

The Carl Junction City Council met in regular session on Tuesday February 16, 2010 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Mark Powers, Steve Daniels, Dee Lynn Davey and Wayne Smith (arrived at 7:12 PM) Alderman Walter Hayes was absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Carl Skaggs motioned to approve the agenda as presented. Steve Daniels seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

PUBLIC FORUM

Bob Cook, 212 Allen, addressed the council. He asked if the CID is approved tonight if the city would be involved with it. Is the 95 acres still being considered for park area? Mayor Moss stated that it is still on the plate. He asked if we had the finances for that with the economy and the surrounding towns all in a financial crisis. He also said that the school would lose taxes and they can't afford to lose those taxes. He asked if the City would come back to the residents for more money to support our park systems. It is not right. We do not have the businesses to support a sales tax. He said that the school will lose \$30,000 a year in taxes. He said that if this is approved don't come back to him in 3-4 years to help pay for it.

Ron Brewer, 403 Sunnybrook, said he had 2 things on the CID. He quoted State Statute 67.010 regarding the budget for the CID and that they show a negative balance of \$26,000 the 1st year. According to the state statute we can't pass it because of that. He also quoted 67.1441 on removing property from the CID.

Mayor Moss called twice for any more persons wishing to speak. There was no one else for public forum.

MARY SCHILLACI

Mary Schillaci, 706 Springhill, said she was going to do what Mike Talley called housecleaning and ask Maribeth a few questions. Mrs. Schillaci had a list of petitioners with her and asked how many had been verified. City Clerk responded that she did not have those records with her but it was about 492 or 496. When asked if any had been rejected the City Clerk replied yes and stated some reasons why they were rejected. Mrs. Schillaci asked how she received training for this or how did the City Clerk know what to do. The City Clerk responded that she consulted with the City Attorney and other City Clerks who had done these types of petitions before and Mrs. Schillaci then read the procedures. She also asked if the Men of Briarbrook had been billed for the City's expenses yet. The City Clerk replied not at this time. Mrs. Schillaci then brought up the conflict of interest regarding the councilmen of Ward III voting on this ordinance stating it would be a conflict of interest according to the surrounding towns she called to get their opinion. She again raised the issue of their budget not being feasible. She then stated that she had gone through the 4 boxes of petitions and had the City Clerk make her copies of some signature pages. She then showed the City Clerk one signature page stating that the notary had not signed the petition. Mark stated that a notary at his work had notarized that petition and that the owner did sign it. Mary stated she was not questioning that the owner of the property signed it but the notary had not signed it so therefore it was not a legal document. She then handed out a quit claim deed and had the City Clerk read a statement from it. This property is owned by Pattison Trust but a Mildred J Baker signed it. When she asked the City Clerk to comment on it the City Clerk responded that she could not respond to it unless she had the whole petition and not just the signature page. The City Clerk explained that when Mrs. Schillaci went through the petitions she only requested certain pages from the petitions and that there were documents attached to the petitions and that unless she reviewed the whole petition she could not comment on them. Mrs. Schillaci stated that we needed to go to each deed for all the properties. She also questioned about notaries who had signed petitions and then turned around and notarized other party's signatures on the petitions. She stated that it was against notary rules and was not allowed since they had a personal interest in the CID. She then stated that she had over 35 signature pages that were in question and that was a small number compared to what was in the boxes and that now there were not enough legally notarized petitions to go forward with this ordinance. She then stated that her family was being harassed and threatened because she was asking questions about the CID. Mrs. Schillaci then asked the Mayor to bring in a 3rd party investigation. She has talked to Dean Dankelson and Sheriff Archie Dunn regarding this. Mr. Dankelson recused himself and would appoint a special prosecutor if warranted. She again asked if the Mayor would allow the Sheriff to do an investigation. She stated all she needed was one to disqualify what the City Clerk had done. She stated that she had already called the Secretary of States office and has a formal complaint on the notaries.

CHAMBER OF COMMERCE REPORT

Gary Stubblefield addressed the council and reported that their goal for membership this upcoming year is 100. They will be working hard on that with phone calls and mailing lists. They are also going to get badges for their members. Their next meeting will be 3/4/10 at the Police Station.

P&Z CASES

Case #10-01 – Special keeping permit – 114 Foursome Lane – Russell Neal. Mayor Moss opened the public hearing at 7:20 PM. Mr. Neal reported that you need a license if you have more than 3 females not 2. They have applied for a license with the Mo. Department of Agriculture. They also have a family member that will take the boxer and their daughter took her dog with her so they now have 4 dogs. They would appreciate the council's consideration in giving them time. Mr. DeGraffenreid, 116 Foursome Lane, stated that the dogs are well behaved but the P&Z Committee voted to deny the request. The city ordinance says 3 dogs and it should be enforced. It is a residential area not a place for a kennel. The public hearing closed at 7:25 PM. It was asked if the code

enforcement officer had any additional information. David reported that if you have 3 females you need a state license as a breeder. There was some discussion about this application. Wayne Smith asked if he had it listed with a realtor. He stated no, he thinks once the P&Z sign is down he will get more traffic. Mark Powers motioned to approve the recommendation of the P&Z to deny the application. Richard Zaccardelli seconded. All in favor. No opposed.

Case #10-02 – Rezoning 204 W Pennell from R-1 to C-2. Mayor Moss opened the public hearing at 7:30 PM. First State Bank, the new owner, has applied for the rezoning. Steve reported that the property was zoned wrong in 1998 when the map was put together. It has been used for retail purposes all along but the old owner never applied to correct the map. P&Z has recommended approval. There was no one else to speak during the public hearing. Mayor Moss closed the public hearing at 7:35 PM. Mark Powers motioned to put “AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE 204 W PENNELL, CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED BY FIRST STATE BANK-JOPLIN, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO C-2” on first reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Dee Lynn Davey motioned to put it on 2nd reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned to put it on passage. Carl Skaggs seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, Smith-y. Motion on Ordinance #10-06 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.

ORDINANCES

The council then reviewed the ordinance approving the Briarbrook CID petition. Carl Skaggs asked about the questions brought up by Mrs. Schillaci. Mike Talley stated that under the state statutes the City Clerk is the check the petitions to see if the substantially comply with the state statutes. There was quite a bit of discussion regarding the notary question Mrs. Schillaci brought up and the quit claim deed she presented. After more discussion about the notary question the council asked Mike Talley to get some clarification on it. Carl Skaggs then motioned to table this ordinance until the next regular council meeting. Wayne Smith seconded. 4 (Davey, Smith, Skaggs, Marshall) in favor. 3 (Powers, Daniels, Zaccardelli) opposed. The ordinance was tabled until the next meeting.

The council then reviewed the ordinance approving the contract with Sproul’s Construction for Thom’s Station Trail Phase III. Steve Daniels asked if any change orders would be allowed. Steve reported that MoDot will not approve any change orders. If something comes up it would be out of the city funds to pay for it. Mark Powers motioned to put “AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SPROULS CONSTRUCTION, INC., TO CONSTRUCT THOM’S STATION TRAIL PHASE III, JASPER COUNTY, MISSOURI, FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, FOR THE SUM OF \$ 128959.53 OR AS OTHERWISE PROVIDED IN THE CONTRACT; 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 first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned to put it on 2nd reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned to put it on passage. Carl Skaggs seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, Smith-y. Motion on Ordinance #10-07 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.

Steve reported that the next ordinance with the Joplin Family Y was the same as last year’s with the dates changed. Carl Skaggs 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 first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. Don Marshall asked about insurance. Mark Powers said that it falls under Title 9. Carl Skaggs motioned to put it on 2nd reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned to put it on passage. Carl Skaggs seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, Smith-y. Motion on Ordinance #10-08 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.

Mark Powers stated that his clarifies our last addendum with Allied Waste but does not lengthen contract. Mark then explained how the CPI was going to work in the new contract. This next year the increase will be 2.2% and the trash will go up 22 cents. The commercial also has Fuel & Environmental fees that are additional and they have to list then separately for reporting purposes. This contract goes until 3/31/12. Carl Skaggs motioned to put “AN ORDINANCE APPROVING THE SECOND ADDENDUM TO THE CONTRACT FOR SOLID WASTE COLLECTION BETWEEN ALLIED WASTE SERVICES OF GALENA AND THE CITY OF CARL JUNCTION, MISSOURI, ORIGINALLY ENTERED INTO ON THE 28TH DAY OF MAY, 1999, EXTENDED BY AGREEMENT TO MARCH 31, 2009, AND EXTENDED BY AN ADDENDUM UNTIL MARCH 31, 2012, SAID SECOND ADDENDUM CLARIFYING THE SERVICES PROVIDED AND RATES CHARGED UNTIL THE CONTRACT’S EXPIRATION ON MARCH 31, 2012; AND AUTHORIZING THE MAYOR TO EXECUTE SAID SECOND ADDENDUM FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned to put it on 2nd reading by

title only. Dee Lynn Davey seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned to put it on passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, Smith-y. Motion on Ordinance #10-09 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. Steve reported that the well drillers have arrived. They will be drilling 20 wells 400' deep.

Public Works report – there was nothing new to report.

Police Department report – there was nothing new to report.

Court Report – there was nothing to add.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee had nothing to report.

The Budget/Finance Committee reported that they met Friday with the Chief and they will be meeting the next 2 Fridays at 10:00 AM to meet with the other departments. She also thanked Mark for taking over for her while she was out of town.

The Human Resource Committee reported they had a closed session on the agenda tonight.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

The Citizen's for Better Life had nothing to report.

UNFINISHED BUSINESS

Don Marshall asked putting the trash cans back by the houses after trash day. In his neighborhood they are leaving them out by the road side all the time. It was stated that they are supposed to put them in their garages or by the house and not leave them out. The council stated that they have heard positive things about the new trash cans and going automated. Don then asked about the American Legion and it was stated that they are commercial and they would have to talk to Jennifer.

Richard Zaccardelli asked about the hazardous waste collection agency. Steve reported that he went to Arkansas for a meeting regarding a company that had done hazardous waste pick up in this area a few years ago. He said that ADOT still has not issued them a number but they are still operating. They do not know who had what waste and who to hold responsible. Some of the waste was not required to have documentation for EPA and it is all a mess right now.

NEW BUSINESS

Chief Haase reported he will be out of town Thursday and Friday for meetings.

Steve reported that the building inspector has been busy locating structures that need repair. He had laid out a list of houses for the council that he has identified and we are working on.

Steve then reported that he had sent out an RFP for a conceptual plan for 5 round-a-bouts. It is part of the Long Range Planning for traffic control. He received 3 proposals back: Anderson's Engineering - \$7000, Tri-State Engineering - \$3000, Allgeier-Martin - \$8500. Steve recommended that we go with Tri-Sate Engineering since they have experience with them. That price is for all 5 intersections. The 5 intersections are Fir & Lone Elm, Fir & Briarbrook, Fir & Joplin, Hwy ZZ & Hwy JJ, Roney & Pennell. Don Marshall brought up that all of these are partially outside the city limits. Steve explained that this is the conceptual design only. If we decide to go ahead with the projects he will bring in the other entities for engineering. We first need to find out if it is feasible or not. There was discussion about round-a-bouts in general. It was stated that all of those intersections have problems and that one of them would be close to the West By-Pass. Steve said that the round-a-bout would not be an issue with the by-pass when the time comes. It will not be a 4 lane by-pass. Dee Lynn Davey motioned to accept the proposal from Tri-State Engineering for \$3000. Don Marshall seconded. All in favor. No opposed.

Steve then reminded the council that Richard Zaccardelli and he will be attending the MML Legislative Conference Wednesday and Thursday.

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.

Carl Skaggs 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. Steve Daniels seconded. Zaccardelli-y-, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, Smith-y. Council went into closed session at 8:25 PM.

Council came back into open session at 8:40 PM. Mayor Moss stated that they met in 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. No official action was taken.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor. No opposed. Meeting adjourned at 8:41 PM.

CITY CLERK

MAYOR