

The Carl Junction City Council met in regular session on Tuesday, September 2, 2008 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, Pat Smith, Dee Lynn Davey, Walter Hayes and Wayne Smith. Also present were City Clerk Maribeth Matney and City Attorney Mike Talley.

### **AGENDA**

Pat Smith motioned to approve the agenda as presented. Walter Hayes seconded. All in favor. No opposed. Mayor Moss stated that we needed to separate out the 2<sup>nd</sup> set of closed minutes from the consent agenda to be voted on separately. Pat Smith needs to be absent from that vote. Carl Skaggs motioned to remove the 2<sup>nd</sup> set of closed minutes from the consent agenda and approve as amended. Dee Lynn Davey seconded. All in favor. No opposed. Carl Skaggs motioned to approve the 2<sup>nd</sup> set of closed minutes. Dee Lynn Davey seconded. 7 (Zaccardelli, Marshall, Skaggs, Powers, Davey, Hayes, W Smith) in favor. 1 (P Smith) abstain.

### **PUBLIC FORUM**

Steve Carlson, 403 Marshall, addressed the council about the fence on 502 Angel Lea. They had it surveyed and they agree with the property pins but he built the fence like a boomerang and it is 6"-8" on his property. He has been told that this is a civil issue. The problem is that the code enforcement officer looked at it and the neighbor moved 1 post and David said that the issue had been resolved by him moving the post. Steve stated that it is still on his property. He is here to protest the fence being on his property. It is not where the sign plan shows it is supposed to be. Mike Talley said that typically a fence is a civil matter unless it violates one of our procedures. It is a possible the City could have an interest in it. Steve said he would pay for a survey and we could charge it to his taxes. The City Clerk stated that we charge a fence inspection to be done when the fence is complete so that we can make sure it complies with our codes. As of this date we have not done that final inspection. Mike Talley said that if we gave him copies of that file he would look at it.

### **KEN WILLIAMS – RESIDENTIAL LIGHTING**

Ken Williams, 114 Iron Tree Drive, addressed the council. He is the chairman of our P&Z Commission. He has an issue with lighting from a neighbor and has put together some information for the council to consider. He is not sure if it should be in our zoning code or nuisance code. He has 9 years of experience with our P&Z and 6 years with Joplin's P&Z. He has put together a sample for the council to look at and consider. He stated that the enforcement of the zoning code is harder then the enforcement of the nuisance code. He also stated that in his research some cities are very restrictive and others are not. Some are simple common sense codes. It needs to take care of glare and spillage. He pointed out that some residents have moved here from the rural areas and are not used to living in the confines of a city. Bulbs have changed also. Halogens are more popular but they are extremely bright lights and have a problem with spillage. Mike Talley asked if he has the original documents he worked from for reference. Ken stated yes and handed Mike the originals. Mayor Moss said that he would have the Nuisance Committee and the Code Review Committee look at his sample for consideration. They can work together on it. Dee Lynn stated that it is a problem that we need to address. Arkansas has passed laws statewide for their lighting issues. Ken stated that he is willing to work with the committee's on this issue.

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

The City received 5 bids on the 1995 F350 pickup with snowplow. They are as follows: Jeremy Bryant-\$550.00, Brian Barnett-\$3713.09, R&R Excavating-\$2885.00, Daniel's Garage-\$835.00, Scott Wheeler-\$2350. Pat Smith motioned to accept the high bid from Brian Barnett at \$3713.09. Walter Hayes seconded. All in favor. No opposed.

### **REVIEW AND APPROVAL OF BIDS ON MOVING BUILDING AT 303 N MAIN**

The council reviewed the 2 bids received on moving the building from 303 N Main to 813 Joplin Street. They are as follows: Bowman Construction-\$72,159.00, Wheeler Excavating-\$24,750.00. Jimmy is on vacation and could not be reached for a recommendation. Mark Powers motioned to table this item until Jimmy can make a recommendation to the council. Richard Zaccardelli seconded. All in favor. No opposed.

### **ORDINANCES**

Steve reported that this engineering agreement is for the civil engineering for the community center. This is for the site plan, storm water and other infrastructure. Pat asked if this included everything or if we would have a lot of addendum's like we had with the police building. Steve said that soil samples need to be taken and depending on what those results are there might be an addendum. There was a lot of discussion as to why we had so many addendums to our police department building. It was stated that we should not have the same problems that we had over there. Steve also stated that he ran the contract past Kurt and he said it was about a \$60,000 contract. Pat Smith then motioned to put "AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND METTEMEYER ENGINEERING, LLC, TO PROVIDE PROFESSIONAL CIVIL ENGINEERING SERVICES IN CONNECTION WITH THE SITE GRADING AND INFRASTRUCTURE SYSTEMS DESIGN DURING THE CONCEPTUAL DESIGN AND DEVELOPMENT PHASE, CONSTRUCTION PLAN DOCUMENT PREPARATION PHASE AND CONSTRUCTION PHASE IN CONNECTION WITH THE CONSTRUCTION OF A NEW COMMUNITY MULTI-PURPOSE FACILITY FOR THE CITY OF CARL JUNCTION, MISSOURI, IN ACCORDANCE WITH THE AGREEMENT, FOR THE SUM OF \$55,500.00, PLUS REIMBURSABLE EXPENSES AND ADDITIONAL EXPENSES AS PROVIDED IN THE AGREEMENT; 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. All in favor. No opposed. Pat Smith motioned to put it on second reading by title only with a roll call vote. Carl Skaggs seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-36 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’s report. The City Clerk reported that the architects will be here again on 9/18/08 at 6:00 PM to show the council some preliminary drawings.

Economic Development report – there was nothing to add.

Police Department – there was nothing to add. Delmar stated he hopes that his fuel tank will be fixed soon.

Public Works report – there was nothing to add. It was reported that our flag poles are here.

### **UNFINISHED BUSINESS**

Pat Smith reported they are working on the Bluegrass Festival and that she needs volunteers.

Mark Powers asked if we needed a new trash ordinance. Mike Talley said that they had agreed with our interpretation but that we need a letter from them verifying the terms of the contract. The City Clerk said that the commercial accounts will have a set fee for the year like the residents with the amount changing annually. It was also stated that it would be that interpretation from this point on and not going back to the addendum date.

Carl Skaggs said that he is recommending that we pursue a long range transportation plan. Steve reported that he has \$18,000 coming from other entity’s to pay for this study and that it would be city wide and not just one area. It will cost the City approximately \$12,000-\$15,000 out of pocket for this study. Steve said he would get with the company to get a contract for review.

Chief Haase said that the fence at 502 Angel Lea had been reviewed several times by the code enforcement officer. The property owner ran a string line and he felt it was down the property line.

Richard Zaccardelli then asked the Chief about the fence at 906 Briarview. He received a letter stating it was too high. Richard said it was a 6’ fence but that the land slopes. There was a lot of discussion about this fence. It was stated that he could go to the Board of Adjustments.

### **NEW BUSINESS**

Mayor Moss then stated that it has come to his attention that some of our closed meeting discussions are being discussed out in the public. We need to be careful. Some of the discussion about hiring a City Administrator and land issues have been discussed and it could become a legal problem. He is cautioning the council about discussing closed session information in public. We should be not revealing information. We can not discuss issues that should stay in closed session.

Carl Skaggs motioned to take a 5 minute break before the closed sessions. Pat Smith seconded. All in favor. No opposed.

### **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.**

### **CLOSED SESSION PER RSMO 610.021 (3): HIRING, FIRING, DISCIPLINING OR PROMOTING OF PARTICULAR EMPLOYEES BY A PUBLIC GOVERNMENTAL BODY WHEN PERSONAL INFORMATION ABOUT THE EMPLOYEE IS DISCUSSED OR RECORDED.**

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. Pat Smith seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-y, Davey-y, Hayes-y, W Smith-y. Carl Skaggs then motioned to automatically go into closed session for item 14, closed session per RSMo 610.021 (3): hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded, following the previous closed session regarding real estate. Dee Lynn Davey seconded. Zaccardelli-y, Marshall-y, Skaggs-y, Powers-y, P Smith-abstain, Davey-y, Hayes-y, W Smith-y. Meeting closed at 7:55 PM

Meeting reconvened at 8:55 PM.

Walter Hayes stated that the City Administrator Search Committee has met 2 times in conjunction with the Human Resources Committee. The 2 committee’s together are recommending that we enter into an agreement with Steve Lawver as our new City Administrator. They have an ordinance that they would like for the council to take into consideration to that effect. This basically is the same contract we had with our previous administrator except the moving allowance was taken out, the monthly mileage of \$150 was taken out and he will be reimbursed mileage at the standard rate, the benefits are the same and we changed the contract to coordinate with the fiscal year ending 4/30/09. Mayor Moss stated that his performance evaluation will be in January. Dee Lynn Davey motioned to put “AN ORDINANCE APPROVING AN AGREEMENT WITH STEVEN E LAWVER TO SERVE AS CITY ADMINISTRATOR OF THE CITY OF CARL JUNCTION, MISSOURI FOR A TERM OF EIGHT MONTHS, LESS TWO DAY’S, PROVIDING THE TERMS AND CONDITIONS OF HIS EMPLOYMENT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION” on first reading. Walter Hayes seconded. All in favor. No opposed. Walter Hayes 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, P Smith-y, Davey-y, Hayes-y, W Smith-y. Motion on Ordinance #08-37

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.

**ADJOURNMENT**

Walter Hayes motioned to adjourn the meeting. Mark Powers seconded. All in favor. No opposed. Meeting adjourned at 9:05 PM.

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CITY CLERK

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MAYOR