

The Carl Junction City Council met in regular session on Tuesday, May 18, 2004 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. Mike Palmer arrived at 7:15 PM.

AGENDA

Barbara Evans motioned to approve the agenda. Richard Zaccardelli seconded. All in favor. No opposed. Mayor Wisdom than asked that the agenda items be separated. Pat Smith motioned to approve the disbursements. Walter Hayes seconded. All in favor. No opposed. Mayor Wisdom stated that the minutes had a typo. On page 2 the work "pack" should be "back". Then on Memo #1 where it states that "the council agreed to vacate with property owners paying the cost" should be amended to read "agreed to send it to P&Z for a recommendation". Walter Hayes motioned to approve the minutes as amended. Wayne Smith seconded. All in favor. No opposed.

PRESENTATION TO OB CARLSON & CARL SKAGGS

Joe Barfield stated that OB was out of town and Carl Skaggs had another engagement. Neither can make it to the meeting. Walter Hayes stated Joe should contact them and set up a time and let the council know so that they can take pictures. It was stated that they should be presented and recognized for their service to the City as Board of Aldermen members.

PUBLIC FORUM

Howard Burnison, 907 Copper Oaks, spoke to the council about the property behind him. This resident bought it from Ray Schmidt and he is not keeping it maintained. Mayor Wisdom stated this has been brought to the City's attention and they will send the resident a notice of any nuisance violations. There was some discussion about abating the nuisances if the resident does not and billing it to the resident. Mayor Wisdom stated we now have a nuisance committee to look at our codes and try to clean them up where it is not clear. Mike Talley stated that there are procedures for abating nuisances in our current codebook. Richard Zaccardelli stated that the code officer has sent several letters and a lot has been cleaned up already. Mike Talley read through the code as to the procedures on abating nuisances. It was stated that currently we sent them a letter giving them 10 days and then if it is not abated then we send them a citation for the violation. It works well. Mike Talley said that some of the confusion is that the original code was in 1975 and in 1990 we added a section but the old section was not amended to the new code. It was also pointed out that the letter says 14 days. Joe will check to see the status of this violation. Howard asked if he takes care of it this time what happens the next time. Mike Talley stated that the prosecutor should point out to the judge that it is a repeat violation. Mike Talley said that as a prosecutor for another town he found that bringing them in front of the judge is the most effective tool in getting violations taken care of. Joe stated that there has not been a letter issued yet.

David Davidson, 106 Oak Street Circle, presented a petition protesting the bridge. They feel that the City's money can be better spent. He got 33 signatures in just a few minutes. He doesn't blame the Chamber for wanting to put in a bridge but there are other things that need to be done first. He encouraged the council to talk to the people to see how they feel. Mike Palmer explained that we were going to have a complete traffic study done on the needs of Carl Junction. It was not specifically for the bridge. David Davidson said that they think the other issues need to be address and they don't see a need for a bridge. There was a lot of discussion about the various roads and the improvements that we need to have done. It was also pointed out that some of the roads we are having trouble with are out of our jurisdiction. We have no control over them but have contacted the entities that do.

ORDINANCES

The first ordinance was an agreement with Fast Freedom. Mayor Wisdom had some questions about the ordinance, such as what towers were involved, why they had pump houses listed, why it says immediate use, and if it violates our other contracts with the other companies leasing our towers. He also stated that we usually have an engineer's study done. He is afraid that we are moving too fast and not checking all things out first. Joe stated that on 4/20/04 he reported to the council about their proposal. Currently we pay \$2850 annually and Mediacom wants \$2603 annually. Fast Freedom will provide our Internet services free and pay \$200 a month rent. Currently we get \$800-\$900/month for antenna rent. Joe reported that the antenna's on the North Main Street tower is for our use. The one on Copper Oaks is for their current customers. The last page of the contract shows where they will provide us service. Mike Talley stated that he has reviewed the contract and drew up the ordinance. He made several changes and reviewed Robert Wireless contract also to see if there were any violations and copy some language from it to this one. Mike Talley also stated that he was not in the negotiations and he thought that the deal had been struck between Fast Freedom and the City Administrator. He just fine-tuned it. Joe also reported that Fast Freedom agreed to all the changes that Mike Talley made to the contract. It was stated we could strike the word immediate and add the tower #'s to Exhibit A. Mayor Wisdom asked about interference with Roberts Wireless. Brian Kelly, engineer with Fast Freedom, stated that there would be no interference with Roberts transmissions. He also stated that the pump houses are listed since an electrical feed will be outside the pump houses. Mike Palmer stated that he will have to abstain from the vote since Empire owns Fast Freedom but asked if he could join in the discussion. Mike Talley stated that since he can't vote he shouldn't join in the discussion unless he wants to excuse himself from the council and sit in the audience to participate in the discussion. It was also stated that Gary Stover is in the same position. Joe pointed out that we currently have joplin.com and it has been purchased by Fast Freedom. There was some discussion about safety issues. Richard Zaccardelli asked if there would be a break for our residents. Mr. Kelly said he could take it back to the company and ask them. Walter suggested we modify the contract to address some of our concerns. We would provide the electricity. There was also some discussion about the length of the term. They would like to look at 6 years if possible. There was also discussion about how fast technology is changing and Mr. Kelley stated that our equipment would be updated when they updated. Mayor Wisdom asked if we had to go out for bids for this. Mike Talley responded that Joe did solicit bids. They are leasing space and not offering it to the public. Mike Talley did say we might set a precedent on what we will lease our towers for. It was also stated that this is an Internet service and Roberts is a cell phone company. After more discussion it was suggested we add clauses to our

agreement that all equipment to be installed will be inspected by our engineer and also review the agreement with Roberts Wireless for any conflicts. Walter Hayes asked if we changed the wording of the agreement if we could proceed with the ordinance. Mike Talley said since agreement is an attachment we could make changes and then do a final draft of the agreement. Mr. Kelley stated that they have never caused any interference and they all work together. Walter Hayes then motioned to modify the lease agreement to eliminate the word immediate in Appendix A and to clarify the locations by adding the tower numbers to the addresses and also add verbiage subject to city engineer's review and also subject to our review to determine if it would cause interference with our communication and violate any existing contracts and to amend it to add the ability to renegotiate the contract at the end of each term or to terminate at end of a term. There was discussion about the length of the contract. Walter amended his motion to have a 12-year term. Pat Smith seconded. 6 (Zaccardelli, Evans, Moss, P Smith, Hayes, W Smith) in favor. 2 (Stover, Palmer) abstained due to being employees of Empire District Company. The council then discussed the renewal terms of the contract. There was discussion what options we have if we are not happy with them. It was also discussed if were to receive the upgrades when they upgrade. Mr. Kelley stated that we would be upgraded at no cost to the city. It was suggested 9-10 years and not 12 years. Mike Talley suggested we do the first 2 renewals and that on the 3rd renewal we could negotiate the contract. Pat Smith then motioned to renew it the first 2 times (9years) and the 3rd renewal would be upon the mutual consent of both parties. Walter Hayes seconded. 6 (Zaccardelli, Evans, Moss, P Smith, Hayes, W Smith) in favor. 2 (Stover, Palmer) abstained. Mike Talley then stated that we needed to amend the title of the ordinance to clarify it not change it and to change the terms. Walter Hayes motioned to amend the ordinance as stated by the City Attorney. Pat Smith seconded. . 6 (Zaccardelli, Evans, Moss, P Smith, Hayes, W Smith) in favor. 2 (Stover, Palmer) abstained. Walter Hayes motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION AND FAST FREEDOM, INC., TO LEASE SPACE ON THE CITY'S WATER TOWERS AND PUMP HOUSES FOR THE PURPOSE OF ESTABLISHING WIRELESS INTERNET RECEIVER AND TRANSMITTER UNITS AND OTHER ASSOCIATED COMMUNICATION EQUIPMENT FOR A TERM OF THREE (3) YEARS WITH OPTIONS TO RENEW FOR TWO (2) ADDITIONAL LIKE TERMS AND A THIRD LIKE TERM UPON MUTIAL CONSENT OF THE PARTIES, PROVIDING THE TERMS OF SAID LEASE AGREEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI." on first reading. Pat Smith seconded. Pat Smith motioned to put it on second reading by title only with a rollcall vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-abstain, P Smith-y, Palmer-abstain, Hayes-y, W Smith-y. Motion on Ordinance #04-34 was approved by rollcall vote, signed by the Mayor, attested by the City Clerk and made a part of the permanent records of the City of Carl Junction.

The City Clerk explained that this ordinance corrected a typo on the ordinance the City passed in 2001 when these bonds were refinanced. It also needs to be done before we can pay off some of these bonds. Mike Palmer motioned to put "AN ORDINANCE AMENDING ORDINANCE NO. 01-12 IN CONNECTION WITH REPLACING EXHIBIT B TO ORDINANCE NO. 01-12 WITH A NEW EXHIBIT B" on first reading by title only. Gary Stover seconded. Mike Palmer motioned to put it on second reading by title only with a rollcall vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #04-35 was approved by rollcall 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

Pat Smith asked about the building inspector. Joe replied that we had received 20 applications. We interviewed 2 applicants and he selected Ed Reeves. He has been with Wal-Mart for 11 years in the construction department. He currently has his own business. He will be able to start 6/1/04. CJYAA has signed the agreement with the City on maintenance issues. Joe also reported he hired the pool manager, Beth Taylor. She is interviewing the lifeguards. They will have a shake down 6/7 and open 6/8. They will start with 6 days a week and go to 7 when they go to full staff. She will be offering limited swim lessons. The rates will be the same as last year. Joe also reported that the pool has a leak and we will have to replace a valve at the end of the season.

Memo #1 – Tri-State Coalition. Our fees will be \$2640 to do this study. It will be SW Missouri, Kansas, and Oklahoma. It will give us a broader picture with a 20-year projection. It will reference all wells in the area.

Memo #2 – Pool. There were no questions.

Memo #3 – Police Station site work. The council reviewed the spreadsheet of bids. Jeff Asbell was the low bidder. Mike Palmer motioned to accept the low bid from Jeff Asbell Excavating for the site preparation work for the Police Station. Walter Hayes seconded. All in favor. No opposed.

UNFINISHED BUSINESS

Walter Hayes reported that he will be out of town for the next P&Z meeting 5/24/04. He asked for someone to take his place. After some discussion Gary Stover stated he could attend in his place.

Mike Palmer said that the code review committee had their first meeting. They have come up with another date for their next meeting, 6/17/04 at 3:30 PM. They have made progress. They have looked at the issue that has been before the council at the last several meetings on the removal of employees. Mike Palmer also thanked the PD for their assistance during the graduation. It went very well and it was very orderly.

Pat Smith said they are accepting entries for the Bluegrass Festival. There are fliers available at Bruners, Randy's and City Hall and encouraged people to take them out of town to different events.

Joe reported that the PD took a lot of abuse from parents on graduation night. It was a rough year this year. Mike Palmer stated he heard several good comments.

Joe reported that we have our environmental study done on the PD and have received the FONSI back from FEMA. It was stated we need to have a ground breaking for it.

Mike Talley reported that the 5/24/04 deadline is approaching. He has contacted WARD NA and Lance Ferguson is no longer with them. He received a call from Michael Murphy and he will look at it and get back to him next week.

NEW BUSINESS

Richard Zaccardelli reported he went over the town with Misty Forrester and he was enlightened with the extent of violations in town. He stated she knew a lot of people and has had a lot of places completed in their clean up.

Pat Smith asked about the entrance sign that the RR damaged. Joe reported that the whole sign will need replaced. He is getting bids now.

Joe reported that we received our insurance renewal statement from MIRMA. Due to the tornado they have debited us for \$29000 additional premium. We have 30 days to respond. He will solicit Mike Talley to help him. They paid us approximately \$180,000 in damages. It was stated that we have had complaints before about them and we need to check all options. Joe stated after reviewing our policy we do not have a lot of rights.

Joe also reported that he & Steve Lawver will be attending the Economic Development conference this week. The Jasper County Long Term Recovery is receiving an award this year. He also asked if anyone was interested in the Newly Elected Officials conference, we needed to get their reservations in.

ADJOURNMENT

Pat Smith motioned to adjourn the meeting. Mike Palmer seconded. All in favor. No opposed. Meeting adjourned at 9:25 PM.

CITY CLERK

MAYOR