

The Carl Junction City Council met in regular session on Tuesday, April 18, 2006 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Carl Skaggs, Gary Stover, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present was City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

Pat Smith motioned to approve the agenda as presented. Carl Skaggs seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda. Barbara Evans seconded. All in favor. No opposed.

UNFINISHED BUSINESS

Gary Stover stated that he appreciated the opportunity to serve the citizens of Carl Junction and he wished the new council the best in the upcoming year.

Mike Talley reported that he talked to Greg Groves about the Rails to Trails attorney fees. He stated that Joe's conversation was very preliminary and he wanted to look into it further. When he contacted Mike Talley he recommended that we put the case to rest and not pursue the attorney fees. Mike Talley said that Joe made a good choice in attorneys and that Mr. Groves was very knowledgeable in this area. Wayne Smith motioned to not pursue attorney fees in the Rails to Trails law suit. Gary Stover seconded. All in favor. No opposed.

ACCEPT ELECTION RESULTS

City Clerk read the election results (see attached). Walter Hayes motioned to accept the election results. Pat Smith seconded. All in favor. No opposed.

SI-NE-DIE

The council then motioned to si-ne-di. The City Clerk swore in the newly elected officials. Mark Powers then took his seat on the council as representative of Ward III.

ELECT MAYOR PRO-TEM

Mike Talley read the City Code Section pertaining to the election of the Mayor Pro-Tem. Barbara Evan nominated Dee Lynn Davey. Richard Zaccardelli nominated Walter Hayes. Dee Lynn Davey-P Smith, D Davey, B Evans. Walter Hayes-W Smith, M Powers, C Skaggs, R Zaccardelli. Walter Hayes abstained. Mike Talley stated that we needed 5 votes for in favor of a candidate to elect a Mayor Pro-Tem. The council revoted. Dee Lynn Davey-P Smith, D Davey, B Evans. Walter Hayes-W Smith, M Powers, C Skaggs, R Zaccardelli, W Hayes. Walter Hayes was declared Mayor Pro-Tem.

PUBLIC FORUM

There was no one for public forum.

P&Z CASES

Case #06-08 & Case #06-09 have both asked to be tabled. They want to reappear at the 4/24/06 P&Z meeting. Pat Smith motioned to table both cases to be revisited at the 5/2/06 meeting. All in favor. No opposed.

ORDINANCES

Walter Hayes motioned to put "AN ORDINANCE AMENDING THE 2006 FISCAL YEAR BUDGET BY AMENDING THE STREET/ALLEY FUND, PARK/POOL FUND AND SALES TAX FUND BUDGET FOR THE FISCAL YEAR 2006" on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-20 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 on the preliminary site plan fees. Pat Smith motioned to put "AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: PLANNING AND ZONING, SECTION 400.190 TO IMPOSE A \$70.00 FEE ON ALL PERSONS OR CORPORATIONS REQUESTING A PRELIMINARY SITE PLAN REVIEW FOR COMMERCIAL LAND DEVELOPMENT PURSUANT TO SECTION 405.114 OF THE CARL JUNCTION CITY CODE" on first reading by title only. Barbara Evans seconded. Pat Smith motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-21 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 Talley gave an overview of the ordinance that he prepared on our telecommunication taxes to comply with HB 209. He stated that the HB may be repealed but we need to comply by the 4/28/06 deadline. At first it was suggested that we don't pass it and to wait until the last minute in case it was repealed. But last Friday we got an e-mail from MML stating that the restraining order expires

bon 4/30/06 and that we should have our new ordinances in place by that date. There is protective language in case it is repealed and that it would fall back to our old rate. He stated that we may need to amend the ordinance before it is all resolved. Pat Smith motioned to put "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 605: BUSINESS AND OCCUPATION TAX, BY ADDING A NEW ARTICLE II. TELEPHONE COMPANIES, INCLUDING SECTIONS 605.200 THROUGH 605.250, AND BY PLACING EXISTING SECTIONS 605.010 THROUGH 605.100, AS AMENDED, INTO NEW ARTICLE I. GENERALLY, TO COMPLY WITH STATE LEGISLATION REGARDING SIMPLIFICATION OF MUNICIPAL TELECOMMUNICATIONS TAXES BY SETTING A NEW TAX RATE OF 2.3% AS REQUIRED BY SECTION 92.086, RSMo AS AMENDED 2005, BASED ON RATE INFORMATION RECEIVED FROM THE MISSOURI DIRECTOR OF REVENUE AND AS REVIEWED BY THE STATE AUDITOR FOR TAXPAYERS SUBJECT TO CHAPTER 605 OF THE CARL JUNCTION CITY CODE." on first reading by title only. Dee Lynn Davey seconded. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Barbara Evans seconded. Zaccardelli-y, Evans-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #06-22 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.

REQUEST FROM CURTIS SMART & JR BROADWATER-BAIR DRIVE

Mayor Moss reported to the council that we had heard from Mr. Smart & Mr. Broadwater that they would like to purchase the road right of way between their 2 properties. He had a question about the 12 month installments to the City. Mike Talley stated that we need to pass an ordinance vacating the road right of way. There might be some survey costs to come up with a legal description. He stated we needed to defer this to the P&Z. Walter suggested we assess it to their taxes. Mike Talley would like to think about the repayment to the City. Pat Smith motioned to table this subject and refer it to the P&Z. Carl Skaggs seconded. Richard Zaccardelli said he has received calls for the city to maintain it. All in favor. No opposed.

REPORTS

The council reviewed the City Administrator's report. Mayor Moss asked PW Supt Jim Chaligoj to address the council about well #6. Jimmy reported that they had retrieved the pump but it was damaged by the fall. He received a bid from Tiff City pump for \$31167 to fix the pump and \$9026.25 to put a soft start on it. There was discussion about whether we are running short on water. Jimmy said not at this time but we are accumulating a lot of comp time because of having to open and shut valves. He would like to see the council approve the repair bid from Tiff City pump and go out for bids on the soft start if we have to. Mike Talley read the City Code section about procurement policies. He stated it was a judgment call if it was an emergency or not. There was more discussion about the repairs and soft start. There was discussion that we could speed up the bid process and put a time frame on it. Walter suggested we authorize up to \$32000 for the repairs and give the Mayor and PW Supt some freedom on how to repair it. He then motioned to spend up to \$32000 to repair well #6. Pat Smith seconded. All in favor. No opposed.

Memo #1 – Pending Items. We need to take off the Rails to Trails attorney fees. Walter Hayes said that they may need to move the code review committee meeting for 5/2/06.

COMMITTEE REPORTS

Mayor Moss asked if Carl Skaggs would move from the Budget & Finance Committee to Public Facilities and chair that committee. Carl agreed. Mayor Moss appointed Mark Powers to the Budget & Finance Committee to replace Carl Skaggs.

The Nuisance Committee nothing to report. He will check with the code enforcement officer to see if there is anything that needs reviewed.

The Budget/Finance Committee had nothing to report. They need to look at a Sales Tax issue or Road Improvement tax issue.

The Code Review Committee will meet 5/2/06 at 6:00 PM.

The Public Facilities Committee had nothing to report.

The Human Resource Committee had nothing to report. Mark Powers will take Gary Stover's place on that committee.

The Park/Pool Committee nothing scheduled at this time.

NEW BUSINESS

Richard Zaccardelli asked if we would issue a proclamation for Velma Rogers Smith for her 100th birthday. The council agreed to have one drawn up.

Mayor Moss said that we need to go out for bid on the tornado sirens and we need to add water to our sludge ponds to help alleviate the smell. We also need to go out for bid on the sludge removal.

Walter Hayes stated that in our code we have a \$1000 surety bond required for general contractors, electricians and plumbers. We need to relook at that. It was stated that it does not really do the City any good and most other towns do not require it. He also asked if we should look at banning watering lawns to conserve water. Jimmy said our draw downs look OK. We do not need to consider it yet.

The City Clerk received a request to put a banner on our City sign along the highway. It is for a fund raiser for Randy Jackson. It was stated that we need to get with MoDot. Jimmy will contact them.

Chief Haase said that our car bids are to be opened 4/28/06 but the last day to order them is also 4/28/06. He will ask to see if we can get the bids in early. If we don't order them by Friday it will be fall before we can order them. After some discussion it was decided to hold a special meeting 4/28/06 at 10:00 AM.

Mayor Moss reported he had a request to purchase the city land in front of well #1. After some discussion the consensus of the council was not to sell the land.

CLOSED SESSION PER RSMo 610.021

Carl Skaggs motioned to go into closed session per RsMO 610.021 (3): Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Barbara Evans seconded. All in favor. No opposed. Meeting closed at 8:40 PM.

Meeting reconvened at 11:00 PM.

Mayor Moss stated that the council has identified a potential candidate to fill the City Administrator's position and will proceed with trying to work out a contract with that individual.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Dee Lynn Davey seconded. All in favor. No opposed. Meeting adjourned at 11:05 PM.

CITY CLERK

MAYOR