

The Carl Junction City Council met in regular session on Monday June 18, 2007 at 7:00 PM at City Hall. Mayor Pro-Tem Walter Hayes called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Carl Skaggs, Mark Powers, Pat Smith, Dee Lynn Davey and Walter Hayes. Aldermen Wayne Smith was absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### AGENDA

Walter Hayes stated that we needed to strike item 7(c) off of the agenda and add the ordinance to approve Addendum #7 with APD's contract as item 7(c). Carl Skaggs motioned to approve the agenda as amended. Pat Smith seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda as presented. Carl Skaggs seconded. All in favor. No opposed.

### PUBLIC FORUM

Darren Prather, 117 N Windwood, addressed the council about his bathroom flooding in his basement. He sat during the work session and was glad that this topic was discussed. He stated that we were looking out the window instead of in the mirror. He stated that the City needs to do what they can to make it happen. His basement flooded with 3" of rain and it was suggested he put in a backflow, which he did. He stated that the sewer water takes the least path of resistance and will go wherever that is. His putting in a backflow preventer didn't fix the whole problem. The City needs to know where the water is coming from. He understands that sump pumps tied into the main is against the law; he also has understood that surface water is infiltrating our lines. His entire basement is ruined. He stated that if our lines can't handle the flow we should stop issuing building permits. This all converges in his back yard and it is too much pressure at one point. He also stated that the backflow was not in our building code. He wants to know who is responsible. He thinks the City is. He wants to know what is going to be done. He stated the problem is with our city sewer system and he wants to know what is going to be done.

Dean Dankelson, 119 N Windwood, addressed the council about his basement flooding with sewage. He has flooded 3 times (6/2/07, 6/10/07 and 6/11/07). His house is the first house it hits. The 4 houses with problems had 4 different builders but they all have the same problem. They think it is too much sewage in one spot. He also has put in a backflow preventer. He stated that we need to solve this problem long term. He stated that first it came up his drain from his AC and then his toilet. His basement is unfinished but he lost some stuff that can be replaced. He wants the City to step up and take responsibility. He said that there has been nothing but excuses and finger pointing. He has lived in this house 7 years and never had an issue until 6/2/07. The City needs to figure out a way to solve the problem. They want to work with the City not against them.

Michelle Ducre, 114 N Windwood, addressed the council about the flood water in her basement. She has a storm drain close to her home. She asked why we allowed a house to be built in that area if it is a water retention area. She also asked why we allowed a walk out door to the basement. Who issued the permit to allow that to happen? She feels the City is responsible for the damage and that we need to review our drainage plan. She was told that if she had not had a door there it wouldn't have happened. The city needs to look at the root cause of the problem. We need to change the drainage flows. She stated that the council are stewards of the community and they owe the residents to see how a permit was issued. If it was not originally put in who put in the door. She also heard that the developer altered some of the retention pond.

Steve Stansbury, 506 Copper Oaks, addressed the council about a lot split he applied for. His house remained dry during the storm; his retention pond held the water and he was thankful for the pond. He purchased his property in 2005 and he applied for a lot split in January 2006 to split the retention pond from one lot and put it on another lot. He was told that we couldn't approve it until the detention pond was done. He was told in December that the pond would be done in February 2007 and it still is not done. He now has to move and sell his property and he e-mailed the City of his problem. He stated that the City Clerk made several phone calls on his behalf. He stated that there was no oversight and no accountability on this project. He had 4 meetings with the developer in trying to get this done. It was dry last summer and he wondered why it wasn't done then. He also discussed about his not having a certificate of occupancy when he moved in and it took 30 days to get that. He lost a sale of his home due to the retention pond not being done. We need to have more oversight on our developers to get things done.

Kathleen Martz, Charles Burt Realtors, addressed the council. She has been selling Real Estate about 26 years and has sold a lot of property in Briarbrook. She stated that the owners would have to disclose the sewer backup if they chose to sell their property. There is a lot of competition in the area and gossip spreads about problems in subdivisions. This could bring down property value in that area. It could affect the whole community if it isn't addressed.

Windle West, 123 N Windwood, addressed the council. His detached building was built to code to match his house. He will have to have 2 backflow preventers since his basement now flooded this time. He wants to know where all the sewage is coming from. He never had problems before. He stated only so much water can go through an 8" pipe. His insurance company refused to pay the claim. The insurance company stated he needed a backflow preventer. Mr. West stated he needs help from somebody.

David Pyle, 502 Ridgewood Circle, stated the back of his property is a storm water ditch to a retention pond. It is not sufficient to hold the volume of water it needs to. He had dirt work done in March and did what he could to try to stop it from eroding. He added material to help. He stated that the City needs to help fix the problem by improving the ditch along his property.

Brian Ledford, 111 Red Oak Loop, talked to the council about run off water. He said that the culvert coming out of the retention pond acts like a funnel and goes directly to his property. The City needs to take a look at it and fix the problem.

Ron Meyers, 106 Bogey Circle, said his basement flooded with sewage in 1998 because the lift station went out and we waited until Monday to fix it. This last flooding was worse then the first one. His property value is destroyed. If our sewer system is not capable of handling our flows we need to stop issuing building permits. He was told that it wouldn't happen again after the 1998 incident. Jim Whisenant stated that the lift station did not fail this time it was just running at capacity.

Kurt Higgins, Allgeier-Martin & Associates, discussed the sewer and storm water issues from this last rain. He stated that they work on an on-call basis and not full time. Some of the properties he has looked at and some he has not. As far as the detention pond issue the City holds a bond until the infrastructure is completed but they can't act on it until the developer abandons the project. He is not sure what else the city can legally do. As far as the pond on Gum Rd, it was designed to be a dry pond and that is why the pipe is at the bottom of the pond. It is designed to be dry within a 24 hour period. There was a lot of discussion of both retention ponds, the state law and drought versus rainy seasons. Kurt then addressed the sewer system. The City has recently started talks about addressing the I&I in our sewer lines. The City actually has 2 systems, the North system and the South system. There was a study done on our North system 30 years ago. The price to correct the problems from that study is about \$3.7 million. He guessed that it would take \$15-\$30 million to correct the whole system. We can't do that with sewer rates. It would have to be a bond issue. The city is looking at this hard. The City is already getting fined for a spillage in January for a sewer blockage. He said that this could not be fixed overnight. It is going to take knocking on doors. Kurt did tell the homeowners they could take their basement off of the direct sewer line and put in a grinder pump. They could also put in a valve that they could turn off and on as needed. The old code did not require backflow preventers. The new code does talk about backflow preventers and grinders. Kurt then explained inflow and infiltration. He stated that the biggest problem is inflow in their area. In the old part of town it is infiltration. The new code was not adopted until 2005. Kurt said that they could inspect drainage ditches but that all takes money. Most culverts are designed to handle a 10 year storm. The property on 114 N Windwood's problem is that 3 houses were building close to the drainage ditch. It used to have a wider area. That raised the water in the ditch. That area was not set aside as a detention area. They will need to take precautions to protect the property.

Michelle Ducre asked about a time line on a cause of action for the council. Jim Whisenant said that we will do our due diligence and we have proposed talks about what is all involved. Culverts are not on the top priority list. Michelle said it was not acceptable to just walk away at this point. Kurt stated that he had met with a Task Force just 2 weeks ago about this issue. It was stated that we need a plan and to let the people know the City's needs. There was discussion about bonds and Kurt also stated that there are low interest loans available.

Walter Hayes stated that the Budget Committee had met about the sewer rates before the rains hit. We are trying to work on a solution. We will go to the people so that we can raise money to address the issues. It was stated that about 30% of the plant is used on I&I. It was also stated that we should smoke test our entire sewer system. We need to find the rain gutters, sump pumps and other items connected to our sewer that should not be connected. Kurt feels that will have the biggest impact on our system. We can find the problems but the residents will have to correct it on their side. It was also reported that the City has \$300,000 ready to be spent on a 4 block area in town. This is on the North system. There were discussion of maps and looking for manholes that may be taking in water.

Pat Smith stated that the council feels for the residents and asked for 30 days to determine what action we need to take. Jim Whisenant said that the budget committee needs to look at the finances for any project we determine is needed. It will be an open meeting so anyone can attend. Kurt stated that the council should get aggressive on the inflow and infiltration. We can only do smoke testing in dry weather. Pat stated we will not have all the answers in 30 days. The council meets the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of every month and the residents are encouraged to attend. The agenda is posted on the door prior to the meetings.

#### **REVIEW AND APPROVAL OF OFFICIAL PYMTS FOR DEBIT/CREDIT CARD PYMTS**

Mike Talley has not had time to do any follow up calls. Pat Smith motioned to table this until the next meeting. Richard Zaccardelli seconded. All in favor. No opposed.

#### **ORDINANCES**

This ordinance is approving a lease agreement with Commerce Bank of equipment purchase. Pat Smith motioned to put "AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT AND ESCROW AGREEMENT WITH COMMERCE BANK, N.A., LESSOR, FOR THE PURPOSE OF FINANCING THE PURCHASE OF ONE (1) BACKHOE, ONE (1) MOTOR GRADER, ONE (1) LONG ARM MOWER AND ONE (1) CRACK SEALER, FOR A TOTAL SUM NOT EXCEEDING \$158,465.80, PROVIDING THE TERMS AND CONDITIONS THEREOF, AUTHORIZING THE PAYMENT OF THE BASE RENTAL AND TRANSACTION FEE FOR A TOTAL PAYMENT OF \$34,903.10 ON JULY 1, 2007, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-absent. Motion on Ordinance #07-20 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.

The next ordinance was regarding the new sewer rates. There were 2 things that Mike Talley had Dean Willis review. The Appendix A changed a little and the Carl Junction rates were reduced. Dean added the language for the rationale of our lower rates. Dee Lynn Davey stated that the committee recommended a 4% rate increase for Carl Junction and APD rates stayed the same as originally proposed. There was some discussion about the public forum and issues that were raised during that session. Mark Powers stated that we will probably have to do a bond issue to start resolving those problems. He suggested putting in on the ballot in April. It was stated that \$5 a month will generate \$180,000 a year. We have not done anything for 30 years. There was a lot of discussion of rates and fixing the problems. Jim Whisenant stated that our engineer suggested a more methodical process. It was stated that the original suggested increase of 17% would have raised the average bill \$2.33/month. There was more discussion of rates. Ours is one of the lowest. It was originally discussed that we would put back some each year for abatement but it seems that we need to come up

with more now. Mark also stated that he would feel much better about the fee if we went to the vote of the people first. It was decided that we need to go ahead with the 4% for tonight. Pat Smith motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 720: USER CHARGE SYSTEM BY ADOPTING A NEW APPENDIX "A" TO SEWER USE CHARGE ORDINANCE (ACTUAL USE RATE STRUCTURE) AND BY AMENDING SECTION 720.040 "USER CHARGE RATES" TO REFLECT SAID CHANGES IN RATES; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID NEW RATES" on 1<sup>st</sup> reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-absent. Motion on Ordinance #07-21 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.

The next ordinance is approving the 7<sup>th</sup> Addendum to the APD contract. APD has not acted on this yet but will be meeting 6/28/07. They are free to accept or reject the addendum. Our Addendum is not effective until APD passes their ordinance. Pat Smith motioned to put "AN ORDINANCE APPROVING THE SEVENTH ADDENDUM TO THE SERVICE CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE VILLAGE OF AIRPORT DRIVE, MISSOURI, AND AUTHORIZING THE MAYOR TO EXECUTE SAID SEVENTH ADDENDUM FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-absent. Motion on Ordinance #07-22 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**

City Administrator reviewed his report. Scott Wheeler, member of the 125<sup>th</sup> Anniversary Committee, asked the council for permission to do a fireworks display on 6/23/07 for the Vintage Classic Day. He has a \$5 million insurance policy that the City is covered under. He is a certified pyro technician and has a state license. The Fire Department has already approved it. Pat Smith motioned to approve the request. Carl Skaggs seconded. All in favor. No opposed. Scott then asked if he could close off a street back to the school. Chief Haase recommended that we do it. It was stated that the Chief of Police has the right to close off streets for parades.

The City Administrator pointed out on page 2 #5 that they had talked last week and they want to do the cost share when the weather cooperates. On page 3 #7, Thom's Station Trail is moving along. We have submitted our preliminary engineering plans to MoDot. On page 5 #1 the Building Inspector, Chief of Police, Code Enforcement Officer and the City Administrator are looking at the pool ordinance trying to address issues. On page 6 #3 the Wells Street annexation request will produce islands in the city that are not regulated by city ordinances. We have had a few situations of these islands not abiding by city code. Delmar stated that they have had some problems but they were cooperative after being contacted. It does create some issues. Chief stated that they already respond to that area for the county anyway. #5 the website proposal came in too late for the council and will be addressed at the next meeting.

Jimmy Chaligoj didn't have anything to report. Just a lot of water came down. There was some discussion about inflow and infiltration. Jimmy said that there is some clay tile in the old part of Briarbrook. There were some manhole's discharging water but no lift stations failed. It was also stated that the ditch along Bogey was always there and the ditch behind Ridgepoint used to be as wide as a dozer but they have filled in it by landscaping. Jimmy said that the sewer lids seal if under water. It was asked if it is where the lines merge. Jimmy said he could have the engineer look at it. Jim also stated that the Chief and Jimmy's performance during our events were outstanding. We have excellent staff. Jimmy, Kurt and Jim walked the neighborhood trying to get technical information. They were not rude but the residents didn't want to hear what they had to say. Dee Lynn said it was probably because they were already upset. Jimmy also said that he had people running barricades on Joplin Street. He is looking at making gates to go across the street for next time we need to block it off for high water. There was some other general discussion regarding the flooding this last week.

### **COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Public Facilities Committee will be meeting 6/28/07 at 4:00 PM.

The Park/Pool Committee had nothing to report.

The Code Review Committee had nothing to report.

The Budget/Finance Committee had nothing to report.

Human Resource Committee had nothing to report.

The Citizen's for Better Life Committee – Mike Talley reported that he is still working on it and will get with Richard.

### **UNFINISHED BUSINESS**

Mark Powers stated that he is having trouble with the e-mail address we gave him. He can't send to City Hall but can send to other people. We also need to schedule a meeting for our sewer discussions. We need the budget Committee, Public Facilities and Kurt Higgins to all get together. Mark also suggested we move our July meetings due to the 4<sup>th</sup>. After some discussion it was decided to leave it the way it is.

### **NEW BUSINESS**

Jim Whisenant stated that the Tri-State Business Journal reported that the restaurant in Briarbrook had been re-opened but that was a misprint. The restaurant is not open yet. He also pointed out the letter from Ron Daniels on controlling storm water next to his property and thanking us for what we did.

Mike Talley reported that he was leaving Thursday and would be back Wednesday of next week.

Richard Zaccardelli asked that we put something together for yard waste for our residents to know what to do with it. Jim said that we can put it in the paper.

Steve Lawver said he was elected alternate director to MEDC District #6 which automatically makes him part of the Board. He will also then assume the director's job next year.

Chief Haase stated he had a request for a stop sign but if we are making Main Street a through street someday we do not want the sign where it was requested.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Barbara Evans seconded. All in favor. No opposed. Meeting adjourned at 10:15 PM.

---

CITY CLERK

---

MAYOR