

The Carl Junction City Council met in regular session on Tuesday, April 5, 2005 at 7:00 at City Hall. Mayor Jim Wisdom called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Mike Moss, Gary Stover, Pat Smith, Mike Palmer, Walter Hayes and Wayne Smith. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney.

### **AGENDA**

Walter Hayes motioned to approve the agenda. Wayne Smith seconded. All in favor. No opposed. Mayor Wisdom asked that we separate the items on the consent agenda. Mike Palmer motioned to approve the minutes of 3/15/05. Richard Zaccardelli seconded. All in favor. No opposed. Mayor Wisdom stated he had questions about the disbursements. He asked for a motion to move them down to New Business or Unfinished Business. There was no motion. Mayor Wisdom then stated his question was about ck#29668 for \$3295.00 to the Briarbrook Country Club, trace #3099. Mayor Wisdom makes no accusation but he had a report awhile back that Briarbrook had not paid 2003 & 2004 taxes. He talked to Joe Barfield and Joe talked to the owner of Briarbrook. It was stated that he did not pay these taxes because the City owed him money for the sod he put in where we laid a water line. He sent us an invoice on 3/29/05 for \$3295.00 and we received a check on the 1<sup>st</sup> for \$3299.88. It was stated that we had never received an invoice from Briarbrook for the services and he faxed it to us on 3/29/05. Joe stated he presented this to the council on January 2004 for the sod project and it was \$756 less then the bid from Asbell. They discussed the original memo and bids in January 2004 for the water expansion project. Mayor Wisdom pointed out that our engineer's did not handle the invoice and he had not signed it. It wasn't dated except for the fax date. We have been accused of helping Briarbrook and he wants no assumptions made on this. He wants it handled like a change order. He is holding the check.

Also on the sewer project ck# 29675, trace #3133 to Dirt Contractor's for the Joplin Street sewer line, the engineer has not inspected the line or handled the project. He is holding that check. We had Marvin Lundien and Bryan Hudson look at it but we have had problems in the past with sewer lines laid that was not inspected by the engineer and it has dips in it. It has never been resolved. He wants the engineer to come out and check it to see how it was laid and if it meets our specs. We have always held back a reserve on the contract until it has been fixed. We have a problem on Broadway where the line was replaced and we held nothing back. It is a separate item but similar. Mayor Wisdom stated he is holding those 2 checks until they are checked out. Joe explained the sequence of events on the Briarbrook issue. The problem was Chad never invoiced the City for the work completed. They had to cross 2 fairways. The City decided to let them do the work so they would not be responsible if it didn't hold. There was \$500 difference in the original bid versus the invoice due to fairway #2. There was discussion about holding the checks and getting further information. Joe asked the Mayor what he wanted. Mayor Wisdom stated he wanted to know what the council did and do we have invoices for that. There should be a change order and the minutes of the meeting and a proper invoice. Walter Hayes stated we could have that by the next meeting. On the sewer line the engineer can go out to see and test the line. Joe stated we had our public works department oversee it to save engineering money. On Broadway the dirt did not get applied properly and there is a dispute between the contractor and the resident. The project is completed and Marvin & Bryan stated the line was installed properly. It is a small project, 300' of sewer line. It was also not the same contractor as when we had problems in the past. Mayor Wisdom wants Kurt Higgins to check it out. Mike Palmer motioned to approve the disbursements without the 2 checks. Mike Moss seconded. All in favor. No opposed.

### **PUBLIC FORUM**

There was no one for public forum.

### **P&Z CASE**

Case #05-02, Darrell Fallman, 1005 Sheridan, Special Use Permit. He has a detached garage and will be teaching small classes (2-4 students). The hours will be 4 PM to 9 PM Tuesday through Friday, Saturday until noon. It was stated that Mr. Fallman did an excellent job on his application and attachments. Walter Hayes reported that P&Z recommended approval as long as he held a valid business license. They also allowed him a 3X5 sign on his building that would not be lighted. There was no one for or against the permit. It was stated that there was plenty of room for parking. It also meets all of our code requirements. Barbara Evans motioned to approve the special use permit with the P&Z recommendations and findings. Walter Hayes seconded. All in favor. No opposed.

### **EMPIRE DISTRICT – STREET LIGHTING AGMT**

Rick Hendricks from Empire District Electric went over the street lighting agreement. It is the same as our last one. The only difference is in Article 5 on the amount. It is now \$58,000 but that is a moment in time amount since it will vary. He stated that they only need to put it on first reading tonight and then do the final passage next month. There was some discussion about decorative lighting. Joe stated he was working with Gene McMeen on that. This is a 10-year contract, a 2-year contract renewing 5 times.

### **REVIEW AND DISCUSSION OF AMENDING SECTION 605.080-BUSINESS LICENSES**

It was stated that it was presented at the last council meeting and we were asked to notify contractors of the discussion on this for this meeting. There were people in the audience to speak on these changes.

Jeff Stutesman, 204 Anita, addressed the council. He is the Vice-President of Stutesman Construction. They are builders and developers. They have worked in Carl Junction 3 years and have enjoyed working here. He is giving his full support of these changes. He stated that we need to look into the future to make plans. He stated that these changes would add value to the building. He would also like to see Carl Junction cooperate with the surrounding communities to combine codes. Carl Junction is different then the surrounding towns and would like to see us adopt a new code that would unify us with the other towns. This would make the City pro active and not reactive. It was asked what he thought we needed to look at. He stated we need to look at the water and sewer. He has

heard that they estimate that Carl Junction will grow by 5000 residents in the next 5 years. We need to be prepared to make that growth happen. Walter Hayes thanked him and agreed with his views.

Johnny Bates, 2240 Pearl Street, Carthage, from the HBA of SW Missouri. They have 200 members in an 80-mile radius. He offered support for these changes. This keeps us in line with the surrounding communities. The city has to generate enough revenue to support our building department. He asked that the council look at adopting the 2000 ICC code to offer safe and affordable homes.

Steve Carlson, 608 Copper Oaks Drive, is the developer of Ruestman Heights Plat #4. He has invested about \$3,000,000 in infrastructure in this development. He is selling 1-2 houses a month. He asked if there was a way to not put in the increases, if not then we needed to implement them but he asked for the City to help keep the cost down. He also stated we needed to look at water infiltration in our sewer system. He has had some manholes popping lids. He enjoys working in a friendly community. The people like our school system and we are a bedroom community to Joplin with a small town atmosphere. People like our town for those reasons.

Richard Zaccardelli stated some contractors had contacted him and they asked that the increases be more gradual. Pat Smith also talked to contractors and out of the 24 she talked to none of them knew anything about it. She checked with Webb City and Joplin and their general contractor's are only \$100.00. Their re-inspection fees are \$5.00 in Joplin, Webb City is \$20.00 for electrical. Plumbers and electricians are \$50.00 and we are proposing \$75.00. Webb City does not give water service until a final inspection has been done. We are going to be a lot higher than everyone else. We are not up to Webb City & Joplin's level yet. There was a lot of discussion about other towns and their rates. It was commented that our fees have not increased for 25-30 years. There was also discussion about the Hancock amendment. It does not apply if this fee is to the entire city and if it is related to these services. These have to be related to our costs. Joe stated we are not trying to stop the building but to regulate growth. It was also commented that we have a full time inspector and we need to cover his expenses and not subsidize him out of other departments. Mike Palmer suggested we lower the general contractor's license to \$100.00 and re-inspections to \$25.00 and review them in 6 months. Steve Carlson stated that would be a good solution.

### ORDINANCES

Mike Palmer motioned to amend the ordinance to change the general contractor's license from \$125.00 to \$100.00 and to change the re-inspection fees from \$50.00 to \$25.00. Pat Smith seconded. All in favor. No opposed. Mike Palmer then motioned to put "AN ORDINANCE TO AMEND TITLE V. BUILDING CODE, CHAPTERS 500 AND 505, BY AMENDING SECTIONS 500.050, 500.090, 505.020, 505.050, 505.110 AND 505.170, AND BY ADDING SECTIONS 500.170 AND 505.065, AND TO AMEND TITLE VI. BUSINESS AND OCCUPATION TAX, CHAPTER 605, BY AMENDING SECTION 605.080, TO RAISE LICENSE FEES FOR CONTRACTORS, ELECTRICIANS, PLUMBERS AND SUBCONTRACTORS, TO REQUIRE REFUNDABLE DEPOSITS UPON ISSUANCE OF BUILDING PERMITS, TO RAISE INSPECTION AND REINSPECTION FEES, TO REQUIRE A LICENSED JOURNEYMAN ON JOB SITES, TO REQUIRE MECHANICAL INSPECTIONS, TO CLARIFY INSPECTIONS WHICH WILL BE INVOICED AND TO CLARIFY THE APPLICABILITY OF MERCHANT LICENSING AND RENEWAL PROVISIONS TO GENERAL CONTRACTORS WITHIN THE CITY OF CARL JUNCTION" on first reading by title only as amended. Walter Hayes seconded. Mike Palmer motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-09 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. Pat Smith left at 8:10 PM.

The council reviewed the ordinance annexing 35 acres. Walter Hayes motioned to put "AN ORDINANCE ANNEXING APPROXIMATELY 35.00 ACRES IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 33 WEST IN THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI, LYING GENERALLY WEST OF COPPER OAKS DRIVE AND OWNED BY BRIARBROOK DEVELOPMENT INC., AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE" on first reading by title only. Richard Zaccardelli seconded. Walter Hayes motioned to put it second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-absent, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-10 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.

Next the council reviewed the ordinance approving the budget. Mayor Wisdom asked that it be amended to add 2 tornado sirens. This is the second year we haven't put them in the budget. It is \$36,000 for 2 sirens. We can take it out of the surplus funds. Walter Hayes stated that we talked about the sirens but they decided to wait until they can do a long range plan and take it to the vote of the people to add \$1.00 to the water bills until they are paid for. He has a problem with adding that at the last minute. It was stated we tried to keep the budget in balance, if there were grants for the sirens and that they wanted to put a number of items on the ballot when it is presented. It was also stated it was not in our 2005 goals. There was more discussion about this addition to the budget. Walter Hayes then motioned to put "AN ORDINANCE ADOPTING THE 2006 FISCAL YEAR BUDGET" on first reading by title only. Mike Palmer seconded. Walter Hayes motioned to put it second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-absent, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-11 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 on salaries, which reflects a 2% increase. Mike Palmer motioned to put "AN ORDINANCE ESTABLISHING SALARIES FOR CITY EMPLOYEES EFFECTIVE MAY 1, 2005" on first reading by title only. Walter Hayes seconded. Mike Moss motioned to put it second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-absent, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-12 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.

Mike Palmer motioned to put “AN ORDINANCE APPOINTING CITY OFFICERS TO THE CITY OF CARL JUNCTION TO SERVE THE ENSUING YEAR UNTIL NEW OFFICERS ARE DULY APPOINTED” on first reading by title only. Richard Zaccardelli seconded. Walter Hayes motioned to put it second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-absent, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #05-13 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.

**Walter Hayes motioned to put “AN ORDINANCE AUTHORIZING AND PROVIDING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE EMPIRE DISTRICT ELECTRIC COMPANY, ITS SUCCESSORS OR ASSIGNS, ELECTRIC SERVICE AND EQUIPMENT TO LIGHT THE CITY’S STREETS, ALLEYS, AND PUBLIC WAYS, ELECTRIC SERVICE FOR LIGHT AND POWER FOR THE CITY’S OTHER PROPERTIES AND PUBLIC PLACES, FOR A TERM OF YEARS AND SPECIFYING THE PRICES TO BE PAID FOR SUCH LIGHTING AND POWER SERVICE” on first reading by title only with a roll call vote. Mike Moss seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-abstain, P Smith-y, Palmer-abstain, Hayes-y, W Smith-y.**

#### **APPROVE AUDIT PROPOSAL**

The council reviewed the proposal from Mense, Churchwell & Mense. Joe stated that we would try to go out for bid next January. They do a good job but it is a good practice to go out for bid occasionally. Mike Moss motioned to approve the proposal. Richard Zaccardelli seconded. All in favor. No opposed.

#### **APPROVE SULLIVAN PUBLICATION’S PROPOSAL**

The council reviewed the proposal to put our code on line. This item is in the budget. Their site is very professional and will give our residents access to our code. Richard Zaccardelli motioned to approve Sullivan Publication’s proposal. Gary Stover seconded. All in favor. No opposed.

#### **RESOLUTION APPROVING SECTION 125 PLAN**

This is so our health insurance deductions from our employee’s payroll checks can be pre-tax. Mike Palmer motioned to approve the Resolution. Walter Hayes seconded. All in favor. No opposed.

#### **PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH**

Steve stated that this keeps in compliance with CDBG money. Mike Palmer motioned to approve the proclamation declaring April as Fair Housing Month. Walter Hayes seconded. All in favor. No opposed.

#### **ACCEPTANCE OF TAX DELINQUENT LIST**

Joe reported that we have about \$62,000 in delinquent taxes. Mike Moss asked about bankruptcies. It was replied it depends on the type of bankruptcy. There was discussion about taking them to court and it has had good results. It was also asked when we charge them off. Richard Zaccardelli motioned to accept the list as dated 4/1/05. Barbara Evans seconded. All in favor. No opposed.

#### **REPORTS**

Joe stated that the depositions had been cancelled due to attorney conflict. He also stated that we have started the pedestrian bridges across the wash in Center Creek Park. They should finish both this week.

Memo #1 – Pending items. Richard Zaccardelli stated we should add the West Briarbrook Lane ditch until it is done. Joe reported we had the materials but it needed to dry up first. Mike Talley said he is responding to the last motion filed in the Rails to Trails lawsuit. He then reported if they settled with on the telecommunication lawsuit our share would be \$12,474. It is just an offer right now. There was some discussion about the telecommunication bill in the house.

Memo #2 – Carl Junction Cemetery Board – Joe reported he ordered signs, is doing some dirt work and will have the grass sprayed on when the company is in town. That is the only way to get the ditch line to hold.

Memo #3 – American Legion Lot 80 – Joe asked that if any council members can attend the meeting, he encourages them to do so. Dean Wilson has contacted Mike Talley to discuss the situation. The problem is that the American Legion feels that they already owned the property, but the legal description was wrong on the deed. Joe stated he thought it was resolved until Mr. Wilson called Mike Talley. Mike Talley said that they want to try to work it out. There was a lot of discussion of different options and possibilities. It was stated that we need to make sure we have enough land to put in the new road and any future roads we may need. There was talk of Highway Z being rerouted in the future. Walter Hayes stated we should keep what we need for now and the future and give them the remaining land. There was discussion on how much they paid and what they paid. There was more discussion of the rerouting Highway Z and other problems the city might encounter. Mike Talley said he needed some guidance on the council’s wishes so when they meet he knows what to do. Mike Palmer was of the opinion to keep what we need for now and give them the remaining land. We can always negotiate for more later if we need to. He stated they do a lot for the community. Mike Talley is anticipating a counter proposal to bring back to the council. Mike Palmer stated that he is not sure that MoDot would approve the drawing we have for the future and we do not know what specifications they will have in the future. There was considerable more discussion. It was stated at the end that we are all working for the good of the community and need to work together.

Memo #4 – Meeting with MoDot/County Commissioners – There was a discussion of a turning lane on Fir Road.

Memo #5 – Tree planting at Center Creek Park – We had a bid for \$2000 for trees. We can get a grant for the trees at Memorial Park. We need to have a work session before the next meeting and invite him to speak so that we can get the application in for this year.

Memo #6 – Interviews with Police Chief candidates – Joe reported that we are interviewing on Wednesday April 13, 2005 at 2:00, 3:00 and 4:00 PM. One of the candidates is from Ohio. We hope to make a recommendation at the council meeting of 4/19/05. Mike Palmer stated he could make it.

### **COMMITTEE REPORTS**

Mike Palmer is going to try to get the code review committee together in late May.

### **UNFINISHED BUSINESS**

Walter Hayes asked about the retreat. Joe said it would be the first part of May.

### **NEW BUSINESS**

Richard Zaccardelli stated he had complaints about Trinity Public Relations Group that was going door to door. It was asked if we do background checks on door-to-door salesmen. Joe stated he received calls also. He called Joplin and they do background checks on them. We need to change our ordinance if we decide to do this. Richard also stated he gave a list to Misty on vehicles. He asked if there was anything done. Joe will follow up. One of the complaints was 6 vehicles at one house, 3 in the driveway and 3 on the street. It is a narrow street and the people backing out of their driveways are afraid they will hit a car.

Mike Moss attended the Sheriff Law Enforcement meeting. They are looking at 25 cents on the hundred for a tax fee. He was saying at the meeting we didn't need it and it was for smaller towns. Mayor Wisdom stated we told them we needed it also. It was discussed that it was supposed to be shared by all departments. Mayor Wisdom stated it would not pass if we don't get some of it. May is the last day to turn it in for the August ballot. Gary Stover said he was opposed to it unless they determine how the cities will get their share of the tax.

Walter Hayes reported that we needed updated zoning maps. There was discussion of AMA not having a mapping department and the maps that we had delivered to us last month. P&Z also discussed about requiring sidewalks in new subdivisions. Walter then discussed about adopting the 2000 ICC code. We need to do it as soon as possible. There was discussion about some minor modifications. Walter also informed the council that President Bush is going to sign a bill to help try to provide high-speed internet service to rural areas. Maybe we need to relook at a previous proposal that was brought before the council a while back. It might be worthwhile now to look at. Joe stated he would be getting with Mike Talley to go forward with the code changes.

Joe stated that we had an offer of a generator big enough to run our treatment plant. They will give it to us but we have to pay to move it and have it installed. He also stated that the state changed their regulations on ATV licensing and driving them on streets. We had a resident ask that we issue him a license for his ATV. There was some minor discussion on this. There was a question of liability issues.

Joe received a resignation letter from Officer Michael Rea effective 4/21/05. He is going to Harrisonville.

He also received a letter from American Disposal on prices on roll off dumpsters. There was some discussion on these prices. It was stated that a 6-yard container would be big enough if they dump it once a week. The price is \$225 for 7 days. Joe also pointed out the Sales Tax holiday that the state passed. It still allows the City's to opt out and not have to go to the vote of the people to do it.

### **ADJOURNMENT**

Mike Palmer motioned to adjourn the meeting. Mike Moss seconded. All in favor. No opposed. Meeting adjourned at 10:10 PM.

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CITY CLERK

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MAYOR