

The Carl Junction City Council met in regular session on Tuesday, August 2, 2005 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Gary Stover, Carl Skaggs, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney.

AGENDA

Mayor Moss asked that the agenda be amended to add the Ordinance approving change order #8 as item 8(b). Pat Smith motioned to approve the agenda as amended. Barbara Evans seconded. All in favor. No opposed. Barbara Evans motioned to approve the consent agenda as presented. Carl Skaggs seconded. All in favor. No opposed.

PUBLIC FORUM

Darren Baker, 206 N Broadway, addressed about concerns he still has about opening Verbryck & Broadway. He stated that the streets we are building are 20' to 21' and they should be 30'. He also visited with Phil Cook about the routes for the buses. After hearing the proposal Mr. Baker stated that it would not relieve any congestion at the 4-way stop which was the purpose for this. He didn't have a problem opening the roads for bus traffic only. He said we should put up gates and barricades. He asked if we were going to curb and gutter the side the sidewalks were going to be on. Joe Barfield stated yes. Joe also stated that gating had not been discussed. We talked about 20 MPH and 4-way stop signs at some intersections. Joe stated that they would be public streets and that the school kids should use the school playground. Mr. Baker stated that a study had been done and that the railroad base was contaminated. Joe reported that had not been reported to the City.

Bob Hayes, 209 N Broadway, stated that the road is not up to code. He stated a 20' wide street is not good for buses. Verbryck is also 20' wide. It is an issue of safety. He stated that the sidewalk is going to be on Broadway but how do the kids get to the sidewalk. He stated that it would be another hazard the bus drivers will have to look for. He stated that Wise Street is already a racetrack. Joe stated that we are going to put up stop signs at the intersections. Bob asked for speed bumps. There was more discussion about stop signs. It was also suggested that the police department be there during this traffic time.

METHODIST CHURCH SIGN

Joe stated that there is a sign there already but they want to make it uniform and update their signs. It will be a little bigger than what they currently have. Richard Zaccardelli motioned to approve the updated signs. Carl Skaggs seconded. All in favor. No opposed.

CASEY'S LIQUOR LICENSE

The council reviewed the request for Casey's liquor license. Richard Zaccardelli motioned to approve their request pending state approval. Carl Skaggs seconded. All in favor. No opposed.

ORDINANCES

Pat Smith motioned to put "AN ORDINANCE APPROVING CHANGE ORDERS #4, #5, #6 AND #7 TO A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND DALTON KILLINGER CONSTRUCTION COMPANY, INC., TO CONSTRUCT A POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING FOR THE CITY OF CARL JUNCTION, MISSOURI, AND TO TAKE THE AMOUNT OF THE ABOVE CHANGE ORDERS OUT OF THE CONTINGENCY FUND OF THE ORIGINAL CONTRACT WHICH WILL LEAVE AMOUNT OF CONTINGENCY FUND \$13,943.00, AND SHOW NO INCREASE TO THE CONTRACT AMOUNT OF \$1,113,442.85, IN ACCORDANCE WITH SAID CHANGE ORDERS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDERS FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Carl Skaggs 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, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #05-35 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.

It was discussed that this replaced the ceiling tile in the evidence room to make it secure. Chief Haase stated it addressed the chain of custody that could have been a potential problem. It replaces a drop ceiling with a permanent ceiling. It needs to be done. Richard Zaccardelli motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #8 TO A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND DALTON KILLINGER CONSTRUCTION COMPANY, INC., TO CONSTRUCT A POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING FOR THE CITY OF CARL JUNCTION, MISSOURI, WITH NO INCREASE IN THE TOTAL CONTRACT COST OF \$1,113,442.85; APPROVING REDUCTION OF THE \$25,000.00 FUND ALLOWED FOR CONTINGENCIES TO PAY THE COST OF CHANGE ORDER #8 IN THE AMOUNT OF \$1,230.00, LEAVING A CONTINGENCY FUND BALANCE OF \$10,715.00; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDERS FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading. Carl Skaggs seconded. Richard Zaccardelli motioned to put it on second reading by title only with a roll call vote. Walter Hayes seconded. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #05-36 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 Joe's report.

Memo #1 – Pending Items. Joe reported that we had 1 bid for the mowing service. It is addressed in Memo #3.

Memo #2 – School Traffic Road Improvements. Joe provided the council with a breakdown on the road opening. He also gave the council the survey responses and comments from the hearing 7/21/05. The last page is a schedule of grades and how they will enter the school building when they are dropped off. The school administration and principals approved this plan. Richard Zaccardelli stated it was done for the safety of the children. It is about 20 minutes every morning and evening. Joe stated that in the past the children crossed in front of the cars, this way they will be getting out on the side of the school building. We will also be adding stop signs. Gary asked if the City has decided to go ahead with this plan and doesn't it have to come before the council for approval. He also asked if this was in the current budget or will it have to be another line item. Joe said that the City staff is doing the work and we are working out of the current budget. Mayor Moss said it needed to go before the council. There was discussion about how this was different than normal street improvements. The council needs to approve it if we are opening new streets. There was more discussion about what constitutes council approval. It was the consensus of the council that opening new streets required council action. Walter Hayes motioned to proceed with the plan and would support to gate or obstruct in some manner during off hours and open during school hours. There is no need for it to be open 24 hours a day. Joe stated that the road would be the same size as the other roads in that area of the City. Pat asked if we were going to make it wider. Joe stated that there were no plans at this time.

Joyce Dunn, 1207 Scott Drive, stated she works for the school. She stated that the kids are monitored when they are let off and no one has been hurt. They make sure that they all stop. She stated that we need to consider the people in the neighborhood.

Richard Zaccardelli seconded the motion on the floor. Mike Talley stated that the City Traffic Engineer has the power. Joe stated that the Public works staff makes the decision. Mike Talley said that the motion of the council ought to be recommended by the City Traffic Engineer. Pat asked who would make sure that the road is always closed. There was considerable discussion of barricading. Carl Skaggs asked if Phil Cook asked for these changes. Joe stated that they had a discussion due to traffic congestion and safety issues. It has been a joint effort between the school administration and the City. Carl Skaggs stated that if the school is requesting it we couldn't disagree. There was more discussion of whether it should be barricaded or gated. 5 (Zaccardelli, Skaggs, Stover, Davey, Hayes) in favor. 3 (Evans, P Smith, W Smith) opposed. Motion passed.

Memo #3 – Mowing. Joe stated that this had been discussed before. It is a bid from a private firm and it would be handled as a special assessment. We only received one bid. We will be contacting the people as we always have but if it is not abated then we will call the firm and do a special assessment. It will not be a great deal of money. Mike Talley said that we would need a contract. Pat Smith motioned to proceed with a contract. Walter Hayes seconded. All in favor. No opposed.

COMMITTEE REPORTS

Mayor Moss asked if Dee Lynn would be willing to serve on the committees Mike Palmer served on. He was on Code Review Committee, Public Facilities and Budget/Finance Committee. Walter offered to switch chairing Budget/Finance to Code Review if she would like.

Code Review Committee needs to get together.

Nuisance Committee has not met yet.

Public Facilities will be meeting 9/20/05.

Human Resources will be meeting 8/8/05 at 3:00 PM.

Park Pool Committee will be meeting 8/16/05 at 6:00 PM.

Budget/Finance will be setting a meeting date.

UNFINISHED BUSINESS

Pat Smith just reminded everyone that she would need help with the Bluegrass Festival.

Joe has contacted Tom Simpson about the retreat. He is sending Joe some information but he has not received it yet. Joe also reported that Scott, Delmar, Maribeth and himself attended the annual MIRMA meeting. Scott and Delmar went to orientation to learn about reporting procedures. We also went to State Surplus and purchased items in the amount of \$64.00.

Joe stated that he has been going over the contract with Mediacom. They have recommended 2 changes and he has forwarded them on to Mike Talley. Mike Talley said that there are 2 issues. One is whether the 5% franchise fee should be included in the gross receipts. He feels it should be included. The 2nd issue is whether they should have a toll free number and a local number 24 hours a day seven days a week for complaints. They said it should be either or and not both. The council feels they should have both.

Mike Talley said he does not have any new information about the Rails to Trails lawsuit.

Gary Stover wanted to comment on if the streets become a problem with people moving barricades then the council would need to address it. It was commented that the neighbors would probably keep us apprised of the situation.

Richard Zaccardelli stated that there had been a problem with taxes with the numbers being incorrect. The person owned 2 lots but we sent the taxes on the vacant lot to the mortgage company and not the one with the house on it. The mortgage company and the county stated that the City made the error. The City Clerk asked for the information so that she could check into it. Richard also asked about the Mayor Pro-Tem. Mike Talley stated that we have to hold a special meeting to elect the Mayor Pro-Tem. He then mentioned about a sewer problem on West Briarbrook Lane and Springhill that has happened twice. They have called a plumber and they have said it was the main. We unclogged the main but they have expense with the plumber. Joe stated they should call the city first and once we determine the main is clear, and then they can call a plumber if the problem persists. Richard then asked the council about the letter from Bill Sanders regarding the problem with East Briarbrook Lane & West Briarbrook Lane. It was stated that there is no East Briarbrook Lane; it is Briarbrook Lane and West Briarbrook Lane. It would cause a lot of problems with 911 and the Post Office if we try to change it now.

NEW BUSINESS

Gary Stover asked about getting a sign made for the Bluegrass Festival. Joe said that we already had it made and it is at Public Works. We will need to also look at the ordinance regarding landlords. Joe has a sample from MML.

Mayor Moss noted the thank you letter from the Carl Junction Special Road District.

Joe stated that he has made contact Mo Public Utility about a loan for fluoride. One rate is variable and the other is fixed. The fixed rate is 4.960% and the variable is 3.452%. Joe also reported that the cemetery has asked for assistance with rock for their roads. Joe is not sure how we could do that. We have assisted them in getting their trees trimmed, signs placed and brick for the entrances. All those items were donated.

Pat Smith asked if the council would consider delaying passing ordinances the same night that they are presented. She likes the way Joplin does it. Mike Talley said it is the council discretion on whether they do it the same night. The state statutes allow us to do first and second readings the same night. Gary Stover said he appreciated those comments. There was discussion that sometimes we need to act the same night due to emergency situations. It was decided that it could be on a case-by-case basis and the council can decide which should be delayed.

Walter Hayes asked how often we give the county updates on our city limits. The City Clerk stated she talks to 911 quite frequently. Mike makes it a point to stop by but there is no formal procedure.

CLOSED SESSION PER RSMO 610.021

Walter Hayes motioned to go into closed session per RSMo 610.021 – Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Richard Zaccardelli seconded. Mike Talley asked for a roll call vote. Zaccardelli-y, Evans-y, Skaggs-y, Stover-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Meeting was closed at 8:21 PM.

Meeting reconvened at 10:21 PM. Mayor Moss stated that there was discussion about personnel issues and that no action was taken.

ADJOURNMENT

Pat Smith motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 10:22 PM.

CITY CLERK

MAYOR