

The Carl Junction City Council met in regular session on Tuesday January 17, 2012 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, Sean Haase and Bob Cook. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

**AGENDA**

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

**PUBLIC FORUM**

Mark Tatum, 603 Valley View Drive, addressed the council about his neighbor's dog being on a chain. He asked that we look at our ordinances to prohibit that practice. Joplin does not allow it. He also said that barking needs to be addressed. He said that it will start smelling in the spring because he is outside on a chain by his yard. Mr. Bob Cook said he has the same problem a block away, the dog barks constantly. It was discussed that we have a noise ordinance and odors that are offensive are also addressed. Mr. Tatum said that the office told him we can't prove that the animal is not being fed or cleaned up. He has a dog house. Mr. Tatum called the landlord with no results. They do not have a fence so they keep the dog on a chain. Delmar Haase said he is calling a meeting of the code review committee and they will discuss it.

**CHAMBER REPORT**

Jennafer Johnson gave the Chamber report. They have their 1<sup>st</sup> business Expo set for March 31<sup>st</sup>. It will be from 10:00 am to 2:00 PM at the Community Center. The Historic Preservation Committee will be meeting 1/24/12 at 6:00 PM. They also have a Cultural Affairs Committees and the CJ School and the Spiva are willing to help. They will meet 1/31/12 at 7:00 PM. They are starting a Shop Local-Shop Chamber Committee and Choice Marketing is coming up with a logo for it. The Membership Committee was established to retain business and get new memberships. The Chamber's next meeting is 2/2/12.

**P&Z CASES**

Mayor Moss stated that Case #12-01-Special Use Permit-401 Joplin Street has no recommendation from the P&Z. Steve Lawver said they did not have a quorum and it was tabled until the next meeting. Carl Skaggs motioned to table this case until the next meeting so that we can have a recommendation from P&Z. Steve Daniels seconded. All in favor. No opposed.

**REVIEW AND APPROVAL OF SERVICE RECYCLING AGREEMENT**

The council reviewed the agreement with Service Recycling. Mr. Talley said that he looked at it and it has no obligation from the City. We put a 30 day notice in it but Mike Talley does not believe it needs an ordinance but just a motion to pass. Mark Powers motioned to approve the agreement. Steve Daniels seconded. All in favor. No opposed.

**DISCUSS RENEWAL OF ALLIED WASTE CONTRACT**

Allied Waste contract is due for renewal 3/31/12. We have the option to renew it for 5 years without going out for bid. Deffenbaugh has expressed interest in bidding for this service. Steve said if we don't intend to exercise our option to renew we have to give Allied a 60 day notice. Mark Powers likes our agreement and if we go out for bid can we state what we want. Mayor Moss and Carl agreed that we like our service. Steve Lawver said the polycarts have worked well and the CPI has also. Steve said if we go out for bid we can write the specs to include those items. We also have a spring clean up in our contract. Mark said we need minimum bid requirements and that we not necessarily have to take the cheapest bid but be able to take the best value. Steve said it has not been bid since 1999 due to options to renew built in the original contract. There was some discussion about bidding it out. Steve said we can also require that it be automated if we want it. Mark Powers stated we should mail the letter notifying Allied we are going out for bid. Carl Skaggs motioned that we go out for bid on the trash service. Dee Lynn Davey seconded. All in favor. No opposed.

**ORDINANCES**

Mark Powers motioned to put "AN ORDINANCE AUTHORIZING AND PROVIDNG A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI (HEREINAFTER SOMETIMES CALLED THE CITY) AND THE EMPIRE DISTRICT ELECTRIC COMPANY (HEREINAFTER SOMETIMES CALLED THE COMPANY), ITS SUCCESSORS OR ASSIGNS, FOR ELECTRIC SERVICE AND EQUIPMENT TO LIGHT THE CITY'S STREETS, ALLEYS, AND PUBLIC WAYS, ELECTRIC SERVICE FOR LIGHT AND POWER FOR THE CITY'S PARKS, OTHER PROPERTIES AND PUBLIC PLACES, FOR A TERM OF YEARS, AND SPECIFYING THE PRICES TO BE PAID FOR SUCH LIGHTING AND POWER SERVICE, AND THE TERMS AND CONDITIONS OF SUCH CONTRACT, AND IN CONSIDERATION OF COMPANY'S COVENANTS AND OBLIGATIONS CONTAINED HEREIN AND THE COMPANY'S ACCEPTANCE OF THE TERMS AND CONDITIONS CONTAINED HEREIN INCLUDING BUT NOT LIMITED TO COMPANY'S AGREEMENT TO PAYMENT BY THE COMPANY OF THE LICENSE AND OCCUPATION TAX IMPOSED UPON COMPANY BY ORDINANCE NO 738 OF THE CITY AS FULL PAYMENT BY THE COMPANY OF ANY OCCUPATION TAX, FRANCHISE TAX, LICENSE TAX OR ANY SIMILAR TAX OR CHARGE IMPOSED UPON THE COMPANY BY THE CITY (OTHER THEN THE LICENSE AND OCCUPATION TAX IMPOSED UPON THE COMPANY BY ORDINANCE NO 738 OF THE CITY OR ANY AMENDMENT

THEREOF) FOR THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF THE COMPANY'S FACILITIES WITHIN THE CITY; EXCEPT PROVIDING FURTHER THAT NOTHING THEREIN, SHALL PROHIBIT THE CITY FROM LAWFULLY COLLECTING MOTOR VEHICLE LICENSE FEES AND ANY AD VALOREM TAX ON THE COMPANY'S REAL ESTATE AND PERSONAL PROPERTY" on second reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned for passage of the ordinance. Carl Skaggs seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-y, Cook-y. Motion on Ordinance #12-01 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.

Mark Powers motioned to put "AN ORDINANCE GRANTING THE EMPIRE DISTRICT ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS, AND ASSIGNS, THE RIGHT TO USE THE STREETS, ALLEYS AND PUBLIC GROUNDS FOR THE PURPOSE OF ERECTING AND MAINTAINING AN ELECTRIC DISTRIBUTION SYSTEM, WITH THE NECESSARY POLES, WIRES AND OTHER APPARATUS, EQUIPMENT AND APPLIANCES THEREFOR, AND TO STRING WIRES ABOVE GROUND OR CARRY SAME THEREUNDER, AND THE RIGHT TO DO ALL THINGS NECESSARY AND PROPER FOR THE PURPOSE OF GENERATING OR OTHERWISE PROCURING ELECTRIC ENERGY, OR ANY PART THEREOF, AND DISTRIBUTING SAME THROUGHOUT THE CITY OF CARL JUNCTION, MISSOURI AND OF SUPPLYING AND SELLING ELECTRIC ENERGY FOR LIGHT, POWER, HEAT AND ANY OTHER PURPOSES TO THE SAID CITY AND THE INHABITANTS THEREOF, AND FIXING THE TERMS AND CONDITIONS UPON WHICH SUCH RIGHTS MAY BE GRANTED AND EXERCISED" on second reading by title only. Richard Zaccardelli seconded. Mayor Moss asked for discussion. There was no discussion. Mark Powers motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-y, Cook-y. Motion on Ordinance #12-02 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 reported that he and Steve Daniels will be going to Springfield to give a presentation to the Drury students who will be doing our master plan. He met with Empire about the fiber and it does not seem it will be big enough. He is talking to a couple other companies.

Public Works report – had nothing to add to their report

Police Department report – had nothing to add to their report.

Court report – had nothing to add to their report. Mayor Moss asked if we could get a different report from the court. He would like something that we could compare it to. There was discussion about how many tickets are written per month. It was stated that there is a speeding problem after school on North Roney.

### **COMMITTEE REPORTS**

The Budget/Finance Committee reported that they have started their meetings every Friday. They will be meeting this Friday on Water and WWTP Funds.

The Code/Nuisance Committee asked to meet 2/7/12 at 6:00 PM.

The Human Resource Committee will have a closed session later.

The Public Facilities Committee had nothing to report.

The Senior Citizen Committee had nothing to report.

### **UNFINISHED BUSINESS**

Sean Haase asked if we are going to expand the recycling to other products such as plastics and aluminum cans. It was reported that we have to do those storage containers inside and we haven't found a place to put them. Steve said we could apply for a grant from Region M.

Mayor Moss stated that it will only take a majority of the voters in April for our bond issue. Steve is working on the fact sheet.

Delmar Haase said that they will look at dogs on a chain but does not want to eliminate it. They have investigated Mr. Tatum's complaints.

### **NEW BUSINESS**

Mayor Moss said he will be out of town for our meeting 3/5/12 and asked that Mark Powers chair that meeting.

City Clerk Matney stated that the MML Legislative Conference is 2/14 & 2/15. If anyone is planning on attending they need to let her know so she can make reservations.

### **CLOSED SESSION PER RSMO 610.021 (3): HIRING, FIRING, DISCIPLINING OR PROMOTING OF PARTICULAR EMPLOYEES BY A PUBLIC GOVERNMENTAL BODY WHEN PERSONAL INFORMATION ABOUT THE EMPLOYEE IS DISCUSSED OR RECORDED.**

Mark Powers motioned to go into closed session. Carl Skaggs seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Haase-y, Cook-y. Council went into closed session 7:58 PM. Council reconvened open session at 8:13 PM. Mayor Moss said that there was discussion of personnel and no action was taken.

**ADJOURNMENT**

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

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CITY CLERK

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MAYOR