

The Carl Junction City Council met in regular session on Tuesday July 06, 2010 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Steve Daniels, Dee Lynn Davey, Walter Hayes and Wayne Smith (arrived at 7:03). Alderman Mark Powers was absent. Also present were City Administrator Steve Lawver, City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Carl Skaggs motioned to approve the agenda. Dee Lynn Davey seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Don Marshall seconded. All in favor. No opposed.

### **PUBLIC FORUM**

Steve Frederickson, 303 N Grimes, asked about the sidewalks along Pennell. He asked if we were planning for the future of the sidewalks and maybe using some of the money from the sale of our buildings. Mayor Moss said that we will not need easements and that MoDot has the engineering done and we can use the current right of way.

Tracie Skaggs, 601 Cornell, said that she had concerns about the application that was presented at the 6/14 meeting. She felt that the application was mis-leading in some of the information. She also pointed out that the non-conforming use goes away after 6 months of non use. She referred to Section 405.050 and the future use plan. There are 15 residential lots affected by the rezoning application. She stated that it was R-1 when all these people bought their lots along that property. She suggested he apply for a special use permit and that would be in the best interest of the CJ residents. She also asked that if anyone in the audience agreed with her to stand and 8 people stood up.

Bob Bromley, 30595 Fir Road, stated that he bought the old MoDot property in December. He said that the land use under MoDot was M-1 and that rezoning it to C-2 gives it more restriction. He stated that during the public hearing there was only 1 person opposed during those meetings. One of the neighbors sold 40' of their property to MoDot for \$3650 in 1994 and was not sure why it was done. He then asked that the council pass the ordinance for the rezoning.

Mayor Moss called twice and there was no one else for public forum.

### **CHAMBER REPORT**

Gary Stubblefield then gave the Chamber report. (see attached)

### **P&Z CASES**

Mayor Moss then opened the public hearing for Case #10-07 – Rezoning of 610 E Pennell – from R-1 to C-2 – Bob Bromley. Mike Talley stated that the Mayor had asked him to review the minutes of the P&Z of 6/28/10. 4 members were at the meeting which was a quorum. There was a motion made and recommended that we deny the rezoning request. 3 voted in favor and 1 abstained. The Chair ruled that the motion failed. They then called 2 other members to come to the meeting. There was a second motion made to deny. 3 voted in favor. 2 abstained and 1 voted against. Mike Talley said that for a denial it only takes a majority of a quorum. So the motion that was made did pass with 3 votes and it is the recommendation of the P&Z to deny the request. Mike Talley then pointed out that it is in our code that a recommendation has to be made not the state statute. We can change our code if we feel that it needs to be changed. Walter Hayes questioned our code and Mike Talley pointed out Section 405.025 the last 2 sentences. There was some discussion about our current code and possible changes. Walter said that he doesn't mind it being C-2 up front but feels the back should stay R-1. He also pointed out that our code does not have split zoning. Carl asked if we change the front what can he do with the back if it stays R-1? It is not feasible. Dee Lynn agreed that it would bring businesses to town and she thinks Bob Bromley would not do anything to hurt Carl Junction. It would also clean up an eye sore. Walter said that he could build residential behind the C-2. There is access to that property from the back. It was pointed out that he would have to purchase property to get access and there was no guarantee that they would sell him access. There was considerable discussion regarding this property and the zoning request.

Carl Skaggs then motioned to table the ordinance until the next meeting. Richard Zaccardelli seconded. Steve asked what questions he needed to research for the council. Walter Hayes suggested we table until the P&Z can meet again and get the Long Range Planning Committee involved. Dee Lynn asked if the P&Z can make the decision to divide it into 2 different zones. It was stated he should do a lot split. The City Clerk then stated that a lot split was handled in house between the engineer, PW Supervisor and the City Clerk. Carl Skaggs then clarified his motion that the ordinance be tabled until the 2 committees can meet and bring back to the council a recommendation. Richard Zaccardelli seconded. All in favor. No opposed.

### **REVIEW AND APPROVAL OF PICKUP BIDS**

Chief Haase then presented the bids for the pick up. He received only one bid and it was from Carthage Ford in the amount of \$14758.00. It is for a 2011 pickup. The Public Works will be using their old pickup. It has 60,000 miles on it and it is a 5 speed so there is no trade in allowance. Don Marshall motioned to approve the bid. Richard Zaccardelli seconded. All in favor. No opposed.

### **ORDINANCES**

The council reviewed the ordinance approving the amendment of Section 125.090. Steve pointed out that this gives the supervisor the ability to control the work week which will help them control comp time better. The work week will be put in our personnel policy manual. Carl Skaggs motioned to put “AN ORDINANCE AMENDING TITLE 1. GOVERNMENT CODE, CHAPTER 125: PERSONNEL POLICY, SECTION 125.090: PAY PERIODS, SECTION 125.100: WORK HOURS, OVERTIME,

AND TIME OFF AND SECTION 125.110: COMPENSATORY TIME TO PERMIT PAY PERIODS TO VARY FROM DEPARTMENT TO DEPARTMENT, AND TO CLARIFY THE ROLE OF THE CITY ADMINISTRATOR IN APPROVING OVERTIME, TIME OFF AND COMPENSATORY TIME” on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Steve Daniels seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned for passage of the ordinance. Steve Daniels seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-absent, Daniels-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #10-24 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. There was nothing to add to the report.  
Public Works report – there was nothing to add to the report.  
Police Department report – there was nothing to add to the report.  
Court report – there was nothing to add to the report.

**COMMITTEE REPORTS**

The Nuisance Committee had nothing to report.  
The Long Range Planning Committee had nothing to report but after some discussion stated they would be meeting with the P&Z Committee on 7/12/10 at 7:00 PM.  
The Budget/Finance Committee had nothing to report.  
The Human Resource Committee reported had nothing to report.  
The Public Facilities Committee had nothing to report.  
The Code Review Committee  
The Citizen’s for Better Life had nothing to report.

**UNFINISHED BUSINESS**

Dee Lynn asked if we had heard anything from Mediacom yet. It was replied no.

**NEW BUSINESS**

Chief Haase then stated that Jimmy, Steve and himself had talked about getting an ATV since the pick up came in cheaper than budgeted. Jimmy said that the PW department could put some money towards it also. We could use it for the Festival, patrolling along the trail and Jimmy said that the PW would have some uses also. Walter said that we have talked about it before and after some discussion it was stated that they could go out for bids to see what they come in at.

**ADJOURNMENT**

Richard Zaccardelli motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 7:59 PM.

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CITY CLERK

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MAYOR