

The Carl Junction City Council met in regular session on Tuesday June 5, 2012 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, Dee Lynn Davey, Sean Haase, Bob Cook and Ed Reeves. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Steve Daniels motioned to approve the agenda as presented. Dee Lynn Davey seconded. All in favor. No opposed. Dee Lynn Davey motioned to approve the consent agenda. Sean Haase seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Sharon Clark, US Postmaster stated that there was a local boy who was injured in the war and is currently in Germany. He graduated from CJ in 2006 and she would like to have a parade for him when he comes home. The council agreed to let her host a parade in his honor.

Next the US Postal Inspector from Overland Park Kansas was here to recognize Chief Haase in his efforts to bring a former Carl Junction resident (Shyrock) to justice on a fraud charge. He presented a Letter of Appreciation and an award to Chief Haase. Chief said he appreciated it but felt he was a small part of the case. He said it was a unique experience for him.

### **CHAMBER REPORT**

There was no Chamber report.

### **APPOINT JOHN EVANS TO P&Z COMMISSION**

Mayor Moss stated that Mr. Evans was a banker in Girard Kansas that lived in Briarbrook. He has agreed to serve on the P&Z Commission. Richard Zaccardelli motioned to approve the Mayor's appointment of John Evans to the P&Z Commission. Steve Daniels seconded. All in favor. No opposed.

### **APPROVE LEASE AGREEMENT ASSIGNMENT FROM STOUFFER COMMUNICATIONS TO S-GO LEASING**

#### **INC**

Steve Lawver reported that when Stouffer bought out Fast Freedom this step was overlooked and this will take care of that and the new sale. Our original contract ends in 2013 and then we will have to renegotiate our contract at that time. Mike Talley said that they did not ask for an ordinance and that this will work to authorize the Mayor to execute the documents. Mark Powers motioned to approve the re-assignment documents. Richard Zaccardelli seconded. All in favor. No opposed.

### **REVIEW AND APPROVE BIDS ON 1971 FORD GALAXY**

We received no bids on the Galaxy. It was suggested we put it on Craig's list and E-Bay and possibly our website. It is taking up space and we don't use it. We ran it in the Webb City Sentinel and the local paper originally.

### **RESOLUTION TO SHOW SUPPORT OF MISSOURI HB 1329**

Steve Lawver reported that this is a show of support for the House Bill that is supposed to fix the Sales Tax issue for out of state sales. The House and Senate have passed it but the Governor has not signed it. The information he has received is that he will not sign it. If he does nothing it will go into effect. Dee Lynn Davey motioned to approve the Resolution. Richard Zaccardelli seconded. All in favor. No opposed.

### **ORDINANCES**

The council then discussed the water and sewer rates proposed. Dean Willis, Allgeier-Martin & Associates, addressed the council about the Appendix A that set the sewer rates. He explained the formula used that has been used for several years to calculate the rates for in and out of town users. He also said that it incorporates in the expansion and rates that will be needed for that issue. The rates will be a 12% increase. 10% of that is for the upcoming expansion. Steve explained that the council decided last year that we would implement a graduated rate increase over a 3 year period rather than impose a 30% increase all at once. We are putting money aside for the expansion so that we won't have to borrow the full amount. Bob Cook asked about the BOD and why the out of town rate is less than the in town rate. Dean explained that we don't use that factor but that DNR requires it to be in that Appendix A in case it would be needed. There was a lot of discussion about the sewer rate. It was also pointed out that in 2016 the rates on the water will drop due to the fluoride equipment being paid off. It was asked if Airport Drive has approved this. Dean said that typically the City approves their rate and then we negotiate with APD. There was some discussion about the ballot and the bond issue also.

The council reviewed the ordinance for increasing the 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 SEVENTY-FOUR CENTS (\$5.74) TO SIX DOLLARS AND EIGHT CENTS (\$6.08) FOR THE FIRST THOUSAND GALLONS AND FROM THREE DOLLARS AND ONE CENT (\$3.01) TO THREE DOLLARS AND NINETEEN CENTS (\$3.19) 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 JUNE 15, 2012; 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. Bob Cook seconded. Mayor Moss asked for discussion. Richard Zaccardelli stated that the when the fluoride equipment pays off the fluoride will still be there. Mark Powers motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Dee Lynn Davey seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-y, Haase-y, Cook-y, Reeves-y. Motion on Ordinance #12-19 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 reviewed the ordinance for increasing the sewer rates. 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) (MAY 2012) 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. Sean Haase 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. Steve Daniels seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-y, Haase-y, Cook-y, Reeves-y. Motion on Ordinance #12-20 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 he will be meeting with Judge Elliston on Thursday afternoon.

Public Works report – had nothing new to report. Richard Zaccardelli stated that a resident on Fairway would like curb and guttering put in along Fairway Drive. Steve said to get him the name and phone number and he would contact him on the procedures to get that done.

Police Department report – had nothing new to report.

Court report – had nothing new to report.

Building Inspector report – had nothing new to report. Richard Zaccardelli asked about the sign at 519 Briarbrook Drive. It was responded that it was for a fence variance.

### **COMMITTEE REPORTS**

The Budget/Finance Committee had nothing to report.

The Code/Nuisance Committee had nothing to report.

The Human Resource Committee had nothing to report

The Public Facilities Committee stated that he would like a meeting after Steve meets with Judge Elliston.

The Senior Citizen Committee stated that they had 188 for breakfast last Saturday and the people that lived out of town were all impressed with the Center.

### **UNFINISHED BUSINESS**

Mark Powers apologized for missing the last meeting and wondered why some of the council was against the fiber optic issue. He asked if we had to start all over or can we revisit the issue. Mike Talley stated that one of the council that voted no would have to bring it up for reconsideration but we could start the process all over again if that is what they want to do. Bob Cook asked if he brought it back to the table if he had to vote for it. Mike Talley said no he could bring it back for reconsideration and still vote against it. Bob’s concern is that he does not want to saddle our children with a debt that won’t pay for itself. After some discussion Bob Cook motioned to bring Bill #12-18 up for reconsideration. Mark Powers seconded. 7 (Zaccardelli, Marshall, Daniels, Powers, Davey, Haase, Cook) in favor. 1 (Reeves) opposed. Mark Powers motioned to put “AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND TSI TECHNOLOGY SOLUTIONS, LLC, OF ST. CHARLES, MISSOURI, TO PROVIDE PROFESSIONAL ENGINEERING AND DESIGN SERVICES TO INCLUDE PROVIDING THE COST AND POTENTIAL RETURN ON INVESTMENT OF BUILDING AND OPERATING A SMALL ISP/TELEPHONE/VIDEO COMPANY SERVING THE CITY OF CARL JUNCTION FOR A SUM NOT TO EXCEED \$139,220.00; 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. Richard Zaccardelli seconded. Mayor Moss asked for discussion. Mark Powers clarified that the maximum cost to the City with this contract is the \$139,220, which is a study, cost of construction and engineering. Steve replied yes. One problem Steve has run into is that the state statute says the City can not operate a small ISP. He is looking into that to see if it is still in the statutes and what restrictions we may encounter. It doesn’t prohibit us putting in the infrastructure we just can’t operate a small ISP. There was some discussion about revenue bonds and other items. Jay Pendergraft was at the meeting to answer questions for the council. Ed Reeves made sure that this does not violate the state statute, that this is just a study. Steve replied yes. 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. Dee Lynn Davey motioned for passage of the ordinance. Mark Powers seconded. 6 (Zaccardelli, Marshall, Powers,

Daniels, Davey, Haase) in favor. 2 (Cook, Reeves) opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-y, Haase-y, Cook-no, Reeves-no. Motion on Ordinance #12-21 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 City Clerk then reported that Mr. Rhea has asked for \$30,000. When reviewing the appraisal Mr. Rhea commented that the zoning was wrong. Clerk Maribeth Matney called the appraiser as requested to see if that would make a difference and he said that it would and that it would raise the appraisal somewhere between \$23000 and \$28000. He could not give us an official amendment since he was only licensed as residential and not a commercial appraiser but he did consult one briefly to ask him his opinion. After some discussion the Bob Cook motioned not to act on this. Mark Powers seconded. All in favor. No opposed.

**NEW BUSINESS**

Ed Reeves asked about our lights outside burning all day. Steve reported that we had called KAB Electric and they were coming to look at them. Steve said he would turn off the breaker until we get them fixed.

Mike Talley asked about APD and the sewer rates. Steve stated that Dean Willis will be contacting them.

Steve then discussed the proposed code change on feeding waterfowl. Chief Haase stated that we need to include other wildlife. Don Marshall said that he will be out of pocket for a couple of weeks but they can look at it after that. There was some discussion about residents feeding wildlife around Bulldog Lake.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 8:30 PM.

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CITY CLERK

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MAYOR