

The Carl Junction City Council met in regular session on Monday July 20, 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 and City Clerk Maribeth Matney.

AGENDA

Carl Skaggs motioned to approve the agenda as presented. Richard Zaccardelli seconded. All in favor. No opposed. Dee Lynn Davey motioned to approve the consent agenda. Carl Skaggs seconded. All in favor. No opposed.

PUBLIC FORUM

Mary Schillaci, 706 Springhill Drive stated that she had some vandalism to her property lately and she then asked that if the closed session involved the Briarbrook Country Club that they not go into close session and keep it open.

June Chenot, 128 Forest Drive asked about the drawing presented and that if someone would explain it during the meeting she would appreciate it. Richard stated that he brought it from Briarbrook and it was a proposal for the improvements. The Men of Briarbrook are proposing these changes. June Chenot stated that they were beautiful. Mark Powers asked how her car project was coming and she stated that it is not running but they will be showing it. Richard asked if she could bring pictures for the council.

RON BREWER

Steve reported that he was called out of town and asked to be put on the 8/4/09 agenda

P&Z CASES

Case #09-09- Chapter 405.085 – Fences. Mayor Moss opened the public hearing at 7:07 PM. Steve Lawver stated that the change is due to a request from Code Enforcement Officer David Wehmeyer. There is no provision for repairs of fences or for storm damaged fences. Carl Skaggs asked if the fence is damaged what happens. He asked if it was grandfathered in. Steve said that if they are repairing it and had a fence permit for the 1st time it was put in they can repair it without a permit. After more discussion there was no one in the audience for or against the ordinance. Walter Hayes motioned to put “AN ORDINANCE TO AMEND TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.085: FENCES TO EXEMPT CERTAIN FENCES THAT ARE BEING REBUILT OR MAINTAINED FROM THE APPLICATION AND PERMITTING PROCESS REQUIRED IN SECTION 405.085” on first reading by title only. Carl Skaggs seconded. Walter Hayes motioned to put it on second reading with a roll call vote. Don Marshall seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-30 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.

Case #09-10 – Chapter 425.020 - Storm water. Mayor Moss opened the public hearing at 7:10 PM. Steve reported that this is the new storm water manual that Allgeier Martin & Associates put together. It has a lot of technical detail for the developers on how and what we require for storm water improvements. It brings us in compliance with DNR mandates. Carl Skaggs motioned to put “AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 425: STORMWATER MANAGEMENT, BY AMENDING SECTION 425.020 TO ADOPT THE NEW CITY OF CARL JUNCTION, MISSOURI STORMWATER MANAGEMENT CRITERIA MANUAL, DATED APRIL 2009, FOR THE CITY OF CARL JUNCTION, MISSOURI, AND BY AMENDING CHAPTER 410: SUBDIVISION REGULATIONS 410.080, IMPROVEMENTS REQUIRED SUBSECTION 3, STORM WATER DRAINAGE SYSTEM TO COORDINATE THE REGULATION OF SUBDIVISIONS WITH THE ADOPTION OF THE NEW CITY OF CARL JUNCTION, MISSOURI STORMWATER MANAGEMENT CRITERIA MANUAL, DATED APRIL 2009” on first reading by title only. Mark Powers seconded. During the reading of the title the Mayor rapped the gavel and asked for order from the audience. Carl Skaggs motioned to put it on second reading 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 #09-31 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. Public hearing closed at 7:15 PM.

ORDINANCES

Next the council reviewed the ordinance approving the settlement with AT&T. This is a different law suit from the wireless law suit. This involves their land lines. Richard Zaccardelli motioned to put “AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH AT&T/SBC LANDLINE” on first reading by title only. Mark Powers seconded. All in favor. No opposed. Richard Zaccardelli 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 #09-32 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.

The council reviewed the agreement with Allgeier-Martin & Associates for Thom’s Station Trail Phase III. Steve pointed out that Attachment F is part of the agreement. This will take the trail from Briarbrook Drive to Copper Oaks. Carl Skaggs motioned to put “AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND ALLGEIER, MARTIN & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE PLANNING, DESIGN AND CONSTRUCTION ENGINEERING FOR THE THOM’S STATION TRAIL PROJECT – PHASE III, TO IMPROVE THE EXISTING ABANDONED RAILROAD BED BY ADDING A 10’ WIDE

AGGREGATE SURFACE TREATMENT, ALONG WITH NECESSARY DRAINAGE IMPROVEMENTS, FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, FOR SUMS WHICH WILL NOT EXCEED \$23,903.00 FOR DESIGN SERVICES AND WHICH WILL NOT EXCEED \$20,163.00 FOR CONSTRUCTION ENGINEERING SERVICES; 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. Carl Skaggs 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, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-33 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 agreement with KCSRR to put our sewer line under the railroad to eliminate the lift station on East Briarbrook Lane. Don Marshall motioned to put “AN ORDINANCE APPROVING A PIPELINE CROSSING CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE KANSAS CITY SOUTHERN RAILWAY COMPANY TO LICENSE THE CITY OF CARL JUNCTION TO CONSTRUCT, MAINTAIN, OPERATE, USE AND REMOVE A SEWER PIPELINE UNDER THE LICENSOR’S TRACKS AND RIGHT-OF-WAY AT HEAVENER SUBDIVISION FOR THE SUM OF \$9,375.00; PROVIDING THE TERMS AND CONDITIONS OF SAID LICENSE; 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. 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 #09-34 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. Steve has been coordinating this project with the Men of Briarbrook to start after the golf season. It will probably be around October or November.

REPORTS

The council reviewed the Administration report.

Public Works report – they have been using the jetter trailer in the old part of town. They have found several items that need to be fixed which will help with our I&I.

Police Department report – had nothing new to report. It was stated that the new logo on the new vehicles looks great.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning passed out minutes from their last meeting.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

Senior Citizen Committee had nothing to report. They would like to coordinate a fund raising event with the Chamber of Commerce.

UNFINISHED BUSINESS

Steve pointed out his letter to Mediacom and he also pointed out the mural concept that we received.

NEW BUSINESS

Richard then went over the concept that is being considered for the Briarbrook club house. The structure is in good shape the real problem is the roof. They will totally redo the roof. This proposal has been on display at the club house for the last couple of months.

Steve Lawver then asked the council to review the business license code change that he is recommending. This will coordinate the pro-rating of fees for every 3 months instead of the way it is now.

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.

It was stated that Mike Talley is the one who asked for this closed session. Since he is not in attendance of the meeting Carl Skaggs motioned to postpone the closed session until the next meeting. Richard Zaccardelli seconded. All in favor. No opposed.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 7:35 PM.

CITY CLERK

MAYOR