

The Carl Junction City Council met in regular session on Tuesday June 16, 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 Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

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

PUBLIC FORUM

Steve Fredrickson, 905 E Pennell, addressed the council regarding the last Board of Adjustment meeting. He came to speak for a neighbor and there were a lot of people upset regarding the car ports. He researched and found a copy of an Arlington Texas code that allows special exceptions to the zoning ordinance. The Board of Adjustments explained that they have narrow guidelines and this would give them some leniency. He asked the council to look at this and back away from the car port issue until they have had time to consider it. He is trying to help out and be a good neighbor in town. Mayor Moss thanked Steve and stated that the council has looked at this issue twice. He will give it to the Code Review Committee to consider. Mike Talley then explained that the Board of Adjustments follows Missouri state statutes. The exception code that Mr. Frederickson is referring to would have to go to P&Z Committee and the Council. Steve stated that people with medical conditions should have exceptions. He just wants to help out. The City Clerk then reported that the last 3 car ports hearings will be heard on 7/1/09. There have been no variances granted but most have been able to move the car ports to come in compliance so far. Only 1 had to remove it.

Mrs. Mays, 204 N Grimes, also came to talk about the car port issue. She stated that her neighbor called City Hall and she was told that if it was under \$1000 a building permit was not required but she was not told about set backs. She said we needed written specifications and maybe put it on our website. She also said that other cities around allow them as close as 5' from the neighbor's property. Mike Talley then stated that it was not up to the Board of Adjustments. It would be a code change that needs to go through the P&Z Committee and the Council.

P&Z CASES

Mayor Moss opened the public hearing on Case #09-08 – Special Keeping Permit – David Miller – 308 S Summit at 7:13 PM. Mr. Miller explained to the council that his son has had to come live with him since he had a stroke and will be staying with him for awhile. His animal has put them over the city limit. Mayor Moss said that the P&Z has recommended approval until the son no longer needs to live with his father. Mark Powers motioned to approve the special keeping permit with the P&Z's recommendations. Don Marshall seconded. All in favor. No opposed. Public hearing closed 7:17 PM.

REVIEW & APPROVAL OF LIQUOR LICENSE RENEWALS

The council reviewed the liquor license renewals. It was stated that there were no new licenses just the ones for renewal. Richard Zaccardelli motioned to renew the licenses presented. Carl Skaggs seconded. All in favor. No opposed.

ORDINANCES

The council reviewed the ordinance raising sewer rates per our engineer's recommendation. Carl Skaggs motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES; CHAPTER 720: USER CHARGE SYSTEM BY ADOPTING A NEW APPENDIX "A" TO SEWER USE CHARGE ORDINANCE (ACTUAL USE RATE STRUCTURE) (APRIL 2009) AND BY AMENDING SECTION 720.040 "USER CHARGE RATES" TO REFLECT SAID CHANGES IN RATES; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID NEW RATES" 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. Dee Lynn Davey seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-25 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 ordinance approving the 9th Addendum to the APD contract. The City Clerk reported that APD had looked at it but has not passed it yet. They will have their meeting later this month. Mike Talley stated that our ordinance allows setting a flat rate fee and the rates they have proposed will bring in the same amount of revenue. Carl Skaggs motioned to put "AN ORDINANCE APPROVING THE NINTH ADDENDUM TO THE SERVICE CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE VILLAGE OF AIRPORT DRIVE, MISSOURI, AND AUTHORIZING THE MAYOR TO EXECUTE SAID NINTH ADDENDUM 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. Don Marshall 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 #09-26 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.

Mayor Moss then excused himself from the meeting due to a conflict of interest on the next agenda item. Mayor Pro-Tem Walter Hayes then addressed the council's attention to the ordinance that approves a contract with Polston Construction for a storm water project. The City Clerk reported that all easements have been received and recorded and that Polston was the apparent low bidder and the engineer's are recommending approval of this contract. Don Marshall motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND POLSTON CONSTRUCTION,

INC., TO CONSTRUCT THE ARLINGTON STREET STORM WATER PROJECT FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE CONDITIONS OF THE CONTRACT, DRAWINGS, SPECIFICATIONS, BID AND OTHER DOCUMENTS LISTED IN THE AGREEMENT FOR THE SUM OF \$33,901.00; 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 #09-27 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. It was asked where we were at with the Community Center. The City Clerk reported that they have agreed to disagree and that they are continuing work with the understanding that is no admission to fault on the footing failure. Weather is also not cooperating lately so they have been slowed down. Hopefully the weather will clear up and things will start to move a little quicker. Steve Daniels said that he estimates that the footings fix will cost about \$125,000. Dee Lynn asked about the mural. The City Clerk stated it was her understanding that they were to be issued a PO to do the design phase and bring that back to the council for approval. Other members of the council agreed with that statement. The City Clerk also reported that the bridge is going slow also due to weather.

Public Works report – Richard Zaccardelli thanked the Public Works for the great job they did picking up debris. Jimmy said that they are done with their first round and put a deadline date of the 22nd for the start of the second round. If it is not out by then the residents will have to deal with it on their own. He also reported that we will be opening paving bids on 7/1/09 and will bring them to the council 7/7/09.

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

Court report – had nothing to add to the report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning met tonight with Harry Rogers and Ken Williams to lay down the process. He would like to schedule a meeting before the 1st meeting of each month. Mark Powers said that he had one scheduled for 7/7/09 but he is not ready and Walter's committee can meet that night. They will be meeting at 6:00 PM.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report they will schedule a meeting when they get the information they need.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

Senior Citizen Committee had nothing to report. Richard did report that they had someone donate a flat screen TV to them.

UNFINISHED BUSINESS

The City Clerk reported that Empire has given us a quote for lights at the flag pole at the entrance to town for a cost of \$2053. Dee Lynn asked if we had changed our mind about solar lights. The City Clerk stated she was not sure and would check with Steve when he returned to the office. Richard Zaccardelli motioned to approve the cost for the lights. Steve Daniels seconded. All in favor. No opposed.

The City Clerk then stated that Steve had a cost per lot for the lots in Fall Creek Estates. They are assessed at \$1900 and only one lot sold last year at \$10,000. Walter Hayes stated that the average lot is \$10,000 per \$12,000 per lot depending on where they are at. Mike Talley asked Walter if he thought it was a fair trade since the development company owes the City \$38,000. We would be receiving 4 lots in the exchange. Mike Talley has not heard back from Commerce Bank yet but wanted to have an idea if it was a fair exchange. Walter said he thought it was in the ball park. Mike Talley stated he didn't have anything to bring to the council yet as he is still waiting to hear back from Commerce Bank.

NEW BUSINESS

Chief Haase stated that they are applying for a grant that is due by the end of the month. It will be for miscellaneous equipment, flashlights and so forth. It is a 100% grant.

Mayor Moss pointed out the note from a resident thanking the Police Department for their thoughtfulness. He also pointed out a seminar coming up 7/30/09 for elected officials in Springfield.

Richard Zaccardelli asked if Jimmy would look at marking the lanes on Briarbrook Drive where it makes a sharp turn. People are cutting it short and there have been some minor accidents. He thought maybe we could stripe it.

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.

Carl Skaggs motioned to go into 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.

Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y 7:45 PM.

Council meeting reconvened at 8:22 PM. Mayor Moss stated that there was discussion of real estate by the council where public knowledge might adversely affect the outcome.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor. No opposed. Meeting adjourned at 8:25 PM.

CITY CLERK

MAYOR