

The Carl Junction City Council met in regular session on Tuesday July 16, 2013 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, Mark Powers, Bob Cook and Roger Spencer. Aldermen Sean Haase and Tim Smith were absent. Also present were City Clerk Maribeth Matney, City Administrator Steve Lawver and City Attorney Mike Talley.

AGENDA

Steve Lawver requested that we add the ordinance approving Ace Pipe agreement to the agenda as item 9(o). We also need to remove item 9(g) the ordinance amending Chapter 205 from the agenda. Mark Powers motioned to approve the agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed. Mark Powers motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed.

PUBLIC FORUM

Thelda Mayer, 107 Anita Drive, addressed the council about a water drainage issue in her back yard. She has taken pictures of the water flowing through her back yard. She jacked up her shed to get it out of the water and she can't plant a garden due to the water problem. She dug a ditch 8" wide to go around the shed but there is too much water. She would like to know what to do and asked for any suggestions. She bought this house in November 2012. There was discussion about the water issue and whether this has been an ongoing problem. It was suggested that the neighbor's fence might be damming up the water and making it back up. After some discussion between the resident, council and the City Administrator it was decided to have Jimmy Chaligoj go out and look at it and give her some suggestions on what to do.

Chad Stebbins, 712 E Briarbrook Lane, asked if we would consider putting in a dog park. He suggested a fenced in structure with water available so that people could let their dogs off their leash and play. He thought Lakeside Park would be a good possibility and another one on the north side of Center Creek here in the downtown area. He stated it would enhance the quality of life here in Carl Junction and asked that the council consider it during next year's budget talks. Richard Zaccardelli stated that the CID has talked about it. Steve said he would check into it.

CHAMBER REPORT

Gary Stubblefield reported that Carl Junction is in Toyota's "Let's go Places" commercial. They also had a ribbon cutting at Footprints & Friends Preschool. The Lego display has been expanded and this past Saturday we had Tai Chai in Center Creek Park. They had 32 people show up. They plan on coming back in the fall. Fletcher Ford and the Joplin Globe have become Chamber members and their next meeting will be 8/1/13.

P&Z CASES

Mayor Moss opened up the public hearing on Case #13-18 – Chapter 425 – Storm water management at 7:24 PM. Steve stated that the amendments are to meet the new DNR and EPA regulations. There was no one for or against the amendments. Mayor Moss closed the public hearing at 7:25 PM.

Mark Powers motioned to put "AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 425: STORMWATER MANAGEMENT, BY AMENDING ARTICLES I, II AND III TO UPDATE AND CORRECT CERTAIN REFERENCES AND PROVISIONS THEREIN, AND BY ADOPTING NEW ARTICLE IV. MAINTENANCE OF PERMANENT STORMWATER CONTROLS, ADDING NEW SECTIONS 425.420 TO 425.580, INCLUSIVE, TO THE CARL JUNCTION, MISSOURI CITY CODE" on first reading by title only. Don Marshall seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Roger Spencer seconded. It was asked about the definition of a pollutant. Steve Lawver reported that definition was already on the books, it is not new. The only new part is section 4 the 1st 3 are already on the books. Mark Powers motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent, Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-32 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.

APPOINTMENT OF POLICE OFFICER – JAMES STEVER

Chief Haase introduced James Stever to the council stating he would like to hire him as a Sergeant for the Police Department. He had 2 officers resign and his Sergeant move back as a School Resource Officer. He has known him for 20 years and Officer Stever has 20+ years experience. Mayor Moss stated he would like to appoint James Stever as Sergeant to the Carl Junction Police Department. Mark Powers motioned to approve the Mayor's appointment. Richard Zaccardelli seconded. All in favor. No opposed. He was originally from Springfield and moved to Joplin in July 1992.

ORDINANCES

Mark Powers motioned to put "AN ORDINANCE ANNEXING 8435 COUNTY RD 290, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY BILLY G STANSBERRY AND EVELYN J STANSBERRY, HUSBAND AND WIFE, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Richard Zaccardelli seconded. Mike Talley asked if we were passing the ordinances in contiguous order. Steve Lawver replied yes. Mark Powers motioned to put it on second reading by title only. Roger Spencer seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y,

Smith-absent, Spencer-y. Motion on Ordinance #13-33 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 motioned to put "AN ORDINANCE ANNEXING 29007 IMPATIENS LANE, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY AARON SCOTT PRESLEY AND JIMI PRESLEY, HUSBAND AND WIFE, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Richard Zaccardelli seconded. Mark Powers motioned to put it on second reading by title only. Don Marshall seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-34 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 motioned to put "AN ORDINANCE ANNEXING 29045 IMPATIENS LANE, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY DARWIN E HOLLY, A SINGLE PERSON, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Don Marshall seconded. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-35 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 motioned to put "AN ORDINANCE ANNEXING 29055 IMPATIENS LANE, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY JAMES D REYNOLDS AND PEGGY REYNOLDS, HUSBAND AND WIFE, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Roger Spencer seconded. Mark Powers motioned to put it on second reading by title only. Roger Spencer seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Mark Powers seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-36 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 Daniels motioned to put "AN ORDINANCE ANNEXING 29073 IMPATIENS LANE, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY JAMES E KOCH AND CORINE C KOCH, HUSBAND AND WIFE, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Richard Zaccardelli seconded. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Mark Powers motioned to put it on final passage. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-37 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 motioned to put "AN ORDINANCE ANNEXING 29054 IMPATIENS LANE, CARL JUNCTION, JASPER COUNTY, MISSOURI, OWNED BY PARKER PROPERTIES AND INVESTMENTS LLC , AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on 1st reading by title only. Steve Daniels seconded. Steve Daniels motioned to put it on second reading by title only. Mark Powers seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-38 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 asked Steve if Kurt has started on the plans yet. Steve said no but he will get it started. We will need permits by DNR and MODOT and it may take some time before it is all ready.

Mark Powers motioned to put "AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE; CHAPTER 210: OFFENSES, ARTICLE XI. MISCELLANEOUS OFFENSES, BY AMENDING AND RENAMING SECTION 210.730: LITTERING--DUMPING, TO BE ENTITLED "LITTER CONTROL" AND TO PROVIDE COMPREHENSIVE REGULATIONS GOVERNING LITTER" on 1st reading by title only. Steve Daniels seconded. Don Marshall reported that the Code Committee met on this ordinance and there were no problems with it. Mike Talley reported this is due to storm water regulations. Steve Daniels motioned to put it on second reading by title only. Roger Spencer seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-39 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 motioned to put "AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE; CHAPTER 215: NUISANCES, ARTICLE I. ABATEMENT, BY AMENDING SECTION 215.030: NUISANCES ENUMERATED, AND AMENDING ARTICLE III. WEEDS, BY AMENDING SECTION 215.220: WEEDS AND GRASS GROWTH PROHIBITED OVER A CERAIN HEIGHT, TO CLARIFY CERTAIN DEBRIS THAT CONSTITUTES A NUISANCE, INCLUDING NOXIOUS WEEDS, AND OTHER ITEMS, AND TO EXCEPT PROPERLY MAINTAINED COMPOST/MULCH PILES, AND TO EXCEPT PROPERLY STORED RECYCLABLES, ON ANY LOT OR LAND WITHIN CARL JUNCTION" on 1st reading by title only. Steve Daniels seconded. Don Marshall reported that the Code Committee met on this ordinance and there were no problems with it. Mike Talley reported on changes to this ordinance regarding vegetation that is irritating, debris piles and fire wood versus cut wood. Mike Talley stated that the manure section already exists in our current code. These changes align our code with DNR regulations. There was some discussion amongst the council on this ordinance. Roger Spencer motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-abstained, Smith-absent, Spencer-y. Motion

on Ordinance #13-40 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 motioned to put “AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH SAFETY AND WELFARE: CHAPTER 225: SOLID WASTE, BY AMENDING SECTION 225.020: SOLID WASTE STORAGE, AND SECTION 225.030: COLLECTION OF SOLID WASTE, TO UPDATE CITY CODE PROVISIONS RELATED TO THE STORAGE AND COLLECTION OF SOLID WASTE” on 1st reading by title only. Roger Spencer seconded. There was no discussion. Steve Daniels motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Mark Powers seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-41 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 motioned to put “AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 500: GENERAL PROVISIONS, ARTICLE I. BUILDING CODES ADOPTED, BY AMENDING SECTIONS 500.020 AND 500.040 TO REGULATE THE DEPTH OF SEWER LINES, AND BY AMENDING ARTICLE III. MISCELLANEOUS PROVISIONS, BY AMENDING SECTION 500.200 TO PROVIDE THAT THE CITY CLERK SHALL ASSIGN STREET ADDRESSES TO BUILDINGS” on 1st reading by title only. Steve Daniels seconded. Steve Lawver reported that when we adopted the ICC code we forgot to put in the depth. It also clarifies that the City Clerk assigns the addresses which we have been doing for a long time. Our code says the postmaster. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-42 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 motioned to put “AN ORDINANCE AMENDING TITLE VII: UTILITIES, CHAPTER 715: SEWER USE REGULATIONS, BY AMENDING SECTION 715.040: BUILDING SEWERS AND CONNECTIONS, TO REQUIRE A SEPARATE AND INDEPENDENT SEWER FOR EVERY RESIDENCE OF A SINGLE FAMILY DWELLING OR EACH RESIDENCE OF A DUPLEX FAMILY DWELLING” on 1st reading by title only. Roger Spencer seconded. Steve Lawver reported that this is part of the ICC code but it is not spelled out in our code. We already require it we are just clarifying the code. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-43 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 motioned to put “AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC., LESSOR, FOR THE PURPOSE OF FINANCING THE PURCHASE OF A TOTAL OF THREE 150KW GENERATORS, WITH SWITCHES, CONDUIT, WIRE AND PADS, FOR WELLS 7, 8 & 9, FOR THE SUM \$231,500.00, PLUS INTEREST IN THE AMOUNT OF \$8,647.62; AUTHORIZING UP TO EIGHT (8) SEMI-ANNUAL RENTAL PAYMENTS AS PROVIDED IN THE AGREEMENT; 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. Steve Daniels seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-44 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 motioned to put “AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF CARL JUNCTION AT AN ELECTION TO BE HELD ON NOVEMBER 5, 2013, THE QUESTION OF WHETHER THE CITY SHALL IMPOSE A LOCAL USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE, CURRENTLY TWO AND ONE-HALF PERCENT (2 ½%), ON ALL RETAIL SALES SUBJECT TO TAXATION PURSUANT TO THE PROVISIONS OF SECTION 144.600 THROUGH 144.761 RSMO.; PROVIDING FOR THE USE TAX TO BE REDUCED OR RAISED IN THE SAME AMOUNT AS ANY CITY SALES TAX IS REDUCED OR RAISED; AND IMPOSING A LOCAL USE TAX OF 2 ½% ON ALL RETAIL SALES SUBJECT TO TAXATION PURSUANT TO THE PROVISIONS OF SECTION 144.757 RSMO., UPON THE APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING; AND PRESCRIBING A FORM OF BALLOT THEREOF” on 1st reading by title only. Steve Daniels seconded. Mike Talley reported that we had another version earlier but he took MML and Joplin’s version and meshed them together. Mark Powers asked if it fails if we lose the 2 years we would have had. Mike Talley said no that it would have no reflection on what the Governor did. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Mark Powers seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-45 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 motioned to put “AN ORDINANCE APPROVING THE BID OF ACE PIPE CLEANING, INC. FOR CLEANING AND TELEVISED INSPECTION OF VARIOUS SANITARY SEWER LINES AS DIRECTED BY THE CITY AT THE RATE OF \$1.50/LINER FOOT FOR A MINIMUM OF 10,000 LINEAR FEET IN ACCORDANCE WITH THE CITY OF MONETT, MISSOURI’S COOPERATIVE PROCUREMENT RESOLUTION 8210; AND AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY TO EFFECT SUCH PURCHASE” on 1st reading by title only. Steve Daniels seconded. It was stated that this has been budgeted in our current budget. Mark Powers motioned to put

it on second reading by title only. Roger Spencer seconded. There was no discussion. Mark Powers motioned to put it on final passage. Steve Daniels seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-absent Cook-y, Smith-absent, Spencer-y. Motion on Ordinance #13-46 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 said that he has a conceptual drawing of where the fiber optic will go and has a map for viewing.

Public Works report – had nothing new to report. We have been getting phone calls about mosquito fogging. It was stated that Jimmy can fog on a limited basis around bodies of water. Roger Spencer said they are bad in his area.

Police Department report – had nothing new to report.

Court report– had nothing new to report.

COMMITTEE REPORTS

Budget/Finance – Mark Powers had nothing to report.

Code/Nuisance –Don Marshall reported they met tonight and approved all of the proposed amendments except for Chapter 205. They had scrapped that amendment.

Human Resources – Steve Daniels had nothing to report.

Public Facilities & Planning – Tim Smith had nothing to report.

Senior Citizens - Richard Zaccardelli had nothing to report.

UNFINISHED BUSINESS

Steve Daniels reported he will be attending MML conference.

Mike Talley then pointed out his memo concerning the need to pay prevailing wages to employees building the pavilion which is then to be gifted to the City. He noted that he had located the Missouri Supreme Court case he had referenced at the last meeting; the case involved the City of Springfield being gifted a zoo built with private funds. The Court sent the case back for further discovery to determine whether any workers were employed “by or on behalf of the City engaged in the construction of public works.” The resolution of that issue involves many factors, but the fact that the City supplies the plans and retains the right to change the plans, and also to supervise the construction of the pavilion, all suggest that the City is “engaged in the construction of public works.” While the issue could be examined further, the similarity of the issues in that case would appear to apply to the pavilion proposal. Accordingly, not to pay prevailing wages on the pavilion project would at least expose the City to some risk that the Division of Labor Standards would take enforcement action. Mayor Moss said he called Jane Mitchell and told her about Mike Talley’s findings. Mike Talley said that if anyone is paid to build the pavilion, payment of prevailing wages would avoid any risk of enforcement action. There was discussion about buying the materials and having volunteer labor to build it.

Steve Lawver then stated that we are trying to get the word out to all the people to register their storm shelters. They can call the PD and put their address and location of shelter on a list to be checked after any natural disaster. Steve also said that Joplin finally got a release from FEMA on the storm shelters and they are going to use a lot of them and then will distribute the rest to surrounding communities to use. We hope to get a couple of them for our parks he asked for 10.

Geneen Properties has their properties up for sale. There are 2 separate pieces of land. This land is by our Lakeside Park and would let us hook up the walking trail to the trail on Lakeside Park. They are asking \$129,500 for it. He did find out that CBT would loan us the money by extending our current loan for 2 years. Mark Powers asked about getting it appraised. It is 10.02 acres. We have a sewer main on it already. Mark Powers said it is kind of high but we should look at it. There was more discussion of this property. It was the consensus of the council to look into it further. Steve is to explore the possibilities and get back to the council.

NEW BUSINESS

Mike Talley reported he will not be at the next council meeting.

Maribeth Matney also reported she will not be at the next council meeting.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Roger Spencer seconded. All in favor. No opposed. Meeting adjourned at 8:50 PM.

CITY CLERK

MAYOR