

The Carl Junction City Council met in regular session on Tuesday, November 2, 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**

Mike Palmer motioned to approve the agenda. Pat Smith seconded. All in favor. No opposed. Barbara Evans motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Charlie & Elaine Brown, 124 Hedge Drive, addressed the council about the ditch along West Briarbrook Lane. They also reported that the new ditch is holding water also. They have not seen any improvements on the ditch behind their property and asked where we were at with that project. They have talked to the Electric company and they do not have any lines back there to move. It was stated that it was the telephone company. Mayor Wisdom reported that the Council had agreed to make the improvements and have had the engineer working on it. Mr. & Mrs. Brown stated that we do not have to dig but just skim the top and the telephone lines shouldn't effect that part of it. It was also reported that we have to obtain easements first and that we do not have all of them back yet. Mayor Wisdom stated that we will have the public works department check out the ditch to the side to see why it is not draining. They also asked that we contact the owner of 126 Hedge and ask them to mow their lot. Mr. Brown also reported that DNR has been out there sampling but he doesn't know why. He then asked that the City keep them informed on the progress. It was stated that we will send them a letter next week with an update.

### **ORDINANCE**

Pat Smith motioned to put "AN ORDINANCE ANNEXING APPROXIMATELY 40.00 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. 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 #04-72 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.

### **P&Z CASES**

Mayor Wisdom opened the public hearing on Case #04-32 – Rezoning property West of Copper Oaks – Briarbrook Development at 7:17 PM. Walter Hayes reported that the P&Z recommended approval. There was no one in the audience for or against the rezoning. Public hearing closed at 7:20 PM.

### **ORDINANCES**

The council reviewed the ordinance rezoning this property. There was some discussion about streets, traffic and how the current streets are holding up. Ray would like to extend out to Joplin Street and Fir Road but there are 3 other property owners involved and 2 of the 3 are cooperating. There is another 53 acres involved to have the other 2 exits. Gary Stover said this is another reason we need to have a long-range plan. There was discussion about whether we can condemn property for road right of way. 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 APPROXIMATELY 40.00 ACRES IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 33 WEST IN THE CITY OF CARL JUNCTION, JASPER COUNTY LYING GENERALLY WEST OF COPPER OAKS AND OWNED BY BRIARBROOK DEVELOPMENT INC, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM UD TO R-1" on first reading by title only. Richard Zaccardelli 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 #04-73 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 amending Section 705.330 – Water Rates. Walter Hayes motioned to put "AN ORDINANCE AMENDING TITLE VII. UTILITIES: CHAPTER 705: WATER ARTICLE III. USER CHARGE SYSTEM BY AMENDING SECTION 705.330 "ACTUAL USE RATE STRUCTURE" TO INCREASE THE WATER RATES CHARGED TO RESIDENTAL IN-TOWN USERS FROM FOUR DOLLARS (\$4.00) TO FIVE DOLLARS (\$5.00) FOR THE FIRST THOUSAND GALLONS AND FROM TWO DOLLARS TWENTY-FIVE CENTS (\$2.25) TO TWO DOLLARS THIRTY-SIX CENTS (\$2.36) PER ONE THOUSAND (1,000) GALLONS THEREAFTER, AND ALSO INCREASING THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS " on first reading by title only. Mike Palmer seconded. Walter Hayes motioned to put it on second reading by title only with a roll call vote. Mike Palmer seconded. Zaccardelli-y, Evans-y, Moss-y, Stover-y, P Smith-y, Palmer-y, Hayes-y, W Smith-y. Motion on Ordinance #04-74 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 read the City's Administrator's report.

Memo #1 – Pending items. . It was reported that the sign looked good. There is an electrical problem that we are contacting Empire on to figure it out.

Memo #2 – Pool Report. It was commented that it was a wet and cool summer and attendance was down.

Memo #3 – Leaf pick up schedule.

Memo #4 – Court Revenue report

### **COMMITTEE REPORTS**

There were no committee reports at this time.

### **UNFINISHED BUSINESS**

Mike Moss reported that he received a call last week on our car nuisance ordinance. Mike Talley and Joe Barfield have been working on a letter to send to residents in violation of that code. It was stated that there has been some clean up around town already. Wayne Smith said our code enforcement officer is on top of it. We just need to follow procedure. Mike Talley stated he has revised the code enforcement officer's letter to stand up in court if challenged. Wayne Smith said we are making progress and it will not be resolved overnight.

Gary Stover said he has had a complaint about weeds along West Briarbrook Lane by the last new home and they were notified but nothing has been done. We will follow up on that.

Walter Hayes asked if the council would want to do their long term planning when we have the retreat. The Council was in agreement.

Mike Palmer said he received a call about our lawsuit with Charlie Williams. They asked why we were not involving our bonding company. It was discussed we have monetary bonding and were not sure what they were inquiring about. The City attorney and City Clerk will look into it. There was general discussion about the lawsuit.

Pat Smith asked about our building inspector. It was replied that he was back to work now.

### **NEW BUSINESS**

Walter Hayes will be out of town for the next P&Z meeting and asked if anyone would cover for him. Wayne Smith stated he would.

Mike Palmer asked about the letter on the City Clerk. Mayor Wisdom said that it speaks well of the City. She has attained a MMC status.

Pat Smith reported that the senior citizens asked if we could get recycling bins here so they do not have to go to Joplin. It was suggested maybe we could put them on the Fire Department's lot. Mayor Wisdom said he would have the City Administrator talk to our trash company about it.

Mayor Wisdom reported that John Grady had resigned from the Board of Adjustments and June Chenot, Chairman, has talked to Tracie Skaggs about replacing him. Mayor Wisdom has talked to Tracie and she has agreed to serve on the board. She has real knowledge of our P&Z codes and procedures. Her term would expire 12/15/05. Mike Palmer motioned to approve the Mayor's appointment of Tracie Skaggs to the Board of Adjustments. Richard Zaccardelli seconded. All in favor. No opposed.

The council discussed the letter from Sludge Technology. The City Clerk stated that Bryan Hudson had read the proposal and approved it. Mike Palmer motioned to accept the letter from Sludge Technology extending his contract. Gary Stover seconded. All in favor. No opposed.

### **ADJOURNMENT**

Pat Smith motioned to adjourn the meeting. Barbara Evans seconded. All in favor. No opposed. Meeting adjourned 7:50 PM.

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CITY CLERK

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MAYOR