

The Carl Junction City Council met in regular session on Tuesday, April 4, 2006 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Carl Skaggs, Gary Stover, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present was City Clerk Maribeth Matney.

**AGENDA**

Pat Smith motioned to approve the agenda as presented. Dee Lynn Davey seconded. All in favor. No opposed. Barbara Evans motioned to approve the consent agenda. Carl Skaggs seconded. All in favor. No opposed.

**PUBLIC FORUM**

There was no one for public forum.

**P&Z CASES**

There were no P&Z cases.

**ORDINANCES**

Mayor Moss explained about the agreement with Jasper County commissioners for home improvements through HUD. Richard Zaccardelli motioned to put "AN ORDINANCE APPROVING A HOME CONSORTIUM COOPERATIVE AGREEMENT BY AND BETWEEN JASPER COUNTY, MISSOURI, COMMISSIONERS AND THE CITY OF CARL JUNCTION, MISSOURI, TO COOPERATE TO UNDERTAKE, OR ASSIST IN UNDERTAKING, ESSENTIAL LOWER INCOME HOUSING ASSISTANCE, FUNDED BY ANNUAL HOME INVESTMENT PARTNERSHIP APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2009, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Barbara Evans seconded. All in favor. No opposed. Richard Zaccardelli motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-16 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 on the 2006-2007 budget. Dee Lynn stated that all her questions had been addressed and taken care of. Pat Smith motioned to put "AN ORDINANCE ADOPTING THE 2007 FISCAL YEAR BUDGET" on first reading by title only. Carl Skaggs seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-17 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 council reviewed the ordinance setting salaries for employees. Richard Zaccardelli asked if item 2 should reflect the City Administrator instead of the Mayor. It was stated it should read "grant the City Administrator with the approval of the Mayor". Richard Zaccardelli motioned to amend the ordinance to read as stated previously. Pat Smith seconded. All in favor. No opposed. Walter Hayes motioned to put the amended ordinance titled "AN ORDINANCE ESTABLISHING SALARIES FOR CITY EMPLOYEES EFFECTIVE MAY 1, 2006" on first reading. Pat Smith seconded. All in favor. No opposed. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-18 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.

Pat Smith motioned to put "AN ORDINANCE APPOINTING CITY OFFICERS TO THE CITY OF CARL JUNCTION TO SERVE THE ENSUING YEAR UNTIL NEW OFFICERS ARE DULY APPOINTED" on first 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. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-19 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.

**COUCIL REVIEW OF DELINQUENT TAX LISTS**

The City Clerk explained that our code requires a delinquent tax list be presented to the council for approval at the first meeting in April every year. It was stated that there is not statute of limitation on taxes. Pat Smith motioned to accept the list as presented. Carl Skaggs seconded. All in favor. No opposed.

**REPORTS**

The council reviewed the City Administrator's report. Mayor Moss asked PW Supt Jim Chaligoj to address the council about well #6. He stated that the pump is 1450' down and we have spent \$8750 in trying to get it out. It is lying to one side. Tiff City Pump is building a special tool to try again. They feel confident that they can get it this next time. If they can't get it we will need to decide if we want to leave it down there. The pump was at 750' depth and the water level was 280'. We can still use the well if we can't get it

out. We need to get it going before summer. He has to send an employee out every night to shut off a valve and the overtime is building up. It has been suggested we go with a soft start this next time. We have the same problem with the #7 well and it has no soft start either. There was discussion about this and the piping that goes down in the well. The soft start will run \$6000-\$7000 per well. The pump is 2 years old. We had this same problem 2 weeks after it was installed. It was stated that it was threaded wrong. We have not had any complaints on water but we need to get it fixed quickly. Richard Zaccardelli said that there are pot holes on Hedge at the end of the circle. Jim Chaligoj stated they are getting the main streets right now.

Memo #1 – Pending Items. Mike Talley reported that we have heard from the Federal District Court and they have ruled in favor of the City on the Rails to Trails law suits. He then went over the judge’s rulings. He informed the council that there was a 30 day period of appeal. Mike Talley was gratified with the judge’s decision. It was stated that the memo later discussed the attorney fees. Mike Talley then stated he is through with this case. Since he would be a key witness if the city decides to go after the attorney fees he could not represent the City. He also informed Mayor Wisdom of the decision. It was stated that the telephone lawsuit is still not resolved. We did receive a letter from the Department of Revenue that we needed to pass an ordinance setting a rate. There was a lot of confusion regarding this HB that was passed. Then just before we were to pass our ordinance we received a memo from DOR that we could wait to enact the ordinance until we received our rate from them. It was stated it might not have been wise to follow DOR’s advice but if the tax rate was wrong we would have had to pass an ordinance to adjust it. This was handed poorly at the state level.

Memo #2 – City Administrator Search Committee. They will be interviewing 2 candidates and then the other 2 candidates. They will be posted as closed sessions.

Memo #3 – Staff. Don Marshall is retiring and Ed Reeves is back to work.

Memo #4 – Rails to Trails Law Suit. This memo is asking the city to engage an attorney out of Springfield to litigate for the cost to defend the city. Mayor Moss stated he wanted to just drop it and move on. Dee Lynn Davey agreed it has been drug out for too long. Richard Zaccardelli stated that it was the tax payer’s money and we have some responsibility to try to get it back. It was discussed whether the \$3000 was total cost or just to take the case. Also Mike Talley thinks it is closer to \$16,000 then \$27,000. He said some of his time was consumed with whether Mayor Wisdom acted within his authority before the law suit was filed. He also reminded the council that it is not necessarily to recoup attorney fees. They could be punished in other ways other then reimbursing the City. Mike Talley said if they wished they could invite the attorney here to discuss whether we should pursue it. There was a lot of discussion of this topic. Gary Stover thinks we should at least investigate it and then make a decision. Richard Zaccardelli motioned to invite the Springfield attorney here to discuss the possibility of trying to recoup the attorney fees. Carl Skaggs seconded. All in favor. No opposed.

Memo #5 – FEMA, SEMA, CDBG. We have received word that we have submitted all the proper paperwork, so we have released the final payment to Dalton-Killinger and Ledbetter & Associates.

### **COMMITTEE REPORTS**

The Nuisance Committee nothing to report. There is no meeting scheduled.

The Budget/Finance Committee met tonight and finalized the budget.

The Code Review Committee will meet 5/2/06 at 6:00 PM.

The Public Facilities Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Park/Pool Committee nothing scheduled at this time.

### **UNFINISHED BUSINESS**

Richard Zaccardelli thanked the council for the drainage improvements along the #13 fairway. It is working great.

Carl Skaggs stated that there is a fire hydrant that has been leaking at Joplin & Allen for some time. Jim Chaligoj said that they will fix it in 2 weeks. They have others they are going to do also.

### **NEW BUSINESS**

The City Clerk then asked that she be able to add Cindy Troutman and Laura King to the water meter deposit account and City collector bank account. With Joe gone she is the only signature and she needs someone added in the interim. Pat Smith motioned to add the 2 names as recommended temporarily until a new City Collector is appointed. Carl Skaggs seconded. All in favor. No opposed. She also stated that the Beautification Committee had been working on some flower pots for downtown with Joe before he left. The metal will cost \$110/pot and they wanted 5 pots. The council approved the purchase. She also pointed out a letter received from Redwood Development. The council needs to consider what they would like to do. We also received a survey from Head Start and would like to get some input from the council. If they have any suggestions, if they would just fill out the form and we can incorporate it into the survey.

Pat Smith then brought up the old City Administrator’s contract. There are some items in there she would like to change before we offer it to the next City Administrator. She passed out copies of the old contract. It was decided that we would have a work session on 4/18/06 to go over the contract. There was some discussion of severance pay. Mike Talley stated that some of the items in

this contract were specific for Joe's situation; to try to define day to day operations would be difficult. What would work better would be to make it a part of the interview and have them discuss their philosophy and approaches to situations. It comes down to management style and personality. Those need to be ironed out during the interview process.

Richard Zaccardelli stated that there is a daycare at 119 Briarbrook Drive and he has received complaints about her sign. It was stated that we would contact her and do what we can.

**ADJOURNMENT**

Pat Smith motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor. No opposed. Meeting adjourned at 8:30 PM.

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CITY CLERK

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MAYOR