

The Carl Junction City Council met in regular session on Tuesday, October 21, 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, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Alderman Mark Powers was absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Pat Smith motioned to approve the agenda as presented. Dee Lynn Davey seconded. All in favor. No opposed. Carl Skaggs then stated that he said stained concrete not stamped concrete in the Public Facilities report. The City Clerk then asked that we add the bill from Wheeler Trucking & Excavating to our disbursements. Jimmy Chaligoj agreed that the building was completed and the statement needed to be paid. Carl Skaggs motioned to approve the consent agenda as amended. Dee Lynn Davey seconded. All in favor. No opposed.

PUBLIC FORUM

There was no one for public forum.

P&Z CASES

Mayor Moss then asked the council to review Case #08-14 – Real Estate contract with CNJ Development. Steve Lawver reported that the Planning & Zoning had no problem with the agreement and agreed with the purchase of the property. They recommended approval. Walter Hayes then motioned to put “AN ORDINANCE APPROVING A CONTRACT FOR THE SALE OF AN INTEREST IN REAL ESTATE BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND C.N.J. DEVELOPERS, INC., A MISSOURI CORPORATION; AUTHORIZING THE CITY TO PURCHASE A TRACT OF LAND, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28, RANGE 33, IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT A WARRANTY DEED TO SAID LAND FROM C.N.J. DEVELOPERS, INC.; AUTHORIZING THE PAYMENT OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) TO PURCHASE SAID LAND; AND AUTHORIZING THE MAYOR, CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS SUCH DOCUMENTS AS MAY BE NECESSARY TO CONCLUDE SAID PURCHASE” on first reading by title only. Carl Skaggs seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Walter Hayes seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-41 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 asked the council to review Case #08-15 – Real Estate contract with Briarbrook Development Co., Inc. Steve Lawver reported that Planning & Zoning really was enthusiastic about this piece of property and recommended approval. This is to extend our trail to Copper Oaks. Richard Zaccardelli motioned to put “AN ORDINANCE APPROVING A CONTRACT FOR THE SALE OF AN INTEREST IN REAL ESTATE BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND BRIARBROOK DEVELOPMENT COMPANY, INCORPORATED, A MISSOURI CORPORATION; AUTHORIZING THE CITY TO PURCHASE PART OF THE ABANDONED ST. LOUIS AND SAN FRANCISCO RAILROAD RIGHT-OF-WAY EXTENDING FROM THE SOUTH RIGHT-OF-WAY LINE OF BRIARBROOK DRIVE TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 8, TOWNSHIP 28, RANGE 33, IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT A WARRANTY DEED TO SAID LAND FROM BRIARBROOK DEVELOPMENT COMPANY, INCORPORATED; AUTHORIZING THE PAYMENT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) TO PURCHASE SAID LAND; AND AUTHORIZING THE MAYOR, CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS SUCH DOCUMENTS AS MAY BE NECESSARY TO CONCLUDE SAID PURCHASE” on first reading by title only. Pat Smith seconded. All in favor. No opposed. Richard Zaccardelli motioned to put it on second reading by title only with a roll call vote. Pat Smith seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-42 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

The council reviewed the amendment to Chapter 110.400 regarding confidentiality about closed meetings. Pat Smith motioned to put “AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE: CHAPTER 110: MAYOR, BOARD OF ALDERMEN, BOARD MEETINGS: ARTICLE VI. MISCELLANEOUS PROVISIONS BY AMENDING SECTION 110.400 “OPEN MEETINGS AND RECORDS POLICY”, TO ADD NEW PARAGRAPH 11 TO ADD NEW PROVISIONS GOVERNING THE DISCLOSURE OF RECORDS AND INFORMATION THAT HAVE BEEN CLOSED PURSUANT TO THE OPEN MEETINGS AND RECORDS POLICY OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Walter Hayes seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Walter Hayes seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-43 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.

The council reviewed the ordinance on the transportation study agreement. Steve reported that we were getting money from the Joplin MPO, Jasper County and the Joplin Special Road District to move forward with this project. They contributed \$18000 towards this project. The total price is \$40,020. This will be for all roads that adjoin the City limits. Pat Smith motioned to put "AN ORDINANCE APPROVING A LETTER AGREEMENT BY AND BETWEEN TRANSYSTEMS CORPORATION, A MISSOURI CORPORATION, AND THE CITY OF CARL JUNCTION, MISSOURI, TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR THE DEVELOPMENT OF A TRANSPORTATION PLAN FOR THE CITY'S TRANSPORTATION NETWORK, FOR THE SUM OF \$40,020.00 AND AS OTHERWISE PROVIDED BY THE TERMS AND CONDITIONS OF THE LETTER AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID LETTER AGREEMENT 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-absent, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-44 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. Pat Smith asked about the path to the Country Club Park. She asked if we had talked to Jeff Stutesman. Jimmy said that they have agreed to it we just need to put it in the budget for next year. Pat Smith asked about the Master plan for the parks that was referred to in the report. Steve said that he was disappointed in the report from PSU and is looking for more future planning. This would be what we want to be done and how to get there in phased projects. We need it laid out for us in a formal format so that we can apply for grants. We need a master plan to pull it all together. Pat asked why we should pay someone when we know what we want to do. Richard said it would help us go in the right direction. Steve also said that the plan will estimate costs. Richard said they will also bring a lot of ideas to the committee to review. Richard asked if we were going to have another meeting with the architects. Steve said that when they came last week they had the drawings 50% completed. Maribeth and he will go to Springfield on the 30th and they will have the site plan drawings 75% completed. This is the detailed drawings such as where plug ins will go and what all needs to be wired.

Police Department – there was nothing to add.

Public Works report – there was nothing to add. There was a leaf pick up schedule in the packet. Carl Skaggs said that there was a cap missing off a pipe off of Joplin Street. Jimmy said he would get one put back on.

COMMITTEE REPORTS

Nuisance Committee had nothing to report.

Public Facilities Committee had nothing to report.

Budget/Finance Committee had nothing to report.

Human Resources Committee had nothing to report. They need to get with the Budget Committee. He also said he needed to get with Mark.

Citizens for Better Life Committee reported that we need to get a light in the back of the Center. Richard went there after dark to check on something and he met a guy who was putting trash in their dumpster illegally. Jimmy said that he would look at it again. Richard suggested a motion detector light. Don Marshall suggested they start locking their dumpster.

Park/Pool Committee reported they did not meet tonight. After much discussion they rescheduled for Tuesday 10/28/08 at 6:00 PM.

Code Review Committee had nothing to report. Walter thanked Dee Lynn for chairing their last meeting since he had to be out of town.

UNFINISHED BUSINESS

The City Clerk reported that she had put information about MOPEG insurance group in the packet. They have suggested that we wait until after the first of the year before we consider making a change due to deductibles with our employee's. The City Clerk stated that their plans are closer to the ones that we currently have and the premiums are close also. Our current plan is still better and a little cheaper than any proposal that we currently have received from other groups.

NEW BUSINESS

Richard Zaccardelli asked that the council consider allowing a buffer along Fir Road such as higher fences or requiring the developers not to take out the trees along busy roads. He said it is not only dust but noise also. There are 4 ponds in that area and noise travels over them a lot. He received a phone call at 11:30 PM about a band that was playing too loud. When he finally found it the location was South and West of Fir Rd. The complaint came from Copper Oaks and Windwood. He has also received phone calls at 3:00 AM about noise from a motorcycle. He is asking that the P&Z look at a buffer zone for noise, dust and other nuisances. He just wants it to be considered.

Mike Talley reported that he will not be at the next council meeting since he is going out of town 10/28/08 and will not be back for the meeting. He does have one item regarding a mistake the City made 2 years ago. There was some property bought by Steve Hayes from Chad Huffman that taxes did not get reported on. The tax amount is \$435.35 but there is \$243.65 in interest and penalties now due on the property. Barrister Title handled this closing and Mike has received a letter from the their attorney that they have offered to settle the claim against the City by paying out of their insurance policy the amount due but they want the City to

reimburse them for the penalties and interest. Mike is recommending that we accept their offer to settle this claim by reimbursing them the \$243.65 in interest and penalties. Mike also pointed out that the interest & penalties he is quoting is as of 10/1/08 and that amount may have changed since then. Richard Zaccardelli motioned to settle this claim by reimbursing them the interest and penalties on this tax amount that is due. Carl Skaggs seconded. All in favor. No opposed.

Dee Lynn asked Steve about a ballot issue regarding storm water. Steve said that the law now reads that any taxing entity can impose storm water taxes. This new law will restrict it to municipalities and utility companies only. He said it was a good thing to be changed.

Wayne Smith then brought up the political signs along Pennell Street & Arlington. He stated that it is dangerous because you can't see around them for oncoming traffic. Steve said that they have been notified and they are supposed to be moved around. Wayne said that they have been moved once but you still can't see around them. Steve said he would call again. It was asked if we are addressing political signs in our sign ordinance and it was responded yes. There was more discussion about signs in general and that this situation is a safety issue.

Steve then reported that we needed to do some repairs to City Hall. The soffit and fascia need replaced and we need to put up more guttering around the building. We have tried to get 3 bids but can only get 2 in hand. The first bid is from Ross Construction for \$4500 and the 2nd bid is from Hecox Construction for \$1961. Steve is asking for permission to accept the low bid from Hecox Construction since we can't get a 3rd bid. Pat asked if Richard could bid on jobs like this. Mike Talley said he would get the regulations to Pat. Pat Smith then motioned to accept the bid from Hecox Construction for \$1961. Dee Lynn Davey seconded. All in favor. No opposed. Steve then reported that he and Jimmy looked at a vehicle for the Public Works. This would be a utility vehicle and is called a mini-truck. It is a 4 wheel drive and is less then \$7000. It gets 40-50 miles per gallon and would be good for the lawn mowing crew and other duties. It is a 1999 Suzuki. It is a cab over with a 700 cc engine. Public Works needs another vehicle and it is a right side drive. A new one costs \$15000. Jimmy said it would get them in between houses in easements and also help with smoke testing so they didn't have to carry the equipment so far. Jimmy said he has the money in his equipment purchase budget. Pat Smith motioned to buy it. Carl Skaggs seconded. All in favor. No opposed.

Maribeth Matney then reported that they had a meeting with the Joplin Family Y. They were very excited about the way the summer went and are willing to enter into an agreement with the City for next year if we would want them to manage our pool next summer. The council said they thought it was a good arrangement and agreed we should do it again.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Wayne Smith seconded. All in favor. No opposed. Meeting adjourned at 8:05 PM.

CITY CLERK

MAYOR