The Carl Junction City Council met in regular session on Tuesday May 7, 2013 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Richard Zaccardelli, Steve Daniels, Mark Powers, Sean Haase, Bob Cook, Tim Smith and Roger Spencer. Alderman Don Marshall was absent. Also present were City Clerk Maribeth Matney, City Administrator Steve Lawver and City Attorney Mike Talley.

AGENDA
Mark Powers motioned to approve the agenda as presented. Richard Zaccardelli seconded. All in favor. No opposed. Mark Powers motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

PUBLIC FORUM
There was no one for public forum.

CHAMBER REPORT
There was no Chamber report.

P&Z CASES
Mayor Moss opened the public hearing on Case #13-03 – Redwood Development – rezoning land N of CJHS from UD to R-1 at 7:04 PM. Steve Lawver reported that P&Z has recommended approval of this rezoning. There was no one for or against the proposal. Mayor Moss closed the public hearing at 7:05 PM.

Mark Powers motioned to put “AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE LAND NORTH OF CJ HIGH SCHOOL BETWEEN JESSICA CIRCLE AND ELLIOTT DRIVE CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED BY REDWOOD DEVELOPMENT, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM UD TO R-1” on 1st reading by title only. Steve Daniels seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli -y, Marshall -absent, Daniels -y, Powers -y, Haase -y, Cook -y, Smith -y, Spencer -y. Motion on Ordinance #13-11 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.

Mayor Moss opened the public hearing on Case #13-04 – Bittner Properties – rezoning 509 S Roney from R-1 to R-2 at 7:06 PM. Steve Lawver reported that P&Z has recommended approval of this rezoning. Elissa Bittner, PO Box 44, Carl Junction stated that they plan to put a 3 bedroom, 2 bath duplex there. There was no one for or against the proposal. Mayor Moss closed the public hearing at 7:09 PM.

Mark Powers motioned to put “AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE 509 S RONEY, CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED BY BITTNER PROPERTIES LLC, AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO R-2” on 1st reading by title only. Richard Zaccardelli seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli -y, Marshall -absent, Daniels -y, Powers -y, Haase -y, Cook -y, Smith -y, Spencer -y. Motion on Ordinance #13-12 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.

Mayor Moss opened the public hearing on Case #13-05 – Bittner Properties – rezoning 605 Cherry from R-1 to R-2 at 7:11 PM. Steve Lawver reported that P&Z has recommended approval of this rezoning. Elissa Bittner stated that she was there to answer any questions the council may have. There was no one for or against the proposal. Mayor Moss closed the public hearing at 7:13 PM.

Mark Powers motioned to put “AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE 605 CHERRY ST, CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED BY BITTNER PROPERTIES, LLC AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO R-2” on 1st reading by title only. Richard Zaccardelli seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli -y, Marshall -absent, Daniels -y, Powers -y, Haase -y, Cook -y, Smith -y, Spencer -y. Motion on Ordinance #13-13 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.

Mayor Moss opened the public hearing on Case #13-06 – Bittner Properties – rezoning 521 Cherry from R-1 to R-2 at 7:14 PM. Steve Lawver reported that P&Z has recommended approval of this rezoning. Steve reported that the City will have to replace a 2” water main with a 4”. There was no one for or against the proposal. Mayor Moss closed the public hearing at 7:15 PM.

Mark Powers motioned to put “AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE 521 CHERRY ST, CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED
BY BITTNER PROPERTIES, LLC AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-1 TO R-2* ON 1ST READING BY TITLE ONLY. Richard Zaccardelli seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-absent, Daniels-y, Powers-y, Haase-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-14 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.

Mayor Moss opened the public hearing on Case #13-08 – Darren Prather – selling of 3000 square feet of city property at 7:17 PM. Steve Lawver reported that P&Z has recommended approval of this rezoning. Darren Prather said that there was nothing new and was appreciative of the City’s efforts to give him clear title. There was no one for or against the proposal. Mayor Moss closed the public hearing at 7:18 PM.

Mark Powers motioned to put “AN ORDINANCE APPROVING A CONTRACT FOR THE SALE OF VACANT LAND BY THE CITY OF CARL JUNCTION, MISSOURI TO DARREN PRATHER; AUTHORIZING THE CITY TO SELL A 20’ BY 150’ RECTANGLE ADJACENT TO 117 N. WINDWOOD IN SECTION 16, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT $2,500.00 FOR SAID LAND AND TO CONVEY SAID PROPERTY AS PROVIDED IN SAID CONTRACT; AND AUTHORIZING THE MAYOR AND OTHER OFFICERS OF THE CITY TO EXECUTE NECESSARY DOCUMENTS TO CONVEY SAID LAND” on 1st reading by title only. Richard Zaccardelli seconded. There was no discussion. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-absent, Daniels-y, Powers-y, Haase-y, Cook-y, Smith-y, Spencer-y. Motion on Ordinance #13-15 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.

REVIEW AND APPROVAL OF STOUFFER COMMUNICATIONS REQUEST TO RENEW FOR A 3RD TERM ON CURRENT CONTRACT

The council reviewed Stouffer’s request to exercise their option to renew their contract for another 3 years. Steve said this is their last extension per the original contract and after these 3 years it will need to be renegotiated. Mayor Moss informed the council that the State is trying to pass legislature that will negate any contracts on water towers. Mark Powers motioned to allow the extension to the contract with Stouffer Communications. Richard Zaccardelli seconded. All in favor. No opposed.

REVIEW AND APPROVAL OF RECOMMENDATION OF CITY ADMINISTRATOR ON EXTERIOR WOOD REFINISHING

Steve Lawver is recommending that we reject all bids and start the process over. He wants to make sure that we have covered all our bases since this might go to litigation with Larry Snyder and Company. Mark Powers motioned to reject the bids. Richard Zaccardelli seconded. All in favor. No opposed.

ORDINANCES

Mark Powers motioned to put “AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE LEASE DATED FEBRUARY 6, 1996 BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND USCOC OF GREATER MISSOURI, LLC, SUCCESSOR IN INTEREST TO JOPLIN CELLULAR TELEPHONE COMPANY, LP, APPROVING CERTAIN ALTERATIONS AND UPGRADES TO THE SITE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI” on 1st reading by title only. Sean Haase seconded. Steve Lawver reported that they are removing 2 antennas and adding 3 new antennas. They gave us complete structural drawings of this project. Mark Powers motioned to put it on second reading by title only. Richard Zaccardelli seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-16 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.

Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 520: FIRE PREVENTION BY REPEALING SECTIONS 520.010, 520.020, 520.025 AND 520.030 AND ENACTING IN LIEU THEREOF NEW SECTIONS 520.010, 520.020, 520.025 AND 520.030 ADOPTING THE INTERNATIONAL FIRE CODE, EDITION 2009” on 1st reading by title only. Sean Haase seconded. Mayor Moss asked if we had run it by the Fire Department. Steve said that they ran it by Bill Dunn and their fire inspector and they were OK with it. The Code/Nuisance Committee also heard it. Mike Talley explained that he made 3 ordinances since they involved different chapters of the code book. He thought it would be clearer that way. Mark Powers motioned to put it on second reading by title only. Sean Haase seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-18 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.

Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE VII: UTILITIES: CHAPTER 705: WATER SYSTEM” on 1st reading by title only. Sean Haase seconded. Steve Lawver stated that this is our annual rate increase for COLA and expenses incurred by the Water Department. It was built into our current budget. It is about a 5% increase. The fluoride loan pays off in January 2016 and that is why the rates will be decreased at that time. Mark Powers motioned to put it on second reading by title only. Sean Haase seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-19 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.

Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 525: EXISTING STRUCTURES BY REPEALING SECTION 525.010 AND ENACTING IN LIEU THEREOF NEW SECTION 525.010 ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE” on 1st reading by title only. Steve Daniels seconded. The Code/Nuisance Committee also heard it and recommended approval. Mark Powers motioned to put it on second reading by title only. Sean Haase seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Richard Zaccardelli seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-19 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.

Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE VII: UTILITIES: CHAPTER 720: USER CHARGE SYSTEM BY AMENDING SECTION 705.330 “ACTUAL USE RATE STRUCTURE” TO INCREASE THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS FROM SIX DOLLARS EIGHTY CENTS ($6.08) TO SIX DOLLARS AND THIRTY-EIGHT CENTS ($6.38) FOR THE FIRST THOUSAND GALLONS AND FROM THREE DOLLARS AND NINETEEN CENTS ($3.19) TO THREE DOLLARS AND THIRTY-FIVE CENTS ($3.35) PER ONE THOUSAND (1,000) GALLONS THEREAFTER, AND ALSO INCREASING THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS, TO BE EFFECTIVE MAY 15, 2013; PROVIDED HOWEVER, EFFECTIVE JUNE 15, 2016, THE WATER RATES CHARGED TO RESIDENTIAL IN-TOWN USERS SHALL BE REDUCED BY NINETEEN CENTS ($0.19) FOR THE FIRST THOUSAND GALLONS AND FOR EACH ONE THOUSAND (1,000) GALLONS THEREAFTER, AND THE WATER RATES CHARGED TO COMMERCIAL WATER CUSTOMERS AND OUT-OF-TOWN USERS SHALL ALSO BE REDUCED AT THAT TIME” on 1st reading by title only. Sean Haase seconded. Steve Lawver stated that this is our annual rate increase for COLA and expenses incurred by the Water Department. It was built into our current budget. It is about a 5% increase. The fluoride loan pays off in January 2016 and that is why the rates will be decreased at that time. Mark Powers motioned to put it on second reading by title only. Sean Haase seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-20 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.

Mark Powers motioned to put “AN ORDINANCE AMENDING TITLE VII: UTILITIES: CHAPTER 720: USER CHARGE SYSTEM BY ADOPTING A NEW APPENDIX “A” TO SEWER USE CHARGE ORDINANCE (ACTUAL USE RATE STRUCTURE) (APRIL 2013) AND BY AMENDING SECTION 720.040 “USER CHARGE RATES” TO REFLECT SAID CHANGES IN RATES; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID NEW RATES” on 1st reading by title only. Sean Haase seconded. Steve Lawver stated that this is our annual rate increase. Dean Willis did the calculations and instead of the anticipated 10% increase due to the WWTP expansion it is approximately 3.5%. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. Mike Talley asked if APD has seen it. Steve Lawver replied that Dean will get with Jerald at APD to get an addendum put together for approval. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-21 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.

Mark Powers motioned to put “AN ORDINANCE APPROVING AN INVESTMENT BANKING AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND STIFEL, NICOLAUS & COMPANY, INCORPORATED TO SERVE AS INVESTMENT BANKER IN CONNECTION WITH THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING A HIGH SPEED BROADBAND NETWORK FOR SUMS TO BE NEGOTIATED BEFORE THE BONDS ARE MARKETED; 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 1st reading by title only. Richard Zaccardelli seconded. Mike Talley asked Steve to explain how we got to this point. Steve reported that the normal status is to go out for RFQ. We contacted several local banks, the MPUA, Edward Jones and USDA. All of the previous stated that they could not do the financing except USDA. The City Council decided not to go with USDA because of some of their problems. Stifel Nicolaus was recommended by the City of Joplin and that is how we ended up with them. He has been working on it over the past
year. This is for the financing of the fiber optic network. Mark asked that if it failed who is responsible, the City or the bond holders. Steve said that he was not sure and would look into it. Steve also stated that this only takes us to the next level. It would still need to go to the vote of the people. Stifel Nicolaus is the only one so far that said they could find the financing. There is no cost to the city unless the bonds are sold and then their fees are taken out of the bond proceeds. Mark Powers motioned to put it on second reading by title only. Steve Daniels seconded. There was no discussion. Steve Daniels motioned to put it on final passage. Sean Haase seconded. All in favor. No opposed. Zaccardelli-y, Marshall-y, Daniels-y, Powers-y, Davey-absent, Haase-y, Cook-y, Smith-y. Motion on Ordinance #13-22 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 to the report.

Public Works report – had nothing new to report. Tim Smith asked about the bypass. Jimmy said that all the towns had it. It was asked about I&I abatement. Steve stated that over the last 3-4 years we have spent $400,000 in lining lines and manholes and Marvin said it has not made any difference in the flow. We also have $500,000 in the proposed bonds for more I&I Abatement. There was a lot of discussion on how sewer lines work and what causes I&I. We discussed buying a camera in the budget but decided to stay with Ace Pipe because they give us so much more than just video.

Police Department report – had no report.

Building Inspector report – had nothing new to add.

**COMMITTEE REPORTS**
Mayor Moss handed out the new committee list. It is as follows:

Budget/Finance – Mark Powers, Chair – Steve Daniels – Bob Cook – Tim Smith


It was the consensus of the council to approve the committee’s as submitted.

**UNFINISHED BUSINESS**
Richard Zaccardelli stated he was getting complaints about kids driving recklessly with golf carts. Chief Haase said that they will stop them and notify the parents. Chief stated that they have to have a valid driver’s license to drive them. Steve Daniels also commented that they are driving recklessly on the path at Lakeside Park.

Tim Smith asked about the City selling property. He understands that in this instance it happened before the City bought the land. He feels we should have a process to keep this from happening. Steve Lawver said that we do and that the building inspector watches that. We just had someone build a fence outside of his property and the building inspector made him move it. Mike Talley agreed that if it had not already been there before the city had bought the property he would not have been so compliant with the sale of the property. We have the right to make them move it. Tim Smith then asked about the sidewalk projects. Steve said that if we are doing the sidewalk coming up North Main Street but the sidewalks along Pennell and Roney are going to be bid out. MoDot is still reviewing the agreements. We will advertise when they are ready to go out for bid. Kurt said it would be a few months out yet.

Steve Lawver then pointed out the proposed skate park project. Sean had mentioned this at the last meeting about using the vacant lot S of the PD for a skate park. We can phase it in. The total cost is $128,000 but Phase I is $25,000. Sean suggested we do Phase I and see how well it goes over. Steve said that Carthage is making their’s bigger and Joplin’s is always being used. We will contact our insurance carrier to make sure we stay compliant.

Steve then pointed out his memo on the Community Center rental policies that were in the packet for the council.

**NEW BUSINESS**
Bob Cook asked Steve Lawver how the grocery store closing was going to affect the City. Steve said that we get an annual report so we will need to look at it. Bob stated that we are being bought up by non residents such as the Lumber Yard and the old Super stop. There was some discussion about the effect it will have on the City.

Sean Haase stated that he would like for us to do Phase I of the skate park. The concrete is there. Mark Powers said that we can look to see if the finances are there. We need to have a committee meeting. Mark said that there should be some money in the Capital Improvement Fund. Steve said that the park tax could also help out. It was decided to have a committee meeting at 6:30 PM before the next council meeting.

Steve Daniels said that we need to look into back up electricity for our buildings. He asked about wind generators to supply power to each building. It was stated that the Police Department has a backup generator. It runs off of diesel. Mr. Daniels also asked if the tornado area was cleaned out since it is that season again. Chief Haase replied yes.

Richard Zaccardelli was asked by the CID if they could use the greens for their golf course that is on our Lakeside Park. Steve said that those are going to be used for our disk golf. The course will stay the same they will only add buckets for the disks. It won’t change the looks of it at all.

Chief Haase reported that he will be out of the office Thursday and Friday due to his daughter having surgery.
ADJOURNMENT
Mark Powers motioned to adjourn the meeting. Sean Haase seconded. All in favor. No opposed. Meeting adjourned at 8:29 PM.

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CITY CLERK                                                  MAYOR