

The Carl Junction City Council met in regular session on Tuesday May 15, 2012 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Steve Daniels, Dee Lynn Davey, Bob Cook and Ed Reeves. Alderman Mark Powers and Sean Haase were absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Steve Daniels motioned to approve the agenda as presented. Don Marshall seconded. All in favor. No opposed. Bob Cook motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

PUBLIC FORUM

Richard Burrows, 410 N Cowgill, said that what he heard during the work session was great but wondered what the other citizens would say and how many would benefit from it. He would like to see the city get more input from the residents before they pursue this.

CHAMBER REPORT

Gary Stubblefield reported that the City Wide Rummage sale was a success. They had a lot of help and appreciated all the volunteers. The HSTCC had put out traffic counters and will be putting them out again next week so that they can compare the traffic that day to regular traffic. The Historic Preservation Committee has decided that they are going to hold a name the mammoth contest and he reminded the council that Carl Junction would be featured in the June issue of the Show Me Magazine. The mammoth was put up in time for all the 4th graders to see it during their tour of the Community Center. The next Chamber meeting is Thursday 6/7/12 and invited the council to attend. Richard Zaccardelli reported that they had 122 people for their breakfast that morning.

REVIEW & APPROVE NUISANCE ABATEMENT BIDS

Steve reported that we had received 2 bids: one from Compton Lawn Care and the other from Russow/Lortz. He stated that Russow did not follow the bid procedures and he is recommending Compton Lawn Care. Ed Reeves asked if we had talked to him about it and Steve said that he wanted his bid to stand as it was put in. Ed asked if they had city licenses. Steve stated that Compton did but the other does not. It was stated that Ed had called and Compton was not licensed and asked if they have to carry liability insurance. It was responded that they did have to have liability insurance. Ed suggested we rebid it. It was stated that we have bid it twice it was advertised in the Webb City and the Carl Junction papers. Steve said that we need to decide because we have nuisances that need abated. Ed motioned to strike the bids. The motion died due to lack of a second. There was more discussion. Steve Daniels motioned to table the item. Richard Zaccardelli seconded. All in favor. No opposed.

ORDINANCES

The council reviewed the ordinance approving an agreement with TSI. Steve Daniels motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND TSI TECHNOLOGY SOLUTIONS, LLC, OF ST. CHARLES, MISSOURI, TO PROVIDE PROFESSIONAL ENGINEERING AND DESIGN SERVICES TO INCLUDE PROVIDING THE COST AND POTENTIAL RETURN ON INVESTMENT OF BUILDING AND OPERATING A SMALL ISP/TELEPHONE/VIDEO COMPANY SERVING THE CITY OF CARL JUNCTION FOR A SUM NOT TO EXCEED \$139,220.00; 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. Don Marshall seconded. All in favor. No opposed. Mayor Moss asked for discussion. Ed stated that he would like to talk to other people about this before we proceed. We need to look at other options. He has questions and concerns. Maybe the city can't afford this venture. Steve Daniels said that this has been discussed on the council for quite awhile and we have never been able to get as far as this company has. Steve stated that we need 280 subscribers to make it work. That is 10-15% of our households in the city. The average is 60% for this. It would be well beyond the 10%-20% we need. Steve said that we have been working on this for 6-7 years now. We did a survey in 2008 or so and it was overwhelming about 90% were unhappy with their current service. They were willing to pay \$40-\$50 for high speed internet. Dee Lynn agreed that she did not think we would have a problem in that area. Mike Talley wants to understand what we are getting with this contract. Steve said engineering of the lay out, specs, all the technical aspects of this project and it is a not to exceed contract. There was discussion about the construction phase. Steve said it runs from \$12-\$15/foot and we have 48 miles. It would run about \$4,000,000. Bob asked if we would recoup that in user fees. Steve said yes. Bob asked how many other cities our size offers this utility to their residents. Steve reported that Columbus Kansas, Emporia Kansas and Chanute Kansas have it. We could do a revenue bond and the payout would be a 20 year payout. It would allow us to pay it off early also. Steve said that our model was uncommon and it has great potential for other possibilities. Richard Zaccardelli said that it could also bring in businesses. Not only technical businesses but education and health care. There was a lot more discussion about this project. Steve Daniels motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Mayor Moss asked for discussion. Ed asked about bidding procedures and if they had been followed. Mike Talley responded that professional services are different then other bidding procedures. Steve replied that this is a unique situation and a unique company in the service that they provide. He went to Allgeier-Martin and Associates and they said they did not know of anyone around here that does it. It wouldn't do any good to advertise because it is so unique. Dee Lynn Davey motioned for passage of the ordinance. Steve Daniels seconded. 4 (Zaccardelli, Daniels, Marshall, Davey) in favor. 2 (Cook, Reeves) opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-absent, Cook-no, Reeves-no. Motion on Bill #12-18 failed.

The council reviewed the ordinance for putting the local use tax on the August ballot. Steve Daniels motioned to put “AN ORDINANCE SUBMITTING THE QUESTION OF WHETHER TO APPROVE THE IMPOSITION OF A LOCAL USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE, CURRENTLY TWO AND ONE-HALF PERCENT (2 ½%), ON ALL RETAIL SALES SUBJECT TO TAXATION PURSUANT TO THE PROVISIONS OF SECTION 144.757 RSMO., TO THE VOTERS AT THE ELECTION TO BE HELD ON AUGUST 7, 2012; AND IMPOSING A LOCAL USE TAX OF TWO AND ONE-HALF PERCENT (2 ½%) ON ALL RETAIL SALES SUBJECT TO TAXATION PURSUANT TO THE PROVISIONS OF SECTION 144.757 RSMO., IF, BUT ONLY IF, THE VOTERS APPROVE” on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. Steve reported that this is for out of sales to collect our city sales tax. The Missouri Supreme Court said that if we do not have a local use tax in place the sales tax is uncollectable. That will go into effect in August unless the Legislature fixes it or we pass this local use tax. It will not be an additional tax it is only on out of state sales. If we don’t pass this we will lose revenue to our Street Department. It is a safety net for the City in case the Legislature does not come through with a fix. It is not going to hurt to pass it. There was a little more discussion about this. Dee Lynn Davey motioned to put it on second reading by title only with a roll call vote. Steve Daniels seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-absent, Davey-y, Haase-absent, Cook-y, Reeves-y. Motion on Ordinance #12-18: Bill #12-19 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.
Public Works report – had nothing new to report.
Police Department report – had nothing new to report.

COMMITTEE REPORTS

The Budget/Finance Committee had nothing to report.
The Code/Nuisance Committee had nothing to report.
The Human Resource Committee had nothing to report
The Public Facilities Committee had nothing to report.
The Senior Citizen Committee reported that the people who attended the breakfast on Saturday were amazed at our building.

UNFINISHED BUSINESS

Mayor Moss stated that Jim Rhea wants to know if the City wants to purchase his property. We got the appraisal back and it came in at around \$14,000. There was a lot of discussion about this and finally Ed Reeves motioned to offer Mr. Rhea \$18,000. Steve Daniels seconded. All in favor. No opposed.

Steve reported that he had put a park study in front of the council but he needs the books and disks back. It has very good information in it and the students did a fantastic job. Mayor Moss said that word is spreading about Carl Junction and their park system and he also stated the students did an excellent job. We are getting known in other circles.

Steve then reported that the Mayor attended an award banquet where our Community Center won a public jury award. SAPP Design had submitted our building into the competition. The judges were very impressed.

NEW BUSINESS

Ed Reeves asked if we still kept our website up to date. He said that the minutes were behind. The latest one was March 20th. It was explained that we do not put the minutes on until they are approved and that causes about a 3 week delay. He also stated that the business license list needs to be updated.

Bob Cook then brought up our minimum square foot lot size. Some of our older lots do not have the required 8000 square foot minimum. We need to put something on our books to allow for the older part of town. Mike Talley and the City Clerk stated that they thought we did. Mike Talley said he would look into it. There was some discussion about setbacks also.

Mayor Moss stated that he had received a phone call from a resident in Dogwood Trails. He said that we told him he had high usage for 3 months and that he had a leak. He called a plumber and he spent \$900 digging up his yard. He stated that he did not have a leak and wants the City to reimburse him part of that bill. There was a lot of discussion about his meter. Jimmy is sending it back to have it tested but he tested it and it was registering fine. There was more discussion and it was stated that we should not set precedence by paying for it. It was the consensus of the council that we would not pay any reimbursement to the resident.

The Mayor then said he had a request from a resident that we have some type of policy on residents being able to drop of grass clippings and leaves on weekends. Lastly he has received a petition from 72 children for a library in the City. Steve presented the petition to the council.

Mike Talley stated that in response to Bob Cook’s request he should go to Section 405.060 (5)(a) where if it is a pre existing lot under separate ownership, this regulation shall not prohibit the erection of a single-family dwelling.

Mayor Moss said that he had a request to have 15 MPH signs by the park. He told the resident he didn’t think that would help with the speeding and that we may need to have the police patrol it more often. Right now it is 20 MPH.

Steve Daniels said that the parks are looking very good. He also suggested we put another speed limit sign by Van Hooser. People think it is 45 MPH and it is 35 MPH. He also stated he was told that the city and county had an agreement that the city could enforce the speed limits on both sides of Fir Road. The council was not aware of any kind of agreement to that effect.

Steve Lawver reported that the Garden Club would like to put another rock entrance sign for the City at the corner of Hwy Z and JJ. They asked if the City could get an easement from Charlie Clark to put one up. They will pay for it. Richard Zaccardelli suggested we get input from the Chamber on the fiber optic issue.

ADJOURNMENT

Dee Lynn Davey motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 8:55 PM.

CITY CLERK

MAYOR