

The Carl Junction City Council met in regular session on Tuesday, August 5, 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 (present at 7:25 PM). Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Walter Hayes stated that he would like to strike item 6(d) so that it can go to the Nuisance Committee before passage. Carl Skaggs motioned to approve the agenda as amended. Pat Smith seconded. All in favor. No opposed. Pat Smith asked about the park signs. The City Clerk stated that they were signs with park hours and regulations. The City Clerk then handed out the closed minutes for review. Mayor Moss stated that Mark Powers motioned to go into open session not closed session. Carl Skaggs motioned to approve the consent agenda as amended. Pat Smith seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Cassandra Damm, 99 Briarbrook Drive, addressed the council about the walking trail. She said that the city is spending a lot of money on this trail. She thinks it is a good cause but not by their house. She said that her neighbor Brian Vediz protested at the July meeting. She thought \$600,000 for this project is way too much. She said that the City purchased it for sewer and that she and her neighbors do not want this trail in front of their houses. It will be in their front yard. Mayor Moss said that the City owned the property to do with as they see fit and we have had several articles published in the paper about the trail. Mayor Moss said it was no different then having a sidewalk in front of your house. Ms. Damm said it was an invasion of privacy. Don Marshall said that he has people walking on the streets in front of his house for exercise. Ms. Damm said it has 24/7 access any time. Mayor Moss said that we have to make decision based on the greater good of the public. There was some more discussion about the fears people have before the trail is put in and the peoples' feelings after. It was stated that Joplin had a lot of complaints when they wanted to put theirs in but now they are all happy with it. Ms. Damm is concerned that 4 wheelers will be a problem on her property and that it will be another access to her property. The council stated that they understood her concerns and will do their best to try to address them.

### **ORDINANCES**

The council discussed the ordinance making Keeney Street a one way street. Steve said that MoDot wanted it to go North. Delmar said that we made the alley behind the school one way to the South. Walter Hayes motioned to strike the part about the alley running to the North off of the ordinance. Mark Powers seconded. All in favor. No opposed. It was then stated that we need to keep the alley in the ordinance but change the direction to South. Mike Talley said that the traffic engineer can make temporary decisions but not permanent. He also stated that the ordinance needed to be effective 8/11/08. Walter Hayes then motioned that we add the alley to the ordinance change the direction South, change the effective date to 8/11/08 and change 2007 to 2008. Mark Powers seconded. All in favor. No opposed. Pat Smith motioned to put "AN ORDINANCE AMENDING TITLE III. TRAFFIC CODE; BY AMENDING SCHEDULE III. ONE-WAY STREETS, TO ESTABLISH KEENEY STREET AS A ONE-WAY STREET WITHIN THE CITY OF CARL JUNCTION, MISSOURI, EFFECTIVE AUGUST 11, 2008" on first reading. 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. Carl Skaggs seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-30 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.

There was some discussion regarding the proposed new sewer rates. Pat Smith then motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 720: USER CHARGE SYSTEM BY ADOPTING A NEW APPENDIX "A" TO SEWER USE CHARGE ORDINANCE (ACTUAL USE RATE STRUCTURE) AND BY AMENDING SECTION 720.040 "USER CHARGE RATES" TO REFLECT SAID CHANGES IN RATES; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID NEW RATES" 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. Carl Skaggs seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-31 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 approving the 8<sup>th</sup> Addendum with the Village of Airport Drive. Pat Smith then motioned to put "AN ORDINANCE APPROVING THE EIGHTH ADDENDUM TO THE SERVICE CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE VILLAGE OF AIRPORT DRIVE, MISSOURI, AND AUTHORIZING THE MAYOR TO EXECUTE SAID EIGHTH ADDENDUM FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Dee Lynn Davey 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 #08-32 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.

### **REPORTS**

The council reviewed the administration's report. Richard asked when they were going to light up the poles at Par Lane and West Briarbrook Lane. City Clerk reported that the conduit is in and she will contact Gene with Empire to see when they were going to be activated. Pat Smith asked about Country Club Park. The City Clerk stated that they were planning on 3 lights at this time and maybe a few more later in the future. Richard Zaccardelli asked about lights behind the Senior Center. They have 2 lights but they

have to be turned on by a switch. There was discussion about maybe putting photo sensors on them. Mayor Moss asked Carl Skaggs to look into it. Mark Powers asked about the soccer fields. The City Clerk reported that Bob Wentworth is following up with the contractor.

Economic Development report – there was nothing to add.

Police Department report – Delmar stated that he is having trouble with his fuel tank and he is putting a lot of money for repairs on the cars on fuel pumps. They are getting the tank fixed but he is buying gas at Fastrip until it is repaired. He also pointed out the invitation on 8/11/08 at 10:30 AM for the unveiling of our police cars with the missing children pictures on them. He is hoping for a good turn out. He has invited all the local law enforcement agencies. Richard stated that he would like to thank David Wehmeyer for the great job he is doing.

Public Works report – there was nothing to add.

### **COMMITTEE REPORTS**

Nuisance Committee set a meeting for 8/19/08 at 6:00 PM to look at the animal ordinance.

Public Facilities Committee reported they met on 7/29/08 with SDA for an informal meeting. They showed them 2 different plans and they will meet again in 3 weeks. We are down to 25000 square feet due to cost of construction. Materials have gone very high. The next meeting is set for 8/21/08 at 6:00 PM.

Park/Pool Committee is working on the Bluegrass information.

Code Review had nothing to report.

Budget Finance Committee had nothing to report.

Human Resources Committee reported that the City Clerk had given him a list of considerations from the employee's. One item he would like to take action on tonight is the mileage. We currently pay .375 cents per mile. The State is .475 cents and Federal is .585. He is recommending that we go with the State of .475 cents per mile. Richard Zaccardelli then motioned that the mileage rate be set at .475 cents per mile. Walter Hayes seconded. All in favor. No opposed. It will be effective immediately. Richard then stated that he would like for the Budget & Finance Committee to also look at some of the requests made from the employees. Mayor Moss said that the City Clerk gave it to the Human Resource Committee now so that we would have time to look at them before our next budget.

Committee for Better Life reported that they would like for the council to look at a light in the back. They also reported that they had 184 for breakfast last Saturday.

### **UNFINISHED BUSINESS**

Walter Hayes reported that the City Administrator Search Committee will be meeting 8/7/08 at 6:00 PM with interviews starting at 6:30 PM.

Steve reported that he has shown the Barnett building to 4 people. The bid opening is 8/15/08. He also needs to get with the Budget Committee on the shortfall of our community center. Steve also handed out a breakdown of how the bonds sold at Edward Jones. They were very pleased with the sales. There were 2 other municipal bonds being sold and we sold out first at a better rate than the others. Don asked why we were selling the building. Steve reported we received a bid of \$39000 to move the building and Jimmy did not want to spend that to move the building. Steve also reported that Reverend Boyd would like a refund of his \$50 variance fee that he paid in 2007. The variance was denied but the City had expense on the advertising and legal fees on the variance. After some discussion the consensus of the council was not to refund the fee.

### **NEW BUSINESS**

Walter Hayes then brought up the information about the trash addendum that was in the packet. The way he reads it is the adjustment should be annually not monthly. Mike Talley agreed that it is not clear but he also interpreted it annually. Mark Powers asked why would they even talk about it if it was not to be considered differently than residential. Why would they specifically mention fuel & environmental fees if they were not to be considered monthly? Mike Talley said he went to their website they quoted and that website is what it cost them to operate and that is the rates they came up with to spread out the fees among their corporation but they are not federal or state calculations. Mike Talley said that the addendum could be interpreted either way since it is not clear. Dee Lynn said that she re-read her notes and she said that we did not want to leave it open ended and we put a cap of 6% on the increases and that they were to be done once a year. Pat Smith asked what the next step would be. Mike Talley said that if the council concludes that it is 6% annually we need to send them notice of the City's position and open it up for discussions. Mike Talley said that it lack clarity and that we were not interpreting it the same. Pat Smith motioned for the staff to send a notice on what the council thought it meant. Walter Hayes seconded. 6 (Marshall, Skaggs, P Smith, Davey, Hayes, W Smith) in favor. 2 (Zaccardelli, Powers) opposed.

Walter informed the council that he would be attending a MML Human Resource committee meeting in Jefferson City this week.

Mayor Moss said that he had an agreement that needed to be signed for UMB for our bonds. After consulting with Mike Talley and Randy Irey it was stated that we just needed a motion from the council. Pat Smith motioned to authorize Mayor Moss to sign the agreement with UMB. Walter Hayes seconded. All in favor. No opposed. Mayor Moss also stated that Mediacom is adding some HD channels at no increased cost to our residents. Mayor Moss then discussed that we wanted to invest our bond money until it was needed for construction and asked that the council authorize him and the staff to pursue the best rates and invest it in short term

certificates of deposit. Mark Power motioned to authorize the staff with the consent of the Mayor to invest the money from our bonds into short term CD's. Richard Zaccardelli seconded. All in favor. No opposed.

The City Clerk then asked the council if they had reviewed Airport Drive's request to increase their flows in our agreement. There was considerable discussion regarding this request. Carl Skaggs motioned to deny their request for an increase to their cap on their flows. Walter Hayes seconded. All in favor. No opposed. The council then discussed the Arvest Purchasing Card plan. Mike Talley said that we need to check to see if they are set up for municipalities also. There has to be certain language involved for municipalities to get involved in something like that.

Steve Lawver then addressed the council asking permission to enlist Toby Teeter to help with negotiations with Steve Hayes. Toby has knowledge that Steve doesn't that might effect the negotiations. Toby does not want to charge us for this help. He has offered to help. Richard said he has an inside track with the Men of Briarbrook. Mike Talley expressed concern about confidentiality. He stated that he can give the council input but could not be a part of the rest of the closed proceedings. It was asked if we retained him as an attorney if that changed it. Mike Talley stated that we could retain him and that would help with the confidentiality agreements. After considerable discussion the council agreed to retain Toby Teeter to have him help with the negotiations. They agreed it effected the whole city. It was also pointed out that the decision would still have to be made by the council.

**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.**

Walter Hayes 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. Carl Skaggs seconded. All in favor. No opposed. 8:30 PM

Meeting reconvened at 9:05 PM.

There was no decision made during the closed session.

**ADJOURNMENT**

Dee Lynn Davey motioned to adjourn the meeting. Pat Smith seconded. All in favor. No opposed. Meeting adjourned at 9:06 PM.

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CITY CLERK

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MAYOR