

The Carl Junction City Council met in regular session on Tuesday May 15, 2007 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Aldermen Mark Powers was absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Mayor Moss asked that the agenda be amended to add hiring a police officer as 5(b). Pat Smith motioned to amend the agenda and approve as amended. Carl Skaggs seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed. Mike Talley stated that he is sealing the closed minutes and handing them to the City Clerk.

### **PUBLIC FORUM**

There was no one for public forum.

### **APPOINTING A POLICE OFFICERS**

Chief Haase presented Stephanie Castlebury, Brant Bishop and Brian Ward to the Mayor for appointment. Mayor Moss then stated that he would like to appoint the 3 police officers. City Administrator also recommended appointment of the officers. Pat Smith motioned to approve the Mayor's recommendation of the officer's appointment. Richard Zaccardelli seconded. All in favor. No opposed. The City Clerk then swore in the 3 officers.

### **P&Z CASES**

The council reviewed Case #07-05 – Rezoning of 521 Cherry from R-1 to R-3. Mayor Moss opened the public hearing at 7:07 PM. Steve Lawver stated that the P&Z commission heard the case last night. He presented the Record of Determination to the council. They also attached a list of police calls made to the area. P&Z recommended denying the request due to safety issues in adding 5 more units and 10 more cars to the area. There is also only 1 fireplug in the area and water pressure is an issue. Elissa Bittner, PO Box 44, Carl Junction addressed the council. She said that she was unprepared last night. She made an outline of her rezoning request and addressed some of the issues presented last night. (see attached). They are not sure of how many units they will be adding. She also asked some of her present tenants to speak to the council. They are trying to keep the costs down on their units. It is a quiet neighborhood and they have a waiting list for that area. They do not have problems with the sewer or trash. They keep their property maintained. She also stated that it would not change the neighbor's property value. She is also not aware of any drug activity. They also have not been aware of any traffic issues. The road is 20' wide.

Dawn at 510 Cherry Street has lived in the apartments for 5 ½ years. There have been no problems with traffic and was not aware of any problems with the police department.

Stephanie Holland at 508B Cherry moved in October 2006 and has 3 children. It is a quiet neighborhood and the traffic is not bad. There has been no trash that she is aware of. She is here in support of Elissa.

Gloria Bowers, 304 N Temple is against the rezoning. It is a quiet neighborhood and the new building will be right behind her and able to look in her back yard. There is trash but she is not sure where it comes from. There is a lot of traffic. There have been many times she has had to pull over to let cars pass. She is not sure that the area can handle another apartment house. The water pressure is also low. More people will not help that situation.

Jamie Thwreat, 515 Cherry stated that the police have been there several times. He said that they had to pound on the door and then finally waited until he left in his car so that they could arrest him. He also had to pick up bottles and trash before he can mow his property. He also said that it is a dead end street and that you would have to get past all the apartment buildings before you get to his house.

Julie Alford, 309 Temple, has lived there 21 years. Traffic is a problem and the cars speed a lot. It is not bad now but is has been in the past. There is also a kid who walks around the neighbor hood and gets in people's mailboxes. They do not have a problem now but you always get new tenants. She is also afraid of what it would do to property values. The values are not what they should be due to the apartment houses currently there.

Misty Fields, 519 Cherry, said that she lives next door and the apartment building has depreciated the value of her house. Another one will not help. She is concerned about the bus stop area. It is dangerous due to the traffic. She sees a lot of traffic because she does not work during the day. She also had tenants park in front of her driveway and she can't get out. She has also noticed beer bottles thrown around. She agreed that the tenants now are good but there have been bad ones in the past. There is no guarantee that the new tenants will be good tenants.

Zelda Fowler, 407 Temple, stated that she has noticed that the cars do not stop at the stop sign on the corner. She also said that the trash trucks that pick up the trash for the apartments come very early in the morning and wake them up.

Mayor Moss closed the public hearing at 7:33 PM. There was some discussion amongst the council. Richard Zaccardelli asked if they had considered a different type of building. There was some discussion about a one-story building. The Bittners said that they had not decided on what type of building yet. It was asked if they had considered duplexes. Carl Skaggs stated that R-2 was more feasible. Dee Lynn said that due to the opposition they should go with the P&Z recommendation. She also suggested they look at duplexes. Dee Lynn Davey then motioned to deny the rezoning request. Barbara Evans seconded. 6 (Zaccardelli, Evans, Skaggs, Davey, Hayes, W Smith) in favor. 1 (P Smith) abstained due to being related with the Bittner's.

### **DEBIT/CREDIT CARD PAYMENT PLAN**

The City Clerk reported that she had not heard back from them whether a contract is required. Carl Skaggs motioned to table this subject. Pat Smith seconded. All in favor. No opposed.

### **WEBSITE PROPOSALS**

The City Administrator stated that we had received 2 proposals. One from Civic Plus and the other from PILR. After reviewing the proposals the staff recommended to go with PILR. They are a local company and support should be more economical. It was asked how much it would cost. Jim replied that depends on what we choose. We are just asking for permission to pursue talks with them. We will come back with a more formal proposal after we meet with them. Richard Zaccardelli motioned to with the recommendation of the staff and pursue the website with PILR. Carl Skaggs seconded. All in favor. No opposed.

### **BIDS ON PICKUP, BACKHOE, AND LIGHTS @ BALLPARK.**

Jimmy reported that we received 2 bids on the pickup. Mike Carpino bid \$32505 and Jimmy Michel Motors was \$29428. The pickup is white. Jimmy recommended we go with Jimmy Michel Motors. Jimmy then stated that we had 2 bids on the backhoe. Victor Phillips was \$41350 and Caterpillar was \$39835. Jimmy recommended that we go with Caterpillar on the backhoe. Jimmy stated that the pickup came in under budget. We received a good trade in on the backhoe also. Pat Smith motioned to go with Jimmy's recommendation with Jimmy Michel Motor and Caterpillar. Carl Skaggs seconded. All in favor. No opposed.

The council then reviewed the lighting bids. We received 2 bids. One was Joplin Industrial Electric \$10530 and KAB Electric for \$23694.73. The materials are comparable but KAB did not give us a break down on the materials and labor. Jim reported that Bob Wentworth went over the bids and he is comfortable with Joplin Industrial Electric materials list. Jim stated that this is a non budgeted item. Walter Hayes motioned to accept the bids from Joplin Industrial Electric. Richard Zaccardelli seconded. 6 (Zaccardelli, Evans, Skaggs, Davey, Hayes, W Smith) in favor. 1 (P Smith) abstained due to being related to Bob Wentworth.

Mike Talley then stated that according to code 140.190 there are lengthy procedures to follow in the website bids. Unless the Mayor and the Board of Alderman want to waive the detailed requirements of our code. Richard Zaccardelli motioned to waive the detailed requirements and go with the recommendation of the staff on the website bids. Carl Skaggs seconded. All in favor. No opposed.

### **ORDINANCES**

This ordinance amends the budget for the City Administrator's compensation. Pat Smith motioned to put "AN ORDINANCE AMENDING THE GENERAL FUND, STREET/ALLEY FUND, WATERWORKS FUND AND WWTP FUND FOR THE FISCAL YEAR 2008" on 1<sup>st</sup> 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 rollcall vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-13 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.

This ordinance approves a change order with Hydro Spec on the tower painting contract. Pat Smith motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND HYDRO-SPEC, INC., NEVADA, MISSOURI, TO PROVIDE ADDITIONALLY FOR PAINTING THE EXTERIOR AND INSTALLING A VINYL LOGO TO TOWER #2 FOR THE ADDITIONAL SUM OF \$40,000.00, AND INCREASING THE TOTAL CONTRACT PRICE TO THE SUM OF \$92,910.00; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER #1 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a rollcall vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-14 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 discussed the proposed draft of the liquor license ordinance. This draft was put together to amend our code to allow the Mayor, City Clerk and City Administrator to approve the package liquor licenses. The council discussed that they wanted to stay involved with the regular licenses but that we needed quick approval for the 1 day catering license. Mike Tally pointed out that we currently do not have 1 day catering licenses. Mike Talley pointed out that if a license application met all the requirements he was not sure how effective the Board approval is. After more discussion Walter Hayes motioned to have the City Attorney draw up an ordinance allowing our code to have provision for catering licenses. Carl Skaggs seconded. All in favor. No opposed.

The council then reviewed the contract with SMART for the record management system for the police department. Chief Haase reviewed the contract and they are pleased with the system referrals. It will be paid for by the COPS Technology grant. Pat Smith motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SMART PUBLIC SAFETY SOFTWARE, INC. TO LICENSE, INSTALL, SERVICE AND TRAIN EMPLOYEES OF THE CARL JUNCTION POLICE DEPARTMENT WITH CERTAIN PUBLIC SAFETY SOFTWARE TO ASSIST IN RECORDS MANAGEMENT, EVIDENCE AND ADMINISTRATIVE FUNCTIONS IN ACCORDANCE WITH THE AGREEMENT, FOR THE SUM OF FIFTY-FOUR THOUSAND THIRTY-THREE DOLLARS (\$54,033.00), INCLUDING SECOND YEAR MAINTENANCE; PROVIDING THE TERMS AND CONDITIONS THEREOF; AUTHORIZING THE USE OF COPS TECHNOLOGY GRANT FUNDS; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a rollcall vote. Carl Skaggs seconded.

Zaccardelli-y, Evans-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-15 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. Chief Haase is pursuing a 2 year maintenance agreement with them.

### **REPORTS**

City Administrator reviewed his report. Jim asked Mike Talley if he had anything to report on the Rails to Trails lawsuit. He stated that it did not involve us but the attorney from the other side asked to be withdrawn from the lawsuit. On page 2 #1 the City Administrator said we would try to do a better job on the recommendation sheets to the council. He also pointed out that we have come up with a standard format for the street light project along with cost estimates. On page 3 #6 he discusses the stormwater fee that is in a huge legislative bill. We are not sure how that will turn out. It may never make it out of committee. If it doesn't we may not have any way to institute a fee for the unfunded mandates from EPA. On #7 Thom's Station Trail, we have meet with the engineer's to talk about the finer points. Jimmy will do part of the work as our 20% match. On page 4 #1, Danny Page has called to make inquires on specifications. On page 5 #4 it talks about our efforts in our building permit area. We have one builder identified so far that has several houses under construction and none completed. We will be going through our permits methodically looking for other builders with the same issue. Jim also wants to schedule a work session with the Building inspector to go over a whole list of issues. On page 5, #2 a memo on yard waste. We are working on this issue with other area cities about different approaches. There was discussion at the county conclave about a regional solution. We are temporarily accepting grass clippings and brush only at the PW facility until we come up with a solution. If it is abused we will discontinue it. Richard Zaccardelli stated that it is a big enough issue that we might have to have a special meeting. There was more discussion about this issue. It was stated that the landfills in Missouri would not accept yard debris because they will fill up too fast. You also need a permit from DNR to burn due to air quality standards. On page 5#2 regarding the truck parking. (see memo), Jim stated he needed some guidance from the council. There was a lot of discussion regarding this issue. It was stated that if we let one we have to let them all park there. Jim called MIRMA and they do not recommend we allow it. There was discussion whether it was a city street, liability and lawsuit possibilities. Jim has checked with other towns and they do not allow it in their parks. Pat Smith recommended we deny the request and let it go. Mike Talley said that we could refer it to the code review committee. Dee Lynn Davey motioned to turn down the request and refer it to the code review committee. Carl Skaggs seconded. All in favor. No opposed. On page 6 #3 on infiltration we have started looking at the older part of town and looking at going out for bid on it. We have to demonstrate to DNR we are working on our issues.

Jim Whisenant reported to the council that our Public Works department has been nominated for an award for best community project (sidewalk along Broadway).

Richard Zaccardelli asked Chief Haase if we have problems on Cherry Street. He replied not any major problems, just the minor ones that come with people congested in one area.

Steve Lawver reported that he applied for a grant for the swimming pool for fibrillators. We received the grant but it did not include the extras. We might be able to get it just as cheap without the grant. He also reported that the Task Force is holding their meetings but they have not completed them yet. He would like to hold off on a report to the council until all the information is gathered. Some committees are looking at getting professional input and holding town hall meetings. It is a long process and asked the council for their patience in this process.

### **COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Park/Pool Committee had nothing to report.

The Code Review Committee had nothing to report but will meet 6/5/07.

The Budget/Finance Committee had nothing to report.

Human Resource Committee had nothing to report.

The Citizen's for Better Life Committee stated they are waiting on the draft of the contract to review. They are in no hurry.

Mayor Moss stated he has met with some committee chairs and will set meetings for the rest of them when his work schedule goes back to normal.

### **UNFINISHED BUSINESS**

Mike Talley said he is still trying to get ahold of Steve Hayes, Neosho's City Attorney, for a copy of their contract with their Senior Citizens Center. It sounds much like what we have talked about and it will save us some time if we can reivev their contract.

Mayor Moss then asked the council if they could move the 6/19/07 meeting due to the Carl Junction night at Springfield's Cardinal stadium. He would like for us to be able to attend to represent CJ. Richard Zaccardelli suggested Monday 6/18/07 and have a work session with Ed Reeves before the meeting. Wayne Smith said he wouldn't be able to make that meeting. Pat Smith motioned to move the regular council meeting of 6/19/07 to 6/18/07. Barbara Evans seconded. All in favor. No opposed.

Steve Lawver said that he needs to set a date for the trip to Nixa. We were thinking about a Friday afternoon.

### **NEW BUSINESS**

Walter Hayes said he would like to discuss the rules of order at some point. He stated that the MML newsletter talked about a simplified way of doing it. Mayor Moss said that MML would give training sessions. There was also discussion about the Newly Elected Conference. Walter then asked if we could get the building code on line and our specification book on line. It was stated that

we would have to look at copy writing issues on the building code and make sure it is not illegal. We do make it available at City Hall. Walter then stated that maybe we could set up a computer in the lobby for people to look at it. Walter then asked about the personnel records being closed and if our code states that. Mike Talley said that we did that when we updated Section 110.400 just for that reason.

Jim reported that he has contacted Mediacom about a couple of our new subdivisions. They stated that there is a legal issue with Deerfield. They are just about ready to add Prairie Hills Subdivision. There was some discussion about the article in the Springfield paper about automatic charges being added onto customer's bills.

Mayor Moss reminded everyone about the Chamber Banquet 5/24/07. There is also a legislative wrap up dinner at Mt. Vernon 6/7/07.

Richard Zaccardelli said that we need to look at MoDot to see if there is anything that will effect Carl Junction. Jim said that they are going to widen the shoulders along Hwy 171 this year. Richard says that he is getting calls about the intersection at Stone's Corner.

Jim Whisenant then brought to the council's attention the easement needed by Empire. This is for electricity to a house. After some discussion Mike Talley said he thought we needed an ordinance to approve the easement. It was decided that Mike Talley should research it and if we do we can hold a special meeting.

**ADJOURNMENT**

Pat Smith motioned to adjourn the meeting. Barbara Evans seconded. All in favor. No opposed. Meeting adjourned at 9:50 PM.

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CITY CLERK

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MAYOR