

The Carl Junction City Council met in regular session on Tuesday May 19, 2020 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: Rick Flinn, Richard Zaccardelli, Don Marshall, Roger Spencer, LaDonna Allen, Mike Burns, Mark Satterlee and Randy Hutcheson. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, City Clerk Maribeth Matney and City Administrator Assistant Crystal Winkfield.

AGENDA

Roger Spencer motioned to approve the agenda as presented. Mark Satterlee seconded. All in favor. No opposed. Roger Spencer moved to approve consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM

No one for public forum.

P&Z CASES

Case #20-03 – Transfer of property from BCID & City of Carl Junction. Steve Lawver stated that P&Z met last Monday and are recommending approval. Mike Burns asked if we could have a more in-depth discussion during the ordinance. It was stated yes. Richard Zaccardelli asked who takes care of land. It was replied that the city does since it will be our property. Mike Talley no action needs to be taken and we can move on to ordinance.

Case #20-04 – Settlement with Dr. Boyle – land swap between Dr. Boyle and the City of Carl Junction. Steve Lawver reported P&Z heard this case last Monday and are recommending approval for this also. No more discussion

ORDINANCES

LaDonna Allen motioned to put **“AN ORDINANCE ACCEPTING PROPERTY FROM THE BRIARBROOK COMMUNITY IMPROVEMENT DISTRICT (“BCID”), SAID PROPERTY BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 28 NORTH, RANGE 33 WEST, ALL IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, AND AUTHORIZING THE CITY CLERK TO RECORD A SPECIAL WARRANTY DEED TO THE PROPERTY; AND, ACCEPTING ON BEHALF OF THE CITY AND ALL RESIDENTS OF THE CITY THE PERPETUAL RIGHT TO USE THE EXISTING TENNIS COURTS OWNED BY THE BCID; AND, APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND GERALD PERRY TENNIS COMPANY TO MAKE REPAIRS TO BCID’S TENNIS COURTS AS SET FORTH IN SAID COMPANY’S CONTRACT PROPOSAL DATED 3/3/20 IN THE AMOUNT OF \$15,450.00; AND, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI”** on 1st reading by title only. Roger Spencer seconded. All in favor. No opposed.

Discussion: Mike Burns stated that he was going to discuss this under old business about tennis courts at Center Creek park. He thought they were going to be tennis courts also but the contract just stated pickleball courts, no tennis. He pointed out that this contract does not say tennis either. He does not want to get rid of tennis courts altogether. Mayor Powers stated the intention is to have tennis in Briarbrook. Mike Burns said he would like it in the contract. LaDonna Allen stated that at the 4th quarter wrap up we talked about other uses at Center Creek Park before we got the agreement with BCID. We do have ability to get grant money to pay for permanent pickleball nets at Center Creek Park. Originally, we talked about resurfacing and had talked about dual use. If we make it permanent, we do not have to have city employee’s checking out nets and balls. It is the best use. Steve Lawver will go back to Gerald Perry for tennis and pickleball in the contract it will be easy to do. Rick Flinn asked about the BCID tennis courts and if it was free for everyone. It was stated that we have perpetual equal rights as the BDID. Mike Talley said that we need to have a discussion about contract if it is going to say something different. Their Resolution agreed to terms of contract and it needs to be coordinated with BCID.

LaDonna Allen motioned to put it on second reading by title only. Roger Spencer seconded. All in favor. No opposed.

Discussion: Mike Talley said that the ordinance is all unusual stuff, some which he has never seen such as perpetual right to use court. It is untested but he thinks it will work.

LaDonna Allen motioned to put it on final passage. Rick Flinn seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-14 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.

LaDonna Allen 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) (MAY 2020) 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 1st reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: City Clerk Matney stated that Dean’s e-mail indicated the rate will go down just a little for residents.

LaDonna Allen motioned to put it on second reading by title only. Roger Spencer seconded. All in favor. No opposed.

Discussion: There was no further discussion.

LaDonna Allen motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-15 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.

LaDonna Allen motioned to put **"AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 705: WATER ARTICLE III. USER CHARGE SYSTEM BY AMENDING SECTION 705.330 "ACTUAL USE RATE STRUCTURE" TO SET WATER RATES TO BE EFFECTIVE MAY 15, 2020, FOR RESIDENTIAL IN-TOWN USERS, COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS"** on 1st reading by title only. Roger Spencer seconded. All in favor. No opposed.

Discussion: Steve Lawver said it was a slight increase. It is one of things we did in our budget committee so that the R&R account would be equal to what DNR requires.

LaDonna Allen motioned to put it on second reading by title only. Mark Satterlee seconded. All in favor. No opposed.

Discussion: There was no further discussion.

Roger Spencer motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-16 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.

LaDonna Allen motioned to put **"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE CARL JUNCTION CHAMBER OF COMMERCE, INCORPORATED, TO PROVIDE ECONOMIC DEVELOPMENT SERVICES FOR THE CITY OF CARL JUNCTION FOR THE SUM OF \$25,000.00 ANNUALLY IN ACCORDANCE WITH THE 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 1st reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: LaDonna Allen said that we have gotten lax over the last year or two in the transition to a new director and with COVID. She thinks we need to set some bench marks and we need to follow up on it. They need to be prepared next year and she would like to see them attend Board meetings. They do quarterly updates but she would like more detail, such as their workshops and luncheons and actual CJ business that are attending these. They are working on distributing information on use the tax. Randy Hutcheson asked what our contract amount was last year. It was replied \$22000.00

LaDonna Allen motioned to put it on second reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: Mike Talley wanted to make clear that we are not paying Chamber to spend money to promote the election issue on the use tax. This contract is no connection to that. We want it to clear that we are not paying them to promote the election issue.

LaDonna Allen motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-17 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.

LaDonna Allen motioned to put **'AN ORDINANCE APPROVING A POOL MANAGEMENT CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE JOPLIN FAMILY Y, INC., TO MAINTAIN AND OPERATE THE CARL JUNCTION POOL; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI'** on 1st reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: Steve Lawver said that we increased the contract \$1000 for extra cleaning for COVID. Mike Burns asked if the pool year was the same as last year. Steve replied yes it was not shortened. He has been working with Cookie Estrada and Mike changing some things. The calendar did not change. They asked that we remove all lounge chairs so they don't have to wipe them down. We also might remove the picnic tables. We are having to take some extraordinary measures this year for COVID. They are trying to open Memorial Day but there were problems due to training. We have been working diligently trying to get it opened. Rick Flinn asked if there was going to be social distancing around guard stations. Steve replied could do some kind of taping but did not want something permanent.

LaDonna Allen motioned to put it on second reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: There was no further discussion.

LaDonna Allen motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-18 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.

LaDonna Allen motioned to put "AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT BETWEEN JAMES R. BOYLE, JR., PETITIONER, AND THE BUILDING INSPECTOR OF THE CITY OF CARL JUNCTION, MISSOURI, AND THE CITY OF CARL JUNCTION, MISSOURI, RESPONDENTS, CASE NO. 16A0-CC00132, PENDING IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI; AND, AUTHORIZING THE DISMISSAL WITH PREJUDICE OF SAID LITIGATION; AND, AUTHORIZING THE EXCHANGE OF PROPERTY BETWEEN JAMES R. BOYLE, JR., AND THE CITY OF CARL JUNCTION, MISSOURI, WHEREBY THE CITY OF CARL JUNCTION, MISSOURI WILL CONVEY BY SPECIAL WARRANTY DEED A TRACT OF LAND TO JAMES R. BOYLE, JR., AND THE CITY OF CARL JUNCTION, MISSOURI, WILL ACCEPT A WARRANTY DEED TO A TRACT OF LAND FROM JAMES R. BOYLE, JR., BOTH TRACTS BEING LOCATED IN SECTION 16 TOWNSHIP 28 NORTH RANGE 33 WEST, ALL IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, AND BOTH TRACTS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: Mike Talley said the reason for the closed session on agenda was in case questions were asked that were inappropriate for open session. Unless anyone has some hard questions, we can discuss this in open session. Mike Talley went over the background of the litigation law suit that has been ongoing for almost 5 years now. The case is set for trial in February 2021 because of COVID court proceedings being delayed. The mayor and Steve Lawver come up with a plan to resolve this litigation with a swap of land. It is in the city's interest to swap land. Jim Chaligoj had the idea to swap because the parcel of land is horizontal to walking trail so he can clean it out and widen it out. Richard Zaccardelli asked if we would be setting a precedent to future problems. Mike Talley said this was a unique situation and does not feel it sets a precedent. It was pointed out that we are getting more square feet than we are giving up. It is now in the city's interest to sell the property where before it was not. We will be getting a deed of release from the Seneca National Bank as they agreed to release the refinancing on this parcel and we will not deliver until we have that deed of release. Then it will all be recorded at once. That should all take place tomorrow. Mayor Powers stated that with this land adjoining our walking trail we can keep the trail from washing out. It was asked if the litigation all goes away with this. Mike Talley responded yes; the judge will sign the dismissal.

Roger Spencer motioned to put it on second reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: Mike Burns asked if trading this parcel affects our long-term plans for that section of that park. Mayor Powers stated no.

LaDonna Allen motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes. Motion on Ordinance #20-19 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.

REPORTS

The Council reviewed the Administration report.

Public Works report – Richard Zaccardelli asked if we were still leaving water on. The City Clerk reported that we will start our shuff off's again this month. Delinquencies are not any higher than normal. Jim Chaligoj said he has stormwater projects they want to do.

Police Dept. report - Chief Haase stated that issues have come up but they are pretty routine stuff. He found out we have some problems with our video equipment in the cars. He will be looking for grant money to replace them (\$4000-\$5000 per car). He still has not found an officer yet. He is not going to take less quality but will continue to look.

Court report – nothing.

COMMITTEE REPORTS

Budget/Finance: Mike Burns like a meeting Wednesday the 5/27/20 at 1:00 PM. Wrap up last year's budget.

Code/ Nuisance: Randy Hutcheson had nothing.

Human Resources: Roger Spencer stated that they will meet later in closed session.

Public Facilities & Planning: LaDonna Allen reported that she sent an e-mail out to everybody. It is a brief recap before next meeting to go over some of the accomplishments and other projects we would like to do. If there is anything anyone would like to add please send it to LaDonna. They will meet 6/2/20 on 6:30 Steve Lawver mentioned he will be on vacation.

Senior Citizens- Richard Zaccardelli reported that yesterday the Center packaged 190 meals. 35 were picked up by on daily basis and rest meals on wheels. They hope to open 6/1/20 but we will see what happens.

UNFINISHED BUSINESS

Mayor Powers stated that we don't need closed session on the legal actions. Richard Zaccardelli motioned to strike item 11 from the agenda. Roger Spencer seconded. All in favor. No opposed.

Rick Flinn asked about the tennis courts at the park. It was stated that we could go to the BCID tennis court. Steve stated that they can play tennis there are just no lines. LaDonna Allen stated that we could get a grant for pickle ball nets. Steve Lawver reported that Jami Strickland found a grant that would put permanent pickleball nets at the court at Center Creek Park. The grant would cover installation and purchasing the equipment which is around \$12000. If we don't put up permanent and do temporary nets it will be about \$250 piece for 8 of them. \$1600 cost plus we would have to pay for extra an extra set of stripes. Mayor Powers stated that he does not believe BCID will start charging for tennis because they would have to pay someone and it would not be cost effective. Steve Lawver also stated if we have temporary nets, we have to have an employee to put the nets up every day or every other day for the schedule. It would be a daily thing. We would also have to figure out a way to be able to store them at the pool. It would be advantageous with the grant. Jami Strickland also pointed out that it would be a lot more efficient so families can come and go as please with no schedule. Discussion of temporary of nets. Jami pointed out that permanent nets gives a family opportunity to play. Landreth is permanent. We could hold a tournament also and do food trucks. A lot more opportunity with permanent nets. Richard Zaccardelli stated that there are more pickle ball players then tennis players. Mike Burns asked about high school athletics. The school does play pickleball already. There was a lot more discussion about pickleball versus tennis courts.

LaDonna Allen sent an e-mail out that addressed our website. There are outdated items on our website and outdated contact information. It is being addressed.

Mike Burns stated that he confirmed there is no requirement about 10 people on a team and so baseball and softball can resume. Steve said it was just a suggestion and we can remove it.

Mark Satterlee asked about the fitness room. Steve said right now we can have 5 in the fitness room at a time.

Steve Lawver said that the fitness room was initially going to re- open up on 6/1/20 and we were going to try to get back to normal scheduling again and remove restrictions. He would still suggest social distancing. We can start sooner if the council wants. We have some work to do to get the bathrooms opened up. LaDonna Allen asked if we could be ready by Tuesday. Steve Lawver probably so.

NEW BUSINESS

Randy Hutcheson asked if we have scheduled a city-wide garage sale this year and city-wide pickup. Republic has city wide pick up for the 2nd Saturday in October the garage sale is the 1st Sat is October. Republic is also back to picking up large items.

Mike Burns said soccer is about to start games and they have games Saturday. There are a few holes and asked if they could get some dirt to fill them in. Jimmy Chaligoj will look at it tomorrow. Discussion of the fields.

Richard Zaccardelli said he had some items to discuss at the next meeting.

Steve Lawver said he sent out an e-mail for technology upgrades for all departments. Chief Haase and City Clerk Matney had couple of things. Jim Chaligoj didn't really have anything. Steve is looking to get estimates for the upgrades requested. CARES act involved funding at Federal level to State passed onto Jasper county and they received over \$14,000,000 they have not disbursed yet. It is for very specific entities for COVID response, such as the 80 hours, disinfection process, it also talks about radio systems county wide. It might be opportunity for our radio system to get the upgrade it needs. Steve is keeping an eye on that. He will have Chief Haase talk to Sheriff Kaiser and Steve will talk to Commissioner Bartosh to make sure we are in the loop of that money.

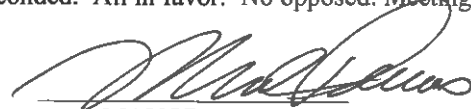
CLOSED SESSION PER RSMO 610.021 (3): HIRING, FIRING, DISCIPLINING OR PROMOTING OF PARTICULAR EMPLOYEES BY A PUBLIC GOVERNMENTAL BODY WHEN PERSONAL INFORMATION ABOUT THE EMPLOYEE IS DISCUSSED OR RECORDED

Mark Satterlee motioned to go into closed session per RsMO 610.021 (3): Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Roger Spencer seconded. Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Allen-yes, Burns-yes, Hutcheson-yes Satterlee-yes Meeting closed 8:26 PM. Mayor Powers reconvened the meeting at 9:07. He reported that no formal action was taken in closed session.

ADJOURNMENT

LaDonna Allen motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 9:08 PM.


CITY CLERK


MAYOR