

Gary Stubblefield reported that they had a huge crowd for their Business After Hours. He also reported that Choice Marketing is taking over their marketing and will be creating a new logo for the CJ Chamber. They will also be making their newsletter available on line.

CONSIDERATION OF COUNTY PROPOSAL TO COLLECT TAXES

Dee Lynn reported that this was discussed during their budget meeting and we were still gathering information. It appears from the e-mails that everyone who does it likes it. The City Clerk reported that we will not receive a master list. We would still have to pay 25 cents a name if we wanted a list. They only give us a list of names collected. They try to collect for 3 years and then write it off. On Real Estate it goes to tax sale and if no one buys it the property reverts back to the county as the owner of record and it becomes tax exempt property. There was a lot of discussion about collections and the rate charged. It was also stated that there are pro's and con's to this arrangement. Residents can't get vehicle tags unless they pay county taxes, but we have good luck in our court. According to our code we can only charge \$500 if they are taken to court but not very many of our taxes go over \$500 anyway. After a lot of discussion the council stated that they would need a contract for review before they could make a decision on this item. We have not been able to reach Mr. Holt to ask our questions. Mark Powers then motioned to have the City Administrator to write Mr. Holt a letter for a contract to review before the council decides and to table this item until we have a contract to review. Carl Skaggs seconded. All in favor. No opposed.

DISCUSSION OF BBG CORP PETITION FOR DECLARATORY JUDGEMENT REGARDING COLLECTON OF PROPERTY TAXES AND RELATED ISSUES

Mike Talley reported that he had the declaratory judgment, a letter from Mr. Whitworth and a check and letter from Mr. Gehrs for \$15,000 tonight. Mike Talley read aloud the letter from Mr. Gehrs stating that he wishes to donate \$15,000 for the improvement and beautification to the new city park in Briarbrook purchased by the City of Carl Junction. The letter from Mr. Whitworth was a letter to release the funds being held in the escrow account to pay back taxes. It also states that the property is now tax exempt per the county prosecuting attorney. The declaratory judgment states that since the property is now owned by political subdivisions the back taxes are no longer due and that the funds being held in escrow will be released. Mr. Talley reviewed the history for the council on what happened and when it happened that got us to this point. Since it has been determined that the taxes cannot be legally collected, Mr. Gehr's has made the donation to the City in lieu of the taxes. Mark Powers motioned that the City accept the donation of \$15,000.00 from Bette Jo and W.L. Gehrs, Jr., for the improvement and beautification of the new City park in Briarbrook purchased by the City in December, 2010, as described in Mr. Gehrs letter dated February 11, 2011, and that said donation be considered payment in lieu of the delinquent property taxes previously due on both the park property and the property recently purchased by the Briarbrook Community Improvement District, for which the sum of \$13,070.83 has been held in escrow since the park property was purchased in December, 2010, and that the Mayor and City Administrator be directed to take all steps necessary to release the said escrowed funds in the amount of \$13,070.83 to BBG Corporation, and that the City Attorney be directed to file an answer on behalf of the City to the Petition for Declaratory Judgment filed by BBG Corporation which acknowledges that property owned by the City of Carl Junction, Missouri and property owned by the Briarbrook Community Improvement District is exempt from taxation for state, county or local purposes, and that said political subdivisions may not be compelled to pay delinquent taxes on such property. Walter Hayes seconded. All in favor. No opposed. Mike Talley then stated he needed a motion to sign the letter from Mr. Whitworth and respond to the declaratory judgment. Mark Powers motioned that Mike Talley be authorized to sign the letter from Mr. Whitworth releasing the escrow funds and respond to the declaratory judgment. Richard Zaccardelli seconded. All in favor. No opposed.

REPORTS

The council reviewed the Administration report. There was nothing to add to the report.

Public Works report – Jimmy reported that EPA and DNR are here inspecting the WWTP and our I&I. They will be done Friday and want to meet with Jimmy, Marvin and Steve. A lot of things have been changed with our new permit and Jimmy needs to buy some testing equipment which will run about \$6000. He needs to get it ASAP and will see if we have it in our budget this year to purchase.

Police Department report – had nothing to add to the report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee met with Drury College and they have given us a contract to review to complete a master plan on our parks. It will be based on public input and they will bring it back to the council. Steve said that they will have a committee and they will be meeting with the public. They will make suggestions to the council and then the council can decide what they want to do. They have done this with Monett. The cost will be \$7000 (see attached breakdown). They will get a lot of people involved with this plan. The council agreed it would be a good plan and Steve is to get the agreement and have Mike Talley draw up an ordinance.

The Budget/Finance Committee stated that they have been meeting with the department heads and will not meet this Friday but will meet again on 2/25/11. Dee Lynn asked about the police car decision. Chief Haase recommended that we get 2 Crown Victoria's since they do not have an Explorer that is police package deal. The other 2 Explorers are not police packages. Next year we will have to look at them but they will be coming out with one in 2012 along with other car options. He will be trying to get vehicles that our equipment will fit into. He needs to get it out for bid ASAP to meet the order deadline. It was the consensus of the council to allow Chief Haase to go out for bid for 2 police vehicles.

The Human Resource Committee will have a closed session scheduled for later this meeting.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

The Senior Citizen Committee commented that our building is being used. Last Saturday there was no room in our parking lot and people had to park on the Police Department parking lot.

UNFINISHED BUSINESS

Mike Talley asked if Walter Hayes would like to step down and leave the chambers for the unfinished business he had to discuss. Walter left the Chambers. Mike Talley advised that the item he had to discuss involved a claim against the City by Walter Hayes's father, and that he had informed Walter prior to the meeting that he would be discussing the claim under unfinished business so that Walter could leave if he chose to do so. Mike Talley reported that we had received a letter from Attorney Wes Barnum on 2/11/11 offering a settlement for the property at 406 Walton. Mr. Talley then read the letter to the council. He is claiming that in 2007 the city caused him additional expenses on this house. We turned the claim in to MIRMA in 2007 and it was denied. He is claiming \$53,000 in damages but will settle for \$30,000. We are to respond by 2/18/11. We have contacted MIRMA again and they will be handling this new claim. Walter Hayes then returned to the Chambers.

Steve reported that we received a draft copy of our new WWTP permit and it will be going out for public comment for 30 days. He also reported that he had met with the Conservation Department regarding our new land in Briarbrook. They want to do a fish survey and have asked that anyone who fishes out there to log what they caught. All you need is a state fishing license to fish the lakes. They will also be looking at the vegetation and trees. They will be back in the spring. Richard suggested we look at doing something with the birds also. There are a lot of birds and geese that populate the pond areas.

NEW BUSINESS

Steve then reported to the council that we have had 2 pieces of property offered to the City to buy. The 1st one is a lot on Water Street that we sold to Jim Rhea. It is a 1/3 acre and we sold it for \$25,000 7 or 8 years ago. He is offering it to the City for \$61,000. The other offer is out in Briarbrook, which is a vacant lot and is south of the clubhouse. At first we thought it adjoined our land but there is a strip in between this land and ours. They are asking \$30,000. After some discussion it was the consensus of the council to decline both offers.

Allgeier-Martin & Associates send a letter with new rates proposed for our engineering contract with them. Steve said it has been several years since we went out for bid and suggested we go out for RFP's. The council agreed.

CLOSED SESSION PER RSMO 610.021 (3): HIRING, FIRING, DISCIPLINING OR PROMOTING OF PARTICULAR EMPLOYEES BY A PUBLIC GOVERNMENTAL BODY WHEN PERSONAL INFORMATION ABOUT THE EMPLOYEE IS DISCUSSED OR RECORDED.

Mark Powers motioned to go into closed session per RSMO 610.021 (3): Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-absent, Davey-y, Hayes-y, W Smith-y. Meeting closed at 8:26 PM. Meeting reconvened at 8:40 PM. Mayor Moss reported that personnel issues were discussed and that no action was taken.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:41 PM.

CITY CLERK

MAYOR