

The Carl Junction City Council met in regular session on Tuesday June 3, 2008 at 7:00 PM at City Hall. Mayor Pro-Tem Walter Hayes called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Mark Powers, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

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

PUBLIC FORUM

Rusty Burton, 405 E Pennell, addressed the council about the ban on pit bulls. He stated that there were only 3 fatal attacks last year out of 26 types of breeds. That is less than 1% of the population. He asked where their freedom was in owning any type of dog they wanted. Dee Lynn stated that children have been badly injured by these dogs and that is why the City has the ban. There may only have been 3 fatalities but there have been several incidences of serious injuries. Mr. Bergen said that a lot of small towns have the bans but a lot of towns do not. It is not fair and we need to let them have their freedom. Richard Zaccardelli stated that the majority of people have issues with pit bulls and are glad that we have the ordinance. Rusty said he plans on getting together a petition and asked how many signatures he needed to have on it. Mike Talley responded that we do not have any provisions in our code that states a petition can cause an ordinance to be considered. A petition does not automatically write an ordinance. It can influence the council but does not have any legal status to it. Mike will look at the statutes to see if he can find anything different than that and will call Mr. Bergen if he finds anything different than what he has just stated.

Debbie Cummins, 405 E Pennell, followed up on her son's comments. She has been babysitting these dogs while her son is trying to move. They are like big babies and she has 6 grandchildren around them all the time. She is having surgery on the 10th and does not want him having to camp out and that being on her mind while she is in the hospital. She said it is discrimination like against a certain race of people and they can't move into town. She then read the definition of a pit bull. She said that they are friendly and it depends on how they are raised. Walter Hayes said that it is being debated about breed specific ordinances but we just looked at it 6 months ago and the council decided to stick with it. She said that they moved here after they lost everything in the tornado. They used to live out of town. They don't really like living in the town but they don't have anywhere else to go. They are asking for a temporary stay until they can find a place to move to. After some discussion Chief Haase said that they need to check with David Wehmeyer to see what agreement they had made on the dogs.

Jerry Liby, 130 Gum Rd, stated that there is property north of his across Gum Road that has high weeds. He stated he talked to the Mayor last month and called the Police Station and no one has ever called him back. He wanted to know what he can do about this eyesore. They also have junk cars in the back and a swimming pool that is left uncovered and no fence around it. He saw someone using it as a dump area for brush the other day. There is also another lot down the street where the new subdivision is that is the same way. Chief Haase said that they have talked to the new owner and he has mowed it, will put a hard cover over the pool and is in the process of selling the cars. He asked to give him 2 months to clean it up. He apologized that we had not been called back. Chief Haase said that he could reach David in the mornings between 8:00 & 8:15.

REVIEW AND APPROVAL OF BIDS FOR REPLACEMENT OF SEWER LINE

Jim Chaligoj passed around a picture of one of the sinkholes that needs to be repaired. He said that a few weeks ago it was softball size and now it is the size of a basketball. There are 10 sinkholes in different directions in this project and these lines feed the West part of town. He is taking bids but did not put a deadline on the time line. He would like to wait until the next meeting to get more bids. His rough estimate is \$30,000. Walter asked what happens if it fails before the next meeting. Mike Talley said that we have our emergency purchase procedures outlined in our code book. Jim said that this is original sewer line in the old Carl Junction. He will also be replacing a manhole in this project.

REVIEW AND APPROVAL OF BIDS TO ASSEMBLE PLAYGROUND EQUIPMENT

Jim Chaligoj reported that he received 2 bids for the assembly of the playground equipment. Miracle - \$21000; Whitacre Recreation - \$18000. Jimmy is recommending Whitacre Recreation. They are putting together the school's equipment right now. They also called today and if they can get started this week they would be done by the 15th. If not we will have to wait until September before they can do it. There was discussion about whether they wanted money up front or paid on completion. Jimmy said paid upon completion. Mike Talley said that we can just do a motion by the council to get started if they don't want prepaid. This is for all 3 sets. Pat Smith motioned to approve the bid by Whitacre Recreation. Richard Zaccardelli seconded. All in favor. No opposed. Jimmy said that we will be doing the fall zones.

RECOMMENDATION FROM PUBLIC FACILITIES COMMITTEE ON AN ARCHITECT

Carl Skaggs said that the committee has narrowed it down to 2 firms, PGAV from Kansas City and SDA from Springfield. These firms are both equally qualified to do the job. PGAV has great ideas and SGA will use a local engineer. Carl said that the committee is divided on which one to recommend. Dee Lynn said that all the firms did a great job in their presentations but these 2 were outstanding. She said that we need to do the best we can with the money we have available. Pat Smith asked if it would help for them to talk to the whole council. Steve said that both firms are willing to come here to do that. There was a lot of discussion regarding these firms. Wayne said that both firms are wide open to any suggestions we might have and both want to work with the

community on the design. It was suggested that we visit some of their reference sites and talk to the people running them. Richard said that they had visited Nixa and it was fabulous. After more discussion Carl Skaggs motioned that we try to negotiate a contract with SDA out of Springfield. Don Marshall seconded. All in favor. No opposed.

APPROVAL OF DISBURSEMENT FOR NEW BUSINESS DIRECTORY

Steve reported that they are doing a new business directory and that the City put \$1000 towards it the last time and they need to know if the City will do that again this time. It was asked if it would have a rendition of our new community center. Steve said that he is not sure we will have a drawing in time since they are going to print the end of June. Pat Smith motioned to approve the \$1000 disbursement for the directory. Dee Lynn Davey seconded. All in favor. No opposed.

TRANSPORTATION STUDY

Steve then reported that he talked with Tran Systems about doing a transportation study for the City. The cost would be about \$30,000-\$50,000. He said that the Joplin MPO is willing to help fund this project. He also said that the HSTCC has offered to do a study. It would not be an engineering study like the other but it would be considerably cheaper. This would help the city on how to make plans for the future with our roads. They will do a priority list for the city. Walter asked if the engineering study would help us with applying for some funds. Steve said yes it could. He could take it to MoDot and ask for some assistance based on this study. It was asked if they would look at the impact of the new airport on Gum Road and the possible bypass on JJ Hwy. Steve said that they would look at both of those along with other issues. Steve said that he went to a meeting last week and the needs study is done on the bypass and now they are doing the next phase on it. Steve said that he could go out for bids for the study if the council wishes to do that. He said that they will also identify funding sources for the City as part of the plan. After some discussion the council stated that they would like to move forward on this.

REPORTS

The council reviewed the administration's report. The City Clerk reported that Empire will be taking down the pole at Fir Rd and Hwy 171. Jim Chaligoj said they took it down and the pole was at the public works building already.

Public Works had nothing to add to their report.

Economic Development had nothing to add to their report. Mark Powers asked about wireless internet. Steve said that they have a new concept they are researching. Richard stated that Fir Rd would only be closed 2 weeks per MoDot.

Chief Haase had nothing to add to his report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Public Facilities Committee asked that everyone be patient as we work through our community center process.

The Park/Pool reported they had met since the last meeting. They discussed where to set the park equipment. She also thanked LaDonna for her article on the City flag. We have had not responses to it yet. Pat asked if LaDonna would do it again and ask that they submit before the next meeting.

The Code Review Committee reported they had met tonight and they reviewed the animal ordinance. They have asked that 2 changes be made and then get it back to them.

The Budget/Finance Committee had nothing to report.

Human Resource Committee had nothing to report. Richard asked about the City Administrator search. Walter said that they are having trouble getting together and that he is going to send them the résumé's by e-mail for them to review.

The Citizen's for Better Life reported that they had turned the keys over to the City on the building.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

The City Clerk informed the council that the school had called to invite them to the "Meet and Greet" for the new Assistant Superintendent Thursday 6/5/08 at 6:15 PM at the High School Media Center.

Delmar said that they are talking with the Attorney General's office on open and closed records.

Pat Smith asked if we mowed easements. Jimmy said that we mow some easements but not all. After a lot of discussion she said that she was asked why we mowed in front of Dusty's but yet Casey's mows their own. Jimmy said that Casey's chooses to mow theirs. He mows all right of way easements and that he told Dusty's he would probably mow only once a month and that if they wanted it mowed more then that they would have to do it themselves. Walter said that we usually mow all road right of ways since they are owned by the city but utility easements are taken care of by property owners. He also stated that if they are in undeveloped land we might mow the easements for our own benefit. There was also discussion of the ditch by W Briarbrook Lane that we put a lot of money into and it was supposed to be maintained by the homeowners but they are not taking care of it. Delmar asked if we have the right to tell people to mow along the street. There was a lot of discussion on mowing of the easements and whose responsibility it was to mow them.

Pat then stated she had a complaint about the pool on Thursday before Memorial Day. She said this person's family paid to get in and then had to wait 40 minutes to get in the pool because they hadn't put in the chemicals. Then they just get in and they have

to get out again because they don't have enough life guards on duty. She asked if we had other complaints. City Clerk responded no but she would check into it.

Don Marshall asked about the property along Terrill that has high grass and debris in their yard. Chief Haase said it was one that was in foreclosure and they had to hold a public hearing on before we abated it. It should be cleaned up this week. He said that there are several of them they are working on.

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 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 therefore. Don Marshall seconded. All in favor. No opposed. Meeting closed at 8:05 PM.

Mark Powers motioned to go into open session. Don Marshall seconded. All in favor. No opposed. Meeting reconvened at 8:30 PM.

Mayor Pro-Tem Walter Hayes stated that the council discussed real estate and that no action was taken.

ADJOURNMENT

Pat Smith motioned to adjourn the meeting. Dee Lynn Davey seconded. All in favor. No opposed. Meeting adjourned at 8:30 PM.

CITY CLERK

MAYOR