

The Carl Junction City Council met in regular session on Tuesday June 17, 2008 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Mark Powers, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Alderman Carl Skaggs was absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Pat Smith motioned to approve the agenda as presented. Dee Lynn Davey seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM

Toby Teeter, 613 ½ S. Main, Joplin addressed the council. He is building a house on Par Lane and will soon be a Carl Junction resident. He has been a member of the Briarbrook Country Club for about 3 years and wanted to bring the council up to speed on its situation. The clubhouse will probably close at the end of the month and he has offered to sell the 27 holes to the membership. They can't commit within the 2 weeks and would probably need 90 to 120 days. They have talked about maybe doing a special assessment for all of Ward III of the City to buy the lakeside 9. The whole issue is timing. He said that if they close the course the greens' will be dead in 3 weeks. It would cost a lot of money to get them back up and going if they die. It would be cost prohibitive. They need to find a way to keep it alive during this process. They need to find a way to keep it open until October when the greens will go dormant. He also understands that August is the deadline for it to go on the ballot in November. The owner has the lake nine for sale at \$950,000 which is \$10,000/acre. Mr. Hayes is committed to selling the entire thing as development which would hold about 200-250 lots. Mr. Teeter did some research and there are about 1000 houses in Ward III with an average house value of \$200,000. The City could anticipate a 10% decrease in the house valuation in that area if the golf course gets sold as development. Richard said that this last week was the 40th invitational golf tournament and there were 146 golfers. It is a big asset to our community and area. Mr. Teeter said that they had more than 1000 man hours in 2 days to get ready for the tournament that was donated by individuals in the community. He is confident that they can sustain the golf course if they get to the right number. They just need to buy more time. It was also suggested that may be there could be a lease payment until we can levy a tax. Toby Teeter said that he estimates that it would cost the average household \$35/\$50 a year to purchase the lake nine property. There was discussion about CID and NID possibilities. Those would only need to be simple majorities. It was stated that we could do one for the purchase of the property and the other for the maintenance of the park. There is an existing gravel cart path that could be used as a walking track. It would be about \$38/household with the purchase price of \$810,000. If it went city wide it would be about \$19/household. It would be a city park open to the public. Toby said that there are all kinds of scenario's that could be played out. It will take a multi faceted solution though. Toby said it would take about 220-300 members and currently they have 150 paying members. They know it will take some recruitment but they think they can do it. He said the problem has been that the people buying it think they can flip it and they have been wrong. Since this has been a recurring issue it has hurt the membership. They are trying to educate the membership to make it more stable. Mayor Moss also said that they need to start recruiting for the bond issue also. Toby said that they are going to have a meeting within the next 10 days with the members. There is a lot happening right now. Richard pointed out that it is not just a golf issue but a community issue. Wayne asked about the maintenance of the course. Toby said that they could form a non-profit entity and take over the course. It would be a member voting non profit that would have a Board of Directors. Twin Hills does something similar to that. The dues are set by the cash flow needed. It would be self supporting.

Chris Huhn, 206 W Pennell talked to the council about the commercial trash service. He owns Carl Junction Home Center and he is having issues with the fees the trash company is charging. It keeps climbing and he wondered how much they can raise the fees under our contract. He has had quotes for ½ the price he is currently being charged. He is not the only business in this situation. Mayor Moss said that the council wanted only 1 company in town so they would not tear up our streets. The current contract goes until 2012. There was some discussion about the latest changes in the contract. There is a 6% cap. Chris said that his has doubled and is inconsistent. Mike Talley said that if they are in breach of the contract we can do something about that. The council asked that Mr. Huhn bring in copies of his bills so that we can research it.

P&Z CASES

The council reviewed Case #08-06 – Final Plat of Briarbrook 8th Subdivision – Heckert Construction. Steve Lewis, 702 Main, Joplin, Tri-State Engineering was there to answer any questions for the developer. Steve Lawver stated that they did all that was requested on the storm water and went with the rock blanket ditch and that P&Z recommended approval. They also went with Kurt's recommendation to reduce the buyout by 50% due to the fact they are putting in a lot of storm water improvements in that ditch. Richard asked about street lights. After some discussion it was stated that we needed 2 street lights at the end of each street. The developer puts them in and then they revert to us after that. The council approved the plat with the P&Z recommendations.

Pat Smith motioned to put "AN ORDINANCE ACCEPTING BRIARBROOK 8TH SUBDIVISION OF THE CITY OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on first 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, Marshall-y, Skaggs-absent, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-25 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.

REVIEW AND APPROVAL OF BIDS FOR REPLACEMENT OF SEWER LINE

Jim Chaligoj reported that they received only one bid and it was from Crews Construction for \$29348. He had 8 companies look at it. They have done work for us before. He doesn't think that this line will accept a liner. It is a really old line. This will be paid for out of the I&I fund. It is next to the Fire Department on the West side. It serves all of the area West of Main Street. They smoke tested it and it is real bad. Jimmy said that they need some dry weather like July or August before they can work on it. Richard asked about other areas of town. Jimmy said that on the smaller projects Barnett's can do those they just need dry weather. Pat Smith motioned to approve Jimmy's recommendation to accept the bid from Crew's construction. Richard Zaccardelli seconded. All in favor. No opposed.

REVIEW AND APPROVAL OF LIQUOR LICENSE RENEWAL LIST

The council reviewed the list. Pat Smith motioned to approve the list for renewal. Richard Zaccardelli seconded. All in favor. No opposed.

REVIEW OF RECOMMENDATION ON NEW SEWER RATES

Dean Willis, Allgeier-Martin, addressed the council about his recommendation on the sewer rate increase. He took into consideration the concerns that were addressed last year about the connections fees. He took off the \$15000 that was budgeted for this year. The rest is pretty straight forward. He is recommending an increase of 9% over last year's fees. He also said that the expenses are lower this year since we passed the I&I fee that amount is separate from this budget when we usually had it as part of these figures. We are generating about \$150,000 in the I&I fund to rehab our lines. Dean then went through his report. If the council is OK with these numbers he will then present it to APD. They usually go with a flat rate for their residential and commercial customers. Dean is recommending that we go with \$5.98 for the 1st thousand gallons and \$2.08 for every 1000 gallons thereafter. APD needs to generate \$87900 for their share. Mark asked why if our expenses went down he is recommending a 9% increase. Dean said that for some reason our metered water usage went down and that drives the rates. There was some discussion on why the water usage was down. Dee Lynn Davey motioned to accept the rate structures that Dean Willis proposed and move forward. Mark Powers seconded. All in favor. No opposed.

ORDINANCES

The council reviewed the ordinance approving the contract with SDA for the design of our community center. Mayor Moss pointed out that Steve negotiated the fee from 7% to 6.4%. That saves the city about \$25000. Pat Smith motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SAPP DESIGN ASSOCIATES ARCHITECTS, P.C., OF SPRINGFIELD, MISSOURI, TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES DURING THE SCHEMATIC DESIGN PHASE, DESIGN DEVELOPMENT PHASE, CONSTRUCTION DOCUMENTS PHASE, BIDDING AND NEGOTIATION PHASE AND CONSTRUCTION PHASE IN CONNECTION WITH THE CONSTRUCTION OF A NEW COMMUNITY MULTI-PURPOSE FACILITY FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE AGREEMENT, FOR A SUM EQUAL TO SIX AND FOUR-TENTHS PERCENT (6.4%) OF THE CONSTRUCTION COST AS DEFINED IN SAID AGREEMENT, PLUS COMPENSATION FOR SERVICES BEYOND THE BASIC SERVICES PROVIDED IN SAID AGREEMENT; PROVIDING THE TERMS AND CONDITIONS THEREOF; 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. Don Marshall 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, Marshall-y, Skaggs-absent, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-26 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 administration's report. There was nothing to add.

The council reviewed the Community/Economic Developer's report. There was nothing to add.

The council reviewed the Police Department's report. Chief Haase pointed out that he gave Rusty Comer a letter of commendation and a copy is in his file. He gave a copy to LaDonna also.

Jimmy said that he was in classes last week so he didn't get his report done. He said that there are a lot of things being put on hold due to the muddy ground and asked that everyone be patient. The playground equipment is getting put up and is almost completed. He hopes to start mosquito fogging next week. Pat Smith said she has received phone calls thanking everyone for the playground equipment at Four Oaks Park. Jimmy said he will be getting the fall zones done soon.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Park/Pool reported they are extending the flag design time line. She has 9 all together so far.

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 wanted to know when they were going to receive their \$10 check for the building. It needs to be sent to the President, Vera Russell.

Pat Smith also said that Bluegrass flyers are being updated and made available.

UNFINISHED BUSINESS

Mike Talley presented the letter that he is proposing to send to MIRMA regarding the assessment. He talked to Bobby Hall the Executive Director with MIRMA at some length. He said this is not the first time this has been questioned. He said it would be too hard to track and refund if not used and that it all comes out in the wash. They cover a 24 month period. Mike Talley proposed to send the letter tomorrow. The council OK'ed the letter to be sent.

Mike Talley then handed around a ruling he became aware of yesterday. This came from the 8th Circuit Court reversing the attorney's fees awarded to MIRMA. That was \$157,900. The court costs were \$6600. The reversal was dated 5/2/08. Mr. Williams has asked that the council excuse the remaining \$6636.69 in court costs that were awarded to the City. Mr. Copeland conveyed his client's request to Mike Talley to bring to the council. If the City releases the claim for the court costs they will abandon the efforts to collect them. Mike Talley doesn't know why the court reversed the attorney fees. He will need to research that but he wanted to communicate the request openly so that the council can think about it. Mr. Copeland has suggested that the \$6636.69 is uncollectible anyway and that it was in everybody's best interest to just walk away and let by-gones be by-gones. This has no bearing on any possible real estate transaction.

NEW BUSINESS

Dee Lynn said that the railroad tracks on Pennell are very rough and asked that we contact the railroad company.

City Clerk, Maribeth Matney, then discussed the tax levy proposed by Edward Jones. There were 2 proposals. In order to keep the levy steady at about 23 cents and 24 cents we would need to pay \$30,000 up front. After some minor discussion Richard Zaccardelli motioned to pay the \$30,000 up front to keep the levy steady. Pat Smith seconded. All in favor. No opposed.

CLOSED SESSION PER RSMO 610.021(2): LEASING, PURCHASE OR SALE OF REAL ESTATE BY A PUBLIC GOVERNMENTAL BODY WHERE PUBLIC KNOWLEDGE OF THE TRANSACTION MIGHT ADVERSELY AFFECT THE LEGAL CONSIDERATION THEREFOR.

Pat Smith motioned to go into closed session per RSMo 610.021(2): leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. Richard Zaccardelli seconded. All in favor. No opposed. Meeting closed at 8:45 PM.

Don Marshall motioned to go into open session. Dee Lynn Davey seconded. All in favor. No opposed. Meeting reconvened at 9:30 PM.

Pat Smith motioned to amend the agenda to add an ordinance approving a real estate contract. Richard Zaccardelli seconded. All in favor. No opposed. Mark Powers motioned to put "AN ORDINANCE APPROVING A CONTRACT FOR THE SALE OF REAL ESTATE BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND CHARLES E. WILLIAMS AND ANN RENE WILLIAMS, HUSBAND AND WIFE; AUTHORIZING THE CITY TO PURCHASE A TRACT OF LAND, LYING WITHIN SECTION 5, TOWNSHIP 28, RANGE 33, IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT A WARRANTY DEED TO SAID LAND FROM CHARLES E. WILLIAMS AND ANN RENE WILLIAMS; AUTHORIZING THE PAYMENT OF SIXTY THOUSAND DOLLARS (\$60,000.00) TO PURCHASE SAID LAND; AND AUTHORIZING THE MAYOR, CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS SUCH DOCUMENTS AS MAY BE NECESSARY TO CONCLUDE SAID PURCHASE" on first reading. 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. Don Marshall seconded. Zaccardelli-y, Marshall-y, Skaggs-absent, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-27 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.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Pat Smith seconded. All in favor. No opposed. Meeting adjourned at 9:35 PM.

CITY CLERK

MAYOR