

The Carl Junction City Council met in regular session on Tuesday November 17, 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. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Steve Daniels seconded. All in favor. No opposed.

PUBLIC FORUM

Mayor Moss called twice for public forum. There was no one for public forum.

DONNIE RION

Donnie Rion, 117 Hedge Drive, asked if we had received the petition yet for the Ward III CID. Mayor Moss responded that we had not received it yet. Mr. Rion said that he has lived here 14 years and to his knowledge in the past 20 years the golf course has not made a profit. He used to work for Heckert Construction. His issue is that he received a letter with a phone number to call about the golf course. He called to ask what benefit he would receive if it passed and was told that it was up to the Board. A week ago he received another letter stating that they would have access to the pool, fitness center and a discount on the golf if they lived in Ward III. He doesn't understand how they can say that when the Board has not been elected yet. Mayor Moss stated that he does not know anything about the letter or the Board. We have no petition yet and there is no deadline for them to turn it in. This is being driven by a group of residents. Mayor Moss said that the City is trying to do their due diligence. Mr. Rion then asked about the 95 acres for a park area. Mayor Moss said that has not been discussed yet. Richard Zaccardelli suggested Mr. Rion call David at the club house and talk to him about his questions.

ORDINANCES

The council reviewed the ordinance approving change order #1 on the contract for the gravity sewer line in the Briarbrook area. Steve explained that the railroad changed their insurance requirements from \$1,000,000 to \$3,000,000. It was asked when that took place. Steve replied that it took place after the contract was signed. Carl Skaggs motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #1 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND SOUTHARD CONSTRUCTION COMPANY OF JOPLIN , INC., TO CONSTRUCT A GRAVITY FED SEWER LINE IN THE BRIARBROOK AREA FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER # 1 BEING TO INCORPORATE ADDITIONAL INSURANCE FOR KC SOUTHERN RAILWAY FOR AN ADDITIONAL NET COST OF \$1,575.00 AFTER CONTRACT ALLOWANCES, AND INCREASING THE TOTAL CONTRACT COST TO \$201,090.00; 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. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Mark Powers seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-51 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 reviewed the ordinance amending Chapter 500, Building Codes. Steve reported that Michael Pim and he met with the Code Review Committee about updating our building code from the 2000 Edition to the 2006 Edition. All the surrounding towns have already adopted the 2006 code. It also updates our electrical code to the NEC 2005. Carl Skaggs motioned to put "AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 500: GENERAL PROVISIONS, ARTICLE I. BUILDING CODES ADOPTED BY REPEALING SECTIONS 500.010, 500.020, 500.030, 500.040 AND 500.050, AND ENACTING IN LIEU THEREOF, NEW SECTIONS 500.010, 500.020, 500.030, 500.040 AND 500.050 ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE, THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE AND THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE" on first reading by title only. Steve Daniels 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 #09-52 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 reviewed the ordinance amending Chapter 520, Fire Prevention Code. Steve reported that Michael Pim and he met with the Code Review Committee about updating our Fire Prevention code from the current code to the IFC 2006. They also talked to the Fire Chief and he is recommending we adopt it. Don Marshall motioned to put "AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 520: FIRE PREVENTION BY REPEALING SECTIONS 520.010, 520.020, 520.025 AND 520.030 AND ENACTING IN LIEU THEREOF NEW SECTIONS 520.010, 520.020, 520.025 AND 520.030 ADOPTING THE INTERNATIONAL FIRE CODE, EDITION 2006, AND PROVIDING FOR THE ESTABLISHMENT OF LIMITS FOR STORAGE OF EXPLOSIVE MATERIALS, PROVIDING THAT BUSINESS LICENSES AND OCCUPANCY ARE CONTINGENT UPON FIRE INSPECTIONS AND PROVIDING PENALTIES FOR VIOLATIONS" 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. Mark Powers seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #09-53

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. There was nothing to add to the report.

Public Works report – there was nothing new to report. Richard Zaccardelli commented that they were doing a great job on the leaves.

Police Department report – there was nothing new to report. Shop with a Cop is going well.

Court Report – there was nothing to add.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee had nothing to report.

The Budget/Finance Committee had nothing to report.

The Human Resource Committee had nothing to report.

The Public Facilities Committee set a meeting for 12/1/09 at 6:00 PM to go over the trash proposal and the proposed rental fees.

The Code Review Committee had nothing to report.

The Citizen's for Better Life reported that the Rotary Club is making a donation to the Seniors and have asked for a list of items that they need.

UNFINISHED BUSINESS

Mike Talley reported that we had a verdict from the jury this afternoon. They deliberated for 1 hour and 20 minutes and awarded the plaintiff \$25,000. He had been asking \$72897.22. We spent 2 days in trial and the City's counsels did a good job and were very professional. 9 members out of the 12 found for the plaintiff. 1 member stopped and told our attorney's that he didn't like that decision and did not feel any money should have been awarded. Mike then went through the list of what made up the \$72,000 in damages. Mike Talley stated that there was a good chance that this will be appealed. There is some question about the instructions that the Judge gave the jury. He wanted the witnesses and the council to be aware that it might go back to trial and to be conscious of that fact when discussing the case with anyone. They did not prove that the city was at fault. The attorneys told Mike Talley that there is case law that if the city is not at fault they can not find for the plaintiff. Mike Talley said that the attorney's hired by MIRMA did an excellent job. Mike Talley also said that the attorney's stated that our witnesses did an excellent job on the stand and they were appreciative of everything they did. Mayor Moss thanked Mike Talley for sitting in for the City and he appreciated it.

NEW BUSINESS

Steve Lawver stated that Utility Services gave a presentation during our work session on a water tower maintenance program. He is asking for a motion from the council to have Mike Talley draw up an ordinance to approve the contracts that Utility Services have provided Steve. Steve is recommending that we remove the golf ball tower from the list at this time. Richard Zaccardelli motioned approve the recommendation and to go forward with this project. Steve Daniels seconded. All in favor. No opposed.

Steve then stated that Webb City Public Works has asked if we could temporarily serve as their back up until they can get another operator with a "C" license. Jimmy Chaligoj volunteered to help them out. DNR requires that they have 2 "C" operators available for their system. Testing will not be until December and then it takes 6-8 weeks to get the results. This will probably be until the end of February. It was the consensus of the council to let Jimmie help out Webb City.

Chief Haase then reported that the State changed the law in August 2009 that requires them to record interrogations. They have a bid from Total Electronics to equip their room with audio and visual for \$681.00. He is asking approval to have that done. We really don't have a choice. The council agreed that we need to get it done.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Mark Powers seconded. All in favor. No opposed. Meeting adjourned at 7:35 PM.

CITY CLERK

MAYOR