

The Carl Junction City Council met in regular session on Tuesday November 20, 2007 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, Pat Smith, Walter Hayes, and Wayne Smith. Aldermen Mark Powers & Dee Lynn Davey were absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

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

### **PUBLIC FORUM**

Gary Stubblefield, Senior Citizens Center addressed the council. They are honoring Velda Tracy Wednesday at 11:00 AM as Volunteer of the Year. She is 95 years old and is still very active. Mayor Moss stated that the City will do a proclamation for Mrs. Tracy and that he will be there to present it to her.

### **P&Z CASES**

Mayor Moss opened the public hearing regarding Case #07-12 – Rezoning for Briarbrook Development from UD to R-1 at 7:06 PM. This is for the developing of Fox Briar Plat #2. P&Z recommended approving the rezoning of the property. There was no one in the audience against it. Ray Schmidt, 343 Fairway Drive, addressed the council and said that Plat #2 consisted of 16 lots and that the drainage goes to the West. Mayor Moss closed the public hearing at 7:08 PM.

The council then reviewed the ordinance for rezoning. Walter Hayes 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 APPROXIMATELY 8.6 ACRES SOUTH OF FOX BRIAR PLAT #1 IN THE CITY OF CARL JUNCTION, JASPER COUNTY AND OWNED BY BRIARBROOK DEVELOPMENT, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM UD TO R-1” on 1<sup>st</sup> 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-absent, P Smith-y, Davey-absent, Hayes-y, W Smith-y. Motion on Ordinance #07-42 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 Case #07-13 – Preliminary Plat of Fox Briar #2. Ray Schmidt, 343 Fairway Drive, stated that this was for 16 lots and that the restrictions on the lots would match the area. Meadow Lake will connect into Copper Oaks and it extends Silver Oaks. He has made an offer for the land that would connect this to Joplin Street. P&Z has recommended approval. Pat Smith motioned to approve the Preliminary Plat of Fox Briar #2. Carl Skaggs seconded. All in favor. No opposed.

Next was the public hearing on Case #07-14 – Rezoning for Equity Endeavors from R-1 Golf Course to R-1. It was stated that the applicant has pulled his rezoning application for consideration. Pat Smith motioned to strike this item from the agenda. Carl Skaggs seconded. Richard Zaccardelli commented that it was already zoned R-1 and asked if he would have to submit a site plan for approval before building a structure. He also said that we need to know about utilities. Mike Talley said that they would have to apply for a building permit and that they would need to meet our codes for building permits. The storm water issues and utilities will be addressed and have to comply with our specifications. These are just city issues and would not have to go before P&Z or council. The building inspector would be involved with this process. Richard asked about a class action law suit. Mike Talley said that is up to the home owners. There was talk about devaluing resident’s properties. Mike Talley informed the council that the owners of Briarbrook were attempting to meet with the homeowners last week but he has not heard anything about it. Mayor Moss then read portions of the letter he sent out last week. There was considerable discussion regarding this issue. It was commented that the residents should get with the owners of Briarbrook and try to work this out. Mayor Moss also said that our hands are somewhat tied as long as they meet our codes.

Mary Schillaci, 706 Springhill Drive, addressed the council and stated that there were about 40-50 people at the P&Z meeting Monday night against the rezoning. They were assured that this would not be on the council’s agenda for tonight and would not be discussed. Mayor Moss said that the city council has the final say. Ms. Schillaci stated that Mr. Hayes did have his meeting last week. Mr. Zaccardelli was invited but did not show according to Mr. Hayes. He also stated that the City supported this issue and was assured by Mike Talley that there were no legal issues whatsoever. Mike Talley then read the statement the Mayor sent out and stated that the city erroneously accepted the rezoning application when it was not necessary. When it was discovered Mr. Talley contacted Mr. Hayes directly to give him that information. Ms. Schillaci stated her house is on a golf course and that if one hole is taken away it will not be a golf course anymore. There was a lot of discussion about the golf course in our community. It was agreed by all that it was good for the community to have the golf course. There was also discussion about a Neighborhood Improvement District which Mr. Hayes discussed with the homeowners. Mike Talley said that Mr. Hayes had been involved with a NID in Neosho and did know how they worked. Mr. Talley is not that familiar with them. There was a lot more discussion about this land and the utilities around it. It was also stated that the NID was just one idea of conserving the land as green space. Mayor Moss stated that the council is aware that the golf course is an asset to our community and that we promote it in our literature. He then reminded the council that he had a motion and a second on the table to strike this item from the agenda. 5 (Evans, Skaggs, P Smith, W Hayes, W Smith) in favor. 1 (Zaccardelli) abstained for his constituents.

### **DISCUSSION OF BOND COUNSELING**

Steve Lawver reported that all the parties interested in the bond issuance use Gilmore Bell as their bond counselors. Steve called Randy Irey with Gilmore Bell and talked about how the ballot should read. He said that we can't log roll projects and that we have to outline the projects and keep them separate unless they relate to each other. Each project has to be a separate question. An Edward Jones representative will be at our next meeting and will be able to answer more questions. Steve then handed out the proposals from 3 different companies on the bond. Edward Jones can issue \$4.6 million in bonds and the cost of issuance is \$45000, Piper-Jaffrey can issue \$4.5 million and the cost of issuance is \$65000. McLiney & Associates was \$26000 to be a financial advisor only. They all said that there were no additional fees other than the cost of issuance.

### **RECOMMENDATION FOR UPDATING OUR STORM WATER MANUAL**

Steve reported that we received 3 letters of interest on this project. Allgeier-Martin was the only ones that complied with all of our requests. Steve then recommended that Allgeier-Martin & Associates be the firm that we negotiate a contract with for this project. Carl Skaggs motioned to direct Steve Lawver to negotiate a contract with Allgeier-Martin & Associates for the council's approval. Walter Hayes seconded. All in favor. No opposed.

### **REPORTS**

The council reviewed the Administration report. The council had some discussion about the street lights. The City Clerk stated that the \$10,000 budgeted was for construction but that there was no extra in the budget for the energy charges. Empire said that the construction cost will be minimal for the City since it is built into the energy charges. The cost of construction will be only what Jimmy does on our part. We may need to amend our budget if we proceed with a lot of new street lights. It was suggested that we contact Gene McMeen and get a cost of the top 10-30 lights and review our budget with those numbers. It was also stated that we need to get started and that we can amend our budget later if necessary. City Clerk brought the council's attention to item #11 regarding title searches. Mayor Moss reported that Jimmy Chaligoj, Kurt Higgins, Maribeth Matney and himself went over the I&I agreement with DNR and have started on meeting their time lines. Richard Zaccardelli asked if there was anything Mike Talley needed from the Senior Center to proceed to the next step. Mike Talley said that we need to make arrangements to transfer the property.

Richard Zaccardelli asked about #7 well. It was reported that it was up and running now. Richard also stated that the evaluation reported for the Police Department looked good.

Steve Lawver reported that our website was up and running ([www.carljunction.org](http://www.carljunction.org)). He complimented A.J. Whistler for his work. Richard asked that when there was a ribbon cutting ceremony in their ward if we could let them know about it in advance. Steve also reported that we won an award for our new community guide this year from MEDC.

### **COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.

The Public Facilities Committee met at 6:00 PM with Doug Corner and discussed the community center.

The Park/Pool had nothing to report.

The Code Review had nothing to report but scheduled a meeting for 6:00 PM on 12/4/07.

The Budget/Finance Committee had nothing to report.

Human Resource Committee had nothing to report.

### **UNFINISHED BUSINESS**

Richard asked about the dog issue with the one resident. Chief responded that she gave up the dog.

Mayor Moss read the letter from Bob Helman thanking the city for the sidewalks on Marie Lane.

Pat Smith then went over the list for the Senior Citizens Committee. Vera Russell – Senior Center rep, Ron Forbes – retired citizen rep, Richard Zaccardelli – council rep, Leona Stice – business rep, Brad McIntyre – financial rep. These would be voting members. The ex-officio members would be David Stephens – school rep, Kent Goddard – building maintenance rep, Maribeth Matney – city rep. Carl Skaggs motioned to approve all but Richard Zaccardelli. Pat Smith seconded. All in favor. No opposed. Carl Skaggs then motioned to appoint Richard Zaccardelli. Pat Smith seconded. 5 (Evans, Skaggs, P Smith, Hayes, W Smith) in favor. 1 (Zaccardelli) abstained. There was some discussion about who should be contacted for the transfer of property. Richard Zaccardelli said that the Area of Aging said we should be contacting Chuck Brown since Richard Russell is no longer on the Board. Economic Security Corporation is temporarily running the organization. Pat Smith then stated that David Stephens needed daytime meetings since he is busy in the evenings. There was discussion about by-laws and if there is a sunset on these terms. Mike Talley said that this is a Senior Needs Committee and the initial members serve until it is set up and then can get off if they want but the committee is a standing committee.

Chief Haase also told the council that if you want Judge Mark Elliston to review anything you need to fax it as he doesn't read e-mail.

### **NEW BUSINESS**

Mayor Moss showed the council the proclamation for Velda Tracy. He also pointed out the letter we received from the Missouri Department of Revenue regarding the 3% fee collection. They stated they did not disburse the funds properly and will spread the repayment over a 32 month period. There was quite a bit of discussion regarding this letter. Mayor Moss is going to write a letter to Senator Nodler regarding it. The City Clerk will also try to get a spreadsheet on it.

Chief Haase reported that they have recovered some stolen property. He also reported he had an officer resign. John Pottorff is going to work for Newton County. He also has talked to MoDot about moving their speed limit sign on Walnut further West to try to slow down the traffic earlier. Richard reported that the #3 green was destroyed and they think they came in from Gum Road.

**CLOSED SESSION PER RSMO 610.021(2)**

Pat Smith motioned to go into closed session per RsMO 610.021(2):Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. Carl Skaggs seconded. All in favor. No opposed. Meeting closed at 8:35 PM.

Meeting reconvened at 9:15 PM. Mayor Moss stated that there had been discussion of real estate property but no vote was taken.

Pat Smith then asked Steve to talk about Ms. Schillaci's statements earlier in the meeting. Steve stated he had talked to Mr. Hayes about grants available which we have applied for in the past but have not received. They also discussed CID and NID which he was familiar with due to his job in Neosho. They could use King Hirshey for the funding for those projects. They need to establish special boundaries for these districts. It could become privately owned property or public owned property. He talked to Mr. Hayes today and Mr. Hayes said it was a positive meeting and the home owners showed interest in the project. Mr. Hayes understands that the golf course is an asset to the City. Steve also said that Ms. Schillaci implied a lot of things he didn't say. He did not state that the City was for or against anything. Steve also stated during the P&Z meeting that they were a fact finding body that makes recommendations to the council. He informed them that it is very black & white with the P&Z Commission. There was some more discussion regarding the golf course and rumors going around town.

**ADJOURNMENT**

Pat Smith motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 9:30 PM.

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CITY CLERK

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MAYOR