

The Carl Junction City Council met in regular session on Tuesday August 21, 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, Randy Hutcheson and Mark Satterlee. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, and City Clerk Maribeth Matney.

#### **AGENDA**

Roger Spencer motioned to approve the agenda as presented. Richard Zaccardelli seconded. All in favor. No opposed. LaDonna Allen motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

#### **PUBLIC FORUM**

Jane Goade, 101 Briarhaven, would like to thank Randy Hutcheson for taking some time at the Joplin Humane Society. She knows of 6 dogs total that are either pit bulls or Rottweiler's. Joplin Humane Society does a great job. She has checked with many vets and has never met a dangerous pit bull. The Humane Society does a wonderful job and they do not let any dangerous dogs go out.

Lisa Boston, 4330 Swede Lane, is certified to do behavior testing on dogs. Dogs are individuals and different lines of dogs are different and should not be generalized as a breed. There are also several kinds of breeds that are considered pit bulls. She stated that we should enforce our current laws and that most of the times the owners are responsible for the behavior of the dog. Of all the animals that they quarantine, pit bulls are not at the top of the list. She said we need to put all breeds on the same level and take into consideration the personalities of the dogs. Across the county there are 5 million pit bulls or pit bull types. It is not fair to be singled out by the way they look. She encouraged the council to come by the shelter and see the dogs. There are several that are not allowed to be adopted.

Jenny Driskol, 104 Victoria Lane, is wanting to adopt a dog from the shelter. She fell in love with a dog but due to the laws they were unable to get that dog. She has been bitten before by a collie and does not believe a breed should be singled out.

#### **CHAMBER OF COMMERCE REPORT**

Gary Stubblefield reported that October 6th is their support your manufacturing day. We need to support our local manufacturers. He then reported that the Bluegrass Festival will be 3 days this year, the 21st, 22nd and 23rd. Friday will be an indoor concert from 6-9 at the Stark Auditorium, Saturday will be picking and picnic in the park, and Sunday the community can come together after church for a gospel blue grass concert. He asked that the city council allow them to close 1/2 of York Street like they did last year to help with traffic flow. LaDonna Allen motioned to allow the Chamber to close 1/2 of York Street Saturday 9/22/18 for the Bluegrass Festival. Richard Zaccardelli seconded. All in favor. No opposed.

#### **TAX LEVY PUBLIC HEARING**

Mayor Mark Powers opened the public hearing on the proposed 2018 tax levy at 7:17 PM. The City Clerk reported that the tax levy will go up \$0.0159 using the new year's assessment values. There were no other comments. Public hearing closed at 7:18 PM.

#### **APPOINT JOE PERKINS TO BOARD OF APPEALS**

Steve Lawver stated that Joe Perkins will be replacing Bill Dunn on the Board of Appeals. Mayor Mark Powers stated that he would like to appoint Joe Perkins to the Building Board of Appeals. Richard Zaccardelli motioned to approve the appointment. Don Marshall seconded. All in favor. No opposed.

#### **RE-APPOINT P&Z MEMBERS (DAWN TRUJILLO, ETHAN GIERTZ, RANDY LYON)**

Steve Lawver reported that Dawn Trujillo, Ethan Giertz and Randy Lyon terms expire in September of this year. Mayor Mark Powers stated that he would like to re-appoint Dawn Trujillo, Ethan Giertz and Randy Lyon to the P&Z Commission. Mike Burns motioned to approve the appointments. Roger Spencer seconded. All in favor. No opposed.

#### **RESOLUTION SUPPORTING PROPOSITION D**

Steve Lawver reported that this is a Resolution supporting the gas tax that will be on the November ballot. It is estimated that the City will receive \$117,000/annually in additional revenues from this tax if approved. Mike Talley was asked if the City can pass a Resolution in support of a ballot issue. Mike Talley stated it was questionable and that he would have to look at the proposition before he can say if we should pass it or not. It would affect all entities that currently receive gas tax revenues. Mayor Powers stated he was against it but would sign it if the Council approves it. Mike Burns motioned to table this agenda item until the next meeting. Rick Flinn seconded. All in favor. No opposed.

#### **ORDINANCES**

LaDonna Allen motioned to put "AN ORDINANCE ESTABLISHING THE TAX LEVY FOR THE FISCAL YEAR 2019 ESTABLISHING SAID LEVY \$0.9242 PER HUNDRED ASSESSED VALUATION ESTABLISHING THE ALLOCATIONS OF SAID FUNDS TO GENERAL FUND AND GENERAL OBLIGATIONS SINKING FUND" on 1<sup>st</sup> reading by title only. Mike Burns seconded. All in favor. No opposed. There was no discussion. LaDonna Allen motioned to put it on second reading by title only. Roger Spencer seconded. All in favor. No opposed. There was no discussion. LaDonna Allen 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-yes, Satterlee-yes, Allen-yes. Motion on Ordinance #18-31 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.

LaDonna Allen motioned to put "AN ORDINANCE PROVIDING FOR A FINANCIAL DISCLOSURE AND CONFLICTS OF INTEREST" on 1<sup>st</sup> reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Steve Lawver reported this is the ordinance we pass every year. Mike Burns motioned to put it on second reading by title only. Don Marshall seconded. All in favor. No opposed. There was no discussion. LaDonna Allen 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-yes, Satterlee-yes, Allen-yes. Motion on Ordinance #18-32 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.

LaDonna Allen motioned to put "AN ORDINANCE APPROVING CHANGE ORDER NO. 2 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND A-Y-1, LLC, TO CONSTRUCT THE ROUTE Z/PENNELLS STREET SIDEWALK IMPROVEMENTS - PHASE IV, (FEDERAL AID PROJECT NO. STP-9900(754)) FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER NO. 2 TO ADD 20 SQUARE FEET OF TRUNCATED DOMES INADVERTENTLY OMITTED AT AN ADDITIONAL COST OF \$600.00; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO. 2 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1<sup>st</sup> reading by title only. Mike Burns seconded. All in favor. No opposed. Steve Lawver said this was a MODOT thing. The domes (ADA pads) were originally omitted but MODOT states that we need them to be put in. They will pay their 80% share of the cost. Roger Spencer motioned to put it on second reading by title only. LaDonna Allen seconded. All in favor. No opposed. LaDonna Allen asked why they were originally omitted. Steve reported that the plans that were originally approved by MDOT and the Federal Transportation. Roger Spencer asked how many we were putting in and Steve replied 2 at \$300/piece. Rick Flinn stated that he thought this should be on MODOT. It was also stated this was not a contractor error. The domes have already been installed. Roger Spencer motioned to put it on final passage. Randy Hutcheson seconded. All in favor. No opposed. Flinn-yes, Marshall-yes, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-yes, Satterlee-yes, Allen-yes. Motion on Ordinance #18-33 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.

LaDonna Allen motioned to put " AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 210: OFFENSES, ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS, BY AMENDING SECTION 210.840: UNLAWFUL USE OF WEAPONS - EXCEPTIONS, TO PROHIBIT THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS WITH EXCEPTIONS" on 1<sup>st</sup> reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Steve asked if the council had read all the exceptions. They stated they had. LaDonna Allen motioned to put it on second reading by title only. Roger Spencer seconded. All in favor. No opposed. There was no discussion. LaDonna Allen 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-yes, Satterlee-yes, Allen-yes. Motion on Ordinance #18-34 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. Mayor Powers asked when the next phase for Pennell will be coming out. Steve reported that they will be turning in their application in October. Rick Flinn asked how many phases there were. Steve stated that the next section is Grimes to Dean. Rick Flinn then asked if we would be able to replace the sidewalks by the school. Steve replied that Jimmy Chaligoj is taking measurements now along Wells Street. LaDonna Allen stated that there was money in the budget this year for sidewalks near the schools. Richard Zaccardelli asked about the Safe Route to School program. Steve replied that they will fund the planning but not the infrastructure.

Public Works – there was nothing to add. Mayor Powers asked if the bush that he had a complaint on was trimmed back. City Clerk Matney replied that Jimmy found the bush in question and was going to take care of it. She will follow up on it.

Police Dept. – there was nothing to add.

Court report - there was nothing to add.

## COMMITTEE REPORTS

Budget/Finance: Mike Burns -nothing to report

Code/ Nuisance: Randy Hutcheson- nothing to report.

Human Resources: Roger Spencer-nothing to report

Public Facilities & Planning: LaDonna Allen-nothing to report

Senior Citizens: Richard Zaccardelli-nothing to report.

## UNFINISHED BUSINESS

Mike Talley stated that he had reviewed the Horton's contract. All of the costs are recoverable and he has been working with Steve to try to come up with a final tally of the damages. They will be compiling everything and sending a request to Horton's. Mr. Talley then stated that if we make any changes to the employee handbook we have to amend our city code. He will have something

ready regarding the sick leave policy by the next meeting. Roger Spencer requested a meeting for the Human Resource Committee at 6:30 PM before our next regular meeting to review the ordinance.

Steve Lawver reported he has an interested party to lease our building at 1203 E Pennell. They were given a blank contract that was used for Horton's and Gambino's. Randy Hutcheson asked if this was a lease or purchase. Steve replied that it is a short term lease and that the party has expressed great interest in buying the building. Richard Zaccardelli asked about the equipment. Steve reported that the our equipment is still in there. Gambino's sold their equipment to Horton's and now Horton's has removed that equipment. LaDonna Allen said she would like to sell the building but is in favor of approving a short term lease so that the party can go ahead and get settled. Mike Talley said that leasing out buildings for restaurants is not a typical municipal responsibility. There was discussion about just letting the City Administrator sign the contract but Mike Talley said it would take Board approval. It was decided that we could call a special meeting if necessary to approve the lease. There was also some discussion about the lease amount. It was suggested that it balloon after the 1st year and that we might need to explore raising the rent. The council was reassured that before they approve the contract they would have all the details of the lease such as who they are and what kind of restaurant the will operate.

**NEW BUSINESS**

Rick Flinn stated that he had talked to Kim DeMoss, City Clerk of Webb City, and she stated that Webb City has pastors of the town take turns saying a prayer before their council meetings. He asked if we could do that. Mike Talley said it can be done as long as you are careful what is stated in your prayer. Richard Zaccardelli said we have never done it due to concern of a lawsuit. Mike Talley stated that the Mayor of Duquesne says their prayer before the meeting. Rick Flinn asked if there were any rules we needed to be aware of. There was discussion about trying to find out what other cities do. The City Clerk will put it out on their website to see what other cities do.

City Clerk Matney reported that next month our 2nd council meeting of the month falls during the MML conference. We need to reschedule that meeting. After some discussion it was decided to move it to 9/11/18. Richard Zaccardelli motioned to move our 9/18/18 meeting to 9/11/18. Roger Spencer seconded. All in favor. No opposed.

Steve Lawver then reported that we will go out for an RFP for janitorial services for the PD and City Hall. He will get that advertised. He then stated that we have 2 vacancies on our Board of Adjustments that we need to get filled. We have a case to be heard. This Board hears variance requests and they meet as needed. He asked that the council please contact him if they know of anyone interested in serving on this Board.

Steve Lawver stated that Jimmy received 3 bids for repaving Joplin Street. He also reported that this had not been advertised in the paper. There are only 3 businesses within the four state area that does this kind of work and we received a bid from all 3. They all had similar tonnage but the pricing was different. Mike Talley stated that our code requires advertising. LaDonna Allen pointed out now that the current bids are open record. There was some discussion about this and Steve stated he would ask that the companies resubmit their bids.

Richard Zaccardelli then asked about the pit bull subject. He wanted to point out that the jaws of those animals are very strong and they won't let go. City Clerk Matney also stated that Chief Haase does not want us to rescind the ordinance. Mike Talley did point out that this was passed before he become city attorney, but it has been updated since he has been city attorney. Steve reported that Springfield did not rescind an ordinance the voters rejected putting one in place. Don Marshall said that in Springfield you have to have \$1,000,000 insurance if you have one of those breeds. Randy Hutcheson did state that when he visited the Joplin Humane Society they seemed to be nice dogs but he does not feel that we can do anything to lessen the safety of the community. There were discussions about several instances where people were killed by pit bulls. Rick Flinn pointed out that this is a very emotional issue.

**ADJOURNMENT**

Roger Spencer motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor no opposed. Meeting adjourned at 8:16 PM.

  
CITY CLERK

  
MAYOR