

The Carl Junction City Council met in regular session on Tuesday, May 3, 2005 at 7:00 at City Hall. Mayor Mike Moss called the meeting to order with the following present: Barbara Evans, Carl Skaggs, Gary Stover, Pat Smith, Mike Palmer, Walter Hayes and Wayne Smith. Alderman Richard Zaccardelli was absent. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney.

AGENDA

Mayor Moss asked that we add item 3(a) to appoint a time person for public forum. Joe Barfield stated he would like to add item 6(a) review and approval of public works truck bids. Walter Hayes motioned to approve the agenda as amended. Mike Palmer seconded. All in favor. No opposed. Mike Palmer motioned to approve the consent agenda. Carl Skaggs seconded. All in favor. No opposed.

APPOINT TIMEKEEPER

Mayor Moss stated he would like someone to keep time during public forum. He then asked Mike Palmer to fill that position. Mike Palmer agreed. It was also stated that the Mayor or the Board as a whole could extend the 5-minute time limit.

PUBLIC FORUM

There was no one for public forum

REVIEW OF POLICE CAR BIDS

The council reviewed the tabulation bid sheet. We received only one bid; it was from Herman Ford for \$21373. Mike Palmer expressed concern on getting only one bid. Joe stated that the new Chief would solicit bids also next time and not just advertise. Walter Hayes motioned to accept the bid from Herman Ford for \$21,373. Carl Skaggs seconded. All in favor. No opposed.

REVIEW OF PW TRUCK BIDS

The city received 2 bids for the truck; Herman Ford - \$21,145 and Roper Pontiac - \$18,545. Joe stated we reviewed all the bid specs and they have met all the requirements. He recommends we approve the bid from Roper Pontiac. Wayne Smith stated he would abstain from the vote since he works for Roper. Gary Stover motioned to accept the bid from Roper Pontiac for \$18,545. Pat Smith seconded. Joe reported we opened the bids today and that was why it was not on the agenda. Mike Palmer stated it was important for items to be on the agenda when they are to be voted on. 6 (Evans, Skaggs, Stover, P Smith, Palmer, Hayes) in favor. 1 (W Smith) abstained.

ORDINANCES

The City Clerk explained that this fund was an oversight and that was why this was not on the last meeting's agenda. Mike Palmer motioned to put "AN ORDINANCE AMENDING THE 2005 FISCAL YEAR BUDGET BY AMENDING THE WWTP FUND BUDGET FOR THE FISCAL YEAR 2005" on first reading by title only. Carl Skaggs seconded. Mike Palmer motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-absent, Evans-y, Skaggs-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-19 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.

Next the council reviewed the ordinance approving the franchise agreement with MGE. It is a 20-year contract. The original Ordinance #733 was passed 5/1/85. Mike Palmer stated that it read like a new franchise and not a renewal. Mike Talley stated that the public has 30 days to present a petition if they want it to be approved by the vote of the people. There was discussion of the law regarding franchise fees. We received this ordinance in March. It was discussed on what happens if we don't pass it tonight but put it on first reading only and if it would interrupt our franchise fees. Mike Talley advised that we should pass it tonight and the reiterate the passing again in 30 days. Mike Palmer motioned to put "AN ORDINANCE GRANTING TO MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY, A DELAWARE CORPORATION, OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF CARL JUNCTION, MISSOURI, ITS SUCCESSORS OR ASSIGNS, A FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM IN SAID CITY AND RELATING THERETO" on first reading by title only. Carl Skaggs seconded. Mike Palmer motioned to put it on second reading by title only with a roll call vote. Walter Hayes seconded. Zaccardelli-absent, Evans-y, Skaggs-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-20 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 City Administrator' report. Joe also reported that our police department/court building was coming along well. They are drilling the wells for our heat pumps. Gary Stover asked about Chad Bowman's water meter. Joe reported that Bryan is looking into measuring the water from the meter to see if there is anything wrong with it. He talked to Mr. Bowman and he was concerned about the late charges. Joe will suspend the late charges for them so they can pay it out.

Memo #1 – Pending items. The Fast Freedom contract was signed and mailed back to them. Pat Smith asked about our contract with CJYAA. Joe reported he would be contacting them. He also had a complaint from American Legion about access to the fields. He asked them to write him a letter regarding the problem so he could address it.

Memo #2 – Mileage reimbursement. Joe stated that the Federal and State government were raising their mileage reimbursement rate. He asked that we also raise ours. Currently it is 30 cents per mile; he is recommending we go to 37.5 cents. It is not in the code but a policy issue.

Memo #3 – Weed and grass abatement. Joe would like to go under contract with a company or individual to abate nuisances around the city. He would like to assess the owner for the cost of abatement and also a fine for the offense, such as \$50 for the first time and \$100 for the second time. Right now it takes about 60 days to go through the court. This way we can get it abated faster. We do not have enough city employees to do the abatement ourselves. There was some discussion of our current code. Mike Talley said that we could not “fine” a person without going to court, but we could possibly enact “penalties” or “fees” for the offenses. Joe reported that other towns do this. Mike Palmer suggested we get the information about it and get back with the council. It is something we need to pursue. Mayor Moss suggested we contact MML also.

COMMITTEE REPORTS

Mike Palmer stated that he would like to call a Code Review Committee meeting for 6/7/05 at 6:00 PM prior to the regular council meeting. Mayor Moss then appointed Carl Skaggs to the Human Resource Committee and Budget/Finance Committee. Walter Hayes stated that he would like to call a Budget/Finance Committee meeting for 5/18/05 at 4:00 PM. Mayor Moss asked the City Clerk to update the committee list and redistribute it.

UNFINISHED BUSINESS

Joe reported that we are in the process of replacing the faded signs mentioned at the last meeting. He is having the Forestry Department come to the next meeting to talk about tree planting. He was asked to help the Cemetery Board and he got the trees trimmed for \$650 and a church paid for it, he got the bricks donated and a person volunteered to put them up for them, he has had signs made up and we will install them and Jeff Asbell is going back out to fix the ditch.

Joe reminded the council of the dinner on 5/24/05 in Springfield at the Pro-Shop. It is a new meeting for the MML and is a State Legislate update. It starts at 6:00 PM. We will leave City Hall at 4:00 PM. We need to know who is all going so we can get reservations made.

We received another packet of documents regarding the lawsuit on the Rails to Trails from our City Attorney. Mike Talley said he spent 47 hours last month on it and close to that in March. He explained that these are suggestions in opposition to Plaintiffs’ Motion for Partial Summary Judgment. Plaintiffs will have 15 days to respond to these suggestions and then the judge will make a ruling. He explained the procedure for the council. If we get a favorable ruling on our Motion for Summary Judgment – which we previously filed - we can file for reimbursement of attorney fees. Plaintiff’s can also do that if they have a favorable judgment on their Motion for Partial Summary Judgment and that is why he has had to fight this so hard. It was stated that these documents are public documents and are available at City Hall.

NEW BUSINESS

Joe reported that there are 2 vacancies in the Police Department. The Chief has started looking for recruits. He has some good candidates in mind. We also had a resignation in the Public Works Department and will have to fill that position.

Pat Smith asked about moving the soccer fields. He reported that it would cost \$100,000 to do it, which includes bathrooms. We will try to look for grants.

Mike Palmer mentioned that he intends to attend the prayer breakfast on Thursday morning.

Walter Hayes would like for the council to re look at the proposal we had a few months back on becoming an internet provider. The equipment cost was \$350,000. President Bush signed a bill to provide money for high speed internet grants to make high speed internet available for outlying areas. We need to look at it again. We could set it on tower #8. It covers a 6-mile radius. It would benefit a lot of people.

His term is up on the P&Z Committee and has asked to be replaced. They meet on the 2nd and 4th Monday of each month. He has a lot of demands on his time right now and would like a break, but feels it is very important to have a council member on the board. It was suggested that we do it on a rotating basis. Mayor Moss stated we would work up a schedule for the council and if there is a conflict they can change with another council member. Walter also stated that on 5/26/05 the Chamber is having their Community Award banquet at the High School, it is \$8/person and starts at 6:30 PM.

Mayor Moss informed the council that the MML gave the City a plaque in recognition of the membership and displayed it for the council.

CLOSED SESSION

Mayor Moss asked if the council wished to use the closed session. Mike Talley stated he has always felt you should not go into closed session unless absolutely necessary. This particular incident is not one that requires action by the Board at this time. Action has been already been taken by the City Administrator. He has typed out a confidential memo to the council for their review of the incident. The council read the memo and gave it back to the City Attorney. It was the consensus of the council that they did not need a closed session.

ADJOURNMENT

Barbara Evans motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:15 PM.

CITY CLERK

MAYOR