

The Carl Junction City Council met in regular session on Tuesday April 21, 2009 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 Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Carl Skaggs motioned to approve the agenda. Pat Smith seconded. All in favor. No opposed. The council then reviewed the closed minutes of the 4/07/09 meeting. Pat Smith motioned to approve the consent agenda. Carl Skaggs seconded. 7 (Zaccardelli, Marshall, Skaggs, P Smith, Davey, Hayes, W Smith) in favor. 1 (Powers) abstained.

PUBLIC FORUM

Ron Brewer, 403 Sunnybrook, thanked Pat Smith for her years of service to her community. He also commended the voters for getting out to vote this last April; we had over 2000 votes cast. He then asked that Steve Lawver start collecting information on how to collect the back taxes owed from Briarbrook and what legal avenues we can pursue to collect them. He would also like for Steve to make available information regarding the WWTP issue. He asked that a committee be formed to look at this issue. He is sure we will need a bond issue to pay for it. He is willing to help any way he can. It is time to move forward and look into our infrastructure issues that need addressed.

Mary Schillaci, 706 Springhill, asked that she have 8 minutes instead of 5 minutes. Mike Talley read the code book section regarding our public forum procedures. It can only be extended by the Mayor or the council. Mary asked that the council allow her extra time. Mayor Moss stated he chooses to stick to the rules. Mark Powers said we extended her time the last time she was here and that she should have asked to be on the agenda. Carl agreed. Ms. Schillaci then read her statement regarding the Briarbrook issue. She asked for Steve Lawver's resignation, Richard Zaccardelli's resignation and an apology from Mayor Moss. Ms. Schillaci's time ran out and the Mayor asked that she return to her seat.

Mayor Moss asked for any other comments. Mayor Moss asked again if there was any one else who wanted to speak during public forum. No one came forward.

ORDINANCES

The council then reviewed the ordinance amending our 2009 Fiscal Year budget. Pat Smith motioned to put "AN ORDINANCE AMENDING THE GENERAL FUND, STREET/ALLEY FUND, WATERWORKS FUND, WWTP FUND, PARK/POOL FUND, G.O. BOND FUND, SALES TAX FUND AND CAPITAL IMPROVEMENT FUND FOR THE FISCAL YEAR 2009" 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 #09-17 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 then reviewed the ordinance approving the agreement with Commerce Bank for equipment purchases. Mike Talley explained that due to people being on vacation we do not have the final contract but we do have the purchase amount and payment amounts. Mike Talley also explained about they escrow agreement and that we chose not to have one due to the fees involved. They will put the money in a non-interest bearing account and pay invoices out of it. The interest would have been about \$150 and the cost to establish an escrow account was \$1500. Pat Smith motioned to put "AN ORDINANCE APPROVING A LEASE PURCHASE AGREEMENT WITH COMMERCE BANK, N.A., LESSOR, FOR THE PURPOSE OF FINANCING THE PURCHASE OF ONE (1) SEWER JET TRAILER, ONE (1) BACKHOE, ONE (1) MOWER, ONE (1) PICK-UP AND ONE (1) DUMP TRUCK, FOR A TOTAL SUM NOT EXCEEDING \$283,891.88; PROVIDING THE TERMS AND CONDITIONS THEREOF; AUTHORIZING FOUR (4) ANNUAL RENTAL PAYMENTS OF \$54,185.47 EACH COMMENCING APRIL 22, 2010; AUTHORIZING THE DOWN PAYMENT AND TRANSACTION FEE OF \$67,150.00 TO BE PAID ON APRIL 22, 2009; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Don Marshall 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 #09-18 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 was the ordinance approving change order #1 on the Community Center. Steve explained that this was for the percolation of water at the community center building site. We had an allowance for it but they had to add some extra drainage to it. It is a good site now. He also reported that DNR has looked at the site and there is no contamination there. We also had an environmental study done on it. Don Marshall motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #1 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND LARRY SNYDER & COMPANY, TO CONSTRUCT A NEW SENIOR CENTER, RECREATION CENTER AND CITY HALL FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER # 1 BEING TO EXCAVATE AND REMOVE UNSUITABLE SOILS, ADD DRAINAGE MAT WITH DRAIN PIPING AND ADD COMPACTED ENGINEERED FILL FROM OFFSITE MATERIAL FOR AN ADDITIONAL NET COST OF \$81,380.00 AFTER CONTRACT ALLOWANCES, AND INCREASING THE TOTAL CONTRACT COST TO \$3,920,553.00; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Don Marshall 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 #09-19 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 then reviewed the ordinance changing water rates. Steve explained that it is a very small increase and we have not raised our water rates since 2005. The engineer's like for us to review them every year. We have the increase in our upcoming budget. It changed the water rate 8 cents per 1000 gallons. Pat Smith motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 705: WATER ARTICLE III. USER CHARGE SYSTEM BY AMENDING SECTION 705.330 "ACTUAL USE RATE STRUCTURE" TO INCREASE THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS FROM FIVE DOLLARS TWENTY-SIX CENTS (\$5.26) TO FIVE DOLLARS FORTY-TWO CENTS (\$5.42) FOR THE FIRST THOUSAND GALLONS AND FROM TWO DOLLARS SEVENTY-SIX CENTS (\$2.76) TO TWO DOLLARS EIGHTY-FOUR CENTS (\$2.84) PER ONE THOUSAND (1,000) GALLONS THEREAFTER, AND ALSO INCREASING THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS, TO BE EFFECTIVE MAY 15, 2009; PROVIDED HOWEVER, EFFECTIVE JUNE 15, 2016, THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS SHALL BE REDUCED BY NINETEEN CENTS (\$0.19) FOR THE FIRST THOUSAND GALLONS AND FOR EACH ONE THOUSAND (1,000) GALLONS THEREAFTER, AND THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS SHALL ALSO BE REDUCED AT THAT TIME" on first reading by title only. Don Marshall 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 #09-20 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 last ordinance is for a change order with TranSystems for our transportation study. Steve explained that 2 things happened. The blizzard and they had to reschedule the trip and then MoDot's traffic counts were not accurate and they had to come down for that. Dee Lynn thought this was pretty high. Steve said that they did a lot of work while they were here. They also had an overnight stay. There will not be any more trips and they are wrapping up the study now. Pat Smith motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #1 TO 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, SAID CHANGE ORDER TO PAY FOR AN EXTRA TRIP TO CARL JUNCTION ON JANUARY 12, 2009, BY KYLE KITTRELL AND BARB FROST AT A COST OF \$3,470.00, AND INCREASING THE TOTAL CONTRACT COST TO \$43,470.00; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER #1 FOR AND ON BEHALF 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-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-21 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.

UNFINISHED BUSINESS

Walter Hayes then stated he appreciated everything Pat had done for the City and council and her dedication to the Bluegrass every year. He also wanted to say how much he appreciated the work Steve Lawver and Maribeth Matney had done not only on the Briarbrook issue but the Community Center and all the other things that came about while we didn't have a City Administrator. They do tremendous work.

Pat said that she had been asked to continue to do the Bluegrass for this year. Mayor Moss said he would help again this year. Pat Smith also thanked Walter for his help and explanations while she served on the council.

Richard then pointed out the newspaper article on Natalie Bird who finished high in the area. Richard Zaccardelli the read code 150.220 of offensive nuisances. He stated that this should apply to our light problem. It is getting out of hand and we need to look at the situation. He said it shines onto the neighbors on the other side of the street. He doesn't understand why we can't ask them to direct the illumination on their own property. Mike Talley stated that he does not think our prosecuting attorney could use that section to prosecute the case. It is a general description but needs to be clarified in order to prosecute. After more discussion it was stated that it needs to be a civil suit and not handled through the city. He needs to hire a lawyer. Walter stated that we have neighbors feuding with each other and the city should not get involved.

APPROVE CERTIFIED ELECTION RESULTS

The council reviewed the election results. Mark Powers motioned to accept the election results. Carl Skaggs seconded. All in favor. No opposed. Pat Smith then read a statement to the council voicing her appreciation for what they do and she will miss being on the council. The council then si-ne-di.

SWEARING IN OF NEW ELECTED OFFICIALS

The City Clerk issued the oath of office to the newly elected officials. Michael Moss-Mayor, Wayne Smith-Alderman Ward I, Walter Hayes-Alderman Ward II, Richard Zaccardelli-Alderman Ward III, Steve Daniels-Alderman Ward IV.

ELECT MAYOR-PROTEM

Carl Skaggs nominated Richard Zaccardelli. Mark Powers nominated Walter Hayes. Richard Zaccardelli nominated Mark Powers. Nominations ceased.

Richard Zaccardelli – 1 vote (Skaggs)

Walter Hayes – 6 votes (Zaccardelli, Powers, Daniels, Davey, Hayes, W Smith)

Mark Powers – 1 vote (Marshall)

Walter Hayes was elected as Mayor Pro-Tem.

COMMITTEES

The Mayor handed out the list of committees for 2009-2010. Mayor Moss explained that Park/Pool moved under Public Facilities and we created Long Range Planning.

NUISANCE COMMITTEE

Wayne Smith – Chair
Floyd Steve Daniels
Don Marshall

PUBLIC FACILITIES

Carl Skaggs – Chair
Dee Lynn Davey
Wayne Smith

BUDGET/FINANCE

Dee Lynn Davey-Chair
Walter Hayes
Mark Powers

CODE REVIEW COMMITTEE

Don Marshall – Chair
Wayne Smith
Dee Lynn Davey

HUMAN RESOURCE

Mark Powers – Chair
Richard Zaccardelli
Floyd Steve Daniels

LONG RANGE PLANNING

Walter Hayes-Chair
Floyd Steve Daniels
Richard Zaccardelli

SENIOR CITIZEN COMMITTEE

Richard Zaccardelli – Chair
Don Marshall
Carl Skaggs

REPORTS

The council reviewed the Administration report. Steve said that our grant for Thom’s Station III scored very high with MoDot and it is a 100% grant. Walter asked about our comprehensive plan. He would like for his new committee to be a part of that review. Steve will coordinate that between HSTCC, P&Z and the long range planning committee.

Public Works report – Jimmy added to his report that a pump went out on the lift station in Deerfield estates. It will be \$5100 for a new pump. It has less than a 1 day capacity. It will take 4 weeks for the new pump to arrive. He also said that the Karen Drive lift station has had towels caught in it. Someone is putting towels down the line somehow. They have had to pull the pump twice. It will do damage if this continues. He will try to find out who is doing it. He also reported that Ace Pipe is done with the NE part of town and he will have a report in 1-2 weeks and present it to the council.

Police Department report – there was nothing to add to the report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning stated that they would like to get with HSTCC on the comprehensive plan.

The Human Resource Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

The Budget/Finance Committee had nothing to report.

The Citizen’s for Better Life reported that the AAA gave away some Wi’s and the CJ center received one.

NEW BUSINESS

Don Marshall said that there is a variance on a resident on North Roney and he can’t make it up here and asked if he could be his representative during the proceedings. The council said yes.

Mike Talley then informed the council that Commerce Bank will be foreclosing on Fall Creek Estates. The bond that we had for infrastructure has expired and he has been talking to Commerce Bank about the infrastructure. They want to resell the property to another developer. There is concern about the infrastructure and if people buy the lots that do not have it they will expect the City to put it in. There are several options that he and our engineer are exploring. He just wanted the council to be aware of the situation so they are not blind sided at a later date.

The City Clerk then explained that Allstate would like to present some additional insurance options to the employee's. This would be no cost to the City. After some discussion it was decided that they needed to make the presentation to the Human Resource Committee and they could make a recommendation to the rest of the council.

Steve Lawver then reported that David Sly called to see if the City was interested in buying his lot by Memorial Park. It is 50' X 75'. It could be used for more parking spaces for the park. There is only one other property owner that could make use of it and they don't want it.

Steve also reported that the Frank Dean Complex concession stand has been broken into again. Bob Wentworth has priced putting in a rolling door and blocking up the openings they currently use. The cost is \$900. It would be a 4' roll up door. The council agreed that we could do that.

Chief Haase then asked that we have an ordinance drawn up regarding no vehicles in "no vehicles permitted" areas. This would help them prosecute the violators. This would be for motorized vehicles being used for instance on the trails. Mike Talley said he could do that.

ADJOURNMENT

Don Marshall motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor. No opposed. Meeting adjourned at 8:51 PM.

CITY CLERK

MAYOR