

The Carl Junction City Council met in regular session on Tuesday June 19, 2018 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: Rick Flinn, Don Marshall, Richard Zaccardelli, Roger Spencer, Mike Burns, Randy Hutcheson and Mark Satterlee. Councilman LaDonna Allen was absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, and City Clerk Maribeth Matney.

### AGENDA

Roger Spencer motioned to approve the agenda as presented. Richard Zaccardelli seconded. All in favor. No opposed. Richard Zaccardelli motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed.

### PUBLIC FORUM

There was no one for public forum.

### P&Z CASES

Mayor Powers opened Case #18-02 - Special Use Permit for auto repair shop at 203 Temple - Tim Kesinger. Steve Lawver reported that P&Z reviewed this case and recommended denial of the special use permit. Mr. Kesinger requested the reason as to why. Steve Lawver replied that the reason for the denial recommendation was due to several noise complaints, concerns regarding a business being in a residential area and issues with additional traffic. There was discussion amongst the Council regarding those concerns. Richard Zaccardelli motioned to follow the P&Z recommendation and deny the application. Mike Burns seconded. 7 affirmative, no opposed. Application was denied.

### ORDINANCES

Mike Burns motioned to put "**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS, BY AMENDING ARTICLE I. PEDDLERS AND SOLICITORS, SECTION 610.007, ISSUANCE OF IDENTIFICATION CARD, TO REMOVE THE SEVEN YEAR MORAL TURPITUDE . LIMIT FOR ISSUANCE OF ID CARDS**" on 1<sup>st</sup> reading by title only, Roger Spencer seconded. All in favor. No opposed. Steve Lawver stated that a month or so ago a solicitor had applied for a peddlers license. It was discovered that the solicitor had several non-extraditable warrants. The warrants were of a moral turpitude issue. Because of the way the code was written the city was unable to deny the license. After speaking to the police Chief Haase and Assistant Chief McCall, they did not like the way the code was written and felt it could open up issues for the city residents. Rick Flinn asked if we remove the 7 year limit, would there be any limit. Steve Lawver stated that if the language is removed, there will be no limit and the license request can be denied. Don Marshall asked if this would cover all door to door salesmen. Steve Lawver stated that yes, due to the nature of the type of license. Steve Lawver stated that the city issues a peddlers license to each individual that is selling door to door. Mike Burns motioned to put it on second reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Mark Satterlee asked for clarification on what is required for a solicitor. Steve Lawver stated this does not include children selling door to door for sports or school events. Roger Spencer asked if ID cards will be required for every person. Steve Lawver stated yes it will. Rick Flinn read the definition of moral turpitude to the rest of the Council. Mike Burns asked if background checks are done. Assistant Chief McCall stated that a basic check is run on each solicitor to make sure they have no outstanding warrants. If nothing comes back, then the license is issued. Don Marshall motioned to put it on final passage. Mike Burns seconded. Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-yes, Satterlee-yes, Allen-absent. Motion on Ordinance #18-20 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.

Mike Burns motioned to put "**AN ORDINANCE APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND OLSSON ASSOCIATES, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO PREPARE A CORRIDOR STUDY ALONG FIR ROAD FROM JOPLIN STREET TO HIGHWAY 171 IN CARL JUNCTION, FOR A FIXED SUM OF \$30,000.00, INCLUDING REIMBURSABLE EXPENSES; AND AUTHORIZING THE MAYOR TO EXECUTE SAID LETTER AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI**" on 1<sup>st</sup> reading by title only. Roger Spencer seconded. All in favor. No opposed. Steve Lawver stated that this is the corridor study on Fir Road. He stated that JATSO will be paying 80% of the cost (\$24,000), Airport Drive will be adding \$1200, and the City of Carl Junction will be kicking in \$4800. Richard Zaccardelli asked if traffic will be counted during peak hours. Clayton Christy stated that they will be counting during peak hours. Clayton Christy explained that he used to work for Tri-State engineering and is very familiar with the corridor of the area. Mike Burns asked what will be done with the results. Steve Lawver stated that hopefully we will receive a recommendation on ways to fix the traffic and then move forward and obtain funding for the project. Roger Spencer asked how long the count will last. Christy stated 24 hr. average daily traffic and 4 hour am/pm daily traffic counts. Mike Burns asked how long the results are valid. Christy stated it is a 20 year projection. He stated that if too long has passed, an amendment can be written to update the report. Richard Zaccardelli asked if this includes possible roundabouts. Christy stated that they would include a roundabout in the conceptual with the alternative being traffic signs or traffic signals. Roger Spencer motioned to put it on second reading by title only. Don Marshall seconded. All in favor. No opposed. Rick Flinn asked if the conceptual included bike lanes. Mr. Christy stated that they would probably suggest sidewalks and/or bike lanes. Steve Lawver explained that one of the things that JATSO has been doing is expanding roads to include bike lanes. Randy Hutcheson stated there are several streets along the stretch of road that are not part of the study, and wanted to know if they will be included in the planning.

Christy stated that these roads will not be counted but would still be included in the conceptualizing. Mike Burns motioned to put it on final passage. Don Marshall seconded. All in favor. No opposed. Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-yes, Satterlee-yes. Motion on Ordinance #18-21 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.

Mike Burns motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND ALLGEIER, MARTIN & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO PREPARE A FACILITY PLAN TO EVALUATE THE PERFORMANCE OF THE EXISTING SEWER COLLECTION SYSTEM AND PLAN FOR REDUCTION OF INFLOW AND INFILTRATION (I/I) IN THE COLLECTION SYSTEM, FOR A SUM WHICH WILL NOT EXCEED \$60,000.00, AND SUCH ADDITIONAL SERVICES AND REIMBURSABLE EXPENSES AS PROVIDED IN THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Roger Spencer seconded. Steve Lawver stated that this allows him to move forward so that he can obtain the funding. Steve Lawver stated this has been the funkiest application process that he has ever had to procure a commitment from DNR. Until we get the notice from DNR that we have received the grant, Allgeier Martin will not receive a notice to proceed. This is due to the work being non-reimbursable. Mike Burns wanted to know the grant amount. Steve Lawver stated \$60,000 and the chances of the grant are nearly 100%. The resolution that was previously passed gave Steve Lawver the authorization to go ahead with DNR. Steve Lawver stated that the contract will go to Allgeier Martin for approval. Due to the ordinance being previously tabled, Mike Tally stated that a fourth reading is not necessary. Mike Burns motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-yes, Satterlee-yes, Allen-absent. Motion on Ordinance #18-22 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 the Administration report. Mike Burns requested the timeline on the sidewalk project. Steve Lawver stated that it was 90 days and they are 15 days into it. Mike Burns asked if the city had applied for any grants this year. He was specifically interested in the Land Water Conservation grant. Steve Lawver stated that the land water conservation grant does not open until later this fall but that we will be looking into it.

Public Works – there was nothing to add. Richard Zaccardelli asked Jimmy if the city could get the county to put up a sign for deer crossing on Joplin Street. Jimmy stated that he requested a sign but was denied by Special Road District. Randy Hutcheson asked if there were plans for signage for the new parking lot by Lakeview Park. Mayor Powers stated that he is going to ask the CID about a cost share for 3 LED signs for both Lakeside and the CID. Mayor Powers asked if the pipe for Memorial Park has been ordered. Steve Lawver explained that we need to get some pipe for a small bridge off Miller Street. The bridge is collapsing and you can see in the asphalt where it is breaking up. When the bridge was originally put in, piping grid work similar to a cattle panel was laid with concrete/chat poured over it. The road is already closed so Steve Lawver stated that now would be a good time to work on it. Mayor Powers stated that he would like to get the piping for Memorial Park all the way across.

Police Dept. – there was nothing to add.

Court report - there was nothing to add.

### **COMMITTEE REPORTS**

Budget/Finance: Mike Burns-nothing to report.

Code/ Nuisance: Randy Hutcheson- nothing to report

Human Resources: Roger Spencer-nothing to report

Public Facilities & Planning: LaDonna Allen was not present at the meeting. Mike Burns stated that we need to have another meeting rescheduled due to tonight's meeting being cancelled. Steve Lawver stated it would be before the July 3<sup>rd</sup> meeting.

Senior Citizens: Nothing to add

### **UNFINISHED BUSINESS**

Don Marshall stated that the Council discussed about a year ago, problems with AT&T burying their lines. He stated that they have a line on Grimes Street that has been sitting there for a long time and has even been cut once. Mayor Powers interjected that this was actually a Mediacom line. Steve Lawver confirmed it was Mediacom and that he was unaware of the unburied line. He stated would be emailing the issue to Mediacom.

Mike Tally stated that regarding the fence case, our counsel in Kansas City will be setting up some depositions and motions. He stated that he feels that will be happening very soon.

Rick Flinn stated that his church has put together a mission possible group on Wednesday night. He explained that he met with Jimmy and arranged for his group to go out to South Joplin Street where they built the round part of the sign.

Mark Satterlee thanked Mayor Powers for his appointment and that he is looking forward to the opportunity to serve the community.

### **NEW BUSINESS**

Mark Satterlee again thanked Mayor Powers for the appointment and the opportunity to serve the community.

Mike Burns gave kudos to the Chamber and whoever else was involved in organizing the Flag Day concert at Memorial Park.

Mayor Powers requested everyone to be present on July 3<sup>rd</sup> meeting for a group picture of the Council.

Rick Flinn received a phone call from Linda Sadler who is concerned about the trailers at the end of Joplin Street. Steve Lawver stated that they are posted non-occupiable and that the next step will be to move forward with demolition.

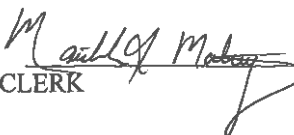
Steve Lawver stated that he has several things. Regarding the ADA and vehicle access on the trail system, Steve Lawver stated that the grant used to build the Thom Station Trail was through MODOT money from Federal Highway from 2007. The trails were designated as pedestrian and bicycle trails. He stated that we have had a request to use an ATV on the trail by a disabled person. He continues by saying when the trails were originally built, ATV's were not recognized as a personal mobility device. However, in 2010 ADA came out with new rules which were promulgated in 2014, expanding the personal mobility devices to include segues, golf carts, ATV's and numerous other vehicles. Steve Lawver stated that one of the things that can be done to control the usage is to place a speed limit on the trail system, and ADA does recognize the speed limit as a qualifier. We can also make sure that a person has a state issued disability placard. One of the speed limit qualifications recognized is 6 mph, which is a brisk walking speed. This is the equivalent to the beginner speed of a Segue according to the ADA's description. Steve Lawver stated that written procedures need to be put in place allowing these vehicles on the trail system. Enforcement of these procedures will then fall to the Police Department. Steve Lawver stated that dealing with ADA only a couple of questions are allowed to be asked in regards to how the person is operating the vehicle. Steve Lawver explains that the question can be imposed asked the driver if they have a state issued placard. If they verbally confirm than we have to let them proceed. Therewas discussion regarding if the placard has to be displayed, or if a verbal confirmation is all that's needed. Steve Lawver stated that according to ADA a verbal confirmation is all that is required. Mike Tally asked if there are any codified rules on trail usage as of now. Steve Lawver stated that yes we do have codified rules for the trails that we have not used federal money on, we have codified that golf carts are allowed. There was a lot of heavy discussion on the width of the trails and if there would be room for these vehicles as well as pedestrians. Mike Tally stated that a new code would need to be written.

Steve Lawver stated that The Village of Airport Dr. sewer rates addendum #15 has been sent out to them and their rates would be \$32.06 per connection monthly. He stated that normal cost for our guys to do their work will need to be adjusted. He explained that we use the federal mileage rates which have gone down from 56.5 cents to 53.5. The hourly rate will be going up due to longevity of the employees as well as one of the operator's having a B license. Steve Lawver explained that there will be new ordinances regarding these changes which will be on the next meeting's agenda.

Regarding the community center for cards and activities: Steve Lawver stated that a breakdown has been presented to the Council regarding a possible fee increases. He stated that there are several recommendations and possibilities that the city's activities director Kenny Wickstrom has created changing the cost of the fitness cards as well as instituting new pass cards for an activities only option. Steve Lawver stated that pickle ball is going well and that some of the regular pickle ball players have requested an option for an annual card where they do not have to pay \$3.00 each time. Steve Lawver stated that an all access option is being purposed which would give residents access to the fitness center, all of the weekly classes, and pickle ball. Steve Lawver stated that with the hiring of the new activities director we have added weekly fitness classes as well as more equipment for the fitness center. Mayor Powers asked if the fees that we have now are administrative fees or codified. Steve Lawver stated that they are administrative fees and not codified. Mike Burns requested information on how many fitness members we currently have and the reason for wanting to increase the rates. Steve Lawver stated that the money collected is used to pay for the magnetic fitness cards as well as funding for new equipment and repairs. Mike Burns asked if we are operating under a deficient with the fitness center. Steve Lawver stated that we do have money in the account. Regarding numbers of members, Steve Lawver defers the question to Maribeth Matney. Maribeth Matney stated that she does not have the numbers off hand but she can run a report. Mike Burns stated that he is in complete agreement with increasing the activities. Mike Burns also explained that he feels the activities director is doing a great job but that raising the rates would have the opposite effect of what we are trying to do which is to attract more members. There was discussion regarding the reasoning for raising fees. Rick Flinn stated that he feels a lot of people may have issues with the hours of the fitness center. He stated that if the fitness center could open earlier, he feels more people would come. Steve Lawver stated that he has had requests for earlier hours but that staffing for those hours would be an issue. There was a lot of discussion regarding whether raising fees would draw more people in or drive them away. Mike Burns recommended that we continue doing what we have been doing the last couple of months and leave the fees where they are, but include the all access pass for the activities. Mike Burns stated that we should continue to try to offer more and more activities to make the all access pass a better bargain. Mike Burns also stated that he believes we are on the right track. Steve Lawver stated that he will be working on some options to come back to the Council for approval.

#### ADJOURNMENT

Roger Spencer motioned to adjourn the meeting. Don Marshall seconded. All in favor no opposed. Meeting adjourned at 8:16 PM.

  
CITY CLERK

  
MAYOR