

The Carl Junction City Council met in regular session on Tuesday October 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, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Carl Skaggs motioned to approve the agenda. Don Marshall seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

PUBLIC FORUM

Stan Lewis, 114 Anita Drive, said that he has been asked to sign a petition regarding the Briarbrook Country club. He asked if the City was involved with that petition. Mayor Moss stated that Toby Teeter and the Men of Briarbrook are circulating the petition to form a CID. If it is approved they will become a taxing entity. This is just Ward III and not the whole city. It needs a simple majority to be formed. Mark Powers stated that they need 51 % of the value of the property of Ward III and 51% of the residents in Ward III to sign the petition before it is valid. It is complicated. Mr. Lewis asked if they would have to pay the taxes even if they do not play golf. It was stated yes it will be for the whole ward if passed. It would be treated like any other taxing entity such as the school and the fire district. They have a lot of things that have to happen before it is formed. The city does not get involved until they have enough on their petition to present it to the council.

Mayor Moss then read a resolution honoring the City Clerk for achieving the International MMC status. Mark Powers motioned to approve the resolution. There were several seconds and passed unanimously. Pat Gooch, Mayor of Neck City, Barbara Hogelin, City Clerk of Joplin, Lynn Campbell, City Clerk of Carthage and Brenda Cirtin, City Clerk of Springfield, were all present for the presentation.

MARY SCHILLACCI

Mayor Moss stated that Mary Schillaci asked to be put on the next meetings agenda as she could not be here tonight.

P&Z CASES

Case #09-11 – 1203 E Pennell. There is a record of determination from the P&Z on the offer to lease our Senior Citizens facility to the Blooch Brothers, Gambino's. P&Z is recommending approval. Mike Talley said that at this time we just need a motion to proceed. This is not the final document. Walter Hayes suggested we approve the P&Z recommendation. Don Marshall motioned to approve the recommendation. Carl Skaggs seconded. All in favor. No opposed.

Steve then presented the P&Z recommendation that we list our vacant properties with Keller Williams. It is the old Police Department and the Verbryck property. Walter Hayes is part of Keller Williams and he stated that he would step out of the chambers while it was discussed and voted on. Mike Talley agreed. Walter left the chambers at 7:19 PM. Mayor Moss stated that he would like to see a business go in the downtown area. It is zoned C-2. We can review each offer and accept or refuse as the council sees fit. Steve said it is a one year contract with Keller Williams. Richard Zaccardelli motioned to list the property with Keller Williams. Steve Daniels seconded. 7 (Zaccardelli, Marshall, Skaggs, Powers, Daniels, Davey, Smith) in favor. 1 (Hayes) abstained.

ORDINANCES

The first ordinance approves the listing of Lot 81 with Keller Williams. Carl Skaggs motioned to put "AN ORDINANCE APPROVING A SELLER'S AGENCY VACANT LAND LISTING CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND KELLER WILLIAMS OF SW MISSOURI, TO GRANT THE EXCLUSIVE RIGHT TO SELL LOT 81 IN THE ORIGINAL TOWN OF CARL JUNCTION, MISSOURI, AT A SALES PRICE OF \$20,000.00 IN EXCHANGE FOR A REAL ESTATE BROKER'S COMMISSION OF 7 % OF THE SALES PRICE; 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. Don Marshall seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-abstained, W Smith-y. Motion on Ordinance #09-44 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.

The second ordinance approves the listing of Lots 72, 73 and 74 with Keller Williams. Carl Skaggs motioned to put "AN ORDINANCE APPROVING A SELLER'S AGENCY VACANT LAND LISTING CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND KELLER WILLIAMS OF SW MISSOURI, TO GRANT THE EXCLUSIVE RIGHT TO SELL THE NORTH 10 FEET OF LOT 72 & ALL OF LOT 73 & THE SOUTH ½ OF LOT 74 IN THE ORIGINAL TOWN ADDITION TO THE CITY OF CARL JUNCTION ACCORDING TO THE RECORDED PLAT, AT A SALES PRICE OF \$15,000.00 IN EXCHANGE FOR A REAL ESTATE BROKER'S COMMISSION OF 7 % OF THE SALES PRICE; 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. 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. Don Marshall seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-abstained, W Smith-y. Motion on Ordinance #09-45 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.

Walter Hayes returned to the podium to finish the rest of the meeting.

The next ordinance is for Change order #2 for Thom's Station Trail Phase II. This is for extra pilings and an extra board on the handrail for it to be safer. Don Marshall asked if this would be reimbursed by MoDot. Steve Daniels asked if this was no cost to us. Steve Lawver said he had a verbal from Eric at MoDot that there is money left and that it would be approved once we approve it. Steve Daniels motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #2 TO A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SPROULS CONSTRUCTION, INC., TO CONSTRUCT THOM'S STATION TRAIL, JASPER COUNTY, MISSOURI, FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER #2 TO MODIFY PLANS TO DRILL 9" DIAMETER PILING AND MODIFY HANDRAIL FOR AN ADDITIONAL COST OF \$7,044.00, AND INCREASING THE TOTAL CONTRACT COST TO \$259,234.00; 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. Richard Zaccardelli seconded. All in favor. No opposed. Steve Daniels 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 #09-46 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 stated that the next ordinance will eliminate the lift station on Briarbrook Lane that we have had trouble with in the past. The lift station is too small. The new line will cut across the golf course. Carl Skaggs motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SOUTHARD CONSTRUCTION CO. OF JOPLIN, INC, TO CONSTRUCT THE BRIARBROOK GRAVITY SEWER LINE PROJECT FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONDITIONS OF THE CONTRACT, DRAWINGS, SPECIFICATIONS, ADDENDA AND OTHER DOCUMENTS LISTED IN THE AGREEMENT FOR THE SUM OF \$199,515.00; 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 #09-47 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 the council reviewed the ordinance on controlled substance testing. Steve explained that MIRMA would like for us to start this. We already do post accident testing but they would like for us to do pre-hire testing. Mike Talley helped draw up the ordinance and it was run past the Human Resource Committee. Don Marshall asked about random testing. Steve stated that there are legal issues on random testing and it also has additional cost involved. Steve Daniels said that usually a 3rd party administers random testing. Steve said that we can go back and add a reasonable suspicion policy later. He said that we don't have enough training, except Delmar, to start the reasonable suspicion testing yet. Don Marshall motioned to put "AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE, CHAPTER 125: PERSONNEL POLICY, BY ADDING NEW SECTION 125.295: CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY, TO PROVIDE A CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY FOR EMPLOYEES OF THE CITY OF CARL JUNCTION" 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. Steve Daniels seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-48 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 Jake brake ordinance. Steve reported that this was at the request of Don Marshall. He has reservations about it as to how we will enforce it. Delmar also stated that he has never had a complaint about it. Don Marshall said that he has people who call him about it, trucks going through town at 3:00 AM. Don thought if we put signs up it might deter some of the noise issues. It was asked if we could signs up on Hwy 171 and Mike Talley did not think MoDot would let us put them up. It was stated that APD has ended up repealing one of their ordinances. It was also stated we have a noise ordinance and maybe we should re-look at that. Walter Hayes motioned to table this ordinance indefinitely. Don Marshall seconded. All in favor. No opposed. Mike Talley said that our noise ordinance and peace disturbance ordinance could be revised. Our ordinance now does not allow an officer to write a citation without a citizen complaint. We need to give the police department some leeway. Delmar said he would get with Mike Talley to see what they can come up with.

The council reviewed the ordinance repealing funeral picketing. Mike Talley said that the state statute governs this and we need to repeal our ordinance to avoid lawsuits. Mark Powers motioned to put "AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 210: OFFENSES, ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE, BY REPEALING SECTION 210.405: FUNERAL PICKETING, TO REMOVE THE PROHIBITION ON PICKETING BEFORE AND AFTER FUNERAL SERVICES" 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-y, Hayes-y, W Smith-y. Motion on Ordinance #09-49 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. Richard Zaccardelli asked about Brian Vediz and the fence request. Steve said that he has not heard back from him. There was general discussion about the bridge grand opening on 11/7/09 at 9:00 AM. There was also general discussion about parking.

Public Works report – there was nothing new to report.

Police Department report – Delmar said that there had been some break in's on cars not locked.

Court report – there was nothing to add to the report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee reported that they met 10/12/09 with P&Z. Walter also stated he would be gone the 1st meeting of November.

The Budget/Finance Committee stated that they would be meeting after October since we would then be ½ way through our fiscal year.

The Human Resource Committee had nothing to report.

The Public Facilities Committee asked that a meeting be posted for Friday 10/23/09 at 3:30 PM to discuss the Community Center and then a meeting at 6:00 PM on 11/3/09 before the regular council meeting to discuss the trash proposal.

The Code Review Committee had nothing to report.

The Citizen's for Better Life stated that they would be meeting with Steve to resolve a complaint they had received.

UNFINISHED BUSINESS

Mayor Moss thanked Walter Hayes for chairing the last meeting. He stated that there were a lot of sessions they attended and it was all very helpful. Steve Daniels agreed. Richard also thanked the council for letting us go.

Walter asked about a stop sign he had requested. It was stated that we would get with Jimmy.

NEW BUSINESS

Walter asked about parking for the grand opening of the bridge and if we could park on the Briarbrook side. Steve said that eventually there will be parking and that is part of Phase III. We might be able to grade it out level if we need it for the dedication. It was stated that it was set for 11/7/09 at 9:00 AM and the Joplin Trail Coalition said they would be there. Richard stated that the Center was also holding their breakfast that Saturday.

Richard said that there is an Empire pole leaning by the #5 water tower that we need to contact Empire about getting fixed.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Steve Daniels seconded. All in favor. No opposed. Meeting adjourned at 8:25 PM.

CITY CLERK

MAYOR