

The Carl Junction City Council met in regular session on Tuesday September 3, 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, Sean Haase, Bob Cook, Tim Smith and Roger Spencer. Also present were City Clerk Maribeth Matney, City Administrator Steve Lawver and City Attorney Mike Talley.

AGENDA

Mark Powers motioned to approve the agenda. Sean Haase seconded. All in favor. No opposed. Mark Powers motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM

Katherine Williamson, 305 Rustic Ridge, wanted to address the council about parking on Angel Lea. There is a major problem getting in and out of Angel Lea and Pennell. She also said that the people on Angel Lea are leaving out their trash cans and that also hinders traffic view. She asked if we would consider putting no parking signs along Angel Lea. She showed the council 4 pictures that she had taken. Mayor Moss explained that the PW Supervisor and the Chief are in charge of street signs. Mrs. Williamson said she had talked to Jim Chaligoj and he suggested that she come talk to the council. There was some discussion of the cars parking illegally and where they would park if they couldn't park on the street. Mike Talley then read Section 365 Title IV listing the streets that have no parking. Steve said that part of the problem is that it is an older subdivision going into a newer subdivision and although the street rights of way are the same the asphalt is not. Mark Powers suggested we have the Chief and Jimmy come back with a recommendation to the council. Mrs. Williamson can be reached at 649-6180.

Bill Stansberry, 8435 County Rd 290, asked the council if they could do anything with the transition between Hwy JJ and Impatiens Lane. Steve stated that is MODOT. Bob Cook said he drove down Impatiens Lane and it has a lot of potholes that need patched. Steve said that Jimmy has it on his schedule to be repaired.

CHAMBER REPORT

Garry Stubblefield talked about the local use tax issue coming up on the November ballot. We need to pass it to level the playing field for our local businesses. They will have an informational meeting on this during their meeting this Thursday 9/5/13 and another one in October also. The election is 11/5/13. We need this tax to continue to provide the level of services that we currently do. He also stated that there will be a ribbon cutting at the Carl Junction Skate Park at 107 Water St after the Chamber meeting.

ORDINANCES

Mark Powers motioned to put "AN ORDINANCE APPROVING THE ASSIGNMENT OF THE FRANCHISE AGREEMENT WITH SOUTHERN UNION COMPANY, D/B/A MISSOURI GAS ENERGY, TO LACLEDE GAS COMPANY, AND AUTHORIZING THE MAYOR TO SIGN AN ACKNOWLEDGMENT LETTER FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1st reading by title only. Tim Smith seconded. Steve Lawver stated that this is reassigning the franchise from MGE to Laclede Gas. They bought out MGE. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. Bob Cook stated that the way he reads this they can't raise rates to cover the cost of purchasing the company. Steve Lawver replied yes and that any rate changes would have to go through PSC. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-51 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. Sean Haase seconded. Bob Cook asked why Monett was mentioned. Steve replied that we are piggybacking on their procurement process. Steve also reported that this will tie in with our bond issue. We are doing the cleaning and camera and then with the bond money we will be doing the repairs. Mark Powers motioned to put it on second reading by title only. Sean Haase seconded. 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-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-52 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 I. GOVERNMENT CODE, CHAPTER 130: MUNICIPAL COURT, BY AMENDING SECTION 130.250: COURT COSTS, TO PROVIDE FOR THE ASSESSMENT OF A \$3.00 SURCHARGE AS COURT COSTS TO BE IMPOSED BY THE MUNICIPAL JUDGE FOR REMISSION TO THE SHERIFF'S RETIREMENT SYSTEM IN ADDITION TO ANY FINE THAT IS IMPOSED" on 1st reading by title only. Roger Spencer seconded. Judge Mark Elliston addressed the council about this code amendment. He stated he disagrees with this but he has been told by the Supreme Court and the Attorney General that we are going to do it. This has been going on for 20 years but they have now mandated that we collect \$3.00 to go into the Sheriff's Retirement System. The Supreme Court stated as of 8/28/13 we will collect it. All the clerks that he is judge for have started collecting it. He raised our fines \$5.00 to cover the \$3.00 charge. He does not want to put the city or himself in jeopardy. He is hopeful that it will be changed. It was stated that some cities are challenging it. Mike Talley said that this is being discussed at the state level also and that if the Judge issues the order we will be following his

direction. Mike Talley said that the only new item in the code is paragraph 9; the rest is already in our code. If the law is repealed we will stop collecting. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. 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-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-53 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 REPEALING ORDINANCE NO. 13-38, PASSED ON THE 16TH DAY OF JULY, 2013, PURPORTING TO ANNEX 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. Sean Haase seconded. Steve Lawver stated that the original petition received from the owner had the wrong legal description and the property is up on Highway 96 and is not contiguous with City boundaries. We need to reverse the annexation and go through the process again. The owner is aware of this. The City Clerk stated that she had questioned the legal at the time she received it but was assured by the owner that the legal was correct. When it was being recorded the recorder's office called City Hall regarding the mistake. Mark Powers motioned to put it on second reading by title only. Roger Spencer seconded. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Haase-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-54 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 he had received the attorney's opinion from Carl Lumley this afternoon. He has not received the bill yet. The sidewalk along Roney will be from Pennell to Walnut on both sides.

Public Works report – had no report. Steve reported that the sidewalks on North Main Street are going in.
Police Department report – had nothing new to report.

COMMITTEE REPORTS

Budget/Finance – Mark Powers had nothing to report.

Code/Nuisance – Don Marshall had nothing to report.

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

Mike Talley reported that Steve Daniels called him shortly before noon stating that he had contacted the Wage and Hour at the State level. They told Steve Daniels that what the City was attempting regarding the pavilion was a violation of the wage law. It would be a red flag and they would hold us accountable. He called the Mayor and the Mayor asked that he call Wage and Hour. He spoke to a rep in Jefferson City. After a lengthy conversation with them Mike Talley reported to the council that we are taking a risk if a complaint was filed. Bob Cook said he didn't understand how that is a violation when he is donating his time. Tim Smith said that for no more than it would take him it wouldn't cost that much to pay prevailing wage to them. Steve said that he had a form for the contractor to fill out that wage and hour uses to determine prevailing wage. Mark Powers motioned that we cannot accept the pavilion under the current terms. It is not worth the risk. Tim Smith seconded. Mark Powers asked that this be explained to them. All in favor. No opposed. Roger Spencer asked that the City Attorney explain it to them what happened. We need to be fair to them and let them hear why we changed our mind.

Steve Lawver asked that Mike Talley keep up with the sheriff retirement fund legislature. He talked to Brian Head and they are seeking a restraining order and they hope to hear by Friday.

Chief Haase said they will look at the parking problem. Mark Powers asked that he work with Jim Chaligoj on it.

NEW BUSINESS

Roger Spencer asked if they found out what the explosion was in his ward. Chief Haase said no that there was no damage. Roger said it rattled their windows.

Bob Cook then asked about the parking issue at Roney & Pennell. He said that people are parking too close to the stop signs and someone is going to get hurt. The signs can't be seen and someone is going to run a stop sign and hurt someone. Chief Haase explained that this only happens for ½ hour in the morning and ½ hour in the afternoon. He said that it is not the ideal situation but it works and he doesn't know what else we can do. Chief Haase explained to the council what parents are doing and why. Bob Cook said that he had a 20' trailer and he couldn't get around the corner due to the traffic. He asked that we stop them from parking so close to the stop signs.

Mayor Moss pointed out the solicitor's sticker he sent everyone. He was asked to see what the council thought about it.

Mike Talley reported that he will be gone the meeting 9/15/13. It was also stated that Steve Lawver and Maribeth Matney would also be gone for that meeting. It was stated that we could either reschedule the meeting or get someone to substitute for the minutes. Steve said he preferred that the meeting be changed. After some discussion Mark Powers motioned that the meeting would be moved to Thursday 9/19/13 at 7:00 PM. Roger Spencer seconded. All in favor. No opposed. We will let the media know.

Mark Powers reported that he looked at the financial statements and they looked fine.

Richard Zaccardelli stated that the CJ Cultivator's do a lot for the City and it is appreciated.

Steve Lawver reminded everyone of the ribbon cutting at the CJ Skate Park this Thursday at 8:30 AM.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Sean Haase seconded. All in favor. No opposed. Meeting adjourned at 8:15 PM.

CITY CLERK

MAYOR