

The Carl Junction City Council met in regular session on Tuesday November 3, 2009 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, Mark Powers, Steve Daniels, Dee Lynn Davey and Wayne Smith. Alderman Walter Hayes was absent. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

AGENDA

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

PUBLIC FORUM

Gary Stubblefield, 200 Karen Drive, reported to the council that Sharon, our local postmaster, met her goal of \$10,000 by raising \$10948.85 for Breast Cancer Awareness month. That means she sold 19,907 stamps. She sold 50% of them the last 8 days. She had 3500' of pink ribbon. They also had the mammogram truck in Carl Junction and it was such a success that they have scheduled it for May 2010 and October 2010. He also stated that they are doing a community picture on 11/5/09 at 6:00 at the CJ High school stadium. They would like a good showing and hope that the City would put it on their website.

Dick Burrows, 414 N Cowgill, stated that 4 years ago he complained to the council about 407 N Roney. It is a crack house and it is a HUD supplemented house. They have dogs barking all night and he has called the animal control about it. It is devaluing his property and would like to see the city do something about it. There is also a sewer smell coming from the house and there is trash all around it.

Stan Lewis, 114 Anita Drive, asked if the City was going to buy the golf course. He asked about the profitability of the course and why the city doesn't buy it as a whole rather than Ward III. He would like to see the golf course stay open but he thinks the whole city should pay for it. The other suggestion was that the people who want to golf should look into buying it themselves. Mayor Moss stated that the city is not pursuing this and it was not approved by the city to purchase it. The CID has to meet certain criteria and then we have to verify that it is a legal petition. Mayor Moss explained how CID petition process.

There was no one else for public forum.

MARY SCHILLACCI

Ms. Schillaci, 706 Springhill, asked why it took 2 years to get a nuisance abated behind her house. She also questioned our process on collecting past due taxes. She said that we have our codes on the books and they should be enforced fairly. She complained about the weeds in November of 2007 and no citation was sent. She complained again and 2 citations were sent in July 2008. The owner claimed that the nuisance had been abated and we did not require any proof. He paid the tickets but the nuisance had not been abated. She stated that we should require proof that a nuisance is abated. We require it in other cases and questioned why we didn't this time. He was issued tickets again this year and he went in front of the judge and paid the \$320 abatement but nothing else was said about the other tickets on his taxes. Ms. Schillaci also stated that Ron Brewer filed a citizen's complaint to the county about the unpaid taxes and the county taxes were paid on 6/29/09. She said that the code states that the Mayor should enforce all the law and codes of the City and read section 110.050. Mayor Moss stated that he checked into Mr. Brewer's citizen complaint and that no such complaint was issued. Ms. Schillaci said that our city code should be enforced fairly. Mike Talley responded that there is a nuisance abatement ordinance on the books but that it nuisance abatement is not explicitly funded in the budget. Also, this abatement was unique since it was the first time the nuisance could not be handled by the local businesses that had abated other nuisances with ordinary lawn mowing equipment, and we had to find a source that could bush hog and handle this more substantial nuisance complaint. Mike Talley agreed that last year the fines were paid and that the owner had represented that the nuisance had been abated. Mike Talley also said that another problem in dealing with the Briarbrook property was that the property was not an abandoned or vacated property, and that the property was occupied. Other nuisance abatement projects had involved simple mowing without the use of bush hogs and had involved abandoned, unoccupied property. Briarbrook is a unique problem to the city. He stated that, even given the uniqueness of the situation, he could not fully account for the delay between May and September 2009 for the abatement to occur, but at least it has been abated now. Mike Talley then explained that the delinquent taxes are in court now. We have a code provision to fine \$500 for delinquent taxes, but there is a question whether the Briarbrook delinquent taxes exceed our legal limit for a municipal court since it owes \$8000 in taxes. The parties to that municipal court proceeding are writing briefs on it now and he will see them 11/11/09. We may just have to settle for the lien on the property created by the real property taxes so that no one could get clear title unless the real property taxes are paid. The utility bills and personal property taxes are another problem. We may want to file suit for non payment of taxes and utilities, but that is for the council to decide. There is a question of costs and what ultimate benefit there is to such a suit. It will require special handling of a special problem. There was more discussion of delinquent taxes including the county collecting for the city. Mike Talley said that our code is very effective for the majority of cases but this situation is unique. There was also discussion of writing additional tickets for non payment of taxes. Mike Talley discussed the dangers of writing repeated tickets for the same offense. Mike Talley said that the charges may be dropped in our court depending on the arguments that are being submitted in the briefs.

Ms. Schillaci then asked if Mike Talley would go over public hearing procedures and the council's duties. Mike Talley responded that there are different public hearings for different purposes and if she would clarify he could research and get an answer, assuming the Board or Mayor asked him to do so. Ms. Schillaci then read a comment from Steve Lawver that was quoted in the local paper that the council did not have a choice but to accept the petition if brought before the council. Mr. Talley said he didn't know what petition she was talking about or what Steve Lawver was talking about. He had not seen the article and wasn't aware of its

context. He would need to talk to Steve Lawver to see what he meant by that statement, and that the statement could be true if he was talking about the council's role in the petition process. He would need to research it. There are some things that the council does not have much leeway in making their decision if all codes are met, such as in subdivisions that are presented and all the codes are met. Mike Talley said there is not a fit all for public hearings since there are all different kinds of public hearings. Mike Talley said that the Mayor and council can ask him to research it. Mayor Moss then asked about her statement that Mr. Brewer filed a citizen complaint that the taxes be paid and that is why they were paid at the county. Mayor Moss said that is a false statement. Ms. Schillaci stated that was what she was told and was just trying to be helpful. Wayne Smith stated he appreciated she asked the questions but that we can't give her an answer today. He said that the council will have that answer before they make a decision on the petition.

CONSIDERATION OF RE CONTRACT

The council then considered the real estate contract from Simpson Funeral Home for \$25000 for the lots we have listed on our vacant property downtown. The appraised value of the lots is \$40,000. It is a legal offer and we need to act on it. Mike Talley then explained the options of the council regarding the contract. We have both properties listed for a total of \$40,000. Mike Talley said that if we accept the offer an ordinance needs to be written up and if we reject the offer we just need a motion. Mark Powers motioned to reject the offer. Carl Skaggs seconded. All in favor. No opposed. Richard asked if we have any say on what they do with the property. Mike Talley said no we lost control when we listed it with the realtor.

ORDINANCES

The council reviewed the ordinance approving change order #5 on the Community Center. Mark Powers motioned to put "AN ORDINANCE APPROVING CHANGE ORDER #5 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND LARRY SNYDER & COMPANY, TO CONSTRUCT A NEW RECREATION CENTER, CITY HALL, AND SENIOR CENTER FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER # 5 BEING TO CHANGE POLICE STATION TRASH ENCLOSURE, TRANSFER SWITCH PREPARATIONS, COUNCIL CHAMBERS BLIND SYSTEM, FLAT FILES CASEWORK AND LAMINATE COVERED PARTITION WALL WITH DRYWALL COVERED POCKET DOOR FOR AN ADDITIONAL NET COST OF \$23,687.00 AFTER CONTRACT ALLOWANCES, AND INCREASING THE TOTAL CONTRACT COST TO \$3,991,975.80; AND AUTHORIZING THE MAYOR OR THE CITY ADMINISTRATOR TO EXECUTE SAID CHANGE ORDER FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on first reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Carl Skaggs motioned to put it on second reading by title only with a roll call vote. Richard Zaccardelli seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, Daniels-y, Davey-y, Hayes-absent, W Smith-y. Motion on Ordinance #09-50 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.
Public Works report – there was nothing new to report.
Police Department report – there was nothing new to report.

COMMITTEE REPORTS

The Nuisance Committee had nothing to report.
The Long Range Planning Committee had nothing to report.
The Budget/Finance Committee had nothing to report.
The Human Resource Committee had nothing to report.
The Public Facilities Committee met tonight with Jennifer Fagan, Allied Waste, regarding the trash services. They will be meeting again on 11/17/09 at 6:00 PM and she is to be providing more information for the committee.
The Code Review Committee had nothing to report.
The Citizen's for Better Life reminded everyone that their monthly breakfast is this Saturday.

UNFINISHED BUSINESS

Richard thanked Jimmy in getting the light fixed and that it looks good. Jimmy said it appeared that a car had hit it.

NEW BUSINESS

Don Marshall asked about the subpoena's they had all received. Mike Talley explained that the trial is set for 11/16/09 at 1:00 PM. Don Marshall asked what they were to be testifying about. Mike Talley said that he will know more next Thursday or Friday. They will have an agenda set by them and we should be able to tell about what time they will need to be there. He asked the council if they wished him to sit in on the proceedings and see if he can participate. It was the consensus of the council that they would like for him to participate and be at the trial. Mike will call MIRMA's attorney to see if that will be allowed. The law suit is for inverse condemnation.

Mark Powers stated he would like to make a clarification of the editorial in the paper last week. He stated that the CID could only raise taxes if another petition was approved the same way the original one is going around.

Wayne Smith stated he appreciated the City Attorney's comments and apologized if it sounded otherwise. He would like for him to get some answers to the questions he had before the Board has to act on the petition.

The City Clerk stated that Steve would like for the Code Review Committee to set a meeting to review the 2006 ICC Building Codes and the 2005 Electrical Codes. After some discussion it was decided that they would meet Friday 11/6/09 at 4:05 PM.

Richard asked if we were going to set a date for a walk through of the Community Center. Maribeth stated she would get with Steve to try to get a date set.

ADJOURNMENT

Mark Powers motioned to adjourn the meeting. Carl Skaggs seconded. All in favor. No opposed. Meeting adjourned at 8:35 PM.

CITY CLERK

MAYOR