

The Carl Junction City Council met in regular session on Tuesday July 3, 2007 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Dee Lynn Davey, Walter Hayes and Wayne Smith. Aldermen Carl Skaggs, Mark Powers and Pat Smith were absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Walter Hayes motioned to approve the agenda. Barbara Evans seconded. All in favor. No opposed. Barbara Evans motioned to approve the consent agenda as presented. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM

Dick Burrows, 410 N Cowgill, addressed the council about rental property and houses that are sold that are substandard. He addressed the council a month ago and nothing is being done. The house next to his is his main concern. It is a HUD house. He reported it to HUD but they did not do anything but walk around it. There is no insulation and the wiring is substandard and the new owners can't afford to fix it. We need a code that inspects a residence before it is sold and make them bring it up to standard code. He wants the council to look at a code that will address this problem. He will assist them if they would like for him to help. His concern is that it is decreasing his property value.

Steve reported that Ed Reeves, Dave Wehmeyer and himself have had discussion about dangerous building. He had submitted the information in the council packets this evening. It goes through the process and time lines. Wayne Smith asked if these were vacant buildings on the list or if they were occupied. Steve responded both. Mayor Moss stated that we are working on it but it is a slow process. There was discussion about disclosure when a house is sold. Mike Talley responded that the realtor has an obligation to disclose any problems that he is aware of. He also pointed out that there is a difference between dangerous buildings and property maintenance to keep a home up to standards. Property maintenance is highly controversial and we do not have that in our code at the present. Steve stated that HUD has 3 standards they have to meet, livability, health and safety and dangerous. There was discussion on what a realtor has to disclose, that some of the houses in town are 60-100 years old and a lot of older homes do not have insulation and drafty windows and that some people have to live in them because they can't afford more. Mr. Burrows stated that the house behind him is a safety hazard. There is mold, lead paint, asbestos and the wiring is bad. The only one it benefits is the owner of the house. It would not come close to passing inspection.

P&Z CASES

Case #07-06 – annexation of 502 W Wells – Tom & Ruth Elliston. P&Z tabled this case since the applicants did not show up. Walter Hayes motioned to table this case until P&Z has looked at it. Richard Zaccardelli seconded. All in favor. No opposed.

Case #07-07 – Vacating of Willow Street – Gary Vansickle. P&Z recommended vacating Willow Street. Steve reported that there was little discussion and that the P&Z thought it was a good idea to help upgrade the neighborhood with 2 new houses. Chief Haase stated that it was alright with the Police Department since there was no need for it. Walter Hayes motioned to accept the recommendation of the P&Z commission and approve the vacating of Willow Street. Richard Zaccardelli seconded. All in favor. No opposed. Mike Talley said that we can approve the ordinance at the next meeting.

REVIEW AND APPROVAL OF RECOMMENDATION ON NEW WEBSITE

Bob Vance with PILR was at the meeting to answer any questions from the City Council. Walter Hayes suggested that we not approve the search engine bid. He thought it was too high and not necessary since we could do that ourselves. Bob agreed that we could do that. It is labor intensive but we could do it. He informed the council that they will create and design the website and train our people to administrator it. They also provide guidance. Mayor Moss stated we have been trying to get this done for quite a while now. Mike Talley stated that we will need a legal document for the council to approve by ordinance. Mayor Moss also pointed out that their office is close to us so they can help us out if we need them do. Walter Hayes motioned to approve the recommendation without the search engine option. Richard Zaccardelli seconded. All in favor. No opposed. Mike Talley said that we will pass the ordinance at the next meeting.

CJR1 SCHOOL DISTRICT – KEENEY STREET

David Stephens, Assistant Superintendent, addressed the council about making Keeney Street a one way street. They are requesting this for when the new Jr. High is constructed and opened. It will be north bound one way. They do not want children crossing the street with oncoming traffic. There was discussion about the drive behind the High School is one way going East out to Wise Street. Mike Talley pointed out that the council will have to pass an ordinance making this street a one way street if the want to change it. There are no criteria for one way streets. It was asked if they need permission from MoDot to make it a one way street. They have talked to them and yes they need approval from MoDot on signage and lane striping. It was asked if we had the Fire Chief review it. It was also stated that there will be a drop off in the back. There will be parallel parking on the West side of Keeney, they can not block driveways, Kenney is 30' wide and there will be visitor parking and temporary parking. It was asked about a traffic light on Hwy Z. MoDot has concerns about a traffic light and is very hesitant to put one in. David admitted this plan is not perfect but it was the best they could come up with at this time for a short term. They are looking at long term solutions. They expect 500 students in the building the first year. They estimate about 150 kids to be dropped off. There was discussion about the drive on the South side of the High School. Mike Talley also pointed out that if this doesn't work we can change it back to a two way street. There will eventually be 7 houses on Keeney. David pointed out that child safety is the #1 issue. There was discussion about

educating the parents and residents in the next year before the school opens. It is set to open in August of 2008. It was pointed out that when they do their site plan traffic flow is part of that discussion. P&Z can take that off the slate of things they need to look at. Mike Talley pointed out that the ordinance can have an effective date in 2008. There was also discussion about a construction entrance. Jim Latimer stated that probably would be 35'-40' down Keeney. David stated that July 30, 2008 would be a good effective date. Richard Zaccardelli motioned to allow Keeney Street to be a one way street as drawn by project drawing #08-2006-01 SD7 effective 7/30/08. Barbara Evans seconded. All in favor. No opposed. Jim Whisenant said that there is also a set back issue. He said that the city offered to apply on behalf of the school to support that in front of the Board of Adjustments. David also stated he understood they had to go through a site plan review process.

REVIEW AND APPROVAL OF OFFICIAL PAYMENTS FOR DEBIT/CREDIT CARD PYMTS

Mike Talley called the references he was given. They have used this company 6 years and are happy with it. It was stated that it is a website that they go to make their payments. Mike Talley has no objection with this company. There is no reason to not to proceed. We will need an ordinance to approve the contract. The City Clerk stated that the only cost to the City is the \$100 for the machine. Walter Hayes motioned to have the City Attorney draft an ordinance to approve the contract. Dee Lynn Davey seconded. All in favor. No opposed.

ORDINANCES

This first ordinance is to provide an escrow account to purchase the last piece of equipment. This amount was left off the previous ordinance and escrow agreement. Walter Hayes motioned to put "AN ORDINANCE APPROVING AN ADDITIONAL ESCROW AGREEMENT PURSUANT TO A STATE AND MUNICIPAL LEASE/PURCHASE AGREEMENT DATED AS OF THE 18TH DAY OF JUNE, 2007, BY AND BETWEEN COMMERCE BANK, N.A. ("LESSOR") AND THE CITY OF CARL JUNCTION ("LESSEE") WHEREBY LESSEE SHALL DEPOSIT ADDITIONAL SUMS NOT EXCEEDING \$24,525.00 FOR THE ACQUISITION OF ONE (1) JOHN DEERE TRACTOR; PROVIDING THE TERMS AND CONDITIONS THEREOF; AUTHORIZING THE PAYMENT OF THE BASE RENTAL AND TRANSACTION FEE OF \$5,530.59 ON JULY 1, 2007; AND AUTHORIZING THE MAYOR TO EXECUTE SAID ESCROW AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1st reading by title only. Barbara Evans seconded. All in favor. No opposed. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Skaggs-absent, Powers-absent, P Smith-absent, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-23 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.

Next the council reviewed the ordinance with MRWA for smoke testing our sewer lines. The City Clerk reported that Mike Talley suggested we run it by our insurance company. They would like for us to strike off most of paragraph 3 where it talks about indemnifying their employees and that the City would be responsible for any damages that might occur. We have not heard back from MRWA on that request. There was more discussion about this request. Barbara Evans motioned to table with ordinance. Dee Lynn Davey seconded. All in favor. No opposed.

REPORTS

City Administrator reviewed his report. On item #2 he asked Mike Talley to address this. Mike Talley said that Springfield received judgment from the US Western District on their telecommunications law suit. The telecommunication company appealed but the judgment was upheld in the appeals court. This makes our position in our law suit very favorable. This was good news for the cities. Jim then brought attention to page 2 #1 – the lighting on the ball field has been put on hold until after the season. BYAA is working with Joplin Industrial Electric. We also received the construction permit from DNR for our new soccer fields. On #2 – Carl Skaggs is not here but they met with Gene McMeen about the street lighting. They are discussing how to address today and going forward. If we do Deerfield it would be about 14/ of the \$10,000 we budgeted. We would then go through the list. There is one area at Briarbrook Drive and Joplin St where it is dark and dangerous. On #5 – CJ Residential Care cost share program. The City Attorney is researching what we can do on our part. The street was opened for access to Copper Oaks. The sidewalks are for safety issues. On page 3 #7 – MoDot will be finalizing the 2nd round of grant money for the trails. If we get our grant it will make Thom's Station Trail complete. It is a more expensive project since this phase is the bridge. There is \$1.7 million available. Ours was ranked one of the top two projects. We applied for \$300,000 and we have a 20% match. Steve is also looking at other grants to help with our share and lighting the trail. On the last page Jim brought to the council's attention the annual MML meeting September 9 through the 12th. It is in Kansas City and we need to know ASAP to make hotel reservations. The council all stated that it is a good meeting to go to. Dee Lynn asked if we had any damage to our parks from the flooding. Jim reported that we had some chip & seal wash away. We were very fortunate.

It was reported Jimmy has received his new grader.

Chief Haase reported that his new equipment is being installed and should be up and running soon.

Steve Lawver reported that we received a grant from the Safe Routes to School. We applied for a training grant. We will be doing that in the fall. We also can put it in with some MoCAPP exercises. Steve also reported that we are applying for the DREAM grant again this year. It is due by Friday. There were 100 applicants last year, this year they are expecting 200-300 applications.

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. Mayor Moss stated that MSSU is asking for information for the public. They also would like information about the Chili Cook-off.

The Code Review Committee reported that they met tonight and discussed the sign ordinance. They will have the attorney draw up what they have so far.

The Budget/Finance Committee reported that they met last week with Kurt Higgins and the Public Facilities committee to discuss the problem with our sewer and our needs to be addressed. They met again this evening.

Human Resource Committee had nothing to report.

The Citizen's for Better Life Committee – Mike Talley reported that he is still working on it and will get with Richard.

UNFINISHED BUSINESS

Mike Talley then talked to the council about the position of City Traffic Engineer. The City engineer may not be the best place to have it. There was some discussion about whether it should be the City Administrator, Chief of Police or PW Supervisor. Mike Talley stated that the Chief has some control over certain events so he shouldn't also be the City Traffic engineer. Mike Talley also recommended that it should be the Mayor who makes the appointment with the approval of the council. There was more discussion about this topic. After this discussion Mayor Moss stated that he would like to appoint PW Supervisor, Jimmy Chaligoj, as City Traffic Engineer. Barbara Evans motioned to approve the Mayor's appointment of Jimmy Chaligoj. Dee Lynn Davey seconded. All in favor. No opposed.

Mayor Moss pointed out the letter from the 125th Anniversary Committee thanking City Hall for their support. We had good comments from the residents and they want to do it again next year. Richard stated that LaDonna does a lot for the City.

NEW BUSINESS

Dee Lynn Davey reported that Kurt Higgins has to write a letter back to DNR with our plans for addressing our I&I issues. Council member Dee Lynn Davey stated that we now need to take aggressive action to identify and correct the I&I in our sewer system. She also commented that some city's subsidize their I&I abatement with other revenues generated such as sales tax. We do not have that capability. She stated that this is going to be unpopular but we have no choice, we need to take action. She commented that the committee reviewed different scenarios of how to address this problem. It is the recommendation that we assess a \$5.00 a month flat fee to each resident being billed for sewer utilities. City Attorney, Mike Talley, stated that we need to check to make sure that we can do this without a vote of the people due to the Hancock Amendment. He doesn't want to cloud the issue but we need to make sure that we do not violate it. There was some discussion about this could tie our hands if we have to go to a vote. After more discussion Dee Lynn Davey motioned to authorize the City Attorney to draft language to impose a \$5 user fee for the purpose of addressing I&I abatement and have it ready to be passed by the next council meeting set for 7/17/07. Barbara Evans seconded. All in favor. No opposed. It was also noted that the reason they went with a flat fee is because it is not a usage issue and felt everyone should contribute toward correcting our I&I.

Walter Hayes suggested we do a study of what local towns charge for building permit fees to help in that area.

Jim Whisenant said that the City is also talking to the school about other issues such as a lift station upgrade, vacating a water line easement and establishing a new one, parking issues and storm water detention. Kurt is already talking to their engineers about these issues.

Barbara Evans reported that she has received high weed complaints about Charlie William's property along Pennell Street. Chief Haase stated that he has contacted him and he will take care of it. He is waiting on equipment from Neosho. He will follow up next week.

Barbara also received a phone call about charging for trash on their water bills when they do not use it. The City Clerk explained that when the City renewed their last contract with the trash company they stated that they could not honor the waivers any more since they couldn't keep track of who had trash and who didn't. It was stated that the City Administrator should check into it.

ADJOURNMENT

Barbara Evans motioned to adjourn the meeting. Dee Lynn Davey seconded. All in favor. No opposed. Meeting adjourned at 9:13 PM.

CITY CLERK

MAYOR