

The Carl Junction City Council met in regular session on Thursday September 19, 2013 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Steve Daniels, Mark Powers, Bob Cook, Tim Smith and Roger Spencer. Alderman Sean Haase was absent. Also present were City Clerk Maribeth Matney, City Administrator Steve Lawver and City Attorney Mike Talley.

### **AGENDA**

Mark Powers motioned to approve the agenda. Richard Zaccardelli seconded. All in favor. No opposed. Don Marshall motioned to approve the consent agenda. Mark Powers seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Victoria Mays, 204 N Grimes, addressed the council. She was excited to tell the council that she had entered a contest for a free little library. She has won the contest and now Carl Junction will have a new library. This will be a kit to build the 1<sup>st</sup> library but we could build several more and she asked if maybe an Eagle Scout could do that as a project. She has also been considering where to put it. It has to be accessible 24 hours/7 days a week. She talked to City Administration about it and asked the council to consider putting it here by the Community Center so that it will be well lit and easily accessible. She said it is a great opportunity for Carl Junction.

Jane Mitchell, 29188 Fir Road, addressed the council on behalf of the Carl Junction Cultivator Club. The Club members were in attendance also. She explained how the Cultivator's got started in Carl Junction and thanked the Council for all their previous support and continued support from the majority of them. She stated that they are trustworthy, honorable people and the community appreciates it. She understands that the council had no other option then to take the action they did because she is not asking them to violate any law. She stated the problem is that she doesn't want to stop the volunteerism in CJ or any small town and that is what prevailing wage is doing. She stated that the prevailing wages are not fair since they don't use local wages. She explained what she found out about prevailing wage. She said that prevailing wage needs to be fixed. It makes it difficult for cities to make their dollars stretch when the government has to pay more to have any projects done. She applauds our council on making our dollars stretch the way they do. She considers herself a problem solver and the only way to build this pavilion would be if it was built by city employees. She is asking the council to consider that option and that the cultivator's would pay for the supplies. She also stated that she had been called a liar and that the same rules should apply to the council that they apply to the public. They should be representing the public in general if not they should resign.

Sharon Clark, US Postmaster stated that she could have retired already but she has not because she loves Carl Junction. The volunteers in Carl Junction get work done. October is coming up and she is again asking for the City's support to paint the town pink.

Pat Smith, 303 Leisure Lane, stated that she served on the council for 16 years. She stated that when we started the Bluegrass Festival volunteers built a pavilion at Center Creek Park. That pavilion is where we hold the Bluegrass Festival now. She doesn't understand how we got to the point we are at now. She supports Jane and the majority of people do also. She asked how Joplin has done all their volunteer work since the tornado. There has to be a way around it if other towns do it. It has been done before and it can be done again.

John Evans, 1010 Southgate Circle, stated he has been here 4 years and he is confused about what he read in the paper about volunteer work. It is his understanding that the Cultivators are the ones who build the beautiful entrance we have with their volunteer work. He asked what we are teaching our kids about volunteering if we cannot do this project. Whatever we have to do to reverse this we need to do it.

Gary Stubblefield, Chamber director, reminded the council that October is coming up and all parties need to work together for the good of the community. We have ranked in the top 10 nationally for stamp sales in October. Last year we were 2<sup>nd</sup> in the nation. This was due to other communities hearing about our goal coming in and buying stamps at our Post Office.

### **CHAMBER REPORT**

Gary Stubblefield said that the Chamber believes in paying back to the community. They have given some funds from their Beautification Committee to help out and they have several different funds to give back to the community.

### **DISCUSSION OF PARK PAVILLION**

Mayor Moss stated he put this on the agenda due to a request from the council.

Steve Daniels stated that he has always been an advocate of park improvements and personal opinion does not make anything a fact. If the City willfully violates the law it will pay fines. He is looking at a way to remedy the situation. He said that there is a small difference in the amount of money that would need to be paid to pay a legal wage. He also stated that if the contractor was willing to donate he could pay the prevailing wage and then donate it back to the Garden Club if they wished. That would meet the letter of the law. (see full memo attached) He also said that if 40 people paid \$20 that would make up the difference to build the pavilion.

Steve reported that after the last meeting Mike Talley requested a legal opinion from the Wage and Labor legal department. We received a response which has been circulated around. What was left out was the volunteer part of it.

Bob Cook said we have a letter from the man saying he was volunteering his time and labor and it was signed stated labor donated free by builder. How does that violate state law? He said it should be perfectly legal and that his labor was free. He never entered into a contract with the City it was with the Cultivator's Club. His opinion is that we are not bound by state law. Prevailing wage should not be brought up. He gave us a cost list of materials that the club is paying.

Richard Zaccardelli said that our legislatures should stand up and change the law. They need to get involved.

Mark Powers stated that if he and Bob Cook wanted to go out on their own and put up the pavilion it would be OK. The problem is that he is a company with employee's that are doing the work.

Mr. Talley read the legal opinion for everyone who may not have previously read it. It talked about contractors and subcontractors.

Mark Powers said that to build it they all need to be volunteers not a contractor. Pat Smith stood up and said that her husband is a retired contractor and asked if he and a bunch of volunteers wanted to build it could they build it. Mike Talley responded absolutely. Mr. Talley stated he talked with the Joplin City attorney about their projects and the 1<sup>st</sup> thing he stated was that the question was never raised. He said they were just contractors volunteering their time to build new. Mike Talley said that there is a contract involved with this project. It now has a track record and the courts do not favor ways to come up with schemes to specifically circumvent the law.

Roger Spencer said that they had a group of people build sheds and gave them to people and they didn't have any problems. They just volunteered their time.

Tim Smith said that there is not that much difference for a fair wage for the work done. When Jane 1<sup>st</sup> came to the council he volunteered to help out but it never came up again. He will volunteer his time to try to see this go forward.

Bob Cook asked what the fine would be. Steve replied \$500/day and possible 6 months in jail. It could be applied to all.

Don Marshall volunteered his time also.

Mike Talley said that Senator Ron Richards is working on a way to change the law. We are doing research on this. Don Marshall said that they can't wait forever on this. Jane said that she did not know what prevailing wage was so she did some research on this. They always ask for free first. They had no intent to go around the law. She said that the prevailing wage for a carpenter was \$28.58/hour plus benefits which would put it at \$41. That is not normal in this area. There was quite a lot of discussion about the rate of prevailing wage and how it is determined.

Richard Zaccardelli asked of the school's building trades class could help with this. Steve said that they are working on a Habitat for Humanity house now.

Rep Charlie Davis stated that Senator Richards, himself and others in the house and senate are going to introduce a bill about volunteering in a community this session. California has a law that addressed this. They are working to get a bill perfected so that volunteer work will not stop in small communities. It will be addressed this session.

Richard Smith then asked if he could build the pavilion with volunteers. He has plenty of people who will help. Richard Zaccardelli motioned to go ahead with the project with Richard Smith and his volunteers building the pavilion and no contractors involved. Roger Spencer seconded. All in favor. No opposed.

Mayor Moss stated that he was proud of the way everyone was pulling together and hopefully this has been resolved. He also thanked everyone for being so courteous to the council.

The council took a 5 minute recess for the crowd to clear.

## **ORDINANCES**

Mark Powers motioned to put "AN ORDINANCE ESTABLISHING THE TAX LEVY FOR THE FISCAL YEAR 2014 ESTABLISHING SAID LEVY \$0.8854 PER HUNDRED ASSESSED VALUATION ESTABLISHING THE ALLOCATIONS OF SAID FUNDS TO GENERAL FUND AND GENERAL OBLIGATIONS SINKING FUND" on 1<sup>st</sup> reading by title only. Don Marshall seconded. Mark Powers asked if this kept the levy the same as last year. The City Clerk reported it actually went down a little. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-55 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.

Mark Powers motioned to put "AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,050,000 PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS (STATE OF MISSOURI - DIRECT LOAN PROGRAM) SERIES 2013 OF THE CITY OF CARL JUNCTION, MISSOURI, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S COMBINED WATERWORKS AND SEWERAGE SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THEIR PAYMENT AND PRESCRIBING OTHER RELATED MATTERS" on 1<sup>st</sup> reading by title only. Richard Zaccardelli seconded. Mark Powers pointed out that this was the issue approved by the people for our WWTP Expansion. Mark Powers motioned to put it on second reading by title only. Don Marshall seconded. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-56 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 the MML conference was very informative. Mark Powers asked if he found out anything about our fiber optic he has a lot of people asking about it. Steve said he is waiting to hear back from the USDA Rural Develop on their guaranty program. He said there was one that took 3 years but he doesn't think it will take us that long since we have a finance package worked out locally. Richard Zaccardelli asked about our skate park. Steve said that we have not had any issues and only 1 accident. Steve said that we are putting up a camera on the skate park.

Public Works report –Jimmy said that the street lights are supposed to be here at the end of the month and up in October. We are waiting for MODOT for their permit to take the old ones down. Steve Daniels asked about a light at the skate park. There was also some discussion about manhole lids.

Police Department report – reported that he would be bringing a new hire to the next meeting.

**COMMITTEE REPORTS**

Budget/Finance – Mark Powers reported he had reviewed the reconciled bank statements this month and they all look good.

Code/Nuisance –Don Marshall had nothing to report.

Human Resources – Steve Daniels had nothing to report.

Public Facilities & Planning – Tim Smith reported that the skate park is getting a lot of activity. It is also young adult’s not just kids. They also have expressed appreciation on having a skate park. We are getting kids from other communities such as Webb City and Joplin. He asked about repairing one of the lips. Steve said he reported it and they have already been out and fixed it.

Senior Citizens - Richard Zaccardelli had nothing to report.

**UNFINISHED BUSINESS**

Mike Talley reported that we had a title search done on the Graham’s Briarbrook property and we have come up with some complications and we are looking into them.

Tim Smith then stated that Richard Smith is here and he is the one heading up the pavilion project. He said that Jimmy had been asked to build the pad and pour the concrete and we need to know where the council is at on that. Steve said that we will mark where it is and they can start the dirt work. We will provide the labor and they will buy the concrete. Jimmy was originally going to put in the pad. There was some discussion about the city buying the concrete and them reimbursing us for it. Mike Talley said that might raise a flag. Jimmy said that they will start getting it ready for limestone and he will call Richard Smith. Richard will be in to look at the plans. His number is 434-2581 if anyone wants to volunteer.

**NEW BUSINESS**

Richard Zaccardelli thanked Richard Smith.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Steve Daniels seconded. All in favor. No opposed. Meeting adjourned at 8:20 PM.

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CITY CLERK

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MAYOR