

The Carl Junction City Council met in regular session on Tuesday September 04, 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, LaDonna Allen, Mike Burns, and Mark Satterlee. Aldermen Randy Hutcheson was absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, and City Clerk Maribeth Matney.

AGENDA

Roger Spencer motioned to amend the agenda to add the previous tabled item the Resolution supporting Proposition D. Richard Zaccardelli motioned to approve the agenda as amended. Roger Spencer seconded. All in favor. No opposed with 2 absent. Roger Spencer motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed with 2 absent.

PUBLIC FORUM

There was no one for public forum.

RESOLUTION SUPPORTING PROPOSITON D

Item 5a was added regarding the resolution supporting Proposition D., which was tabled at the last meeting. Mike Talley contacted the Missouri Municipal League regarding the question as to whether this resolution would be violation to RSMO section 115.646. Only a handful of Missouri cities have passed the resolution. Mike Talley was unable to say that passing the resolution would not be a technical violation of the statute. Mike Talley recommends striking it from the agenda or tabling it indefinitely. Mike Burns motion to strike the resolution from the agenda. Mark Satterlee seconded. 6 affirmative 2 absent.

REVIEW AND APPROVE PAVING BIDS FOR JOPLIN STREET

After advertising, Steve Lawver reported that all three companies had an opportunity to renew their bids. All three companies left their bids the same. Blevins Asphalt \$79,447.50, APAC \$93,220.40, ESS Asphalt \$94,987.50. Steve Lawver recommended the city go with Blevins Asphalt. Motion by Ricard Zaccardelli to accept bid from Blevins Asphalt to repave Joplin Street. 2nd by Roger Spencer. All in favor. No opposed with 2 absent.

ORDINANCES

Mike Burns motioned to put " AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE, CHAPTER 125: PERSONNEL POLICY, SECTION 125.140: SICK LEAVE, SUB-SECTION K. SICK LEAVE AT TERMINATION, TO CLARIFY THAT AT SEPARATION FROM CITY SERVICE, ACCUMULATED AND UNUSED SICK LEAVE BENEFITS WILL NOT BE REIMBURSED TO THE SEPARATING EMPLOYEE" on 1st reading by title only. Richard Zaccardelli seconded. All in favor. No opposed.

Discussion: Roger Spencer stated that there was a meeting held previously at 6:30 pm on 09/04/18. Roger Spencer stated that the committee recommended passage of the amended ordinance.

Rick Flinn motioned to put it on second reading by title only. Don Marshall seconded. All in favor. No opposed.

Discussion:

Mike Burns motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-absent, Satterlee-yes, Allen-absent. Motion on Ordinance #18-35 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.

There was a motion by Richard Zaccardelli to amend the agenda to include a discussion session before voting on Ordinance 7b The lease agreement on 1203 Pennell. 2nd by Rick Flinn. All in favor. No opposed.

Discussion: Steve Lawver stated that two different companies are interested in the property. Both groups were present and available to be included in the discussion. Steve Lawver expressed that the two leases are different. The first form is the same as the previous lease with the added clause that after 13 months of leasing they have the option to purchase the property. The second company has requested a change in some of the language of the lease in regards to taxes and levies. Steve Lawver stated that he does not yet have all the information needed to prepare the second lease agreement. Mayor Mark Powers reiterated that there are two parties interested in the lease agreement for 1203 Pennell. One party has agreed to sign the lease as is, the other has requested a few changes. LaDonna Allen is now in attendance.

Raphael from Mi Toritos has been in Galena since 2005. He feels that this town has a lot of potential. He stated that they would like to change one thing. The kitchen is not big enough for the full needs of the restaurant and he needs about 4 weeks to move a wall to increase the size of the kitchen. He requested that they be allowed to not start paying on the lease until after the adjustments have been made. Raphael stated that MiTorito's specializes in Mexican food. He stated that his uncle is looking to hire locally and help give high school children the opportunities to work

Gina Taylor stated she is with Simple Simons pizza. Gina stated that they are the ones that requested the lease be revised. The Taylors have two other Simple Simon locations, one in Neosho and one in Gravett, Arkansas. She stated that they live in Carl Junction and are very interested in opening a Simple Simons in Carl Junction. Gina stated that she feels that they would be successful and are willing to work with the schools. She stated that the cooperate office feels that with the current demographics, a Simple Simons Pizza would do very well in Carl Junction. There was much discussion regarding which business the board should choose.

Don Marshall motioned to put "AN ORDINANCE APPROVING THE LEASE BY THE CITY OF CARL JUNCTION, MISSOURI TO MI TORITO II, LLC OF ALL OF LOTS NO. 4 AND 5 IN MEADOW HILLS SECOND ADDITION TO THE CITY OF CARL JUNCTION, JASPER COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF, FOR A TERM COMMENCING OCTOBER 1, 2018 AND ENDING OCTOBER 31, 2019 FOR THE SUM OF \$8,400.00 ANNUALLY IN MONTHLY PAYMENTS OF \$700.00 FOR THE TERM OF THE LEASE, WITH AN EXCLUSIVE RIGHT TO PURCHASE SAID REAL ESTATE AT A PRICE AGREED TO OF \$135,000.00 ON OR BEFORE THE END OF THE LEASE, FOR USE AS A RESTAURANT AND OTHER USES ANCILLARY THERETO; AND ACCEPTING THE SURRENDER OF SAID PREMISES AND ALL RIGHTS AND PRIVILEGES UNDER THE PRE-EXISTING LEASE TO HORTON'S PIZZA CJ, LLC; AND AUTHORIZING THE MAYOR, CITY ADMINISTRATOR, CITY CLERK AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE AND PROCESS DOCUMENTS TO EFFECTUATE SAID LEASE AND THE SURRENDER OF THE PRE-EXISTING LEASE" on 1st reading by title only. LaDonna Allen seconded. All in favor. No opposed.

Discussion:

Roger Spencer motioned to put it on second reading by title only. LaDonna Allen seconded. All in favor. No opposed.

Discussion: Mark Satterlee stated that he is excited for the potential of both companies in Carl Junction

Mark Satterlee motioned to put it on final passage. Rick Flinn seconded. All in favor. No opposed.

Flinn-yes, Marshall-yes, Zaccardelli-abstained, Spencer-yes, Burns-abstained, Hutcheson-absent, Satterlee-yes, Allen-yes. Motion on Ordinance #18-36 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 report. There was nothing to add

Building Inspector- There was nothing to add

Public Works – there was nothing to add. Roger Spencer asked Jimmy if the mowers are supposed to mow the easements. Steve Lawver stated that those easements are not the city's responsibility to maintain. They are utility easements.

Police Dept. – Mayor Mark Powers asked if the cars are in. Chief stated that the new cars will be in sometime next month. Chief Haase stated that the city has had an officer resign and accept another position outside of law enforcement.

Court report - there was nothing to add.

COMMITTEE REPORTS

Budget/Finance: Mike Burns had nothing to report.

Code/ Nuisance: Randy Hutcheson- nothing to report.

Human Resources: Roger Spencer-nothing to report

Public Facilities & Planning: LaDonna Allen asked if there will be enough time for the meeting next week. She invited the council to the PF Committee to go over the numbers regarding the water meters. LaDonna stated that they will set a meeting at 6 pm on September 11th. Ladonna encouraged all of the council to attend the meeting.

Senior Citizens: Richard Zaccardelli reported that the gas tax affects the seniors.

UNFINISHED BUSINESS

Mayor Mark Powers asked if anyone on the council would like the ordinance modified, in regards to the pit bull ordinance. No one on the council responded that they wished to change it. Mayor Powers said he would let the citizens that addressed the council know of their decision.

City Clerk Matney stated that she was asked to check with the other cities regarding prayer before the meeting. She stated that 60 to 65 percent does have a prayer during the meeting. Steve Lawver stated that it will take a code modification to add the prayer to the agenda. After much discussion, it was decided that a code change was not required. Mike Talley stated that the invocation would need to be pre-approved in order to prevent problems with constitutional prohibitions on establishment of religion. Mike Talley suggested that best practice would be three or four invocations be presented to the council and approved before implementing the invocation.

NEW BUSINESS

Mike Burns stated that after the last meeting he emailed his administrator with a great idea in regards to his work. Mike stated that he received no response from his email. Mike then stated that this started him thinking about our public forum and how he hates the idea that at times during public forum it can appear that the council does not care. He expressed that he would like to take time to respond to the citizens. Mike Talley stated that in the past before the public forum statement was enacted, there were times when citizens would become aggressive and demanded answers from the Council as if they were being questioned in a courtroom. Mike Talley stated that this was the reason the statement at the beginning public forum statement was implemented. Mike Burns stated that he would like to take the time to have a formal or semi-formal discussion of what was discussed in public forum. He would like to discuss the subject that evening for old business, or at the meeting following as an agenda item. Mike Talley encouraged Mike Burns to act as the watchdog and encourage the discussion of the issues. Steve Lawver stated that having been a subject of some very unethical things that have happened where people have brought them to the council. It can be highly offensive and very degrading as an employee to have those things brought up in front of the public. He cautioned the council on making any changes. Steve Lawver stated that there have been times where the Council will tell him to follow up with the citizen and he makes sure that he does. Steve

Lawver stated that for the past 10 years that all of the council member that he has worked with have been very careful not to enact anything that only effects a small group but has been very diligent in making sure things are passed regarding the whole city

LaDonna Allen apologized for having to step out for the beginning of the meeting and thanked everyone for their patience.

Maribeth Matney stated that the next meeting would be scheduled for next Tuesday.

Steve Lawver stated that Crystal, Maribeth, and Steve would be gone the following week

ADJOURNMENT

Roger Spencer motioned to adjourn the meeting. LaDonna Allen seconded. All in favor. No opposed. Meeting adjourned at 8:10 PM.


CITY CLERK


MAYOR