

The Carl Junction City Council met in regular session on Tuesday October 18, 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

Carl Skaggs motioned to approve the agenda. Steve Daniels seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Don Marshall seconded. All in favor. No opposed.

PUBLIC FORUM

There was no one for public forum.

CHAMBER REPORT

Gary Stubblefield reported that the Post Office has now sold \$20,000 in stamps and Steve Lawver would need to fulfill his obligation to wear a mini skirt. Gary said it was a great motivator since they sold \$6000 today. They hope to double that amount again by the end of the month. He reported that the flash mob will be 10/20/11 at 6:30 PM in Joplin and Friday, 10/28/11, they will do the twister picture. The Mammogram Mobile will be here 10/25/11 from 8-4:30. Last year they did 24 screenings in one day.

DISCUSSION OF FLUORIDE TREATMENT

Steve reported that we have about \$94,000 left on the loan before it pays off on the fluoride equipment. Mike Talley said that he looked at our ordinance and it authorized adding fluoride to our system. It is not set up or working under any state statute. The County Clerk could have rejected to put it on the ballot but she did not. It was stated that it went to the vote of the people and it could be a political issue but not a legal one if the council decided to repeal the ordinance. Richard stated that it was brought up because the school eliminated the fluoride treatment in the schools. There was some discussion about new EPA standards and what DNR requires. DNR has not enacted any new regulations yet. Our wells produce fluoride naturally at .4 to .6 before we add treatment. Even if we stop adding fluoride we will still need to pay off the loan. There was a lot of discussion of the fluoride issue but it was stated that it didn't seem right to charge for something the residents were not receiving. Mark Powers suggested we wait until the loan is paid off and try to keep the fluoride within the range we are now at 1 since DNR has not changed their standards.

REPORTS

The council reviewed the Administration report. Steve reported that 14 contractors had picked up plans for the sidewalk bids. We will open them 10/21/11.

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

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

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. Mayor Moss reminded them they need to be getting ready to do the City Administrator's evaluation.

The Public Facilities & Planning had nothing to report.

The Senior Citizen Committee had nothing to report.

UNFINISHED BUSINESS

Richard Zaccardelli reported that they met with Sensus meters and HD Waterworks. Steve said that they will not give us a check for lost revenue. They do not do that. They fell back on their warranty paperwork. We discussed the meter problems with them and the integrity issue. The problem was discussed at length and Sensus said that they would give us a sizeable discount for 6 months and then we would reevaluate it at that time to see if it should be extended. We also tried to get the hardware and software so our water department can do adjustments with the laptop. Steve said when he researched it all cities' have problems with water meter companies no matter the brand they used. It is not just isolated to Sensus. He also said that all the managers that replied said that they do collect from citizens. Mike Talley said that there was a closed session on the agenda to discuss litigation but on reflection there is not anything to talk about. Everyone who met with Sensus said that there is no recourse because they were not defective meters. It was a shipping problem and the meters were marked but we did not know how to read the markings. Mike said public funds were involved and we are steward of public funds. Water was used and not paid for. 90% of the residents that were involved are paying for it. Mike Talley also said that, under the circumstances of these cases which involve erroneous initial billings by the City for extended periods of time, there is nothing in our code that dictates the time line we give citizens to pay the City back. We can set that time period ourselves and we can and probably should be as lenient as possible to reduce the difficulty in repaying while maintaining the principle that the water used must be paid for. After more discussion Mark Powers motioned to give Steve Lawver authorization to make payment arrangements with the residents for repayment of the water. Don Marshall seconded. 7 (Zaccardelli, Marshall, Skaggs, Powers, Daniels, Davey, Cook) in favor. 1 (Haase) opposed.

Mike Talley then stated that at the last meeting the City Council passed a Resolution for Zimmerman Properties. He was asked if we could rescind that Resolution. Our code provides that it is possible to reconsider an action if it is done at the next council meeting.

Sean Haase then stated that it was not the people's fault on the water bills. It was stated that they used the water. Steve said that he would be as lenient as possible and he would be agreeable to \$10/month if that is what they need. There will be no past due penalties and their bill will not show a past due amount on it. The computer tracks the amount due and the payments received. If the house would sell in the meantime then the full amount would be paid at that time. Steve said the worst case scenario would be they could receive a ticket if they don't pay the monthly bill. Steve said he would be reasonable.

NEW BUSINESS

Bob Cook asked Richard Zaccardelli to address what he passed on to him.

Mark Powers motioned to reconsider the Resolution of Support passed at the last council meeting for Zimmerman Properties. He stated he did not understand the Resolution. Carl Skaggs seconded. Mike Talley said that the question can be reconsidered and if the council pulls their support he cannot predict what will happen. We do know that the Resolution is necessary for the application and that they had a 10/14/11 deadline. We don't know what costs they have incurred since the Resolution was passed on October 4, 2011, or what other expenses or damages might be claimed as a result of a rescission of the Resolution. The Missouri Housing Development has not acted on any applications yet but awards will be announced in December. Mr. Talley discussed at length what the impact may be to the City if the Resolution is rescinded including possible litigation and the costs and expenses associated therewith. It was stated that the deadline was changed from 10/14/11 to 10/21/11. This was found out after the conversations with Mike Talley. It was also stated that the contract with Stutesman was a contingency contract based upon the funding. Mr. Cook asked why we were discussing this again. It was stated that there had been a lot of people against it and a copy of the letter that was put out was given to the council members who had not received a copy of it. Mayor Moss also commented that he had received a lot of e-mails and phone calls regarding this project. It was stated that these will be new homes. Steve explained that this was money that was being appropriated for tornado relief. This pot of money is \$100,000,000. The developers were under a quick time frame to put it all together due to the tornado. Steve had talked to a couple of different developers about this land and this type of housing. The other developer did not match our comprehensive plan but Zimmerman Properties did. The rezoning of the land is not required but MHDC likes the building to match the zoning. Steve also said that the preliminary plans did not have another entrance out of Briarbrook and he asked that they put one in so they allotted Anita Drive as an additional outlet. These are new construction homes and are smaller by about 200-400 square feet to the homes they back up to. They do quality construction as good as any other contractor. They don't use vinyl siding but now use hardboard. They have 2 different floor plans that they will use. It was stated that the letter contained some unfounded concerns with no facts. It is the same issues we have dealt with before. Steve says it will bring in sizeable tax dollars to the city, school and CID. He feels it would be good for Carl Junction; our growth has been stagnant for several years. It is an appropriate land use. Steve said this would be good for the City and if the council back tracks now it hurts our integrity with the developers. Steve said that there can also be hazards in recanting the Resolution. He has no idea what the repercussions could be. He does not think Zimmerman would be interested in working with us again. Mark said it bothers him a lot that they did not know ahead of time. Steve agreed it has been quick usually they give the developers 6-8 months to put this together. Mr. Cook asked if this was the same group by the school. Steve replied that they have a community west of the school. Mr. Cook asked if we had any complaints about it. He asked what the value of the homes would be. Steve said that the houses would be valued at \$100,000 - \$150,000 after they are built. Dee Lynn Davey said that most of the time people hear about it after the fact. She understands where they are coming from but doesn't want to get in trouble either. They are rental and rent to purchase homes. After 15 years they can buy the houses, but Zimmerman has control the 1st 15 years. Richard said that he received phone calls about traffic and storm water issues. That is a lot of homes for that area to handle the traffic from. It was pointed out that they still have to go through the plat process. Sean Haase asked if it would decrease the current property home values. Steve said he had no idea it would be speculation. It was commented that this type of housing is in every town and by larger houses. There was a lot of discussion regarding the traffic and how it would be handled. Mike Talley stated that if they were inclined to continue to support the project there is no need to reconsider. You need to vote yes if you want to reconsider it and a no vote is to keep it as passed. 4 (Powers, Zaccardelli, Skaggs, Daniels) in favor. 4 (Marshall, Davey, Haase, Cook) opposed. Mayor Moss voted in favor. Mark Powers then motioned to reject the Resolution of Support. Richard Zaccardelli seconded. 4 (Powers, Zaccardelli, Skaggs, Daniels) in favor. 4 (Marshall, Davey, Haase, Cook) opposed. Mayor Moss voted yes to reject the Resolution. Steve Lawver stated he would call them tomorrow morning and tell them to pull the Resolution out of the application.

Mike Talley withdrew his closed session agenda item.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Sean Haase seconded. 7 (Zaccardelli, Marshall, Skaggs, Powers, Daniels, Davey, Haase) in favor. 1 (Cook) opposed. Bob. Cook wanted to talk to Richard Zaccardelli about a topic. Meeting adjourned at 8:32 PM.

CITY CLERK

MAYOR