

The Carl Junction City Council met in regular session on Tuesday July 27, 2021 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: Jim Gozia, Bob McAfee, Rick Flinn, Roger Spencer, Ladonna Allen, Mike Burns and Gary Stubblefield. Mark Satterlee was absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, City Clerk Maribeth Matney, Deputy City Clerk Alaina Wright and City Administrator Assistant Crystal Winkfield.

### AGENDA

Roger Spencer motioned to approve the agenda as presented. Rick Flinn seconded. All in favor. No opposed with one absent. LaDonna Allen motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed with one absent.

### PUBLIC FORUM

Brittany Johnson-404 Hodge, wanted to know about the process for putting speed bumps in the area. Steve Lawver replied that we do not put speed bumps in public roadways because it is not advised by civil engineers.

### P&Z CASES

Mayor Powers asked for discussion regarding Case #21-06 – Final Plat for Fox Briar Plat #6

The public hearing started at 7:04 PM. Dan Mitchell was present to speak in favor of approval of the plat. Jim Gozia asked where the construction entrance would be. Dan Mitchell said they prefer doing it in the future roadbed, but that area is not EPA mediated so they can't be sure yet that will be possible. Jim also asked if the road would go in before construction began and Dan Mitchell said yes.

Steve Lawver said P&Z met on the issue and are recommending approval.

The public hearing was closed at 7:08 PM.

Memorandum of Understanding between Schuber Mitchell Homes and the City of Carl Junction

Mayor Powers said this item was already discussed during the public hearing and would be discussed again during the ordinance discussion on item 7f.

### ORDINANCES

LaDonna Allen motioned to put **"AN ORDINANCE AUTHORIZING THE CITY TO GRANT AN INGRESS, EGRESS AND UTILITY EASEMENT TO RAINER SCHOLZ AND ILONA SCHOLZ, A MARRIED COUPLE, FOR ITS USE AND ENJOYMENT IN CONNECTION WITH GRANTEE'S LEASEHOLD INTEREST IN CERTAIN TOWER PROPERTY IDENTIFIED IN THE EASEMENT AGREEMENT, ALL IN SECTION 6, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, AS MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT ATTACHED TO THIS ORDINANCE; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, PROCESS AND DELIVER SAID EASEMENT AGREEMENT TO RAINER SCHOLZ AND ILONA SCHOLZ, FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION"** on 1<sup>st</sup> reading by title only. Roger Spencer seconded. All in favor. No opposed with one absent.

Discussion: Steve Lawver said this is for the cell tower to the north of the Community Center. The original easement was granted to Mr. Scholz's lessee and not Mr. Scholz himself and this ordinance would correct that issue.

Roger Spencer motioned to put it on second reading by title only. Gary Stubblefield seconded. All in favor. No opposed with one absent.

Discussion: There was no additional discussion.

LaDonna Allen motioned to put it on final passage. Gary Stubblefield seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-21 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.

LaDonna Allen motioned to put **"AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND ANDERSON ENGINEERING, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION PHASES FOR SIDEWALK IMPROVEMENTS ALONG ROUTE Z/PENNELL STREET, PHASE V (FEDERAL AID PROJECT: TAP-9900[757]) IN THE CITY OF CARL JUNCTION, FOR SUMS WHICH WILL NOT EXCEED \$40,478.72 FOR DESIGN SERVICES AND \$32,680.72 FOR CONSTRUCTION SERVICES, AND SUCH ADDITIONAL SERVICES AND REIMBURSABLE EXPENSES AS PROVIDED IN THE CONTRACT; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE SAID CONTRACT 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 with one absent.

Discussion: Steve Lawver said this is one more step in completing our sidewalk project from Grimes to Dean. Rick Flinn asked if it would look similar to the current sidewalks west of Pennell. Steve said yes. Roger also asked if it included curb and guttering and Steve said we were not able to include curbs and guttering because MoDOT would not approve those in the grant.

LaDonna Allen motioned to put it on second reading by title only. Mike Burns seconded. All in favor. No opposed with one absent.

Discussion: Roger Spencer asked when we paid for the portion of the sidewalks already done. Steve Lawver said the area of Miller & Temple was the last area and it was roughly \$350,000 total.

LaDonna Allen motioned to put it on final passage. Rick Flinn seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-22 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.

LaDonna Allen motioned to put **"AN ORDINANCE APPROVING A THIRD AMENDMENT TO THE LEASE AGREEMENT DATED FEBRUARY 6, 1996, AS AMENDED, BETWEEN THE CITY OF CARL JUNCTION AND USCOC OF GREATER MISSOURI, LLC, A MISSOURI LIMITED LIABILITY COMPANY, TO REPLACE AND ADD CERTAIN COMMUNICATIONS EQUIPMENT TO THE PREMISES; AND AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE SAID AGREEMENT 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 with one absent.

Discussion: Steve Lawver said this is for the water tower on Anita Dr. They are going to upgrade the antennae and radios on it so it will be 5G capable for US Cellular customers.

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

Discussion: There was discussion about the cable going through the interior of the tower and if US Cellular would be responsible for any costs incurred by the city in the future because of the location of the cable.

LaDonna Allen motioned to put it on final passage. Roger Spencer seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-23 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 I. GOVERNMENT CODE, CHAPTER 130: MUNICIPAL COURT, BY AMENDING SECTION 130.250: COURT COSTS, TO MANDATE THE \$2.00 ASSESSMENT IN SUBPARAGRAPH 4 FOR BATTERED PERSONS' SHELTERS, TO DELETE CURRENT SUBPARAGRAPH 9 WHICH PREVIOUSLY IMPOSED A SURCHARGE OF \$3.00 FOR THE SHERIFF'S RETIREMENT FUND, AND TO RENUMBER THE SUCCEEDING SUBPARAGRAPHS"** on 1<sup>st</sup> reading by title only. Gary Stubblefield seconded. All in favor. No opposed with one absent.

Discussion: Steve Lawver said the Supreme Court found 3<sup>rd</sup> and 4<sup>th</sup> class municipalities could not pay into the sheriff's retirement fund.

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

Discussion: Gary Stubblefield asked if the ordinance would take any money away from domestic violence victims. Steve Lawver said it would not.

Roger Spencer motioned to put it on final passage. Gary Stubblefield seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-24 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 AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND GEOSYNTEC CONSULTANTS, INC., TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH A SITE-SPECIFIC METALS TRANSLATOR STUDY TO ESTABLISH MORE APPROPRIATE AND FAVORABLE FINAL EFFLUENT LIMITATIONS FOR THE CARL JUNCTION WASTEWATER TREATMENT FACILITY WHICH DISCHARGES TO CENTER CREEK FOR A SUM NOT TO EXCEED \$53,000.00 WITHOUT THE CITY'S WRITTEN CONSENT; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR AND/OR THE CITY ADMINISTRATOR TO EXECUTE SAID AGREEMENT 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 with one absent.

Discussion: Steve Lawver said this is a continuation of the issue of zinc and lead levels in the effluent. This is contract one of two. This contract allows Geosyntec to test at certain places and times and get a base background of lead and zinc levels present. This is one of the ways DNR has suggested the city begin handling the issue.

LaDonna Allen asked if other cities currently doing this same process have been helped by doing this. Steve Lawver said those cities have been able to push back and get smaller mandates from DNR.

Mike Burns asked if we could just use Joplin or Webb City's data since we're so close geographically. Steve Lawver said no.

Rick Flinn asked what would be included in the \$53,000. Steve Lawver said there will be seven collections sites and they will collect monthly through August 2023.

LaDonna Allen motioned to put it on second reading by title only. Gary Stubblefield seconded. All in favor. No opposed with one absent.

Discussion: There was no additional discussion.

LaDonna Allen motioned to put it on final passage. James Gozia seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-25 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 A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN SCHUBER MITCHELL HOMES, LLC., AND THE CITY OF CARL JUNCTION, MISSOURI, CONCERNING THE DEVELOPMENT OF PROPERTY COMMONLY KNOWN AS PHASE 6 TO THE FOXBRIAR SUBDIVISION IN THE CITY OF CARL JUNCTION, MISSOURI TO DELINEATE AND AGREE TO THE RESPONSIBILITIES OF THE PARTIES" on 1<sup>st</sup> reading by title only. Rick Flinn seconded. All in favor. No opposed with one absent.

Discussion: Steve Lawver said P&Z also looked at this and it was part of their approval.

LaDonna Allen motioned to put it on second reading by title only. Bob McAfee seconded. All in favor. No opposed with one absent.

Discussion: There was no additional discussion.

LaDonna Allen motioned to put it on final passage. Rick Flinn seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-26 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 ACCEPTING FOX BRIAR PLAT #6 OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on 1<sup>st</sup> reading by title only. Bob McAfee seconded. All in favor. No opposed with one absent.

Discussion: There was no discussion.

LaDonna Allen motioned to put it on second reading by title only. Bob McAfee seconded. All in favor. No opposed with one absent.

Roger Spencer motioned to put it on final passage. LaDonna Allen seconded. All in favor. No opposed with one absent.

McAfee-yes, Stubblefield-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #21-27 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. Steve Lawver said he received an email from MML today that we should be receiving guidance from the Office of Administration from the State of Missouri.

Public Works report – Jim Chaligoj was absent. Rick Flinn said there was a pothole on Angel Lea near Pennell that needs to be taken care of.

Police Dept. report – Mark McCall had nothing to add to his written report.

Bldg Insp report - No discussion.

Court report - No discussion

## COMMITTEE REPORTS

Budget/Finance: Ladonna Allen said she would like to meet before the second August meeting if that works for other committee members.

Code/ Nuisance: Steve Lawver said he needs to schedule a code committee meeting Tuesday August 3 at 6:00 PM.

Human Resources: Roger Spencer had nothing to report.

Public Facilities & Planning: Bob McAfee had nothing to report.

Senior Citizens: Gary Stubblefield said the meals may differ from their schedule of meals due to supply chain shortages.

## UNFINISHED BUSINESS

Gary Stubblefield said the welcome garden at the entrance is being hidden by weeds and would like MoDOT to be notified.

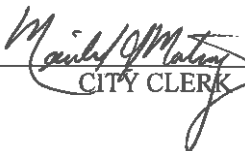
## NEW BUSINESS

Roger Spencer said something needs to be done about water flowing from Four Oaks Park.

Gary Stubblefield said the South side of Pennell also has very tall weeds.

## ADJOURNMENT

LaDonna Allen motioned to adjourn the meeting. Rick Flinn seconded. All in favor. No opposed with one absent. Meeting adjourned at 7:48 PM.

  
CITY CLERK

  
MAYOR