

**April 11, 2022  
Golden Age Center Building  
Nelson Hart Park  
Regular City Council Meeting  
7:00 pm**

**AGENDA ITEM: Call to Order**

Meeting was called to order at 7:00pm by Mayor Krawiecki

Councilmembers in attendance: Michael Gray, Mark Gray, Brittney Marston, Joe Boulware, Tyler Wagnon, Greg Edwards, David Watkins and Stephanie Swanson.

The Council said the Pledge of Allegiance and prayer

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**AGENDA ITEM: Adoption of Agenda**

A motion was made by Councilperson Joe Boulware and seconded by Councilperson Mark Gray to adopt the agenda. Motion passed

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**AGENDA ITEM: Minutes**

Councilperson Joe Boulware asked to remove the phrase that he felt the Utility Board is secretive and the Council's opinion doesn't matter. Councilperson Dave Watkins asked to change the Alliance report to read repaired the pump at lift station #3 instead of replaced. Councilperson Mark Gray made a motion to approve March 14, 2022 minutes with corrections seconded by Councilperson Joe Boulware. All councilmembers voted "aye".

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**AGENDA ITEM: Review the Bills**

Councilperson Mark Gray made the motion to approve the bills, seconded by Joe Boulware. All councilmembers voted "aye".

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**AGENDA ITEM: Budget Update**

City Administrator Jim Fleming stated every department is controlling their expenses and we have been lucky because some revenues have exceeded what was budgeted. He gave a summary of the reports submitted in the council packet and gave all credit to the department heads. Councilperson Joe Boulware asked if the endowment fund left by the James Foundation was for the park and the cemetery and City Administrator Jim Fleming stated it was only for the cemetery. Discussion followed.

## **CITIZEN COMMENTS**

Judge Tony Skouby addressed the Council about the proposed ordinance to transfer municipal court to the Circuit Court. He explained why the court is not making any money with salaries and tickets being sent to City of Rolla. He stated the public elected them to provide a service to the city and not to send it to another government to do their job. He stated they have a hard time getting people to show up in court in the evening and will be harder for the citizens to go to court in Rolla. He went on to say that it is going to cost our city more in the long run. Judge Skouby gave the councilmembers a list of all the fines that need to be collected and stated it was thousands upon thousands of dollars that he can't collect until the people are picked up on warrants. He broke down the process of what had to be done to get the person to court including a show cause letter and ultimately a warrant being issued. He stated he has been a judge for 22 years and he along with the city prosecutor are doing everything they can to enforce these fines and law within the Supreme Court Rules.

Candace Dent, Ward 2, spoke in favor of keeping the Municipal Court stating she was a new citizen and felt the councilmembers were supposed to be there for the citizens to listen to important issues and give feedback. She stated she agreed with Judge Skouby's objects and the judicial system.

Jeff Sellers, Ward 2, stated he is protesting moving the court to Rolla due to driving and costing more money.

Noah Wills, Ward 3, stated he was speaking regarding the AMI meter reading system stating he has lived in St. James most of his life and there are so many things in the town that is outdated. He is an investor and has several homes in the area under contract. He went on to explain he owns a home on Rhoda street and the city told him previously the water was shut off, however it was still on and plummeting into the house. If the City had the AMI auto readers in place, someone could have notified him. He also stated he owned an apartment complex that had a leak that imposed a \$1600.00 bill and again if auto meters were installed he could have been notified within 2 hours on a regular business day instead of finding out about it quicker than a month. He stated he thought the AMI meters were going to be brought back up to council in May and he asked to please consider. He gave suggestions of buying a few at a time or talking to investors, like him, to possibly buy them. He also stated that he hoped in the future they could do something about the gumballs, with worry of people, especially the elderly falling suggesting maybe planting different trees.

Phil Davidson, Ward 2, stated he had some questions, and would probably get answers to later in the meeting but he said he never seen a government agency go to another government agency and wanted to know if there is a contract or memorandum between the City and Rolla or Phelps County. He feels this will cost more and the citizens have not had enough time to digest this and it is generally a bad idea.

Steve, Paulus, city prosecuting attorney, spoke on behalf of keeping the municipal court stating he did not have a solution to the City's problem. They have stay with the standards of the Supreme Court. He understands the city has a budget but he stated he and Judge Skouby are doing the best they can.

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## **OLD BUSINESS**

### **ORDINANCE 22-1218 Replacing Chapter 125-Municipal Court**

City Clerk Linda Cochran gave the second reading. Councilperson Joe Boulware stated looking back from 2016, the trend showed the municipal court losing money. In the report it shows over \$30,000 in uncollected fines and there needs to be some sort of repercussions such as the offender doing community service and if they don't show up, they lose their license. Mayor Rick Krawiecki asked Judge Skouby or City Prosecuting Attorney Steve Paulus if taking away the offender's driver's license is an option. Discussion followed. City Attorney Jon Downard stated that with community service, the city would have to supervise or hire someone or organization to oversee community service. Councilperson Greg Edwards stated a few cities that had dissolved municipal courts and where people had to travel to their county seat. Councilperson Dave Watkins was against dissolving the court to be able to hire another police officer. Discussion followed. Councilperson Mark Gray stated he was unbiased regarding the court and spoke to some people and there was about a 3 to 1 ration in favor of dissolving the court. Councilperson Brittany Marston stated the budget committee worked several weeks and months to come to a decision and stated she received several phone calls regarding court. Discussion followed.

Councilperson Joe Boulware made a motion seconded by Brittany Marston to dissolve the City of St. James Municipal Court and move to Phelps County Missouri. Roll call vote : Tyler Wagnon, Joe Boulware, Greg Edwards, Mark Gray, Brittney Marston – Yea Michael Gray, Stephanie Swanson and Dave Watkins – Nay

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### **Approval of FY2023 Salaries and Budgets**

City Administrator Jim Fleming stated the city has the option of keeping 10 officers with raises as proposed in the budget or hire another officer which would allow officers to have one weekend off a month to spend with family. He also stated it will take about 6 months for the court to transition over to the county. He went on to explain the budgets of the city departments and stated it is a very conservative budget. Councilperson Dave Watkins asked why there is a separation with parks and recreation and City Administrator Fleming stated it is to see how individual programs are doing. Discussion followed. City Administrator Fleming gave an overview of the proposed salary schedules provided in the council packet. Councilperson Wagnon asked if 2 officers would be on at all times with the 11th officer being hired and Chief Ron Jones explained how the schedules would work. Discussion followed. Councilperson Greg Edwards made a motion seconded by councilperson Mark Gray to approve the Budget committee's recommendation for the FY2023 to include an 11<sup>th</sup> officer and a 4% pay increase. Roll Call vote: Joe Boulware, Greg Edwards, Mark Gray, Brittney Marston, Michael Gray – Yea Tyler Wagnon, Stephanie Swanson and Dave Watkins – Nay

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### **AGENDA ITEM: Department Reports**

#### **PUBLIC WORKS---Lyle Thomas (via Zoom)**

Public Works Director Lyle Thomas stated that if any council member would like to see how big the public works department is, please give him a call and he will give a tour. Lift station #3 at the bottom of Catherine has been giving the department fits and provided a copy of an email he sent to the utility board in the council members packets. He stated there has been a series of sanitary overflows and DNR

has been on site and not very happy. The pump is over 40 years old and worn out so he had Alliance get some pricing on used pumps that he will submit to the utility board, with a cost of about \$15,000.00 and is only a temporary fix. Public Works director Thomas gave the council a brief overview of how it has been operating. He stated he received a call from Alliance last Sunday that the recirculating pumps at the wastewater treatment plant had died. This is an infrastructure that will be replaced. They do have a pump as a temporary repair and will cost roughly \$3000.00 and additional material to get the pump on line and have treatment plant up and running in a week or so. The electric department lost a lineman and a new groundsman has been hired and will start April 20, 2022. He went on to explain the training that will be involved over the next few months. Councilperson Joe Boulware raised concern about citizen Noah Wills comments about the high bill as stated earlier under citizens comments. Public Works director explained who was responsible for the meters and stated he can request to talk to the Utility Board.

#### **ALLIANCE—BILLY BOWERS**

Mr. Bowers stated last month meter readings were done on the 11<sup>th</sup> and gave a brief update of repairs of meters and broken meter bottoms. He stated at the wastewater treatment plant they received the protection sleeves for the UV system and changed those out. They had a dry spell so they were able to empty basin two onto field one. He gave a report on rotor two and ditch two and due to heavy rain they have had to feed bugs and food to both of the ditches to keep the bacteria alive that eats the bad stuff in the sewage. They installed a sewer tap at the new Dollar tree and gave a report of where they jetted mains.

#### **SCHOOLS--BRITTNEY MARSTON**

Councilperson Marston stated beginning in May the school will go to full days on Friday.

#### **SENIOR CENTER—MICHAEL GRAY**

Councilperson Gray stated they are having free tax preparation so if you are in need of this service to please call Sue and she will set you up. The center is still in need of kitchen volunteers and the next commodity day will be on April 21, 2022 from 7:30-9:30 and will need to call Marilyn at the caring center to pre-register. Due to the supply chain issues, all the food banks the center gets food from is having a shortage so they are asking for non-perishable items and monetary donations.

#### **POLICE—MARK GRAY**

Councilperson Gray received a memo from Chief Ron Jones that said he is working with the county to get storm sirens set up and will be getting cost soon. They responded to 1322 calls which up from last month and they are down one officer and have been conducting interviews.

#### **MO HUMANITIES—No Report**

#### **PARK—TYLER WAGNON**

Councilperson Wagon stated what programs are going and gave a list of activities and dates and the Parks department is still needing to hire a full time and part time employee.

#### **LIBRARY—GREG EDWARDS**

Michael Lewis gave the contact information, address and hours of the library and stated the library has a lot going on this month. He gave a list of events and dates including On April 21<sup>st</sup>, 2022 Ron Fraser from the Sanitation department will talk about Earth Day and will be bringing recycling containers. Friends of the Library will be participating in the city-wide yard sale and Dungeons and Dragons will meet every second and fourth Saturday from 12:00 pm to 2:00 pm. Gutter guards are being put on to help with fall maintenance. And the summer reading program will be 2 months this year from June 1, 2022 to July 28<sup>th</sup>, 2022. Mr. Lewis also stated that school visits and Senior Living Center visits are continuing.

#### **STREET---DAVID WATKINS**

Councilperson Watkins stated the department is still holding its own. He shared some photographs that were taken giving examples of yard waste being put in street gutters, which city ordinance prohibits and causing a nuisance because its plugging drains and causing backup in basements. Discussion followed.

#### **SANITATION—Michael Gray**

Councilperson Gray stated that everything was going well with sanitation and the clean-up was a success running twice as many trucks to the dump each day. He wanted to remind the public items such as couches, mattresses etc...can be picked up all year long just by calling the utilities office to schedule a pickup for a small fee.

#### **PCAR---JOE BOULWARE**

Councilperson Boulware stated they have a surplus of dry dog and cat food but still in need of canned cat food and puppy food as well as bleach and other supplies. He stated they had some drain issues smelling like ammonia and have incurred \$3860.00 in expenses to take part of the concrete floor up to repair. Councilperson Boulware asked them to submit the bill to the city to be paid since it is the city's building. He also stated adoptions are going well.

#### **CHAMBER-BRITTNEY MARSTON**

Councilwoman Marston stated the city- wide clean-up on March 26, 2022 was a success collecting over 70 bags of trash also with the help Mayor Rick Krawiecki and City Administrator Jim Fleming. She also stated the annual awards dinner was moved to April 23 to Just A Taste from 5:30 to 8:30 and the Sip "n Savor will be May 7, 2022 from 12:00pm-5:00 pm. The chamber in conjunction with Leatherwood will be having a grand opening on May 20, 2022 from 11:00am-8:00pm. There will be a youth concert and the high school on June 7, 2022 from 6:00pm-9:00pm, 18 and younger are free and you can find the events on the Visit St. James website. On April 1, 2022, Chamber Director Kelly Money submitted and application for the City of St. James as a small town to be showcased for the Missouri's Humanities organization.

#### **IDA---MICHAEL GRAY—No report**

#### **UTILITIES—STEPHANIE SWANSON**

Councilperson Swanson said she didn't have a report but wanted to let the council know she was stopped in a store and the person complimented the utility department.

## **CITY ADMINISTRATION—JIM FLEMING**

City Administrator Jim Fleming stated the citywide yard sale is April 22, 2022 and April 23, 2022. He gave a brief overview of the schedule of transmission line he passed out stating 2 of our legislators are against it and could save the City of St. James approximately \$250,000 in electrical costs each year. He also stated there is a House Bill 2005 to be voted on to stop eminent domain since this is a private company building these lines.

## **MAYOR—RICK KRAWIECKI**

Mayor Krawiecki stated next month the council members will be picking a Mayor Pro Tem and asked them to email him with requests to be a liaison to a specific department.

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## **ELECTION CERTIFICATION**

City attorney Jon Downard gave a brief update regarding the recent tie between two candidates, Greg Edwards and Nathan Kemnitzer, from the election on April 5, 2022. He cited old statutes and revised statutes and Missouri Supreme Court rulings. The final result was Section 115.517.3 applies vs. 77.060 and the only two options the City has is a special election must happen or the candidates agree to draw lots. This is the only two deciding factors. City Administrator Jim Fleming said he received a quote of approximately \$3500.00 to do a special election but had not heard back yet on a final cost. Mr. Edwards stated he did not want the City to spend money on the special election and opted to draw lots and Mr. Kemnitzer said he was requesting a special election at that time so Mr. Edwards agreed. Discussion followed.

## **MOTION TO CERTIFY THE ELECTION RESULTS FOR THE APRIL 5<sup>TH</sup> 2022 GENERAL MUNICIPAL ELECTION, ST. JAMES MISSOURI**

Councilperson Joe Boulware made a motion seconded by councilperson Mark Gray to certify the election results. All in favor.

Mayor Krawiecki presented service award plaques to Joe Boulware, Stephanie Swanson and Tracy Edwards (absent)

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## **MOTION TO ADJOURN Sine Die**

Councilperson Dave Watkins made a motion seconded by councilperson Mark Gray to adjourn Sine Die at 9:23 pm. Roll call vote: Tyler Wagnon, Joe Boulware, Greg Edwards, Mark Gray, Brittney Marston, Michael Gray, Stephanie Swanson and Dave Watkins – Yea .

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**Mayor Rick Krawiecki called to order the newly formed council at 9:34 pm.**

## **OATH OF OFFICE FOR NEWLY ELECTED COUNCIL**

City Clerk Linda Cochran administered the Oath of Office for the newly elected council.

## **CITY CLERK APPOINTMENT**

Councilperson Margaret Kirgan-Roberts made a motion seconded by councilperson Brittany Marsten to appoint Linda Cochran as City Clerk for the City of St. James Missouri. All in favor.

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## **NEW BUSINESS**

### **ORDINANCE 22-1219 Transporting an open beer or liquor container (three versions)**

City Clerk Linda Cochran gave the first reading. City administrator Jim Fleming stated the headings on version one and version three are wrong and he would change them. The only version heading worded correctly is version 2. City attorney Jon Downard gave a brief overview of each version presented in the council packet. Jake Harland spoke stating they have a designated route in place and would be doing special events May through October Friday thru Sunday. Discussion followed. Councilperson Mark Gray, made a motion to approve Option #2 as presented in council packet with no second. Motion failed. Councilperson Margaret Kirgan-Roberts made a motion seconded by councilperson Tyler Wagnon to approve Option #1. Roll Call vote: Tyler Wagnon, David Bond, Brittney Marston, Michael Gray and Margaret-Kirgan-Roberts – Yea Mark Gray and Dave Watkins – Nay. City Clerk Linda Cochran gave the second reading. City attorney stated the heading of Ordinance #22-1219 needs to read as follows: AN ORDINANCE OF THE CITY OF ST. JAMES, MISSOURI MODIFYING SECTION 210.234 PARAGRAPH A, TRANSPORTING AN OPEN BEER OR LIQUOR CONTAINER. Councilperson Tyler Wagnon made a motion to approve Option #1 to follow state statute as presented in council packet seconded by Councilperson Michael Gray. Roll Call vote: Tyler Wagnon, David Bond, Brittney Marston, Michael Gray and Margaret-Kirgan-Roberts – Yea Mark Gray and Dave Watkins – Nay.

### **RESOLUTION 22-351 Enter into contract with C.M. Archer Group for the final design and construction administration of lift station 3 improvement**

Public works director Lyle Thomas explained the need for this contract stating it is 40 years old and is a dangerous working environment and only one pump is working at this time. They are in the process of getting prices together for a temporary pump. He also stated the volume of water that comes into this lift station is causing some overflows. Councilperson Dave Watkins questioned the cost of the contract. Discussion followed. Councilperson Mark Gray made a motion seconded by councilperson Margaret-Kirgan Roberts to enter into a contract with C.M. Archer Group. Roll Call Vote Tyler Wagnon, David Bond, Mark Gray, Brittany Marston, Michael Gray, Margaret-Kirgan Roberts, and Dave Watkins-Aye.

**ORDINANCE 22-1220 Reduce the Cemetery Endowment Fund and use for Parks**

Mayor Krawieckie asked to table the ordinance at this time. Councilperson Tyler Wagnon made a motion and Councilperson Mark Gray seconded. All councilmembers voted "aye".

**RESOLUTION 22-352 Enter into contract with BuildTec Construction for the repairs of the bridges on Jay Street and St. John Street.**

Public Works Director Lyle Thomas gave a brief explanation of the bridge situation to bring the new council members up to date. Councilperson Dave Watkins asked how long the bridge projects will take and Mr. Thomas said after demolition it would take approximately 45 days. Discussion followed. Councilperson Dave Watkins made a motion seconded by councilperson Mark Gray to enter into a contract with BuildTec Construction. All councilmembers voted "aye".

**AGENDA ITEM: Adjourn**

With no further business to discuss Councilperson Mark Gray made a motion seconded by Councilperson Margaret-Kirgan-Roberts to adjourn. The meeting was adjourned at 10:25 pm.

ATTEST:

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Linda Cochran, City Clerk

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Rick Krawiecki, Mayor

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Date