

The Carl Junction City Council met in regular session on Tuesday December 15, 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, Steve Daniels, 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

Steve asked that item #7 be deleted from the agenda (appointing Dan Blackburn). Carl Skaggs motioned to approve the agenda as amended. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

PUBLIC FORUM

Mayor Moss called twice for public forum. There was no one for public forum.

DONNIE RION

Donnie Rion, 117 Hedge Drive, asked the council why they closed the June meeting to begin with. Mike Talley stated that the Board felt that it would have an adverse effect on the outcome. Mr. Rion pointed out that the Sunshine Law allows it for the purpose of the lease or selling of land but this was going to be a gift and that he contacted the Attorney General's office about it. Mike Talley explained that the Attorney General's office called him to discuss it. He explained all aspects of the circumstances and the events that led up to it and the Attorney General's office fully concurred that we had not violated any laws. Mr. Rion then asked if we had received the appraisals of the golf course. Steve said the only one he had was September 2007 for \$2.6 million. Mr. Rion asked the Mayor why he said 2 meetings ago he had no idea about the petition. Mayor Moss said that there had been discussions 2 years ago before the ballot and the CID. He has learned a lot since then regarding CID's and NID's. He was referring that he did not know what was on the petition specifically. Mr. Rion stated that it is still on our website that Toby Teeter talked to all the council. Steve Lawver stated that was a newspaper article that was posted on the website. Mr. Rion asked the council if they knew that they could raise the taxes 25% according to MO Revised Statute 67.457. Steve said that 67.1441 governs CID's and is not familiar with 67.457. Mike Talley said he would look at it. Mr. Rion asked if the city buys the 95 acres to make a park and walking trails how will we fund it? There was a lot of discussion about this project. It was stated that there are a lot of possibilities. Mr. Rion asked about the #5 tower and who will maintain it. Steve said it is city owned and will be city maintained. Mr. Rion then went into the CID budget and it was stated that has nothing to do with the City. There was a little more discussion regarding closed sessions.

APPOINT DAN BLACKBURN TO BOARD OF ADJUSTMENTS

Struck from the agenda.

HARRY ROGERS-JASPER COUNTY HAZARD MITIGATION PLAN

Harry Rogers, HSTCC, reported that they have been working on the Jasper County Mitigation Plan. They have been hired to update the current plan. They have changed the plans to include schools and other entities that it did not use to include. This has nothing to do with emergency response but in being prepared for disasters. These are things you do before the event happens. He is asking for feedback from the council and public. He reminded the council that this is a county plan and is very straight forward. We need this in order to get any funding from SEMA or FEMA. There was some general discussion regarding the kinds of disasters we need to plan for.

REVIEW AND APPROVE BIDS ON KUBOTA TRACTOR

Steve reported that the PW had a Kubota tractor they no longer used that they advertised for sale. We received 3 bids: Ron Daniels \$1501, Barnett Construction \$1402 and Jay Morton \$200. Don Marshall motioned to accept the high bid from Ron Daniels for \$1501. Carl Skaggs seconded. All in favor. No opposed.

ORDINANCES

The council reviewed the ordinance approving change order #6 with Larry Snyder Construction. Carl Skaggs motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #6 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND LARRY SNYDER & COMPANY, TO CONSTRUCT A NEW RECREATION CENTER, CITY HALL, AND SENIOR CENTER FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER # 6 BEING TO ADD DISPLAY CASES, CHANGE FINISH PLANS, ADD PERIMETER DRAIN HEADWALL AND DRAIN, CHANGE POWER AND LIGHTING AND DEDUCT RECORD STORAGE FLOOR FINISH FOR AN ADDITIONAL NET COST OF \$20,274.19 AFTER CONTRACT ALLOWANCES, AND INCREASING THE TOTAL CONTRACT COST TO \$4,012,249.99; AND AUTHORIZING THE MAYOR OR THE CITY ADMINISTRATOR TO EXECUTE SAID CHANGE ORDER 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. Carl Skaggs 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, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-55 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 for chairs and conference room furniture. Carl Skaggs motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND GROOMS OFFICE ENVIRONMENTS, TO SUPPLY AND INSTALL FURNITURE FOR THE CITY HALL IN THE NEW COMMUNITY CENTER FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE BID SPECIFICATIONS, FOR THE SUM OF \$82,938.34; PROVIDING THE TERMS AND CONDITIONS THEREOF; 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. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs 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, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-56 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 for City Hall furniture. Carl Skaggs motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THOMAS BROTHERS OFFICE FURNISHINGS TO SUPPLY AND INSTALL NEW CHAIRS AND CONFERENCE ROOM FURNITURE IN THE NEW COMMUNITY CENTER FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE BID SPECIFICATIONS, FOR THE SUM OF \$30,767.20; PROVIDING THE TERMS AND CONDITIONS THEREOF; 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. Mark Powers seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Steve Daniels seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-57 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 leasing 1203 E Pennell. Carl Skaggs motioned to put "AN ORDINANCE APPROVING THE LEASE BY THE CITY OF CARL JUNCTION, MISSOURI TO BLOOCH BROTHERS, LLC, OF ALL OF LOTS NO. 4 AND 5 IN MEADOWS HILLS SECOND ADDITION TO THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FOR A TERM OF 5 YEARS, WITH AN OPTION TO RENEW, FOR THE SUM OF \$11,400 ANNUALLY IN MONTHLY PAYMENTS OF \$950.00 FOR THE TERM OF THE LEASE, WITH AN EXCLUSIVE RIGHT TO PURCHASE SAID REAL ESTATE AT A PRICE TO BE AGREED UPON, SAID LEASE TO COMMENCE ON MARCH 1, 2010, FOR USE AS A RESTAURANT AND OTHER USES ANCILLARY THERETO; AND AUTHORIZING THE MAYOR, CITY ADMINISTRATOR, CITY CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS DOCUMENTS TO EFFECTUATE SAID LEASE" on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Don Marshall 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, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-58 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 report. Steve also reported that Steve Daniels and he would be going to DNR in Springfield regarding a grant process. They have 2 they are looking at. One is for a new pump for #2 well and the other is for kitchen equipment for the new Community Center. Richard asked about the BB project. Jimmy reported they are under the railroad and then the cold weather hit. Richard was concerned about the sprinkler lines. It was stated maybe Ray Schmidt could help them out.

Public Works report – there was nothing new to report. Jimmy added that they are installing the chlorine analyzers. Also Dwayne Hole passed his WWTP test so we have another operator for our plant. Jimmy will also be serving as a back up for the Rural Water #1 district.

Police Department report – there was nothing new to report. David reported on the bark collars and that they are getting 2 donated to them. They will arrive in January.

Court Report – there was nothing to add.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee had nothing to report.

The Budget/Finance Committee met with Steve Lawver on the community building and they did a tour of it. Dee Lynn also reported Steve, Maribeth and she met with Chris Churchwell regarding our audit. She then stated we need to set a date for a meeting before we start the budget process. It was decided we would meet 1/8/10 at 10:00 AM.

The Human Resource Committee handed out evaluation forms for the City Administrator. He would like those back in 2 weeks so that Mike Talley can start putting them together. He wants to meet in closed session the second meeting in January to go over them.

The Public Facilities Committee toured the building also and was impressed with the size of it.

The Code Review Committee had nothing to report.

The Citizen's for Better Life reported they have stopped the Saturday breakfasts until they get in their new building. He also needs to get with Steve regarding some matters.

UNFINISHED BUSINESS

Mike Talley reported that he has been working on the addendum with Allied Waste. It looks different than the 1st addendum and that it clarifies some things. It will not take effect until 4/1/10. He wants to make sure we get it right. Jennifer said they would like to start automated pick up January. It was asked what Jennifer needed tonight. She stated just a commitment from the council that they plan to go ahead with the program. Dee Lynn Davey motioned that we commit ourselves to go with the automated pick up. Carl Skaggs seconded. All in favor. No opposed.

Walter questioned the statute that was discussed earlier in the meeting regarding the closed sessions. Mike Talley said he would talk to Walter and Steve Lawver after the meeting.

Jim Chaligoj reported he will start the installation of the culvert on Briarbrook Drive during the Christmas break weather permitting. It is an 8X6 culvert 80' long.

It was also reported that Shop with a Cop will be this Saturday 12/19/09 at the 15th Street Wal-Mart. They are estimating they will have 178 kids.

NEW BUSINESS

Richard thanked all the elected officials and employees for all their hard work this year. Carl Junction is a great place to live. Steve Lawver then presented Randy Karst a plaque for his years of service on our various committees'.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:15 PM.

CITY CLERK

MAYOR