

The Carl Junction City Council met in regular session on Tuesday September 4, 2007 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Carl Skaggs, Mark Powers, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Pat Smith motioned to approve the agenda as presented. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda as presented. Dee Lynn Davey seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Dick Burrows, 410 N Cowgill, addressed the council about a stop sign that had been removed. He said that Ms. Jones was also here for the same reason. They put up the stop sign 7 years ago at N Cowgill and Walnut. The traffic goes to fast around the corner and creates a lot of dust. He wanted to know why they took down the sign. Chief Haase responded that it didn't make sense to have traffic stop from one way and not another and that they had evaluated the intersection and did not feel that a stop sign was needed. The speed limit is 30 MPH. Dick Burrows responded that they go faster then the speed limit posted.

### **P&Z CASES**

The public hearing on Case #07-10 – Rezoning of 509 Briarbrook Drive – Equity Endeavors from UD & R-1 Golf course to R-1 Single Family Residential opened at 7:05 PM. Josh Higdon addressed the council. He is the contractor that will be building the house. It will be a \$350,000 house which will provide taxable income for the City. They will also be improving the water ditch under the road. There is a water line for the golf course irrigation system that they will be moving. Richard Zaccardelli asked about the sewer line since it is very shallow there. Mr. Higdon replied that they will have a grinder pump under the house. Richard stated he had a lot of calls concerned about the house and that it will look totally out of place. They also expressed concern about it being hit by golf balls and the players are concerned that they will be held liable if someone get hurt. Josh stated that the house should fit in since it will match the club house one it gets revamped. They are going to both have the same theme. Richard said that there were concerns that it will look like the club house and that it was not the original plan of the golf course. He does not understand why the residents didn't show up at the public hearings. Mark Powers asked about the ditch South of the site. The house is staying North of the ditch they are not going to do anything with that waterway. It will not affect the storm water in the area. The problem he was talking about is on the West side of the street. It will be a spec house. Richard said that there had been concern expressed about how close it was to the golf course. He said he had at least 10 – 12 phone calls. Dee Lynn Davey stated that no one came to the P&Z meeting. Richard said he was asked how it will affect property value and why they didn't use alternate property off of the street at the new 9. Dee Lynn reported there was no one at the P&Z meeting and they voted to approve the rezoning. It was also stated that there was a sign posted at the property. The public hearing closed at 7:15 PM.

The council then reviewed the ordinance rezoning 509 Briarbrook Drive. Dee Lynn Davey 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 509 BRIARBROOK DRIVE LOCATED IN CARL JUNCTION, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 GOLFCOURSE & UNDEVELOPED TO R-1 SINGLE FAMILY RESIDENTIAL” on 1<sup>st</sup> 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. Carl Skaggs seconded. Zaccardelli-n, Evans-y, Skaggs-y, Powers-n, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-32 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.

### **APPROVE LIQUOR BY THE DRINK LICENSE FOR DUSTY'S**

Dustin Thomas stated he was applying for a liquor by the drink license for his new barbeque restaurant at 1200 Briarbrook Drive. He will also have a banquet room for large crowds. Pat Smith motioned to approve the license application. Carl Skaggs seconded. All in favor. No opposed. He hopes to be open by the 2<sup>nd</sup> week of October. The owner of the restaurant is asphaltting the back side of the property. He has been great to work with. He has worked with the City also.

### **ORDINANCES**

Next the council reviewed the ordinance approving the amendment to the letter of agreement with SMS Development for a sewer line installation. City Administrator, Jim Whisenant, informed the council that he addressed this in his report. Carl Skaggs motioned to put “AN ORDINANCE APPROVING A LETTER AMENDING THE LETTER OF AGREEMENT BY AND BETWEEN SMS DEVELOPMENT AND THE CITY OF CARL JUNCTION, MISSOURI, DATED APRIL 10, 2007, APPROVED BY ORDINANCE 07-11 PASSED ON THE 17<sup>TH</sup> DAY OF APRIL, 2007, TO CONSTRUCT 1,070 LINEAL FEET OF 10” SEWER MAIN IN FALL CREEK ESTATES DEVELOPMENT FOR THE SUM OF \$47,766.00, BY INCREASING THE TOTAL CONSTRUCTION COST BY \$9,357.50 TO \$57,123.50, ALL IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THE LETTER AMENDING THE AFORESAID LETTER OF AGREEMENT; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID LETTER AMENDING THE AFORESAID LETTER OF AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on 1<sup>st</sup> reading by title only. Walther Hayes seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll

call vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #07-33 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**

Jim Whisenant went over his report. On page 2 #2 – Empire has not gotten back with us yet. On page 3 #7 – Thom’s Station Trail – we attended a mandatory meeting on phase II. This is the phase for a bridge across Center Creek. On page 4 #4 – is a success story with a contractor finishing up 7 houses. Ed worked hard with the contractor and Jim thanked Ed for his diligence. On page 5 #2 – MML is filing a brief on eminent domain if this allows us to take someone’s home then they were against it. Jim Whisenant stated that he would contact MML that we do not wish to participate. #3 we did tonight, #4 – we found a sink hole in Country Club Park. Jimmy filled it in with base rock and Allgeier-Martin is looking into it. It is about 8’ in diameter. We may need to fence it off. Jimmy would like to keep it low profile so people will not go near it. It is now 4’-6’ deep. We might have to put a concrete cap on it. It is south of the parking lot in the park. Mark Powers asked how long we were going to wait for Gene McMeen to call us. Jim said due to the weather it has caused them to get back logged.

Jimmy Chaligoj reported that they have 3 well houses on line with fluoride. They have .5 parts per million and their goal is 1.0. They will have the other wells only line in 4 weeks. They also fixed 3 towers today. He also has mulch ready behind the public works building for people who want it.

Richard Zaccardelli asked if the Chief knew who had been shooting out windows. Chief Haase stated that he has 2 suspects.

Steve Lawver included reports from the Task Force. He said that the Economic Development committee did an excellent job putting it together.

### **COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Park/Pool Committee reported that they are working on the Bluegrass Festival.

The Code Review reported that the latest on the sign ordinance had been put in their packets.

The Budget/Finance Committee had nothing to report.

Human Resource Committee thanked the paper for the picture of our new equipment.

The Citizen’s for Better Life Committee had nothing to report.

### **UNFINISHED BUSINESS**

Mike Talley reported that Verizon is the first wireless company to agree to settle. Mike Talley then returned to the eminent domain issue that had been discussed earlier. He noted that the issue was not whether to uphold the governor’s position; rather, it had to do with a court ruling in Jefferson City that 3<sup>rd</sup> and 4<sup>th</sup> class cities can’t do what charter cities can do. Mayor Moss said that it gives Carthage and Joplin an advantage over us since they are charter cities. Separately, Mike Talley then pointed out that he had sent out a draft ordinance laying out what the council requested regarding membership to the Planning and Zoning Commission. If this is what we want then we have to hold a public hearing and run it through P&Z. The council said it was what was discussed.

Mayor Moss then handed out e-mails regarding our engineer’s fee on the school and the council’s interpretation of waiving of those fees. We would like for the council to review this information. Mike Talley said that we can waive the fees but there is no provision to collect out of pocket expenses. After consulting the engineer it was discovered that their fees are around \$2700 so far not \$600. Mark Powers said that they should pay for our out of pocket expenses. Dee Lynn Dave agreed. It was asked where to draw the line. What happens if it goes over the building permit expense? Mark Powers said that we should track the fees and if they are under the \$4500 we should reimburse the school for the difference. Pat Smith asked what our engineer’s were reviewing. It was replied infrastructure. There was a lot of discussion on how to handle this situation. Mark Powers said that they should pay the permit fees now and at the end of the project if the out of pocket expenses do not exceed the permit fees we can refund the difference. There was some more discussion. Mark Powers then motioned to collect the building permit fees up front and when the project if finished and we have our entire out of pocket expense to the City we can refund any difference to the school. Dee Lynn Davey seconded. All in favor. No opposed.

### **NEW BUSINESS**

Mike Talley reported that we have 2 new lawsuits (Daren Prather and Paul Britten). We have turned this over to our insurance carrier. This is regarding the sewer back up claims in June that were denied. The addresses are 117 N Windwood and 125 N Windwood.

The City Clerk then went over Stronghold’s proposal for offsite backups. The council stated that this was a good idea and the price was reasonable.

Steve Lawver reported that he will be applying for a park grant up to \$75000.

Chief Haase reported that we had a shooting at 405 Elliot on Friday. They have been doing extra patrol in that neighborhood.

**CLOSED SESSION PER RSMO 610.021 (3)**

Dee Lynn Davey motioned to go into closed session per RsMO 610.021 (3): Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Carl Skaggs seconded. All in favor. No opposed. Meeting closed at 8:27 PM.

Meeting reopened at 10:40 PM. Mayor Moss stated that the Board had taken no official action.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Barbara Evans seconded. All in favor. No opposed. Meeting adjourned at 10:45 PM.

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CITY CLERK

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MAYOR