

The Carl Junction City Council met in regular session on Tuesday September 6, 2011 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, Steve Daniels, Dee Lynn Davey, Sean Haase and Bob Cook. Also present were City Attorney Mike Talley, City Administrator Steve Lawver and City Clerk Maribeth Matney.

AGENDA

Mark Powers motioned to approve the agenda. Carl Skaggs seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Mark Powers seconded. All in favor. No opposed.

PUBLIC FORUM

Fred Sill, 304 N Grimes, addressed the council about his water bill. He then read the letter to the council. His bill was \$1353.89. He said that he pays his bills. He said that there was a problem with the meter. Mayor stated that he has asked Mike Talley to talk to the vendor for restitution on these meters. Mr. Talley said he is not sure how this will go. Bob Cook asked what his average bill was and he replied around \$28.00. The City Clerk then explained that his meter was put in July 2006. It was a meter that was coded wrong from the factory so when it billed 1000 gallons it should have billed 10,000 gallons. Mr. Sill asked why it took so long to catch and the Mayor explained that he had ordered an audit on the water meters due to another problem we had when 2 meters were switched. Mayor Moss said that we will be contacting the vendor to try to make restitution. Dee Lynn asked if they hadn't noticed that their bill had been cut in ½ 5 years ago. It was explained that the reading on the meter was correct and that it was not a defective meter it was just being read wrong by the computer, therefore it was not billing it properly. The water was used and went through the meter.

Robert Doke, 507 E Pennell, said he had the same problem as the Sill's. He was just 3 years though. He wants to pay his fair share but his usage was like a yo-yo up and down. It says he used 44,000 gallons last July. He did have his grandchildren last year but most of the months the usage was 6000 gallons. He said he probably uses 100 gallons a day which would put him at 3000 gallons a month. The council asked that we test his old meter and that a new one be put in. The City Clerk responded that we have put in a new meter already. Steve then explained about the meters being coded wrong and that we now know what to look for. There was quite a lot of discussion regarding this situation. It was asked that if they had been overpaying if they would expect a refund and they had replied yes. Mr. Doke said he would pay for what he used but does not think he used all the water the meter says he did.

Diana Jones, 303 Verbryck, said that she has lived here less than 1 year and has had 3 letters from David Wehmeyer. She is 69 years old and she doesn't understand it. One was for a limb in the back yard that was left over from the ice storm when she moved in. The last letter was about a dog. She did understand that and took care of it. She has lived in the country for 37 years and has never been in the City before and she is not happy and feels she is being picked on. She drives around town and there are other places that are worse than hers. Chief Haase assured her she is not being picked on. David has 200-250 open cases right now and most are resident complaints but he does drive around and issues letter from that also.

CHAMBER REPORT

Gary Stubblefield, Chamber President, reported that Jeff Knutzen, Chamber member, passed away Sunday evening. The Chamber met last Thursday and it was the biggest meeting on record. They are going to have 2 workshops coming up. They are also looking at a new mobile app by Mobiletect. The City wide rummage sale is coming up in October. October is Breast Cancer Awareness month and they have a lot of activities planned. The Show Me magazine is celebrating their 10 year anniversary and on 10/28/11 we are doing our community snap shot. He also asked permission to paint the town pink again this year and the council agreed to let them do it again this year.

P&Z CASES

Mayor Moss opened case #11-04, Final Plat of Deerfield Estates #2. Steve Lawver reported that the P&Z met and recommended approval with the city engineer's recommendations and approval. Mike Williams, HSTCC, said that the 1st building permits for this subdivision will be for their duplexes. They have received grant funding for this project.

The council reviewed the ordinance approving the final plat. Mark Powers motioned to put "AN ORDINANCE ACCEPTING DEERFIELD ESTATES #2 SUBDIVISION OF THE CITY OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs 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. Carl Skaggs motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-y, B Cook-y. Motion on Ordinance #11-28 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.

APPOINTMENT OF POLICE OFFICER

Chief Haase introduced Wrangler Haws to the council. He is well qualified and they are happy to have him come on board. He is in the process of moving into town. Mayor Moss stated he would like to appoint Wrangler Haws to the Police Department. Richard Zaccardelli motioned to approve Mayor Moss's appointment. Steve Daniels seconded. All in favor. No opposed. City Clerk then gave Mr. Haws his oath of office.

ORDINANCES

The council reviewed the ordinance adding Section 605.085 regarding gross receipts taxes. Mark Powers motioned to put “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 605: BUSINESS AND OCCUPATION TAX, BY ADDING NEW SECTION 605.085: NO AUTOMATIC ADJUSTMENTS, TO MAINTAIN THE TAX RATE OF ITS BUSINESS LICENSE TAXES ON THE GROSS RECEIPTS OF PUBLIC UTILITIES WITHOUT REDUCTION NOTWITHSTANDING ANY PERIODIC FLUCTUATIONS IN THE TARIFFS OF SUCH UTILITY CORPORATIONS” on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned for passage of the ordinance. Mark Powers seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-y, B Cook-y. Motion on Ordinance #11-29 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.

Public Works Department report – had nothing to add to the report.

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

COMMITTEE REPORTS

The Code/Nuisance Committee will need to meet at 6:00 PM on 9/20/11 before the next council meeting.

The Budget/Finance Committee asked if we were gathering information for another meeting. Steve reported that we had ordered the information from UHC but have not received it yet.

The Human Resource Committee had nothing to report.

The Public Facilities & Planning had nothing to report.

The Senior Citizen Committee reported that their cook took another job and they have a floater right now.

UNFINISHED BUSINESS

Don Marshall asked if we were still having problems with Mediacom. Mayor Moss said that we have no contract now and that all complaints need to go to the PSC. Steve said he had 2 phone numbers people can use. A consumer hot line and a consumer complaint line with PSC. It was stated that PSC probably would get better action than the Attorney General’s office.

Mark Powers asked about our building permits. Steve said we have 20 new house starts.

Bob Cook asked about our collection fees for APD and if they have been completed yet. Steve reported that APD approved the contract amendments and we are waiting for HOUSE and Fountain Road Park Village to sign them. The City Clerk reported that HOUSE is checking to see if they have to get it approved by their board first. Bob then asked about our clean up of Main Street and Pennell. He said that our code enforcement officer is doing a good job but where are we at with these problem areas. Steve said that the Main Street project was advertised for bids but we did not receive a bid so we solicited one and they are cleaning out the building now. Empire and MGE have to do disconnects on it first. It was discussed that we need to be fair to all citizens. Chief Haase said that David has his hands full. He stated that their goal is compliance, not to punish people. David will work with them to try to get them in compliance. It just takes time. It is an ongoing process. Foreclosures are an issue on some properties.

Steve then reviewed the DNR letters we received on our outfall at the WWTP. DNR has agreed with our engineer and has stated that a bypass has to be reported when it happens which is what we do already.

Chief Haase reported that the tower is up and the antenna is on but we do not have the radio yet. Public works is putting up the fence. They got it for about ½ the price they thought it would cost. He thanked the PW department for helping out.

NEW BUSINESS

Mayor Moss then addressed our water meter issue with the wrong programming. He has asked Mike Talley to write a letter and he would appreciate the councils backing on it. Richard asked if any other cities have had issues. Mark stated we needed to test Mr. Doke’s water meter. Mr. Sill stated they just replaced the box on the top not the brass. There was some discussion on whether we needed to go to the distributor or the manufacturer. Mike Talley said he reviewed the invoices and warranties. The distributor declines all warranties for any purpose. There was discussion on the defective meters. It was pointed out that the meters are not defective and that they are registering the water correctly, the computer was reading them incorrectly due to the way the meter was programmed. Mark said we need to write it as opposed to verbal conversations. There was a lot of discussion regarding these meters. Richard said we should call the factory. They would probably be embarrassed to know this has happened. We need to be dealing with the factory not the distributor. Steve said he went on the City manager’s blog and all meters have problems no matter what brand. Most of the cities that responded use Sensus. It was stated that they are compromising the integrity of the City. Mayor Moss said that he wants to do an audit on our meters every few years. It was the consensus of the council to contact the manufacturer and start there with trying to get some restitution. The residents that were in attendance were told to pay their normal bill amount at this time.

Richard Zaccardelli pointed out the Lion’s Club accomplishment list that was included in the packet. All of these events have happened at our Community Center. They also tore down 42 houses in Joplin to help out with their recovery.

Steve Lawver reported that 2 weeks ago we were served papers on a lawsuit regarding our past building inspectors procedures. This house is on Walton Street. We have turned this over to MIRMA and they have filed a response already. They are trying to get Ed Reeves removed from the law suit as a defendant. They are not using the same firm they used the last time.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:40 PM.

CITY CLERK

MAYOR