

The Carl Junction City Council met in regular session on Tuesday July 15, 2008 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, 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. Carl Skaggs seconded. All in favor. No opposed.

PUBLIC FORUM

Rev Harrell Boyd, 206 N Main, is here to address with the council the stop work order he received yesterday. He didn't work last year and he understands that the building permit has expired. He said that they are doing the work as they can and they intend to finish the church. He is not trying to cause problems. Ed has checked all the different phases and they have the rough-ins done. They are trying to build it to our building code and are asking the council to withdraw the stop work order and issue a building permit. He also pointed out that the area up there is zoned residential and not commercial. Mayor Moss stated that the business in that area has a special use permit for his commercial business. Mayor Moss also pointed out that his building permit expired 2/20/07. He will need to reapply for a new building permit. They will also have to have licensed contractors working for them. The original permit was issued in October 2003. Reverend Boyd said that there are other structures that are doing the same thing he is. They are working as fast as they can. He was in the hospital last year and unable to work. He would like for the City to be fair. Mayor Moss stated that we have extended the building permit 4 times. Reverend Boyd stated that his building is not a public hazard. Mayor Moss restated that he needed to fill out a new building permit packet. Reverend Boyd said he is doing the best he can and that they will do what they have to do.

P&Z CASES

Mayor Moss then opened up the public hearing on Case #08-07 – Special Use Permit - #2 Tanglewood – daycare. Troy Garretson, 106 E Briarbrook Lane was here to ask the council to extend their special use permit for their daycare. They still own it but his sister in law is now running the business. The licensing bureau requires that all paperwork be in place. The daycare is on the corner of Tanglewood and Briarbrook Drive. They opened the daycare in 1999 and have operated it until recently when his wife started a new job. Steve Lawver reported that the P&Z recommended approval with the conditions listed. Pat Smith motioned to approve the special use permit with certain conditions as listed by the P&Z. Carl Skaggs seconded. All in favor. No opposed.

Mayor Moss opened up the public hearing on Case #08-09 – rezoning of 702 E Pennell – from R-1 to C-2. Larry Shanks has applied for rezoning of the property. They would like to have a beauty shop, tanning beds and pay day loan businesses at this location. It was stated that they will need to pave the parking lot. They understood that and would like as much time as they can have to give them a chance to pave it. It was discussed that it used to be the old chiropractors office. Frank Tilley, 104 Hillcrest, asked what types of businesses can be there if it is rezoned. Mike Talley responded that it could be the uses of R-1, R-2, R-3, R-4, C-1 and then read the uses of C-2 in the code book. Mr. Tilley then stated that he was opposed to the rezoning because of the problems with the banners. They can't see the street as they pull out onto Pennell. He is also concerned about what might go in if Mr. Shanks sells the business. It will also create more traffic. Larry Robinett, 102 Hillcrest, agreed with Mr. Tilley for the same reasons. Mayor Moss closed the public hearing at 7:20 PM. Steve Lawver reported that the P&Z recommended approving the rezoning. There was discussion about all the previous businesses that had been in that location. After some minor discussion 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 702 E PENNELL, 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. Mark Powers seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Dee Lynn Davey seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-28 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.

CJ CULTIVATORS

Jane Mitchell, 29918 Fir Road, Carl Junction, addressed the council. She explained to the council that their project for this year is to improve the garden at the entrance to town. They are taking the money from their plant sales and the Chamber has donated \$1000. They need additional money to complete this project. She outlined their plans for the garden which include a new city sign, flag poles, lights and commercial grade stones. They are asking the City for matching funds of \$3500 and some labor. They need some help removing the old railroad ties and trees that are currently there. It was pointed out that this is on private property. Mike Talley said that we can use public funds for a public project. Jane pointed out that all of what they are planning on doing is moveable if it becomes an issue. The owner of the land is 100% behind the project. It is also the best use of this land since it is not really developable. Jane said that she would like Steve Lawver to take charge of finding a city sign. Steve said he has talked to Sign Design and they are looking at the lighting and some signs. We are considering solar lighting for the flag poles and sign. After some more discussion Pat Smith motioned to contribute up to \$3500 for this project and to help with some labor as we can. Richard Zaccardelli seconded. Jane also said that they have had 3 flag poles donated to the cause which will save a considerable amount of money. All in favor. No opposed.

ALLIED WASTE – JENNIFER FAGAN

Jennifer Fagan, Allied Waste, then addressed the council about our commercial accounts. Jennifer said that she has visited with some of the commercial accounts that had complaints. She stated that since they bill in advance for the commercial accounts that the first bill of the new year has the rate adjustment on the dumpsters. It happens every year. The other part of the issue is the fuel and environmental fees, these fluctuate monthly. She said in March 2007 gas was \$2.80 and it is now \$4.70. If gas starts to go down then the fees will go down also. This was put in when we renegotiated our contract. Mike Talley said that when he read the contract it was to be capped at 6% and that there was no mention that it would change monthly. Jennifer said that the residents' rates were put on a flat fee and they took an increase when we did the addendum. The commercial rates stayed the same but were to change with the fuel prices monthly. Jennifer read the newspaper article dated 3/14/07 that explained the rates with the addendum. There was some discussion about the conversations during the negotiations. Pat Smith said that it is hurting the small business. They have quotes from other companies for 1/2 the price. Jennifer said that they will work with the commercial accounts. We could consider a flat rate or they could do an on call pick up during their slow periods. Richard said that we need to consider the city's liability if we get a bad carrier. Mike Talley said that he does not agree with Jennifer's interpretation. He feels it reads that the fees are capped at 6%. There was more discussion about the addendum and the commercial accounts. Jennifer said that they want to work with the commercial accounts. Walter Hayes suggested that we go through the City Administrator's notes on the negotiations to determine the original intent.

PROCLAMATION FOR SILVER STAR BANNER DAY 5/1/09

Mayor Moss then read the Proclamation for Silver Star Banner Day on 5/1/09.

ORDINANCES

Pat Smith motioned to put "AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$4,500,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2008, OF THE CITY OF CARL JUNCTION, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH" on first 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 roll call vote. Mark Powers seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-29 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.

BRAD MCINTYRE – EDWARD JONES

Brad McIntyre, Edward Jones, informed the council that the bonds are being sold locally and as of today they have sold \$2.2 million in bonds. They will open it up tomorrow statewide and they should sell the rest by tomorrow. They wanted to open it up to the community first and it has been very popular and well received. It usually takes 24-48 hours to sell. He has had calls from around the state wanting to know when they will open it up to other areas. We will receive the funds around the 30th of July.

REPORTS

The council reviewed the administration's report. SDA has been to the City twice holding public hearings. Pat Smith asked if they will be back. It was stated yes.

Economic Development report – there was nothing to add.

Police Department report – there was nothing to add.

Public Works report – Richard asked about how much damage was done to the Country Club Estates pavilion. Jimmy said that they kicked out some rafters. He is talking with Gene McMeen on getting some lighting out there. Mark Powers asked about the dip in the road. Jimmy look at it and it will take a lot of work. Richard said that they have done a great job at Memorial Park. Mayor Moss said that he has received several positive comments on it. Jimmy reported that he hopes to have the fall material tomorrow. He also reported that they have put a new roof on the Country Club Estates pavilion.

COMMITTEE REPORTS

Nuisance Committee had nothing to report.

Public Facilities Committee had nothing to report.

Park/Pool Committee reported that they met last night to discuss the veteran's memorial and the City flag. They are still getting information on the memorial. They are also keeping open the flag contest. They have 13 so far. She asked that they put it in the paper again. They are not in any hurry for the flag so they are keeping it open at this time.

Code Review reported that they are waiting to hear back on the animal ordinance that they looked at.

Budget Finance Committee had nothing to report.

Human Resources Committee reported that they had received some requests from the employee's for them to look at and will be scheduling a meeting.

Committee for Better Life reported that Art Maddox has been using the 1st Baptist Church bus to take the seniors to the mall twice a week and the farmers market. Mayor Moss said that we need to appoint someone to the school positions on that committee. Richard said that maybe we could appoint the new assistant superintendent.

UNFINISHED BUSINESS

Dee Lynn reported that Empire has donated 3 poles for the project at the entrance to town. She asked if they should deliver them to the Public Works building. Jimmy said yes and that he would take them to Bill one at a time for retrofitting for flag poles.

Pat Smith said that they are accepting applications for crafts and concessions for the Bluegrass Festival. We will also start accepting applications for the Chili cook off. The forms can be picked up at Bruner's, Randy's and City Hall.

Chief Haase said he would like to get with Mike Talley and Walter Hayes about the animal ordinance after the meeting.

NEW BUSINESS

Don Marshall said that Ron Daniel asked him about purchasing the City's property behind him. Mayor Moss said he asked last year and we decided to hold onto the property.

Mayor Moss pointed out Mediacom's letter about raising their prices.

Chief Haase then addressed the council about a new program he would like to start. This program is putting missing children's pictures in the rear window of patrol cars. The officers can see out but when you look in you see the picture. It will cost \$100/car to do. He feels it is a worthwhile cause and will work it into his current budget. He is also checking into sponsorships. When one is found they will put a different child in the window. Each car will have a different child. They will get the information from the national exploited children bureau and they will do it regionally. The council agreed it was a good project and gave their approval.

CLOSED SESSION PER RSMO 610.021(2):LEASING, PURCHASE OR SALE OF REAL ESTATE BY A PUBLIC GOVERNMENTAL BODY WHERE PUBLIC KNOWLEDGE OF THE TRANSACTION MIGHT ADVERSELY AFFECT THE LEGAL CONSIDERATION THEREFOR.

Mark Powers motioned to go into closed session per RSMo 610.021(2):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. 8:35 PM

Meeting reconvened at 8:45 PM.

Steve Lawver reported that Toby Teeter is trying to get permission from the owners of Briarbrook to market it nationally as a golf course. Steve also has Randy Irely from Gilmore & Bell coming down 7/31/08 to talk to them about CID's and NID's. They are getting a core group together to meet with Randy.

ADJOURNMENT

Pat Smith motioned to adjourn the meeting. Dee Lynn Davey seconded. All in favor. No opposed. Meeting adjourned at 8:50 PM.

CITY CLERK

MAYOR