

The Carl Junction City Council met in regular session on Tuesday, March 1, 2005 at 7:00 at City Hall. Mayor Jim Wisdom called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Mike Moss, Gary Stover, Pat Smith, Walter Hayes and Wayne Smith. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney. Alderman Mike Palmer was absent.

### **AGENDA**

Pat Smith motioned to approve the agenda as presented. Walter Hayes seconded. All in favor. No opposed. Walter Hayes asked that item "c" be separated from the consent agenda. Pat Smith motioned to approve items "a" & "b" on the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed. Gary Stover motioned to approve item "c" on the consent agenda. Mike Moss seconded. 5 (Zaccardelli, Evans, Moss, Stover, W Smith) in favor. 2 (Hayes, P Smith) abstained due to their business licenses being on the list for renewal.

### **PUBLIC FORUM**

There was no one for public forum.

### **P&Z CASE**

Case #05-03 – Accept Quitclaim Deed from the Lion's Club. Mayor Wisdom opened the public hearing at 7:07 PM. This is for all of Lot #80 in the CJ Original Subdivision except the South 25'. The county thought this was road right of way but in researching it belonged to the Lion's Club that disbanded years ago. We need this land to do road improvements. Walter Hayes stated that the P&Z had no issues and recommended approval. Steve Lawver also called the Lion's International and they have no problem with it. It is at the north end of Main Street before you get to the railroad tracks. It is North of the American Legion building. It was also discovered that the American Legion building is 5' on this property and we will need to exchange some land with them. Members of the old Lion's Club Association signed the Quitclaim deed. There was no one in the audience for or against the proposal. Public Hearing was closed at 7:15 PM.

### **FOUNTAIN RD PK VILLAGE**

Alan McIntyre, Fountain Road Park Village, 422 E Fountain Road, Joplin MO 64801. He first stated that both pieces of property have been on one deed for 30 years. He has a buyer for his park but it is subject to them being able to expand on the property next door. It has the lift station on it but has never been developed. They want to put an additional 45 homes on it. He met with Airport Drive and they approved it subject to our approval. There was some discussion about the original contract. It states 67 homes in that contract, but when it was originally done Mr. McIntyre stated that he planned on expanding in the future. The council also reviewed a letter received from Wallace Payne, engineer, on the feasibility of sewer being available. The City requested that Mr. McIntyre get that information. Mr. McIntyre has 50 homes on his property at this time. The council discussed his current billing, how long it will take for them to put in the extra homes, what happens when Mr. McIntyre sells, and that the contract was subject to renegotiation if there would be an expansion. Mr. McIntyre stated that this party would not buy the park if they cannot expand. They are not in the Village of Airport Drive. There was discussion as to what the advantage to the City it would be if any, that it is a 3 party contract, that the contract needs to be negotiated with the new owner and the effect it would have on the treatment plant. There was considerable discussion on the effect to our plant and that it would take away from houses being built in our city. It was also asked if the contract was re-assignable. The question Mr. McIntyre has is the Council open to negotiations for expansion of the park. Gary Stover motioned that the council is not of a mind to consider this request. Motion died due to lack of a second. Pat Smith motioned that the council would be open for negotiations with the new owners. Walter Hayes seconded. 6 (Zaccardelli, Evans, Moss, P Smith, Hayes, W Smith) in favor. 1 (Stover) opposed.

### **CEMETERY BOARD ASSOCIATION**

Bob Miller with the Cemetery Board Association addressed the council. He is the President, Richard Donham and Linda Donham, Secretary/Treasurer were also here to address the council. He gave the history of the Association. That history showed that the City deeded over the land for the cemetery to the Association for the operation and maintenance. They operate off of donations and the interest of a trust fund (\$200,000). Due to low interest rates and the tornado they are here to ask for the City's assistance. To rebuild the entrance is \$1000, to trim and remove trees is \$700 and eventually they will have to replace their mowers. They are asking if the City will put something in this year's (and subsequent years) budget to help them out. It cost \$30,000 - \$35,000 just to maintain the cemetery. Mike Talley said that the city couldn't donate to any private or non-profit organization. We can contract with them to provide a service to the City and use that format. Mike Moss said we contract with CJYAA and we should be able to contract with the Association. Gary Stover agreed that they provide a service to our resident's. Walter Hayes suggested we have our attorney work on a way to work this out. Mike Talley said they could direct Joe to work out an agreement. Joe stated that Jasper County has some money we might be able to use on the trees. It was the consensus of the council to try to assist the Cemetery Association.

### **ORDINANCES**

Council reviewed the ordinance accepting the quitclaim deed from the Lion's Club. Walter Hayes motioned to put "AN ORDINANCE AUTHORIZING THE CITY TO ACCEPT A QUIT-CLAIM DEED FROM THE CARL JUNCTION LION'S CLUB, TO LOT NUMBERED EIGHTY (80), EXCEPT THE SOUTH TWENTY-FIVE (25) FEET, IN ORIGINAL TOWN OF CARL JUNCTION, CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, BEING MORE FULLY DESCRIBED IN THE BODY

OF THIS ORDINANCE; AND AUTHORIZING THE MAYOR, CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO RECORD SAID DEED” on first reading by title only. Richard Zaccardelli seconded. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-absent, Hayes-y, W Smith-y. Motion on Ordinance #05-03 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.

Council reviewed the ordinance amending our specifications manual. Barbara Evans motioned to put “AN ORDINANCE TO AMEND TITLE V. BUILDING CODE: CHAPTER 500: ARTICLE III. MISCELLANEOUS PROVISIONS BY AMENDING 500.140: STANDARD SPECIFICATIONS FOR STREETS AND SEWERS, TO UPDATE THE STANDARD SPECIFICATIONS ADOPTED FOR THE CITY OF CARL JUNCTION” on first reading by title only. Mike Moss seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Mike Moss seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-absent, Hayes-y, W Smith-y. Motion on Ordinance #05-04 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 Joe’s report. Mike Moss asked about the SCADA system. Joe reported that it seems to be fixed now but we have asked for an extension on the warranty due to all the problems. Pat inquired about the Police Chief’s position. Joe reported that they narrowed it down to 8 applicants and has sent out questionnaires. They have until 3/11/05 to submit their responses. The committee will meet at that time to review them and narrow it down to 4 for interviews. The first interview will be with the tech people and the second interview will be with elected officials. They have poured footings on the police station. He also pointed out the color schemes for the inside of the building and stated we would probably go with the green tones.

Memo #1 – Pending items. We will be having meetings with MODot and the county commissioners on 3/11/05 and 3/31/05 to discuss the roads. We have also invited Village of Airport Drive. We now have Fast Freedom at the Public Works and Economic Developers office. They will be out to look at City Hall this week. They have their antenna on now.

Memo #2 – Police Chief’s position.

Joe also pointed out the memo that went out to all the employee’s regarding the insurance.

### **COMMITTEE REPORTS**

Walter reported that we had a budget meeting at 6:00 PM. We will send out the final draft to the council for approval at the next meeting. He also reported that it was discussed raising the water rates 5% effective 5/1/05. This is regardless if the fluoride issue passes. If it does pass then we will impose another 10% increase so that the capital improvement loan will pay off faster than 10 years. He would like to see the 5% increase on the mid March agenda.

Bluegrass committee met and they are updating their forms to get them ready to mail out.

### **UNFINISHED BUSINESS**

Richard asked when Misty would be back on code enforcement. Joe stated we have had 2 dispatchers out and she has been filling in for them.

Walter Hayes asked about our retreat date. Joe stated Harry Rogers has suggested we wait until after the election. He was thinking mid-April.

Pat Smith stated that the light at our entrance sign is out.

Joe went over the fluoride sheet we received from Allgeier-Martin. We need to make some corrections and then get it out to the residents and the media.

Mike Talley reported that he has until 3/9/05 to respond to the Rails to Trails law suit. He also pointed out that 2 former Board members have given affidavits. Most of the facts are accurate and some are not. He then pointed out some facts that were not right. He stated that for the City to be a designee we had to have an agreement before the closing of the property, which we did not do. He had the Mayor sign an affidavit and that is being challenged. He may also need for Joe and Maribeth to sign affidavits. Wayne Smith motioned to allow Mike Talley to obtain affidavits from the Mayor, City Clerk and City Administrator of their personal knowledge of the lawsuit. Pat Smith seconded. All in favor. No opposed.

### **NEW BUSINESS**

Mike Moss thanked the council for sending Walter, Joe, Maribeth and himself to the MML Legislative Conference. He stated that there seems to be some hostility towards the Cities in the legislature and they also discussed the Sales Tax holiday. It was informative.

Walter reported he would be out of town for the mid-March meetings. He asked if anyone could fill in 3/7/05 and 3/21/05 for the P&Z meetings. He also asked if we could go ahead and run an ad for the position in Ward II that will be vacant after the election to replace Mike Moss. He would like to get started so we can appoint someone quickly. Mike Talley looked in the codebook. It was stated that we couldn’t appoint anyone until the election is certified but that we could go ahead and advertise and say to be appointed at a special meeting to be called after the election.

Pat Smith asked about planting some trees in the park in the open areas. They thought 2-6 trees need to be planted. The Bluegrass committee also asked if we could put 2 pedestrian bridges across the ravine in the park. She also asked about the cul-de-sac in Prairie Hills Subdivision that has a lot of water in it. She then asked to be excused from the meeting. 9:00 PM

Joe stated he would like to add to the budget putting the city code online and the money for the school traffic pattern. We have also had a request from the City of Joplin for a mutual aid agreement. Mike Talley stated we need to draw up an ordinance. Walter Hayes motioned to have Mike Talley draw up an ordinance approving the mutual aid agreement with the City of Joplin. Richard Zaccardelli seconded. All in favor. No opposed.

Joe discussed the memo from our building inspector regarding our fees. Mike Talley said we would need ordinances to set these fees. The inspections fees are no problem. The business license fees are under the Hancock rule and we just need to make sure we can justify the cost. He did not see a problem if we stay in the mainstream of what other towns are charging.

Joe reported that Zimmerman Properties gave the city some money for a lift station upgrade for the lift station that is in Redwood Development. Rick Schroeder asked if the City would be willing to help pay for the upgrade. Redwood bought it with the understanding that it would only be servicing his property. After some discussion the council stated we could pass on to Redwood the amount we collected from Zimmerman Properties but Redwood would have to pay the balance.

Mayor Wisdom stated he had some issues on the budget and asked when would be a good time to go over it with Walter. It was decided at 2:00 PM 3/2/05.

Joe reported that we had received a phone call from Bob Best, our attorney representing us on the lawsuit from Charlie Williams. He received a phone call from Mr. Benson, Charlie William's attorney, with a settlement offer. The offer was for us to pay the attorney fees and \$210,000. There was some discussion about receiving some property as part of the settlement. The insurance company said they could not purchase property. It was stated that part of the agreement could be that the land would be donated to the City. The insurance company feels that the attorney fees on this case could go to \$200,000. If we go to trial it will be in Springfield and you never know what a jury will do. If we are found 1% guilty we will still have to pay his attorney fees. The insurance company was going to think on it and get back with us if they are going to settle or not. We asked them to wait until after depositions. Mr. Benson is on contingency fee and so Mr. Williams is not willing to negotiate since he is not out any money. If the insurance company wants to settle and we don't we could be on our own. The City's case is strong but is not perfect. It basically is not the City's decision if we settle or not. The council wants it on record that it is not our decision and that this is not a substantiated claim.

**ADJOURNMENT**

Mike Moss motioned to adjourn the meeting. Barbara Evans seconded. All in favor. No opposed. Meeting adjourned 9:25 PM.

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CITY CLERK

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MAYOR