

The Carl Junction City Council met in regular session on Tuesday, June 15, 2004 at 7:00 at City Hall. Mayor Jim Wisdom called the meeting to order with the following present: Barbara Evans, Mike Moss, Gary Stover, Pat Smith, Mike Palmer and Walter Hayes. Aldermen Richard Zaccardelli and Wayne Smith were absent.

AGENDA

Mayor Wisdom asked that we amend the agenda to move item 6.b.1 to 12.a. He also stated we have people here for public forum and he will give them added time if needed. Walter Hayes motioned to approve the agenda as amended. Pat Smith seconded. All in favor. No opposed. Mike Palmer asked that we vote on the consent agenda items separately. Pat Smith motioned to approve item "a" on the consent agenda. Walter Hayes seconded. 5 (Evans, Moss, Stover, P Smith, Hayes) in favor. 1 (Palmer) abstained due to absence at that meeting. Pat Smith motioned to approve consent agenda item "b". Mike Palmer seconded. All in favor. No opposed.

PUBLIC FORUM

Ron Parker, 123 Cedar Lane, addressed the council about our tornado sirens not being sounded off last Saturday. He stated that the TV had a confirmed tornado on the ground and his wife is disabled and they need time to seek shelter. His concerns were that the tax payers paid for the sirens and they should be sounded when needed, the TV stated to take cover now, we should sound them to warn people of possible danger, better to be safe then sorry, a tornado could have dropped down at any time and then they would not have had any notice and he thinks they should be sounded whenever a tornado warning is issued on TV whether we are in danger or not just to give people warning.

Bill Dunn, 502 Brentwood, Fire Chief, then addressed the council. He said it has been their policy to blow the sirens when a tornado is coming. The reasons he didn't sound them is that since last year children are afraid when they go off, the City was not in danger, there was no tornado on the ground, they didn't spot any potential tornado's ready to drop, it was going north of us and he doesn't think we should blow them when the TV issues a tornado warning. They are actually there looking at the clouds not the TV stations. He will do whatever the council wishes but that has been the policy in the past.

Joe Barfield reported that Chief Hofer and some officers were also out and they did not feel the town was in danger. Pat Smith agreed and also stated that they are trained to spot the dangers. There was some discussion that the spotters are trained to deal with these issues and no matter which way we go we will never make everyone happy. It was also stated that the TV made it sound like it was right on top of us but it was west and north. The radio stations do a good job reporting. It was also stated that we couldn't wait until the last minute. We need to give people time if needed. Bill stated that if people feel in danger then they shouldn't wait on the sirens they should take cover right then. There was some debate on whether there was a confirmed touch down around Carl Junction. There was considerable more discussion about when the sirens should be set off. It was also discussed that it was a judgment call. The council stated that the spotters have done a good job over the years. Mayor Wisdom brought up that we need to look at adding more tornado sirens to make sure that all the area is covered. He also mentioned that we need to let our residents know that we have spotters that go out during storms like we had last weekend. He stated we need to discuss this at a later date and we would let the people know when we will hold those meetings.

P&Z CASES

P&Z Case #04-20 – Rezoning 1015-1021 W Briarbrook Lane – R-1 to R-2 – David Mertens. Public hearing opened at 7:29 PM. Mr. Mertens has withdrawn his request. Item 6.a.2. was also dismissed. Public hearing closed at 7:30 PM.

P&Z Case #04-17 – Rezoning lots 3-7 BB Estates #18 – UD to R-2 – Briarbrook Development. Public hearing opened at 7:30 PM. Ray has asked that we change the request from UD-R-2 to UD-R-1. He stated that if there were any objections to R-2 he would go with R-1. P&Z changed the request last night to R-1. They also recommended approval. There was no one in the audience for or against it. It was advertised properly but there was a typo on the agenda. Public hearing closed at 7:35 PM.

The City Clerk stated she had handed out an ordinance to the council to rezone it to R-1. Mike Palmer motioned to put "AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE PROPERTY LOCATED IN BRIARBROOK ESTATES #18, LOTS 3-7, CARL JUNCTION, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM UD TO R-1" on first reading. Pat Smith seconded. Past Smith motioned to put it on second reading by title only with a roll call vote. Walter Hayes seconded. Zaccardelli-absent, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-absent. Motion on Ordinance #04-38 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.

Case #04-21 – Rezoning 205 N Main – R-1 to C-2 – Carl Junction Special Road District. Public hearing was opened 7:45 PM. Walter Hayes reported that P&Z discussed this at length and finally all agreed that is should be C-2 to be consistent with the downtown development. They recommend approval. There was no one in the audience for or against it. Public hearing closed 7:48 PM.

Pat Smith motioned to put "AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE PROPERTY LOCATED AT 205 N MAIN STREET, CARL JUNCTION, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO C-2" on first reading by title only. Mike Palmer seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Mike Palmer seconded. Zaccardelli-absent, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-absent. Motion on Ordinance #04-39 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.

ORDINANCES

Pat Smith motioned to put “AN ORDINANCE APPROVING AN AGREEMENT BY AND BETWEEN JEFF ASBELL EXCAVATING & TRUCKING, INC., AND THE CITY OF CARL JUNCTION, MISSOURI, TO MAKE SUBGRADE IMPROVEMENTS FOR THE CARL JUNCTION POLICE HEADQUARTERS IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THE CONTRACT DOCUMENTS; PROVIDING FOR THE PAYMENT OF THE SUM OF \$88,470.00, OR AS SHOWN IN THE CONTRACT DOCUMENTS; AND, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Walter Hayes seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-absent, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-absent Motion on Ordinance #04-40 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.

Pat Smith motioned to put “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION: CHAPTER 600: ALCOHOLIC BEVERAGES, SECTION 600.210 BY INCREASING THE NUMBER OF ANNUAL LICENSES TO SELL INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE NOT TO BE CONSUMED ON PREMISES THE BOARD OF ALDERMEN ARE AUTHORIZED TO GRANT FROM THREE (3) TO SEVEN (7) SUCH LICENSES.” on first reading by title only. Barbara Evans seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-absent, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-absent. Motion on Ordinance #04-41 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.

Mike Palmer motioned to put “AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH COMMERCE BANK, NATIONAL ASSOCIATION, LESSOR, FOR THE PURPOSE OF FINANCING THE PURCHASE OF ONE (1) FORD CROWN VICTORIA POLICE CAR, PROVIDING THE TERMS AND CONDITIONS THEREOF, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT BY AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Walter Hayes seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Mike Moss seconded. Zaccardelli-absent, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-absent. Motion on Ordinance #04-42 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.

REVIEW BID TABULATIONS ON SEWER LINE

Joe reported that we opened bids on 6/8/04 at 2:00 PM on the replacing of the sewer line at Broadway and Verbyrick. We received 2 bids as follows: Jeff Asbell Excavating \$37127.70, Cecil Brill Const \$42563.80. This line has had problems in the past and after the tornado the line got crushed. We did not realize it until the houses started to reconnect after being rebuilt. This is one of the private lines we are trying to take over and put in by today’s standards. Mayor Wisdom stated we need to make sure that we do not hit the school’s line to the softball field. He asked that we put it on our map. Pat Smith motioned to accept the bid from Jeff Asbell for \$37127.70. Barbara Evans seconded. All in favor. No opposed.

REPORTS

The council went over Joe’s report. It was commented that it appeared the opening day of the pool was a success.

Memo #1 – Traffic Study – Joe stated that the study showed that our entrance needed improvements but there was no money. He will continue to push for these improvements.

Memo #2 – Bid opening for sewer line on Broadway & Verbyrick – was acted on earlier in the meeting.

Memo #3 – Water Expansion – Joe stated that there has been no progress in some areas and that they are not completing as scheduled. We have received a bill from our engineers for the additional cost. Our engineers have sent letters so that we may go back and invoke charges for not finishing on time. He just wanted the council to be aware of this. There was discussion about the quality of work and holding contractors responsible. Joe will have more by the next meeting.

Memo #4 – Thom’s Station – 2 businesses have picked up applications for licenses.

Memos #5 – Sewer Connections – There are several houses in the city limits that have sewer available but have not hooked on to it. We have encouraged them and tried to work with them. Joe asked the council if they would like to go out for bid for a contractor to bid by the foot to hook on these residences and put a lien on the property. Our code requires them to hook on to it and the procedure we need to follow to do it. There was some discussion about the procedures. Joe stated we would start with fresh notices. It was also stated that we need to notify owner and occupant.

UNFINISHED BUSINESS

Mike Moss asked about our entrance sign. Joe has been trying to check on the status of it.

Gary Stover then brought up the discussion of high weeds and our nuisance ordinance (215.230). There was a lengthy discussion about this particular section of the code. It calls for a hearing if not abated. Then gives us the right to abate the nuisance and issue a special tax bill. It was stated that we should hire a contractor to abate these nuisances on a call in basis. It was also pointed out that it would get the abated faster then the current method we use. Gary stated that weeds are the real issue. Joe asked what kind of

hearing needed to be held and whom would they appeal the decision to if they wanted to. Mike Talley stated that if our code does not allow the Board of Adjustments to hear it then they would have to appeal to the Circuit Court. Joe stated taking them through our court works but is a little slower. Gary Stover said if we are not going to follow the code we need to change it. Mike Talley's concern is about collecting the special tax bill. He is not sure how effective that would be. Mike Talley stated the court was an effective way to handle nuisances. Walter Hayes suggested the committee look at it and see what other towns do. It was suggested we look into what it would cost to pay someone on an hourly rate to mow nuisances for us.

Gary Stover then asked the code review committee to look at section 525.120 – Insurance Proceeds. It states that if a resident sustains 50% or more damage to their residence the city can withhold 25% of the insurance proceeds. He feels it should be repealed. The citizens pay the premiums and they should get their money. It is already a stressful time for them. It is too much interference from the City. He would like for the committee to look at it.

Walter Hayes asked where we were at with Fast Freedom contract negotiations. Joe stated our engineer is looking at it. Walter Hayes asked about our code update. City Clerk responded that they were working on it.

Joe then discussed the sewer fees recommended by our engineer. He handed out the information for them to look at and we will need to discuss at the next meeting. Mike Palmer asked about our capacity. Joe responded that we just added on and they estimate it to last another 20 years but they also stated that with the last expansion. There was discussion about our growth and using up our capacity quicker. The engineers review our capacity with each plat map approved. It was also stated that we have room for expansion at our current location. Joe will check with our engineers on where we are at with our capacity.

Mike Talley handed out the minutes of the closed session 6/1/04. After reviewing the minutes Pat Smith motioned to approve the minutes as presented. Barbara Evans seconded. All in favor. No opposed.

NEW BUSINESS

Joe reported that we have tested our water at 8 different locations and they have all come back good. The MIRMA annual meeting is 7/21 – 7/23 at the Lake of the Ozarks. We get credits on attending. He then asked the council to check their calendars and if they are interested in going to contact the City Clerk. He handed out the memo on the Sunshine Law changes. He would like to start a lending library for the council to pick up materials. Mike Talley reminded the council that the Sunshine Law is codified and that we will need to amend our code to comply. It is effective 8/28/04. Joe also reported that our court receipts were in excess of \$9000 this last month. We also handed out a new list of meetings scheduled.

Mayor Wisdom then stated that he read in the paper we had a full time code enforcement officer. He stated that is a decision for the council and we need to follow our code. As Mayor he is charged to make sure we follow the code. He then quoted from sections 77.048 and 77.042. The City Administrator is under the direction of the Mayor. He stated we should change the code if we are not going to follow them.

CLOSED SESSION PER RSMO 610.021(2)

Mike Palmer motioned to go into closed session per RSMo 610.021 – Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. Walter Hayes seconded. All in favor. No opposed. Meeting closed at 8:50 PM.

Meeting reopened at 9:15 PM. Mayor Wisdom reported that there was no decision made to purchase any property. Walter Hayes then asked if our old motion made at an earlier meeting was still good. Mike Palmer & Gary Stover were not in attendance at that meeting. Walter stated that since the first offer was refused we should make another offer. Mike Talley agreed. Walter said it would be cleaner if we purchase their property and they purchase their property on Ivy. It was also discussed whether this would be a 3 way contract. Randy Fletcher said they are their own entity and the county does not have to sign anything. It was also stated that both land transactions need to be done simultaneously. Randy stated we need to make sure Mr. Scholz is on the same page as we are and it is all done at the same time and everyone is satisfied. Walter stated they could run it through his office at no cost to any of the parties. They will use the standard Missouri state contract. The offer is \$20,000 with additional considerations on land improvements not to exceed \$30,000. It was stated we need to get a commitment from Mr. Scholz. We could add the clause contingent upon a deal with Mr. Scholz. The City agrees to pay the closing cost and a survey on the Scholz property. It could have a special agreement to pay closing cost but also to develop that piece of property with a not to exceed amount. The cap is \$50,000. Randy Fletcher stated we need to expedite this agreement. Mike Palmer said to make it part of the motion to execute the agreement. Mike Talley stated we needed an ordinance. There was some discussion of the environmental impact study that needed to be done. There was more discussion about the agreement, title work and passing of the ordinance. It was stated we could call a special meeting if needed. It was stated that we need a legal description, a survey. We need to secure an agreement with Scholz then order the survey. Walter stated we need the legal on the land, a contract, a survey then we can order the title search. Walter motioned that we offer \$20,000 for 205 N Main Street, with the City to pay closing costs, survey and title search and with special considerations for the development of another piece of property along Ivy Road not to exceed \$30,00 for a total cost to the City of \$50,000. Mike Palmer seconded. All in favor. No opposed. Mayor Wisdom stated he would get a hold of Rainer Scholz.

ADJOURNMENT

Walter Hayes motioned to adjourn the meeting. Mike Palmer seconded. All in favor. No opposed. Meeting adjourned 9:40 PM.

CITY CLERK

MAYOR