

The Carl Junction City Council met in regular session on Tuesday August 4, 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, Walter Hayes and Wayne Smith. Alderman Dee Lynn Davey was absent. Also present were City Attorney Mike Talley, City Administrator Steve Lawver and City Clerk Maribeth Matney.

AGENDA

Carl Skaggs motioned to approve the agenda as presented. Don Marshall seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Mark Powers seconded. All in favor. No opposed.

PUBLIC FORUM

Linda Briggs, 130 Black Oak Drive, stated that she understood that the elected official position is usually a thankless job. We are fortunate to have people who want to be involved. She stated that residents need to feel that they can contribute to the process and then thanked all the officials for their work and stated that we live in a great city.

Steve Frederickson, 905 E Pennell, asked the council not to go into closed session tonight. He stated that the city should keep it open for the residents to know what is being discussed. He then stated that we don't have to go into closed session and then read portions of the Sunshine Law. He asked that his aldermen object to the closed session and go on record as such.

Mary Schillaci, 706 Springhill, stated that she understood that Mike Talley was not in attendance last meeting but she had questions about the fence and storm water ordinances that were passed. She questioned our public hearing process that was held at that meeting. June tried to get the Mayor's attention and the Mayor asked her to leave. Mike Talley apologized to everyone about not attending that meeting. He understood that the public hearing was not closed and then went over the situation that occurred. He stated that when the council goes into discussion no more comments are heard from the public. He responded directly to June regarding the process and we will be sure that all public hearings are opened and closed and that the agenda will reflect that. Mayor Moss then stated that he did not ask June to leave he said "June please". She then also asked the council not to go into closed session and that if it was regarding Briarbrook to remember that 3 of the 4 wards voted no.

RON BREWER

Mr. Brewer asked where we were at with our WWTP since Joplin and Neosho are voting on it tonight. Steve responded that WWTP requirements are outlined in their permits and that our permit expires this year and we have not received our draft yet. Apparently Joplin's and Neosho's expire in 2012 and that is why they face that deadline. Permits are renewed every 5 years. There is no specific date for the whole state. Steve also stated that we are in compliance with DNR. Mr. Brewer then asked Mayor Moss if he was running against Tom Flanigan for the representative seat. Mayor Moss responded that he was not running against Tom Flanigan.

PATRICK TUTTLE & JIM COLLINS – RUBY JACK TRAIL

Patrick Tuttle and Jim Collins then addressed the council about a resolution supporting the Ruby Jack Trail. They have applied for a grant from MoDot to extend Ruby Jack Trail. This trail will connect Joplin, Webb City, Oronogo, Carthage and Carl Junction. It has been proven that these trails help with the economy in the areas that surround the trails. This is the final phase of Ruby Jack Trail which will be from Hwy MM to the Kansas State line. Phase I is done and they have the funding for Phase II. It is to be completed in January 2010. Carl asked how they will pay to maintain it. They said that they have the funding already in place for that and they have insurance. It will be a crushed rock surface 8' wide and 3" deep. They are also looking at a rail line from Columbus Kansas to Pierce City. That is 50 miles. Their hope is to connect it to Ruby Jack and the Frisco Trails. They said that people are already using Ruby Jack to go to work on. There was discussion of the master trail plan. Mr. Collins also reported that there are people from out of state using the trail also. They own the trail and have a deed to it. It was asked if it could be condemned for contamination. Mr. Collins said no that they have had an environmental study done and it has been signed off on. Mark Powers motioned to authorize the Mayor to sign the Resolution of Support. Richard Zaccardelli seconded. All in favor. No opposed.

ORDINANCES

The council then reviewed the agreement with the City of Joplin for the Home Consortium. It is for another 3 years. Carl Skaggs motioned to put "AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF JOPLIN, MISSOURI AND THE CITY OF CARL JUNCTION, MISSOURI FOR PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM BEGINNING IN FISCAL YEAR 2010; 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. Steve Daniels 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-absent, Hayes-y, W Smith-y. Motion on Ordinance #09-35 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.

Carl Skaggs motioned to put "AN ORDINANCE PROVIDING FOR A FINANCIAL DISCLOSURE AND CONFLICTS OF INTEREST" 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. Mark Powers seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #09-36 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 reported that the next ordinance changes our code to actually match our quarters in our fiscal year in our business license section. Right now it is not based on quarters. The first part is 4 months and the last one is 2 months. Mark Powers motioned to put "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 605: BUSINESS AND OCCUPATION TAX, BY AMENDING SECTION 605.040: LICENSE PERIOD – LICENSE YEAR, TO CHANGE THE DATES WHEN LICENSES FOR LESS THAN A FULL YEAR SHALL BE REDUCED TO A PROPORTIONATE SHARE OF THE LICENSE FEE FOR A FULL YEAR" on first reading by title only. Carl Skaggs seconded. All in favor. No opposed. Mark Powers 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, Daniels-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #09-37 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 he had accepted the resignation of our building inspector effective 7/31/09. We have advertised and are going to combine the code enforcement and the building inspector duties. This new employee will be part time building inspector and part time code enforcement. We have only had about 4-5 permits this year and David has been covered up with code enforcement. Mark Powers said we need to look at the budget. Steve also reported that the slab at the Community Center has been poured.

Public Works report – had nothing new to report.

Police Department report – had nothing new to report. Delmar stated he gave the council a report of incidents. Richard then discussed the vandalism at the Sr. Housing and Briarbrook. He suggested the city offer a reward. Mike Talley was not sure the City could do that. Delmar suggested that maybe someone other than the City offer the reward.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning met tonight at 6:00 and they talked about where they were headed with the committees. They will get details at the next meeting. He also had Allgeier-Martin & Associates produce a map of the City as it is now.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Public Facilities Committee had nothing to report but wants to schedule a meeting. After some discussion it was decided they would meet on 8/13/09 at 3:30 PM.

The Code Review Committee had nothing to report.

Senior Citizen Committee had nothing to report.

UNFINISHED BUSINESS

Steve reported he had a sewer camera quote of \$249,995. This is top of the line and has everything we need including the software and vehicle. He will keep looking. There was some discussion about sewer cameras and that we need to try to get one.

NEW BUSINESS

Don Marshall brought up discussion about utility easements being blocked. There was discussion about this and Steve commented that we allow them to put up fences but inform them they need to allow access. If we have to we can tear it out and not put it back. Richard said this is a problem in Briarbrook also especially along Foursome and Par Lane. Don said he would like the council to consider this problem. Wayne stated that they have looked at this and agreed it was a problem but that if we tear out the fence we don't have to put it back.

Steve then reported that he asked for generator's but that there is not funding for that. He has talked to the State government and they are collecting projects but at this time they do not have any funding for them. He has talked to Tom Flanigan and SEMA and FEMA don't have the funding for them either. They are going to try to find a path that can be used to fund generators. There was more discussion about generators. Mark Powers said that maybe we can buy one a year until we have what we need.

Jimmy said he put out for bid the sewer lining needed in the East part of town. He will also be putting out the bid on sludge removal.

Steve reported that he talked to MoDot about sidewalks down Highway Z. They discussed about putting them on the very edge of the right of way on both sides. They are going to look at their schedule and start the engineering on this project later this year. They do not have the funds for it at this time but it will be a project that would be ready to do when the funding is available.

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.

Wayne Smith asked what the closed session was about. He can't object without knowing what is going to be discussed. Mike Talley then went over the sunshine law state statutes. He then stated that the closed session was regarding the minutes of the last closed meeting of 6/16/09. He needs to discuss the contents of those minutes. That is the only reason he wants to go into closed session. He feels in this case it is necessary to do this. Mark Powers motioned to go into closed session. Richard Zaccardelli

seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-absent, Hayes-y, W Smith-y. Session closed at 8:20 PM.

Meeting reconvened at 8:37 PM. The Mayor reported that discussion was held on the closed minutes of 6/16/09. There was no official action taken. Mark Powers then motioned to approve the closed minutes of 6/16/09. Carl Skaggs 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 8:38 PM.

CITY CLERK

MAYOR