

The Carl Junction City Council met in regular session on Tuesday May 19, 2009 at 7:00 PM at City Hall. Mayor Pro-Tem Walter Hayes called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Steve Daniels, Walter Hayes and Wayne Smith. Aldermen Mark Powers and Dee Lynn Davey were absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Mayor Pro-Tem requested that we amend the agenda to add the appointment of a new police officer to the agenda as item 5(b). Carl Skaggs motioned to approve the agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Stan Lewis, 114 Anita Drive addressed the council about a problem with his neighbor. The wind was 85 MPH and blew his tree on his neighbor's property. He does not think he is liable and it was not his fault. It was a sound tree. He asked if he was responsible for removing the tree from her yard. He also complimented our code enforcement officer and said he was a good employee. Another issue was that the power company said they could not get into their lines due to fences and buildings next to and underneath their poles. He doesn't know what the city can do about that but they should look into it. The last thing he wanted to talk about was years ago a city employee said we were going to build a reservoir near the bridge West of Joplin Street. This would be for water storage and recreation. He thought it was a good place and wanted to know if we were pursuing it. That employee no longer works for the City.

Mike Talley asked if he paid someone to take out his tree. Mr. Lewis said it was his tree and he paid for the removal of the tree of his neighbor's property. It was decided that the appeal was a mute point since the tree has been removed. Mike Talley said that if his tree landed on his neighbor's property he is responsible to remove it. He is not responsible for the damage it may have caused.

### **APPOINTMENT OF POLICE OFFICER**

Chief Haase introduced Seth Wilkins and said that he would like to hire him to fill the last position they have open. He is from Carthage and has worked for Jasper County and Polk County. They are moving back into the area. He is recommending that we hire Seth Wilkins. Steve Lawver also recommended we hire Mr. Wilkins. Mayor Pro-Tem Walter Hayes stated he would like to hire Seth Wilkins as a police officer for the City of Carl Junction. Don Marshall motioned to approve Walter Hayes recommendation to hire Seth Wilkins. Carl Skaggs seconded. All in favor. No opposed.

### **ORDINANCES**

The council then reviewed the ordinance on motorized vehicles on trails. Carl Skaggs motioned to put "AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 210: OFFENSES, ARTICLE XI. MISCELLANEOUS OFFENSES, BY ADDING NEW SECTION 210.790: TRAILS - MOTORIZED VEHICLES PROHIBITED - EXCEPTIONS - PENALTIES, TO PROHIBIT MOTORIZED VEHICLES ON DESIGNATED TRAILS WITHIN THE CITY OF CARL JUNCTION, AND PROVIDING EXCEPTIONS AND PENALTIES, AND AMENDING TITLE III. TRAFFIC CODE: CHAPTER 305: TRAFFIC ADMINISTRATION, BY AMENDING SECTION 305.080: CITY TRAFFIC ENGINEER, TO PROVIDE THAT THE CITY TRAFFIC ENGINEER SHALL DESIGNATE AND MARK SUCH TRAILS" on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, Daniels-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #09-23 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 then reviewed the ordinance approving the contract with MoDot on Thom's Station Trail Phase III. Don Marshall motioned to put "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR TRANSPORTATION ENHANCEMENT FUNDS FOR ARRA-ES07(002)" on first reading by title only. Carl Skaggs seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, Daniels-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #09-24 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. Richard asked about the bridge and Steve responded that they have not been able to work due to the weather. Don reported that he had heard it was being vandalized already. Steve reported that the contractor had a backhoe vandalized but there was no vandalism to the trail. Walter recommended that under Miscellaneous items we remove #1 and scale down #2.

Public Works report – Jimmy stated that Ace has given him a video and a written report on the sewer lines they ran a camera through and cleaned. They also found another towel in the Karen Drive lift station and we think it burned up the pump. A pump cost \$5000. Jimmy said it might just be the starter but we don't know yet. They could be putting the bath towels down the clean outs. Jimmy also reported they started picking up debris yesterday and they hope to be south of the creek by Thursday. They also

purchased a skid steer and they have a thumb for the backhoe. It should be able to pick up the stumps if the people can get them to the curb. Jimmy also reported they met with Utility Services today and he thinks it could be a really good deal for the City. It would be one set price to make budgeting easier.

Police Department report – there was nothing additional to report. Richard reported that there are 2 door to door solicitors going around stating that they will do complete home inspections from the storm. It was stated that we do not think they have a license. Chief Haase will watch for them.

**COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Long Range Planning met with Brian Ross (HSTCC) and P&Z regarding the comprehensive plan. Brian will be back at the next P&Z meeting. Steve said he thinks maybe we need to do a Saturday retreat. Walter will get with his committee and try to get a meeting scheduled.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Public Facilities Committee reported they met and we are not going to be able to use the ground source heat pump due to all the water in the area and the part of the foundation that gave will be pulled out and redone. They will also put additional rock underneath.

The Code Review Committee would like to have a meeting 5/26/09 at 6:00 PM.

Senior Citizen Committee pointed out the article on the paper regarding the senior that graduated this year. He graduated from college also and is a really nice young man. He volunteers at the Center cleaning tables.

The Citizen's for Better Life reported they are very interested in the community center progress.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

The City Clerk pointed out the meeting that will be held at City Hall 5/27/09 at 1:30 PM with Kit Bond's office.

Steve also had letters he wanted the council to sign so he could send out thanking Governor Nixon, Empire and Kansas City Light & Power for their assistance during the storm. He also sent a letter to Representative Tom Flanigan regarding needs we had during the last disaster. SEMA called Saturday after the governor was here and said they had generators, but we already had some by them. After the letter reached Tom Flanigan SEMA called and said that there was no line item or grant for generators. Steve will be working with Representative Flanigan in trying to get those items in their budget so that smaller communities can get some help in preparing for disasters.

Steve also reported that FEMA was here today and they were touring SW Missouri. There are 38 counties and we are one of them that they are reviewing. They are not sure yet whether it will be declared a disaster.

Chief Haase said that David Wehmeyer sustained a lot of damage to his house during this last storm and will be out of the office most of this week. It was stated he is doing a tremendous job.

**ADJOURNMENT**

Carl Skaggs motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 7:35 PM.

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CITY CLERK

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MAYOR