

The Carl Junction City Council met in regular session on Tuesday July 03, 2012 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Steve Daniels, Dee Lynn Davey and Sean Haase. Aldermen Mark Powers, Bob Cook and Ed Reeves were absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Steve Daniels motioned to approve the agenda as presented. Don Marshall seconded. All in favor. No opposed. Dee Lynn Davey motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

### **PUBLIC FORUM**

There was no one for public forum.

### **CHAMBER REPORT**

Gary Stubblefield reported that the Marian Cox softball tournament had a record number of teams this year. It was enough for 5 more scholarships. They had 400 votes on naming the Mammoth. The winning name was Claudia with 176 votes. The Happy Mammoth will reside at the Community Center for a few more months. We have had a lot of people come to see it. He reminded the council that the next Chamber meeting is 8/2/12.

### **P&Z CASES**

Mayor Moss then opened the public hearing on Case #12-02 – Amending Section 405.085 – fences at 7:07 PM. Steve Lawver reported that the P&Z recommended approval. There was no one for or against the changes. Mayor Moss closed the public hearing at 7:09 PM.

Sean Haase motioned to put “AN ORDINANCE TO AMEND TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.085: FENCES, SUBSECTION 6. DANGEROUS FENCES, TO PERMIT CERTAIN LIVESTOCK FENCES AND LOW VOLTAGE, INTERMITTENT-CURRENT FENCES UNDER CERTAIN CIRCUMSTANCES” on first reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Dee Lynn Davey seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-y, Cook-absent, Reeves-absent. Motion on Ordinance #12-24 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.

Mayor Moss then opened the public hearing on Case #12-03 – Special Use Permit, 202 N Main – Ron Daniels at 7:10 PM. Ron Daniels asked that the special use be granted until he either retires or closes the business. Steve Lawver reported that the P&Z recommended approval with the conditions that he keeps a current business license, and it will expire with the sale of the property, the business closes or he retires. There was no one for or against for the special use permit. Mayor Moss closed the public hearing at 7:12 PM. Richard Zaccardelli motioned to approve the special use permit with the conditions stated by the P&Z Committee. Don Marshall seconded. All in favor. No opposed.

Mayor Moss then opened the public hearing on Case #12-04 – Amending Section 405.110 – site plan review at 7:13 PM. Steve Lawver reported that the P&Z recommended approval. Steve explained that the changes are to allow for expansions for existing commercial structures that have gone through the site plan review on the original structure to do the additions with approval in house after all plans have been reviewed by personnel. It will streamline the process. There was no one for or against the changes. Mayor Moss closed the public hearing at 7:14 PM.

Dee Lynn Davey motioned to put “AN ORDINANCE TO AMEND TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.110: BUILDING PERMIT, SUBSECTION C. APPLICABILITY, TO PROVIDE EXCEPTIONS TO THE SITE PLAN REVIEW PROCESS” on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Dee Lynn Davey motioned to put it on second reading by title only with a roll call vote. Sean Haase seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-y, Cook-absent, Reeves-absent. Motion on Ordinance #12-25 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.

Mayor Moss then opened the public hearing on Case #12-05 – Amending Section 420.085 – approving Flood Management and new FIRM maps at 7:16 PM. Steve Lawver reported that the P&Z recommended approval. There was no one for or against the changes. Mayor Moss closed the public hearing at 7:17 PM.

Steve Daniels motioned to put “AN ORDINANCE AMENDING TITLE IV: LAND USE, BY AMENDING CHAPTER 420: FLOOD DAMAGE PREVENTION, SECTIONS 420.025 AND 420.070 TO UPDATE METHODS USED TO ANALYZE FLOOD HAZARDS AND LANDS TO WHICH THE CHAPTER APPLIES” on first reading by title only. Dee Lynn Davey seconded. Mayor Moss asked for discussion. Mayor Moss asked if it changed our floodplain. Steve replied that it actually shrunk our flood areas unlike some other towns. Don Marshall motioned to put it on second reading by title only with a roll call vote. Steve Daniels seconded. Mayor Moss asked for discussion. There was no discussion. Dee Lynn Davey motioned for passage of the ordinance. Steve Daniels seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-y, Cook-

absent, Reeves-absent. Motion on Ordinance #12-26 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.

**ORDINANCES**

The council reviewed the ordinance for non-feeding of waterfowl. This was discussed at the last meeting. Richard Zaccardelli motioned to put “AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 240: PARKS AND RECREATION, ARTICLE I. IN GENERAL, BY AMENDING SECTION 240.100: PROTECTION OF BIRDS, TO PROHIBIT FEEDING ANY WATERFOWL EITHER ARTIFICIAL OR NATURAL FEEDS IN OR ABOUT ANY PUBLIC PARK” on first reading by title only. Steve Daniels seconded. Mayor Moss asked for discussion. Richard Zaccardelli said that there are a lot of geese and we really need to put some signs ups. Steve reported that the signs have been ordered. There was some discussion that the geese are becoming a problem that we need to control. Dee Lynn Davey motioned to put it on second reading by title only with a roll call vote. Sean Haase seconded. Mayor Moss asked for discussion. There was no discussion. Dee Lynn Davey motioned for passage of the ordinance. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-y, Cook-absent, Reeves-absent. Motion on Ordinance #12-27 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.

**REPORTS**

The council reviewed the Administration report. Steve reported that TSI and the City will be meeting with a possible service provider on the 5<sup>th</sup>.

Public Works report – had nothing new to report.

Police Department report – had nothing new to report

**COMMITTEE REPORTS**

The Budget/Finance Committee had nothing to report.

The Code/Nuisance Committee had nothing to report.

The Human Resource Committee had a meeting Monday 7/2/12 regarding personnel.

The Public Facilities Committee met on Monday 7/2/12 about the property on Water Street. It was their recommendation that we offer Mr. Rhea \$25,000 if he took the building down and \$30,000 if we took it down. The City Clerk reported that Mr. Rhea came into her office and she was given permission to tell him what the recommendations were going to be from the Committee. He already has someone taking town the building so he said he would accept an offer of \$25000. Richard Zaccardelli motioned to purchase 107 Water for \$25000. Don Marshall seconded. All in favor. No opposed. We will call Mr. Rhea with the offer. Steve Daniels then reported that we will be meeting with SAPP design on 7/13/12 to talk about moving the court operations to the Community Center. Bud has sent a preliminary drawing to SAPP.

The Senior Citizen reported that they will be closed 7/4/12.

**UNFINISHED BUSINESS**

Mike Talley reported that he researched sign ordinances after our last meeting. He found that right now all sign ordinances in the state are in a world of hurt now. The Supreme Court ruled that most sign ordinances are unconstitutional. We can regulate the size and where they are placed but we cannot regulate the content. The ordinance has to be content neutral. He will be attending the MML Attorney seminar and he plans on asking about it. Right now everything is in a state of uncertainty. There was more discussion about this ruling and how to resolve the issue. Mike Talley said we need to postpone this discussion until he can find out more. We do have the right to say that no one can place a sign on city property but it would have to be all signs not content based.

**NEW BUSINESS**

Richard Zaccardelli thanked the council for the approval to purchase 107 Water Street.

**ADJOURNMENT**

Don Marshall motioned to adjourn the meeting. Steve Daniels seconded. All in favor. No opposed. Meeting adjourned at 7:40 PM.

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CITY CLERK

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MAYOR