

The Carl Junction City Council met in regular session on Tuesday December 06, 2011 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 and Dee Lynn Davey. Aldermen Sean Haase and Bob Cook were 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. Steve Daniels seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Don Marshall seconded. All in favor. No opposed.

PUBLIC FORUM

David DeWolf, 509 Locust, addressed the council. He purchased his property in July after losing his home in the May tornado. The animal control officer came by a short while back and stated that he couldn't keep his dogs as they were prohibited in Carl Junction. He admitted he should have checked more thoroughly before buying the house but they were hard pressed to find a place to live. He never thought to check the laws regarding dogs. He has put in a good fence and will follow our leashing laws. They have a tight bond with the dogs as they are the only things they have left after the tornado. It has been hard mentally and physically and they would like to keep their animals. They will keep them locked in kennels in the bedrooms. Mark Powers stated that he sympathizes with their loss in the storm but we have set precedence. Don Marshall agreed that we have turned down several request. There is no way to make an exception. The ordinance would have to be changed to allow them to keep their dogs. Mike Talley stated that if the ordinance is changed that it would affect anybody. They have a pit bull and a Rottweiler. It was in the welcome packet but they did not get that until after they purchased their home. Chief Haase said that we have no more dogs that are grandfathered in. They are all gone now. The council agreed that the ordinance will stand as it. Chief Haase said that they will work with them and not just take their animals.

CHAMBER REPORT

Gary Stubblefield reported that they have 2 new members from Airport Drive. They set their upcoming goals this last Thursday. The Christmas parade was a great success. They raised \$5000. They received the traffic count on Fir Road during the fall garage sale and it was at 10,000 cars. Their next meeting is 1/5/12 with a mixer from 7:00 – 7:30 AM and the meeting starts at 7:30 AM.

P&Z CASES

Mayor Moss then opened the public hearing for Case #11-10 – Amending Chapter 4 – Land Use Regulations Section 405.040 at 7:17PM. Steve Lawver reported that this is the same case we heard a couple of meetings ago but our attorney requested we re-advertise and change the wording in the advertisement to be more specific. P&Z heard this case on their meeting 11/28/11 and recommended approval. There was no one for or against the amendment in the audience. It was stated that anybody that currently has buildings that are non-conforming would be grandfathered in. Public hearing closed at 7:19 PM. Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.040: USE REGULATIONS, TO EXCLUDE SINGLE-FAMILY DWELLINGS FROM R-3 MULTI-FAMILY DISTRICTS, TO EXCLUDE SINGLE-FAMILY AND TWO-FAMILY DWELLINGS FROM C-1 RETAIL NON-COMMERCIAL AND C-2 RETAIL COMMERCIAL DISTRICTS, AND TO EXCLUDE ALL RESIDENTIAL USES FROM M-1 INDUSTRIAL DISTRICTS” on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no new discussion. Carl Skaggs 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. Carl Skaggs motioned for passage of the ordinance. Mark Powers seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-absent, Cook-absent. Motion on Ordinance #11-32 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.

REVIEW AND APPROVAL OF HEALTH INSURANCE PROPOSALS FROM ANTHEM

Steve presented the updated rates from Anthem and they came back better than before the changes. It was recommended that we hold the employees cost and the City pick up the small increase. Steve also has recommended that after reviewing the life insurance and the new rates for the insurance that we increase the employee's life insurance from \$20,000 to \$40,000. It would still be within the budgeted amount for our health insurance. The estimated savings on health insurance is \$12,000 and we are going to put that aside to help offset any increase next year. We hope to be able to build it up to stabilize the cost of health insurance. Mark Powers agreed with the life insurance recommendation. Mark Powers the motioned to go with Anthem for our health insurance. Richard Zaccardelli seconded. All in favor. No opposed.

REVIEW AND APPROVAL OF RECOMMENDTION FROM AMA ON ELLFUENT SEWER LINE BID

The council reviewed the recommendation from Allgeier-Martin & Associates to award the bid to Polston in the amount of \$97804.00. They were low bidder on this project. Steve reported that it came in lower then estimated. Carl Skaggs motioned to approve the bid submitted by Polston. Dee Lynn Davey seconded. All in favor. No opposed.

REVIEW DRAFT OF BALLOT LANGUAGE FOR SRF LOAN ON WWTP EXPANSION FOR APRIL ELECTION

Steve reviewed the ballot language with the council. He reported that the expansion would be \$3,400,000, \$500,000 for I&I Abatement and \$350,000 for generators for our water wells. One of the generators will be portable and can help out with the lift stations also. If the council approves the language it will be on the April 3rd ballot. We have contacted Gilmore Bell to help with the official ordinance. The SRF is the cheapest way to do this project. DNR is mandating that we expand our plant and we can get SRF money for 2%, MPUA is 4.5% and Edward Jones is about 4%. Mark Powers said we have no option since DNR is requiring it and this would be the cheapest way to get it done. It would be a significant savings to do an SRF but it requires voter approval. If the council approves we will have the ordinance at the next meeting. This will be a Revenue Bond and will be paid by water and sewer charges. It was the consensus of the council to have Gilmore Bell provide us with an ordinance for the next meeting for this issue.

ORDINANCES

The council then reviewed the ordinance approving a service agreement with Empire District Electric. Mark Powers motioned to put "AN ORDINANCE AUTHORIZING AND PROVIDING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI (HEREINAFTER SOMETIMES CALLED THE CITY) AND THE EMPIRE DISTRICT ELECTRIC COMPANY (HEREINAFTER SOMETIMES CALLED THE COMPANY), ITS SUCCESSORS OR ASSIGNS, FOR ELECTRIC SERVICE AND EQUIPMENT TO LIGHT THE CITY'S STREETS, ALLEYS, AND PUBLIC WAYS, ELECTRIC SERVICE FOR LIGHT AND POWER FOR THE CITY'S PARKS, OTHER PROPERTIES AND PUBLIC PLACES, FOR A TERM OF YEARS, AND SPECIFYING THE PRICES TO BE PAID FOR SUCH LIGHTING AND POWER SERVICE, AND THE TERMS AND CONDITIONS OF SUCH CONTRACT, AND IN CONSIDERATION OF COMPANY'S COVENANTS AND OBLIGATIONS CONTAINED HEREIN AND THE COMPANY'S ACCEPTANCE OF THE TERMS AND CONDITIONS CONTAINED HEREIN INCLUDING BUT NOT LIMITED TO COMPANY'S AGREEMENT TO PAYMENT BY THE COMPANY OF THE LICENSE AND OCCUPATION TAX IMPOSED UPON COMPANY BY ORDINANCE NO 738 OF THE CITY AS FULL PAYMENT BY THE COMPANY OF ANY OCCUPATION TAX, FRANCHISE TAX, LICENSE TAX OR ANY SIMILAR TAX OR CHARGE IMPOSED UPON THE COMPANY BY THE CITY (OTHER THEN THE LICENSE AND OCCUPATION TAX IMPOSED UPON THE COMPANY BY ORDINANCE NO 738 OF THE CITY OR ANY AMENDMENT THEREOF) FOR THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF THE COMPANY'S FACILITIES WITHIN THE CITY; EXCEPT PROVIDING FURTHER THAT NOTHING THEREIN, SHALL PROHIBIT THE CITY FROM LAWFULLY COLLECTING MOTOR VEHICLE LICENSE FEES AND ANY AD VALOREM TAX ON THE COMPANY'S REAL ESTATE AND PERSONAL PROPERTY" on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. Rick Hendricks explained that this agreement locks Empire into providing street lighting for the City. It is a 10 year contract. The rates are set by the Public Utility Commission. This ordinance should be on file for 30 days before passage. Mark Powers motioned to table this ordinance until the 2nd meeting in January. Carl Skaggs seconded. All in favor. No opposed.

The council then reviewed the ordinance approving a franchise agreement with Empire District Electric. Mark Powers motioned to put "AN ORDINANCE GRANTING THE EMPIRE DISTRICT ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS, AND ASSIGNS, THE RIGHT TO USE THE STREETS, ALLEYS AND PUBLIC GROUNDS FOR THE PURPOSE OF ERECTING AND MAINTAINING AN ELECTRIC DISTRIBUTION SYSTEM, WITH THE NECESSARY POLES, WIRES AND OTHER APPARATUS, EQUIPMENT AND APPLIANCES THEREFOR, AND TO STRING WIRES ABOVE GROUND OR CARRY SAME THEREUNDER, AND THE RIGHT TO DO ALL THINGS NECESSARY AND PROPER FOR THE PURPOSE OF GENERATING OR OTHERWISE PROCURING ELECTRIC ENERGY, OR ANY PART THEREOF, AND DISTRIBUTING SAME THROUGHOUT THE CITY OF CARL JUNCTION, MISSOURI AND OF SUPPLYING AND SELLING ELECTRIC ENERGY FOR LIGHT, POWER, HEAT AND ANY OTHER PURPOSES TO THE SAID CITY AND THE INHABITANTS THEREOF, AND FIXING THE TERMS AND CONDITIONS UPON WHICH SUCH RIGHTS MAY BE GRANTED AND EXERCISED" on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. Rick Hendricks explained that this agreement allows Empire to use our streets and alleys and any city property for their easements. He explained that this is not an exclusive contract. This ties Empire to the community. It is a 20 year contract. This ordinance should be on file for 30 days before passage. Mark Powers motioned to table this ordinance until the 2nd meeting in January. Carl Skaggs seconded. All in favor. No opposed.

REPORTS

The council reviewed the Administration report. Steve reported that Kurt has supplied Drury with the maps they have requested. The council was also informed about the committee that needs to be formed to work with them. They toured the parks while they were here.

Public Works report – We will stop picking up leaves the end of December.

Police Department report – Chief Haase reported also that they will have approximately 235 kids for Shop with a Cop this year. It will be held 12/17/11 at 7:00 AM at the 15th Street Wal-Mart. He is also checking on police cars for the next year. They have a lot of options and he is checking them all out. There are some cars that are built ready to use and not have to have any wiring done for equipment. He will need 2 vehicles again this year.

COMMITTEE REPORTS

The Budget/Finance Committee reported that they will start meeting every Friday beginning in January at 10:00 AM.

The Code/Nuisance Committee had nothing to report.

The Human Resource Committee said that they are starting the City Administrator evaluations. Dee Lynn will not be at the 12/20/11 meeting but will be back Friday 12/30/11. She anticipates having a closed session on 1/17/12 to review the evaluations.

The Public Facilities Committee had nothing to report.

The Senior Citizen Committee had nothing to report.

UNFINISHED BUSINESS

Steve Daniels reported that tomorrow morning they will be meeting with a recycler to go over some information. Steve Lawver reported that he spoke with Mary Ann Phillips in Joplin and they spend \$300,000/year on recycling. He didn't ask her what they bring in each year.

Richard Zaccardelli asked about a turning lane on Fir Road. He suggested we get with Jim Honey to see if the county and the Joplin Special Road District will partner with us.

NEW BUSINESS

Mark Powers mentioned the survey from the Missouri Department of Conservation. He suggested that Steve Lawver and Steve Daniels fill it out. It is an assessment of trees in our city.

Steve Lawver reported that a sales tax for public safety is not available to the city but that there is a Storm water/Park sales tax that could be passed. We have ½ cent available. Joplin has one and it has proved very useful. It has done the project on Murphy Boulevard. It could generate \$100,000 - \$110,000 a year. That would make our sales tax 7.7%. It is still behind other towns in the area. We could use it for curb and guttering to control our storm water. It was discussed about putting it on the April ballot also. It was the consensus of the council to have Mr. Talley draw up an ordinance for the next meeting. Steve Lawver said he would get the statute to Mr. Talley for review.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:10 PM.

CITY CLERK

MAYOR