

The Carl Junction City Council met in regular session on Tuesday, May 4, 2004 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.

### **AGENDA**

Pat Smith motioned to approve the agenda. Walter Hayes seconded. All in favor. No opposed. Pat Smith motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Mayor Wisdom stated that we had guests at the meeting. This is the 3<sup>rd</sup> grade class and they are authors of a book with their insight of the tornado. It is titled "Did you see the rainbow". He then recognized the students that were there. One of the parents stated that they had wanted all the kids to have a copy of the book, which were 25 copies. The cost was \$700 and one of the parents picked up the total cost. He also pointed out that none of the adults seen the rainbow they talk about. Harner (one of the students) stated that they wrote the book to heal and focus on the good things that happened.

Tommy Chew, 401 S Main, wanted to discuss our ordinances on vehicles. He has a 56 Chevy pickup in his back yard. He has pled not guilty to his nuisance charge. He stated that this was discussed about 5 years ago and the citations stopped and now they have started again. He also stated that some people are cited and others are not. Mayor Wisdom stated the code had not changed but the interpretation has. We also have a committee to address these problems. We will be having public hearings for input from the residents and try to come to a solution. There was much discussion about disabled and unregistered vehicles. Mike Talley said that the appearance of inconsistency is understandable, but that the ordinance is quite clear. He then read the ordinance and noted that an unregistered vehicle is defined as a "damaged or disabled vehicle", but only a damaged or disabled vehicle "which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermin" is considered to be a nuisance – unless it is on a street or highway. He stated that this needs to be ironed out in municipal court since he has been cited. Mr. Chew does not want to license this vehicle even though it does run. There was then some discussion about court procedures if a citation is dismissed. Richard Zaccardelli pointed out that most citations start with a complaint by a resident.

David Davidson then addressed the council regarding the talk about the bridge. He is opposed to it and he asked that we review the petition he presented the last time. It was easy to get signatures for that petition. He stated that the city has done a good job cleaning up but before a bridge is built we need to improve the existing roads. The sidewalks need repaired, streets need to be widened and shoulders added to them. These are safety issues. Joe Barfield agreed there needs to be improvements and we are working on them. We are working on the north-south trail and are looking at a pedestrian bridge. David stated that people would shop in Carl Junction if they want to without a bridge and they do not want the through traffic. It was stated that economic development is not the only issue. Safety reasons also can be addressed with a bridge. Walter Hayes agreed that we need to bring our streets up to code. David suggested we go east to Hwy 171. It needs to be a well thought out plan and then he wouldn't be opposed to it.

### **PRESENTATION TO DEE DANDELLEY**

The Mayor presented a proclamation to Mr. Dannelley for his contributions after the tornado.

### **P&Z CASES**

Case #04-12 – rezoning of property at BB Drive and Fir Road – Stutesman Properties – R-1 to C-2. Public hearing opened at 7:35 PM. Joe Barfield reported that one stretch of land was already C-2 and they want to make it deeper. It will go from 6 acres to 15 acres. Walter Hayes stated we need to make sure they do not build too close to the street. That will be addressed during the site plan review. Joe Barfield stated he would be meeting with the Special Road District & the County Commissioners to discuss Fir Road. Gary Stover stated that this will be over 500' and he stated that there are deed restrictions to not go over 500' from Fir Road for commercial use. Joe stated that the owner is well aware of that and that it is not a city issue. Mike Talley agreed that it was the property owner's problem. Gary just wanted to make sure the developer is aware of it. There was no one in the audience for or against the rezoning. Hearing closed at 7:42 PM.

Pat Smith motioned to put "AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE PROPERTY LOCATED 260 FEET NORTH, ALONG BRIARBROOK DRIVE AND EXTENDING EAST APPROXIMATELY 1035 FEET, OF THE NE CORNER OF BRIARBROOK DRIVE & FIR ROAD, CARL JUNCTION, MISSOURI, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO C-2" 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. Richard Zaccardelli seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #04-32 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.

Case #04-13 – Special Use Permit – Bonnie Decastro – 211 S Cowgill – to set a modular home. Public hearing opened at 7:44 PM. Joe Barfield stated that the P&Z recommended approval for a 99-year period. It has been verified that what was ordered is a modular home and meets code. Bonnie DeCastro stated that she is getting this at cost thanks to a friend and that the insurance money and block grant money will pay for it. Steve Lawver has been a tremendous help in making sure that everything is correct and getting money to help pay for it. It will be set on a permanent foundation. It is a \$68000 home. Mayor Wisdom stated that we needed a letter that it is a modular home. Joe stated we had one and that we would make it part of the file. Pat Smith motioned to approve the special use permit for a 99-year period. Mike Palmer seconded. All in favor. No opposed. Public hearing closed at 7:55 PM.

Case #04-14 – Final Plat Prairie Hills Estates – Zimmerman Properties. Tom Bolin from Landfill Strategies stated that nothing had changed on the final plat. They are still dealing with storm water issues. Joe stated he discussed it with the city engineer and he stated that they are working out the storm water issues. Also that they will be paying for the upgrade on the lift station to handle the extra flow. Mike Talley stated that he received a draft of the covenants and there is some adaptation needed but they had some very good provisions. He said that there were no executed utility easements. Tom Bolin replied that our engineer has them and is reviewing them and the owners of the easements (Charlie Clark and CJR1 Schools) have agreed to sign them. The school asked that they put their driveway ~~pack~~ back to prior condition and that they cut the driveway after school is out of session. They would like to go ahead and submit their plans to DNR for approval, which requires the city to sign an authorization of acceptance. Mike Talley stated that we could pass the ordinance accepting the final plat if we listed the conditions in the ordinance. There was some minor discussion about the conditions, easements and lift station.

Pat Smith motioned to amend the ordinance accepting Prairie Hills Estates Subdivision to add a Section 3 “that this ordinance is in effect upon certification from the city engineers that all conditions have been met”. Barbara Evans seconded. All in favor. No opposed. Walter Hayes motioned to put AN ORDINANCE ACCEPTING PRAIRIE HILLS ESTATES SUBDIVISION OF THE CITY OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS” on first reading. Mike Palmer seconded. Walter Hayes 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 #04-33 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.

### REVIEW OF TRUCK BIDS

Joe Barfield reported that they had advertised for the sale of the trucks and we had received no bids. He has had an offer of \$5000 worth of work & equipment in exchange for the trucks. Joe would like to determine the hourly rate and accept the offer. Walter Hayes stated that we had given him permission to proceed with that, as long as we can document it to please our auditor, at a prior meeting.

### CITY’S ATTORNEY MEMO

Mike Palmer stated that he would like to address the city attorney’s memo on the code inconsistencies on how employees and appointed officers are handled. He is concerned about the future and not necessarily about the present. They have looked at the code to try to clean it up. It was put on hold with the elections coming up and some council being out of town but he would like to revisit it now. We could make it effective beginning the next fiscal year. It is not an effort to limit the Mayor’s power. It is to offer protection to the appointed officers and treat them consistently as other employees. Mike Palmer pointed out that the underlined parts are the new language. Mike Talley mentioned that part of the problem is Section 125.220 – suspension of employees of the City. It has a chain of events to go by. But the appointed officers are removable by the Mayor and the majority of the council. No notices are required and there are no protections. The question is are they entitled to protection as the other employees. It was stated that maybe the appointed officers are not intended to have these protections. Mike Palmer pointed out that there are 2 different types of appointed officers. We have the City Clerk who is different then the City Attorney, City Judge and Prosecutor and then we have the City Administrator who has a contract. This contract has terms and conditions. Mike Talley stated that the City Clerk is different then the other appointed officers. She answers to the council and is their employee. The judge is also different in that he is appointed every 2 years and is under jurisdiction of the Supreme Court. Walter Hayes suggested that we relook at redefining appointed officers and relook at the list. Mike Talley said we could do that simultaneously. It was stated that they are not looking for action tonight but guidance on what the council wants. Mayor Wisdom pointed out that you couldn’t divide up employees and officers. There was a lengthy discussion about appointed officers, employees and when and how they can be suspended, disciplined and terminated. Mike Palmer stated he thought he had a good feel where the Mayor was coming from and that the committee can look at these sections again and come back with a recommendation.

### REPORTS

The council reviewed the City Administrator’s report. There was some minor discussion about the ditches that need repaired by contractor.

Memo #1 – Vacating Road Right of Way between Lot 40 & 41 along Bair Drive. Joe reported that this is a 50’ X 100’ stretch of land that was dedicated as a street but is not and will not be utilized. We have had complaints about trash and the neighbor talked to us about vacating it. Joe stated if they were willing to pay the cost we would vacate it. It would cost about \$350/piece. The one neighbor will check with the other and let us know. The council agreed to ~~vacate it with the property owners paying the cost of vacating.~~ **Send it to P&Z for consideration.**

Memo #2 – Special Road District. Joe reported that they agreed to move if we found them some land. When we did find the land and came up with the money to move them they changed their minds stating that there were too many unknowns. He informed them that in order to build on Main Street they would have to apply for rezoning and submit a site plan before a building permit could be issued.

Memo #3 – Water Expansion. Joe reported that the fill they used in some areas is limestone screening. This was discussed at the pre-bid conference that it could be used instead of base rock.

Memo #4 – American Disposal request. Joe reported that American Disposal has requested we sign a letter so that they can change to a different paymaster. It does not change our contract in any way. Mike Talley said all it takes is a motion from the council. Walter Hayes motioned to authorize the Mayor to sign the agreement requested by American Disposal to change paymasters. Pat Smith seconded. All in favor. No opposed.

Mike Talley reported that he unformalized the agreement with CJYAA. The terms are essentially the same.

### **UNFINISHED BUSINESS**

Walter Hayes stated at the last meeting he brought up having planning session and he got no feedback. Mike Palmer asked whom would all be included and if it was open to the public. He and Pat Smith said it would be a good thing. Walter said it depended on the group on how long it would take. It is a top down approach, you create a vision statement, then a mission statement, and then you go to a plan on how to accomplish it. Every decision the council then makes should be in accordance with the vision statement. Mayor Wisdom said it should be a broad approach and ask for public input. Walter replied if the group is big enough we could split into smaller groups and then present ideas.

Walter then stated that the House has passed BH 895 to allow the dissolution of certain special road districts. It has gone for the governor's signature. Once it is signed he intends to start a petition to dissolve CJ Special Road District.

Joe pointed out that we passed out a calendar of meetings. He would like to get the with the committee chairs to schedule their meetings.

Mike Talley stated that the law changed when a case is dismissed on whether we can collect court costs or not. Mike Talley also stated that there are different court costs for different violations.

Mike Talley reported that he received a letter from Arthur Benson who is handling a claim against Carl Junction for Charlie Williams. Mr. Benson stated that he has not heard from our adjuster Lance Ferguson for 3 months. Mike received this letter 4/24/04 by fax. He stated unless we respond by 5/24/04 a suit will be filed. Mike Talley reported he also has not heard from Lance so he called him and asked for a status report. He will continue to follow up on it.

Mike Talley reported that the City of Jackson has filed a lawsuit against their county to get the 25% of their proceeds for road repairs. It is in circuit court now. He will continue to follow that case.

### **NEW BUSINESS**

Barbara Evans stated she received a call about water standing on a vacant lot at the corner of Wise and Verbryck. Joe stated that he has already contacted the owner and they are going to take care of it.

Mike Moss sent a letter to Joe regarding some problems. The biggest one is Angel Lea and people parking their boats and vehicles on the street. Joe said we are notifying the owner but since they are tagged and registered we might not be able to do anything about it. The other is a tree down on private property. Joe is contacting the long-term recovery team to see if they can help take care of it.

Gary Stover asked about retention ponds and if they are supposed to hold water for a long period of time. Joe replied no they should drain out and be dry most of the time. The owners are to maintain them.

Walter Hayes asked if we could get nameplates for the council.

Mike Palmer said the church is making progress and hopefully they will have their building soon.

Pat Smith asked if they could get ID pins also when they are at out of town meetings.

Pat also mentioned that Fir Rd in front of Sue's is sinking again. She also stated that on Broadway going towards the schools there is a big pothole. The council members also mentioned Arlington, Well Street and West Briarbrook Lane all have pot holes.

Joe reported that Vera Russell has given the city permission to put up a billboard sign with no rental fees. It would be a vinyl sign and the cost would be \$600 - \$800 and last 6-9 months. The council agreed to put it up.

Joe then stated he received a letter from the Jasper County Support Service Agency and they are a non-profit group and are getting ready to build a group home for 7 individuals all adults that are severely handicapped. The house they are currently at is not big enough and they are going to build a 4000 square foot brick home. They have asked if we could waive the fees to help them since the state is not giving them as much money as anticipated due to cut backs. The cost is \$1200-\$1300. Walter stated he had no problems with that but would not vote since it is in his subdivision. Mike Palmer stated we need to treat everyone fairly. Mike Talley said there is no provision in our code to waive fees. If we decide to amend the code we need to set guidelines for qualifications. There was more discussion about waiving fees. Walter Hayes suggested they approach Caring Communities for assistance with these fees.

Joe stated that our entrance sign, that was hit by the railroad company, would have to be rebuilt from scratch. The poles are bent and the ground around the concrete is loose.

He also reported that the Mayor's breakfast went well and thanked the council who attended.

Mayor Wisdom also thanked them and also the Fire Department for their function. He heard good comments. He stated that people had asked him if this would be an annual event.

### **ADJOURNMENT**

Walter Hayes motioned to adjourn the meeting. Mike Palmer seconded. All in favor. No opposed. Meeting adjourned 10:05PM.

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CITY CLERK

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MAYOR