

The Carl Junction City Council met in regular session on Tuesday September 4, 2012 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Don Marshall, Mark Powers, Steve Daniels, Dee Lynn Davey, Bob Cook and Ed Reeves. Aldermen Richard Zaccardelli and Sean Haase were absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

Mayor Moss asked for a moment of silence and prayer for Alderman Richard Zaccardelli who suffered a massive heart attack last Friday.

### **AGENDA**

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

### **PUBLIC FORUM**

Vicki Coppedge, 611 Valleyview Drive, addressed the council about our Police Department. She uses her motorized wheelchair to get around town. The 1<sup>st</sup> contact with the police department was because they said she was blocking traffic. The next time it was after dark and she had a flashlight on the front and back but the Joplin Globe carrier reported her in retaliation for complaining about her to the Globe. The police told her that she can't ride on the streets. She said the doctor prescribed the chair to her for a reason. Then 2 days later she went to Casey's and the officer gave her a ticket. They said that she needed to have a valid driver's license to drive on the streets. She stated we have limited sidewalks and this is her only way to get around. She feels the city should allow her to drive her chair on the streets as this is her only transportation.

Chief Haase said the ticket was issued for not having a valid driver's license. They have talked to the prosecutor and they will allow her to go to the store but they have asked her to stay off Pennell street so that no one gets hurt. The prosecutor is not going to pursue this and they have talked to her attorney. They have also told her she can't drive at nights. Bob Cook asked if she stayed on the side of the street and asked about golf carts. Chief Haase said that anyone driving on the streets, golf carts included, have to have a valid driver's license. Everyone is trying to be reasonable so that she can get around.

Mary Schillaci, 706 Springhill Drive, addressed the council about 2 different things. She asked the council to refund her the \$19.27 that she paid for records in her open record request. She feels that it was for the public good because they are now aware of how the code reads. She then stated that she was allowed to be called a bully, that Mr. Powers revoked the letter to hear the other side and that Ms. Davey said that we couldn't have our staff tied up doing busy work which Mr. Powers agreed. She stated that Mayor Moss has been rude to her. Mayor Moss stopped Ms. Schillaci and stated that she was attacking people and that was not allowed. Mike Talley also stated that the Mayor was in charge of the meeting and it is his judgment if someone is being attacked. Ms. Schillaci tried to continue but Mayor Moss stated that she needed to be seated as he would not allow her to continue due to the attacks on people.

Richard Burrows, 410 N Cowgill, stated that he has lived in Carl Junction for 12 years. He now knows why he never lived inside city limits before. He attended the Public Facilities meeting and listened to a lot of revamping on a building that was just built. He asked why it wasn't addressed to start with. He stated that Mary Schillaci is very civic minded and tells it how she sees it. He is like that also. Mayor Moss warned Mr. Burrows he would not tolerate any attacks on individuals. Mr. Cook objected to this procedure. He was disturbed by both sides. He would like for people to be able to speak their mind without the fear of retaliation from both sides. He does not like it. They are tax payers and they have a right to their opinion. He is disappointed with the way it is going. Mayor Moss said he has no right to attack the council. Dee Lynn Davey said that she asked Mr. Kidd not to harass Mary and that our staff does not have the time to do research for free. Mike Talley said that the board approved the rules for public forum and it specifically addressed personal attacks and that is a judgment call. If the Board wishes to change this procedure they can do that. Ed Reeves stated that patriotism is not only veterans defending our country but people who speak up on issues. They should not be turned off by the fear of retaliation.

Jason Tyler, 118 Briar Meadow, stated he was having problem with Mediacom and had heard the city was looking at an alternative. He hopes that the city can get it done. Mediacom has a lot of outages and their customer service is horrible. Mayor Moss informed him to give the City Administrator his contact information and Steve will look into it for him.

### **CHAMBER REPORT**

Gary Stubblefield reported that the Bluegrass Fall Festival is coming up 9/22/12 and it is the 15<sup>th</sup> Annual Festival. It will be a big draw to the City. The City wide rummage sale is coming up 10/6/12 and we are having a Breast Cancer Awareness Walk on 10/7/12. Their next meeting will be 9/6/12. He is hoping that the City Council will continue their support by riding pink stick horses in our own Kentucky Derby. Our building inspector is making the horses on his own time for this event. They have 2 new members: Happy Soles Feet and Discount Smokes and Liquor. There will be a ribbon cutting Friday at Discount Smokes and Liquor (old Sue's on Fir Road) at noon.

### **REVIEW AND APPROVE LAGOON SLUDGE REMOVAL BIDS**

The council reviewed the bids. Ace Pipe was \$63,000, Terra Renewal was \$39,300 and Sprouls was \$61,000. Steve reported they had been trying to get a hold of Terra Renewal to find out why they are so low. He cannot find any information on them or if they are even licensed with DNR. There was discussion about there was a lot of contingencies on the bids and we would like a firm price. Dee Lynn said that we need hard numbers and not all the contingencies. Mark Powers suggested we find out more before we make a decision. Dee Lynn Davey motioned to table this until the next meeting. Mark Powers seconded. All in favor. No opposed,

## **RESOLUTION OF SUPPORT FOR THE HSTC DEVELOPMENT CORPORATION**

Mike Williams stated that this is a proposal for the 2<sup>nd</sup> phase of their project. It is for Senior Housing and it will be 12 (2 bedroom units) and 6 single family houses. They will be along Terra Way. They are just about done with the 1<sup>st</sup> phase. You have to be 55 years or older and 60% of moderate income. The rent will be \$400/month. Mark Powers said that it has to go through 2 meetings and asked his deadline. Mike said it was 9/21/12. Out next meeting will be 9/18/12. Mike said they could work with that. Mark Powers motioned to table this until the next meeting. Steve Daniels seconded. All in favor. No opposed.

## **ORDINANCES**

Dee Lynn Davey motioned to put "AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE, CHAPTER 130: MUNICIPAL COURT, BY AMENDING SECTION 130.275: COSTS AND FINES PAYABLE IN CASH, TO PERMIT PAYMENT OF COURT COSTS OR FINES BY CREDIT OR DEBIT CARDS OR AN APPROVED ON-LINE PAYMENT SYSTEM, AS WELL AS BY CASH OR NEGOTIABLE INSTRUMENT, AND TO AUTHORIZE THE COLLECTION OF \$4 FOR ACCEPTING SUCH PAYMENTS BY MEANS OTHER THAN BY CASH OR NEGOTIABLE INSTRUMENT" on first reading by title only. Mark Powers seconded. Mayor Moss asked for discussion. Mark Powers asked if this cost the City anything. It was replied no. Mark Powers motioned to put it on second reading by title only with a roll call vote. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Steve Daniels motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-absent, Marshall-y, Daniels-y, Powers-y, Davey-y, Haase-absent, Cook-y, Reeves-y. Motion on Ordinance #12-34 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.  
Building Inspector report – had nothing new to report.  
Court 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 met on 8/23/12 and went over the guidelines for volunteers, adding some handicapped ramps or hand rails and reviewed plans with SAPP Design. All these projects are pending due to budget restraints. There were a lot of good ideas. There is no recommendation to the council at this time. They need to review the new version of the volunteer guidelines and look at the wheelchair issue. SAPP is an ongoing process.  
The Senior Citizen Committee had nothing to report.

## **UNFINISHED BUSINESS**

Mark Powers asked about the land conservatorship grant. Steve said that we talked with Kurt Higgins and the Dept of Conservation. If we do this grant they will get rid of the nuisance plants and help us plant natural grasses and flowers. The problem is that we can't mow it like we did this past year. We could only mow it every 3-4 years. That means that the people who mow behind their houses now will not be able to do that. Steve does not think the people would want that to happen. They also found out they would not pay for the disc golf like they thought they would. They would help us restore the trail. Steve suggested we hold off on this. Mark Powers agreed. Bob Cook stated that we want a park not a grass and tree area. Steve Daniels said that Drury College had a lot of good ideas and we need to look at that. Bob Cook motioned not to apply. Mark Powers seconded. All in favor. No opposed.

Mike Talley reported on the AT&T Mobility law suit. He stated that the court threw out the case on the cities refunding money they had received in the settlement. There is some debate on taxes before after September 2010. That is still unresolved and it is in open litigation right now.

Mike Talley also reported that we received a draft letter from our architect demanding resolution to our problem with the wood. They have a lot of paperwork and memos' to back up their letter. This is not the final letter but it is close and we will make copies available to the council once the letter is signed.

Ed Reeves thanked the staff for the information he received on Center Creek Park repairs. He asked Mike Talley about Section 140.060 (purchasing). He said that we should have received 3 verbal bids but doesn't the council have to approve it before the work is done. Mike Talley stated they gave their approval when they approved the disbursement. Ed Reeves asked if that was not too late after the work was done. Mike Talley reviewed the code with the council. There was a lot of discussion on this process and trying to clarify what is required. Bob Cook said that Mr. Reeves is asking that before the department head spends above his \$2500 limit doesn't he have to get council's approval. There was discussion that this work was discussed last year after the Fall Festival and that it needed to be done. Steve said he would like the code clarified so there is no confusion. Mike Talley said it is pretty clear. Mike Talley agreed to get approval after the work is done is probably not the intended procedure but the code does allow for it. Ed Reeves just wanted it cleared up before it comes up again. The city clerk said that this also sparked discussion among department

heads and she has requested that all verbal bids be documented and copies given to her for her official file. That way there is no confusion. It was also stated that unless it is an emergency the department heads will bring the bids to the council for approval prior to work being done.

**NEW BUSINESS**

Bob Cook asked if we should discuss Proposal "A". It was stated that is a proposal to bring the St. Louis Police Department under the City's jurisdiction and not the county. It should have no impact on us.

Mayor Moss asked for the council's consideration of Mary Schillaci's request for reimbursement of her \$19.27. There was some discussion about this. Mike Talley stated that our code provides for the City Administrator to waive those fees but there is no provision for the Board to override his decision. We could change our code if they want to but right now it is an Administration decision. There was some discussion as to why this code is in place. It was the consensus of the council that all residents are treated the same. Dee Lynn Davey said that she does not see any reason to change our code. Mark Powers agreed with her.

Steve Lawver said that the transportation bill passed and that we will be applying for another grant to continue our sidewalk projects. He wants to apply for 2 grants. One to go up North Roney and the other go East along Pennell. It is an 80-20 match. It will be harder now since Springfield is in District 7 now.

**ADJOURNMENT**

Mark Powers motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 8:27 PM.

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CITY CLERK

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MAYOR