

The Carl Junction City Council met in regular session on Tuesday October 19, 2010 at 7:00 PM at City Hall. Mayor Michael Moss called the meeting to order with the following present: Richard Zaccardelli, Don Marshall, Carl Skaggs, Mark Powers and Dee Lynn Davey. Aldermen Steve Daniels, Walter Hayes and Wayne Smith were 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. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to approve the consent agenda. Don Marshall seconded. All in favor. No opposed.

PUBLIC FORUM

Pat Smith, 303 Leisure Lane, addressed the council about the Briarbrook property. She read the comments in the paper about Briarbrook not having a park. The City opened up an entrance to Country Club Estates Park so they could share the park. We do not have a need for an additional park. It will take more equipment and more labor that we can't afford now. She also said that the sales tax was supposed to be used for other projects and the City needs to try to do more improvements. We need to use the money for the whole city and its needs for other things. She suggested that the CID buy it and sell it to someone else. We don't need it at this time.

Lowell Coulter, 605 Lexington, addressed the council about his street problem. This has been going on since Art Maddox was Mayor. We need to put a ditch in to let the water flow so that it does not tear up the street. We need to fix the problem and not just keep putting asphalt down.

Mary Schillaci, 706 Springhill Drive, informed the council that they could not buy the 95 acres since in the ballot issue they voted on it was not part of any option. Option 2 says that the CID will buy the 95 acres. If they try to change anything it needs to go back to the vote of the people. We can't buy property that the CID is committed to buying. She has made complaints with the Attorney General that no public hearing was held before September 1st for the property tax for the CID. The City complied with the statute but not the CID.

Steve Lawver then read a letter from Bob Cook regarding the 95 acres. (see attached) Steve then asked if he could make a few points regarding some statements from Mr. Cook. We have an appraisal from 2010 for \$570,000 and another one dated in 2007 for over \$400,000. He didn't agree with those and had our own appraisal done and it came back at \$316,000. The standard for parks is that you should have 1 acre for every 47 people. We should have 154 acres of park and we currently have 30-40 acres. Also Joplin, Webb City and Carthage all have large parks. He also pointed out that the ballot issue was only defeated because it was not a super majority but did pass 51% to 49%. He then went over the list of businesses Mr. Cook referred to and pointed out that they had been replaced by other businesses.

Donnie Rion, 117 Hedge Drive, addressed the council about the 95 acres. He agreed with Mary Schillaci that the CID is to purchase the 95 acres. He also said that the CID did not comply with Missouri State Statue 67.110 on property tax procedures.

Dixie Asbell, 720 Sheridan, stated that the council was elected by the people and to remember why they were voted in and that is for them to make decisions that are best for the City. They were put in office to represent the people.

Pat Smith then made one more comment regarding the surrounding town's parks being big. She pointed out that the towns are bigger also and can afford to maintain them.

CHAMBER REPORT

Gary Stubblefield reported to the council they have been very active for Breast Cancer Awareness month. Our post office is trying to be #1 in the nation for selling stamps. Right now we are #2. He then gave a testimony about a woman who just found out that she had breast cancer and feels that bringing people's attention to it works. Last he asked that everyone participate on Wednesday at the High School in trying to set a record for the largest human ribbon. They will be meeting at 6:00 and forming the ribbon at 7:00 PM. They need 3641 people to set the record.

BOB WENTWORTH-BYAA

Bob Wentworth, 119 Briar Meadow, addressed the council about BYAA. They met with Steve Lawver and proposed that the City hire a Parks and Recreation Director to oversee what they currently are doing. They need to make changes and they need help. He has been with the association for 9 years with the last 5 as being president. Blake Mertens has come on board and has helped tremendously with their financial reporting. They are a 501C3 and they plan to stay active. Right now they have 11 board members but they all have full time jobs and can't devote the time needed to do everything. They have had to start hiring some things to be done. He feels that the time is now for the City to take over and oversee this association. He feels we can hire a young, fresh out of college kid to take charge and make a name for them. Richard asked how many kids they have. Bob replied about 1100 kids. He said that they come to Carl Junction for their youth programs. The other towns do not have a good reputation and Carl Junction has strived to have a good program. Dee Lynn pointed out that it will take a lot of volunteers and asked if they were still willing to help with that. Bob said yes. His plan is to reduce the board from 11 to 7 and have each board member dedicate themselves to one particular sport. They will act as an advisory committee. They also have people who want to be ex-officio members. There was some more discussion regarding this proposal. Bob Wentworth said that they are considering starting volleyball but have not considered track. He also reported that the coaches at the school are going to get involved and help with these programs. He asked that the council take it under consideration and he would come back to our next regular council meeting for more discussion.

DISCUSSION OF 95 ACRE PROPOSAL

Steve Lawver read the letter with the proposal from Mr. Gehrs. He reported that Tri-State Engineering did an appraisal for us that came back at \$316,000. Steve also asked for some financing proposals. Community Bank & Trust came back at 3.75% for 6 years and SMB was 4.95% with a balloon at the end of each year but is not sure the rate is guaranteed each year. It would take about ½ of the Capital Improvement Sales tax each year until it is paid for. Steve also reported that the deadline is not a hard date and could be extended if the council wishes. Mark Powers said that the money can be used for any type of capital improvement. Don remarked that he does not think the city can afford it now. Mark stated that we get \$110,000 from the sales tax each year. Steve reported that our Sales tax is up about 2%. There are about 20 acres of water and 75 acres of land. We have the equipment to maintain it but it will probably wear it out sooner. We would have to add 1-2 employees for seasonal help. We were going to have to hire 1 anyway due to one of our seasonal people is moving to do janitorial work. Steve reported that Jimmy intends to mow the perimeter and then broadcast natural wild flowers to the interior of it. Dee Lynn said we could put some fields on it for the youth to play on. There was more discussion of using the capital improvement sales tax for the purchase of this property. Richard said that the track could be used for cross country training and a 5K run. Mark Powers suggested we send it to the Budget and Finance committee to make a recommendation to the council. After some discussion it was decided that they would meet Friday 10/22/10 at 11:00 AM.

ORDINANCES

The council then considered the ordinance amending Chapter 340.25 – golf carts on streets. Carl Skaggs motioned to put “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE III. TRAFFIC CODE, CHAPTER 340 – MISCELLANEOUS DRIVING RULES, BY ADDING NEW SECTION 340.125, GOLF CARTS – OPERATION ON CITY STREETS - PROHIBITIONS, TO PERMIT AND REGULATE THE OPERATION OF GOLF CARTS ON CITY STREETS” on first reading by title only. Don Marshall seconded. Mayor Moss asked for discussion. Mark Powers said that he can’t support this version of the ordinance. Richard Zaccardelli agreed. There was some discussion about the insurance requirements. Richard said that you have to get it licensed and titled to insure it for the street. Dee Lynn suggested we hold off on this ordinance until we have full council. Carl Skaggs motioned to table the ordinance until the next meeting. Don Marshall seconded. All in favor. No opposed.

The council then considered the ordinance amending Chapter 125.160 – health and life insurance for elected officials. Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE, CHAPTER 125: PERSONNEL POLICY, SECTION 125.160: HEALTH AND LIFE INSURANCE, TO ALLOW ELECTED OFFICIALS OF THE CITY AND THEIR IMMEDIATE FAMILY TO PARTICIPATE IN ANY GROUP PLAN HEALTH AND INSURANCE COVERAGE PROVIDED BY THE CITY TO PERMANENT FULL-TIME EMPLOYEES IF PERMITTED UNDER THE GROUP PLAN AND IF ALL ADDED COSTS ARE PAID BY THE ELECTED OFFICIAL” on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. Mark Powers stated that the elected official would pay 100% of the premium and that there would be no cost to the city. Steve Lawver also pointed out that the insurance company has to allow it. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Mark Powers seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned for passage of the ordinance. Don Marshall seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-absent, Davey-y, Hayes-absent, W Smith-absent. Motion on Ordinance #10-38 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 then considered the contract with the Joplin Humane Society. Mark Powers motioned to put “AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND THE JOPLIN HUMANE SOCIETY, INC., d/b/a ANIMAL ADOPTION & RESOURCE CENTER OF THE FOUR STATES, TO PROVIDE SHELTER, FOOD, CARE AND DISPOSAL SERVICES FOR SMALL ANIMALS BROUGHT TO THE CENTER BY CITY LAW ENFORCEMENT OR HEALTH OFFICIALS; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. It was reported that we are looking at Carthage to help us out if it is less expensive and that Webb City is going to build a shelter like we have to help cut their costs. Mike Talley pointed out that this is not an exclusive contract and that we can take our animals somewhere else if we find someplace. Don Marshall motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Mayor Moss asked for discussion. There was no discussion. Carl Skaggs motioned for passage of the ordinance. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-absent, Davey-y, Hayes-absent, W Smith-absent. Motion on Ordinance #10-39 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 then considered the contract with the Jasper County Collector and the Briarbrook Community Improvement District. Mark Powers motioned to put “AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI, JASPER COUNTY COLLECTOR STEPHEN H. HOLT, THE COUNTY OF JASPER AND BRIARBROOK CID PROVIDING THAT THE CITY OF CARL JUNCTION COLLECT THE BRIARBROOK CID SPECIAL ASSESSMENT IMPOSED BY SAID DISTRICT UPON THE SAME TERMS PROVIDED BY STATUTE FOR THE COLLECTION OF SUCH ASSESSMENTS BY THE COUNTY COLLECTOR; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on first reading by title only. Carl Skaggs seconded. Mayor Moss asked for discussion. Mike Talley said that we have 2 versions out there. One is the original before the hold harmless agreement and the other has the hold harmless agreements in it. The original was intended as a draft but that is the one that the county has signed. The second version

holds the City harmless for anything other than what our employee's may have done wrong, not what the county or BCID might have done. It gives the City some protection. He advised the council that they need some protection if problems evolve. Mike Talley then went over the differences between the 2 versions. This allows the City to collect it this first year and then gives us an option to extend it if we agree. It is renewable annually. There was a lot of discussion regarding these agreements. Dee Lynn stated that she thought we should do it this time if they agree with the indemnification. Mike Talley said the only difference in the contract is the indemnification clause. Mark Powers motioned to go with the agreement with the hold harmless clause in it. Richard Zaccardelli seconded. 3 (Zaccardelli, Powers, Davey) in favor. 2 (Skaggs, Marshall) opposed. Mark Powers motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Mayor Moss asked for discussion. Mark Powers said if we don't do this the CID will fail and the 250 acres will go under. Don asked about the city collecting for the county. Mike Talley said that lots of counties collect for cities and this is just reversing the aspect. There are no statutes regarding it. There has been no precedent on it. It was also stated that we can keep up to 1% of the collections. Mark Powers motioned for passage of the ordinance. Richard Zaccardelli seconded. 3 (Zaccardelli, Powers, Davey) approved. 2 (Marshall, Skaggs) opposed. Zaccardelli-y, Marshall-no, Skaggs-no, Powers-y, Daniels-absent, Davey-y, Hayes-absent, W Smith-absent. Ordinance failed to pass.

REPORTS

The council reviewed the Administration. There was nothing new to report.

Public Works report – there was nothing to add to the report. There was some discussion about parking on Copper Oaks for the trail.

Police Department report – there was nothing to add to the report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.

The Long Range Planning Committee will be meeting 10/25/10 at 7:00 PM.

The Budget/Finance Committee will be meeting 10/22/10 at 11:00 AM.

The Human Resource Committee had nothing to report.

The Public Facilities Committee had nothing to report.

The Code Review Committee had nothing to report.

The Senior Citizen Committee had nothing to report.

UNFINISHED BUSINESS

The City Clerk asked if we were going to try to switch our insurance renewal date to January 1st instead of March 1st due to deductibles. The council said yes. We will get with Wayne to get quotes for review.

NEW BUSINESS

Richard Zaccardelli asked if we had a shock collar in our leash law code. It was stated that if we wanted to put it in our code the Code Review committee will need to look at that. They will get with David Wehmeyer.

ADJOURNMENT

Carl Skaggs motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed. Meeting adjourned at 8:27 PM.

CITY CLERK

MAYOR