

The Carl Junction City Council met in regular session on Tuesday, September 16, 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, Walter Hayes and Wayne Smith. Alderman Dee Lynn Davey was absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Carl Skaggs motioned to approve the agenda as presented. Pat Smith seconded. All in favor. No opposed. The City Clerk then asked that we add \$79.82 and \$541.00 to the disbursements for Fall Festival expenses. It was also stated that we will have to separate out the closed minutes for votes. Pat Smith motioned to approve the 1st set of closed minutes regarding Real Estate. Carl Skaggs seconded. All in favor. No opposed. Carl Skaggs then motioned to approve the 2nd set of closed minutes on personnel by Mike Talley. Richard Zaccardelli seconded. 6 (Zaccardelli, Marshall, Skaggs, Powers, Hayes, W Smith) approved. 1 (P Smith) abstained. Pat Smith then motioned to approve the disbursements as amended. Carl Skaggs seconded. All in favor. No opposed.

PUBLIC FORUM

There was no one for public forum.

P&Z CASES

Mayor Moss then opened the discussion on Case #08-08 – Final Plat of Fox Briar #2 Subdivision – Gary Rose. There was no one in the audience for or against the subdivision. Steve Lawver reported to the council that the P&Z recommended approval after a lengthy process and a lot of e-mails on the storm water issues. They will be building another detention pond behind the current Copper Oaks. They also included street lighting and addressed the cul-de-sacs.

The council then reviewed the ordinance approving the final plat. Pat Smith motioned to put “AN ORDINANCE ACCEPTING FOX BRIAR PLAT #2 SUBDIVISION OF THE CITY OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS” on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #08-38 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.

Mayor Moss then opened the discussion on Case #08-10 – Replat of Briarbrook Estates #14 Subdivision – Kevin Janssen. Mr. Janssen, 903 Copper Oaks, addressed the council on the replat of 4 lots. He said that some of the lots are unbuildable due to the existing drainage ditch put in the wrong place. It was supposed to be put in between lots 4 & 5 and it runs in the middle of lot 5. He wants to rearrange the lots so that 2 will be buildable. Lot 2 wants to buy the new lot 3 and Lot 7 wants to buy the new lot 6. That will leave lots 4 & 5 to be built upon. He intends to move the ditch to where it is supposed to be. These lots are between Marie Lane and Copper Oaks. There is street access to all the lots. Pat asked if it would raise the water level from the current high. Mr. Janssen said that the water is as high as it will go. This will not raise it any. He does suggest that no basement be allowed to be built on these lots. Steve Lawver reported that P&Z recommended approval. Kurt Higgins was careful about the storm water issues.

The council then reviewed the ordinance approving the replat. Pat Smith motioned to put “AN ORDINANCE ACCEPTING A REPLAT OF BRIARBROOK ESTATES #14 SUBDIVISION OF THE CITY OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS” 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-absent, Hayes-y, W Smith-y. Motion on Ordinance #08-39 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

Jimmy addressed the council about the bid from Wheeler Excavating Company. He is recommending that we accept it and that we approve the contract for the bid. He does not want any money paid until the project is completed. Jimmy said that the land is flat and is ready to go. He just needs one day to get it ready. Mark Powers asked how we were paying for it. It was replied out of the 3 departments. Jimmy also stated that he talked to the employee’s and they agreed that it should be a 3 sided building with the open side to the East. This will allow them to put in the pipe. Mike Talley said that the contract calls for Wheeler Excavating to follow Jimmy’s direction. Don Marshall said that we need to make sure that the City’s name is not on any tickets. They will be pouring the concrete for piers for the building. The floor will be base rock. We can concrete the floor later. Pat Smith then motioned to put “AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SCOTT WHEELER, D/B/A WHEELER EXCAVATING COMPANY., TO REMOVE, RELOCATE AND ERECT A 50’ BY 80’ METAL BUILDING OWNED BY THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, FOR THE SUM OF \$ 24,750.00 AS PROVIDED IN THE CONTRACT; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI.” on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #08-40 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.

REPORTS

The council reviewed the administration's report.

Economic Development report – there was nothing to add. Steve reported that he had been in school in Dallas all week. It was really intense but good. He received a grant from Empire to help pay for it. He has 3 more sessions to go to finish. He will finish next year.

Police Department – there was nothing to add. Delmar reported that one of the children on their cars had been returned back home. They will put returned across the picture and then get it replaced. He also had an officer resign and he will be searching for another one. The child was from Topeka and was found in Mexico.

Public Works report – there was nothing to add. Jimmy said that they have replaced the manhole by the fire station and they are starting to head West tomorrow.

COMMITTEE REPORTS

Nuisance Committee had nothing to report.

Public Facilities Committee reported that the architects will be here 9/18/08 at 6:00 PM to show 3 schemes on the design.

Budget/Finance Committee had nothing to report.

Human Resources Committee had nothing to report.

Citizens for Better Life Committee had nothing to report.

Park/Pool Committee said that the Bluegrass Festival is 2 weeks away. Pat really needs help. Mayor Moss said he would be there. She also stated that she may call off the chili cook off is there are not enough entries. She will make that decision by 10:00 AM Thursday. She also stated that the tables and benches look good. They are very heavy.

Code Review Committee said that they will be meeting on 10/7/08 at 6:00 PM. They will be discussing light pollution and the revised sign ordinance.

UNFINISHED BUSINESS

Mayor Moss stated that he had Mr. Talley research what can be done if information from closed meetings was being discussed. Mike Talley said at first he started with ethics and disclosure of confidential information. He researched 4th class cities in the statutes and the removal of elected officials. He looked on the MML website and came across an older review that was done by Kevin O'Keefe. He is a well respected city attorney. He had a model ordinance that included confidentiality of information. The original ordinance is long and we have updated our public information ordinance awhile back but it does not include this paragraph. He has drafted an ordinance that adds that paragraph to our current code on what happens if certain information is disclosed. He would like to hand it over to the code Review Committee to review. He would like it back fairly soon.

Richard Zaccardelli informed the council that the MML annual conference was really good.

Steve reported that he had received the final report on the Safe Routes to School from Toole Design Group. He has mailed a copy to the school administration. This was the study done by the grant we had received.

Delmar wanted the council to know that the numerous break downs on his cars have not been because of abuse. He just had a lot of problems this year with his cars.

NEW BUSINESS

Richard Zaccardelli said that he has some information from the MML conference that he wants to have copies made to hand out to the council.

Don Marshall said that he has had complaints about people stopping in the middle of the road and waiting in the middle of the road until school is out to pick up their kids.

Mayor Moss informed the council that Claire McCaskill will be at the Senior Center from 9:30 – 11:00 on 9/24/08 for a Kitchen Table Talk meeting.

Walter Hayes then asked the council to consider going from a 2 year term to a 4 year term. This would save money and add some consistency also. Mike Talley said that he couldn't comment on it but would look into it.

Chief Haase said he has applied for a grant from the state for \$1700 for hardware to help secure rifles that the officer's have bought with their own money in their cars. Our match would be \$170.

Steve reported that we had received a phone call with a complaint about the trail. We need to do some research with Delmar on any complaints that he has had. This resident would like to see some fencing along parts of the trail. Steve said he would report back to the council once the research is done. He also reported that we pay \$35/month per cell phone. We also reimburse 2 employees for their personal phones.

Pat Smith said that she doesn't think the city should put up a fence along the trail. Steve said the property owner suggested we go in halves. Pat is not sure we should use the tax payer's money for that. Steve said it could keep vehicles off of the trail if we do that. Carl said part of the problem is 4 wheelers. Carl also said that we can't patrol it all the time. Steve said that we will look into it, we just got the call but we want to try to address concerns about the trail.

It was pointed out that the Carl Junction Residential Care Center was having a chili dinner on 9/26/08. Richard Zaccardelli said he would go.

The Mayor then introduced some Boy Scouts and students from MSSU in attendance tonight.

ADJOURNMENT

PM. Carl Skaggs motioned to adjourn the meeting. Pat Smith seconded. All in favor. No opposed. Meeting adjourned at 8:00

CITY CLERK

MAYOR