

The Carl Junction City Council met in regular session, on Tuesday October 16, 2018 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: Rick Flinn, Richard Zaccardelli, Roger Spencer, LaDonna Allen, Mike Burns and Mark Satterlee. Absent were Alderman Randy Hutcheson, and Don Marshall. 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. Two absent. LaDonna Allen motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed. Two absent.

PUBLIC FORUM

Brandy Miller-Turner, 405 Tee Lane, read a prepared statement on behalf of the BYAA board. In it she stated that the BYAA has been serving the community for over 25 years, with a community based volunteer board of parents who ultimately want the best for the youth of Carl Junction. She stated that they have over 2500 kids enrolled in their athletic programs and likely double for parents and guardians who are members of BYAA. Ms. Miller-Turner stated that in the past year despite having thousands of members, only ten different members have attended the BYAA monthly meetings and of those ten members, not one complaint was made that the board did not address. Ms. Miller-Turner stated that the board was very surprised when 47 parents from one team showed up at a city organized public forum to express the concerns. Ms. Miller-Turner stated that she attended the meeting to determine what the issues were, and try to figure out why these concerns were not expressed during the recent BYAA board meeting. She stated that the issues were resolved once the board was made aware of the problems mentioned. Ms. Miller-Turner stated that the BYAA board met with the city to have an open and candid conversation regarding the past and present issues, how to better collaborate in the future. She stated that BYAA provided proof of insurance and several years of financials to the city. Ms. Miller-Turner stressed that the BYAA coaches are parents and not professionals. She stated that the high-school coaches and players give instructions to the parents and hold coaching clinics. Ms. Miller-Turner stated that fewer children are participating in youth sports which is a trend seen nationwide. She stated that while football numbers are down, other sports are holding steady or even rising. Ms. Miller-Turner addressed the softball tournament that was canceled. She stated that this was a direct result of unruly parents. Ms. Miller-Turner stated that the BYAA umpires, who are high-school softball players, did not want to ump for these parents due to their behavior. She stated that the parents in question were warned that if the issues continued that we would cancel the tournament and ultimately it was canceled. Ms. Miller-Turner stated that at the BYAA meeting it was discussed that with any good partnership, communication is essential. She admitted that the BYAA has not stressed enough emphasis on communication and is striving to do better. Ms. Miller-Turner then addressed the parents and requested they do their part at expressing concerns by bringing them up formally at our BYAA monthly meetings which are the 2nd Wednesday of every month. Ms. Miller-Turner stated on behalf of the BYAA board of directors that there is no reason to terminate the agreement tonight. She stated that no youth sports will be on any city owned baseball or soccer fields until March, giving ample time for the discussions on how improvements can be made. Ms. Miller-Turner then read a prepared statement from Jesse Wahl athletic director from Carl Junction School. Mr. Wahl stated that it is unfortunate the issues have led to the situation this time between the City of Carl Junction and parents of BYAA. The statement continued that as with any organization, people are going to have different views and opinions. Mr. Wahl stated that it is unfortunate that these issues have occurred and he hopes that everyone can remember the focus should be on the kids. Mr. Wahl also stated that for the past 10 years he has been in favor of a Parks and Recreation department run by the city of Carl Junction, and that the a parks and recreation department would work hand in hand with an advisory board which could and should be BYAA. Mr. Wahl stated that the Carl Junction school district would continue to work with groups in Carl Junction who wish to use their facilities for youth athletics, providing these organizations consists of Carl Junction children and /or students. Ms. Miller-Turner closed by saying that BYAA board would be available should any questions arise either in the public forum, or on the agenda item.

Mike Lowry 24747 Red Bud Rd., stated that his child is in the 5th grade and that he was unaware of any problems with the BYAA organization until an elected jasper county official who inquired about the issues contacted him. Mr. Lowry stated that the complaints that were brought before him were both surprising and embarrassing. Mr. Lowry stated that as a parent he has had his issues with BYAA over the years, but nothing that was not resolved by talking to them. Mr. Lowry stated that he won't speak of fact because all he has heard is rumor. Mr. Lowry stated that he has sat through several 3rd and 5th grade practices and has seen nothing out of the ordinary. He stated that this is about the children and nothing else. Not the coaches, not BYAA, but the children. Mr. Lowry stated that he hopes that a resolution can be made between BYAA and the city and that in his opinion BYAA has turned around football. If the city wants to help, that is great, but does not think that terminating the BYAA contract is the solution.

Timothy Smith, 110 Cambridge, has coached several hundred games throughout the years and has traveled with his daughter all over Missouri, Oklahoma and even some of Kansas. He watched how other coaches have coached. Mr. Smith has offered a free coaching clinic with other coaches and umpires to the BYAA. He stated that the umpires this year did not know the rules of the game. Mr. Smith does not believe that canceling the tournament was the right call. Mr. Smith stated to his knowledge the unruly parents were actually only two individuals. One, a grandfather who was witnessing one bad call after another causing him speak his mind. The other was a parent who was also frustrated with the umpiring. Mr. Smith stated that those individuals were talked to and the situation was handled. Mr. Smith stated there was no all-star team offered. Mr. Smith holds open practices on Friday and any girl in the area that wants to practice is allowed to join them.

Ms. Tonya Overstreet stated that this is her first year coaching. She coaches her children's team and one thing she is not very happy about is that she believes that pricing is too high. Ms. Overstreet has two children and will have another child in the spring. She stated that \$60.00 a child is very high. Ms. Overstreet stated that there are holes all over the field and there are nets with lots of holes.

She stated that if the money is going toward good things that would be one thing but when equipment is not being fixed, she is curious as to where is the money going. She stated that she has sponsored her kids and other coaches have sponsored as well. She stated that she was not aware of the monthly BYAA meetings and that she will be coming to them from now on.

Brent Wheeler, 803 Summerlyn Lane, has reached out to several members of the city in regards to a city run Parks and Recreation department. Mr. Wheeler stated that even though the city does not represent the BYAA, Mr. Wheeler pointed out that the organization does reflect on the city and how the city is perceived. He stated that their wish is not for the city to disband the BYAA but to work in conjunction with it.

P&Z CASE

Case #17-16 - Final Plat of Fox Briar #3.

Steve Lawver stated that P&Z heard this case on 10/08/18 and recommending approval. There was discussion as to whether the area was in the CID. Steve Lawver stated that it is in the CID

Case #17-17 - Final Plat of Fox Briar #4.

P&Z is recommending approval. Steve Lawver stated that these are also within the CID and is to the West of Blackthorn.

RESOLUTION TO FILE AN APPLICATION WITH MODOT FOR PENNELL PHASE V

Steve Lawver stated Phase 5 goes from Grimes to Dean Dr. and there are three different options available. A lot is involved in those three options and Steve Lawver requested the opportunity to bring in an engineer to review the options with the Council. Motion by Richard Zaccardelli to approve the resolution. 2nd by LaDonna Allen. All in favor. No opposed. 2 absent.

DISCUSSION OF BYAA AGREEMENT

Mike Talley stated that he was charged with an inquiry into the BYAA Agreement by the Board of Alderman at the last meeting. Mike Talley stated that the problem is the one page agreement has a clause that states that the agreement could be modified, amended and updated by the mutual consent of the parties. Taken literally that means that the agreement cannot be amended or changed in any fashion unless both parties agree, which makes it potentially a perpetual contract. The contract was not approved by ordinance. If this is a perpetual contract which one party can never end, Mr. Talley stated that would create all sorts of problems. Mr. Talley states that if this is a perpetual contract it basically means leasing out the cities ball parks for free forever. Mr. Talley stated that under Mo statute it is questionable whether the city has the right to do so. Mr. Talley stated that, in fact, this is not a legally binding contract; rather, it is a memorandum of understanding. If it were a perpetual contract, it would be an illegal contract. Mr. Talley stated that the most fundamental feature of a binding contract is the intent of the parties to enter into a binding contract. That was plainly not the intent of the parties in this case. Ultimately it is not a legally binding contract; therefore, it can be changed, cancelled or amended by either party. Mr. Talley stated if this was intended as a legally binding contract it would have been much more detailed, would have required a meeting with the Planning & Zoning Commission for consideration and would have been passed by ordinance. LaDonna Allen stated she wanted to clarify for 2500 participants sports wide. LaDonna stated that the city did have a meeting with BYAA there were a couple of encouraging spots during the meeting as well as more concerns. She stated that the city did get financials. She stated that are more questions but she feels that it may be accounting issues. She stated that she still has very strong feelings and appreciates everything that everyone has said including those in favor of BYAA. She stated that an agreement needs to be made that is legal that protects the city, the children, the residents, and all the tax payers, or not have an agreement at all. She stated that Brandy said that she wanted to sit down and work things out. LaDonna Allen suggests that everyone who has come out to the Council meeting, to please go to the BYAA meeting. Because one of the main things is that, the parents are not bringing the concerns to the board. She stated that every parent is part of the BYAA and they need to have a voice. LaDonna Allen requested that the participants go to the meeting on the 23rd, be respectful, and then come back where talks can begin and get things figured out. Mike Talley stated that it is not necessary to take any action with the memorandum of understanding. Mr. Talley stated that he did not mean to convey that there was anything wrong with the memorandum. He stated that the memorandum is appropriate but he emphasizes it is not a legally binding or enforceable contract. Richard Zaccardelli stated that the BYAA should have a mission statement and that they should teach them to play as teams. LaDonna Allen stated whatever agreement the city enters into; there will need to be direction with the BYAA on improvements that are needed.

ORDINANCES

LaDonna Allen motioned to put "AN ORDINANCE ACCEPTING FOX BRIAR PLAT #3 OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on 1st reading by title only. Roger Spencer seconded. All in favor. No opposed. Two absent.

Discussion: There was none.

LaDonna Allen motioned to put it on second reading by title only. Richard Zaccardelli seconded. All in favor. No opposed. Two absent.

Discussion: There was none.

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

Flinn-yes, Marshall-absent, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-absent Satterlee-yes, Allen-yes. Motion on Ordinance #18-38 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 #4 OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on 1st reading by title only. Rick Flinn seconded. All in favor. No opposed. Two absent.

Discussion: There was none.

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

Discussion: There was none.

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

Flinn-yes Marshall-absent, Zaccardelli-yes, Spencer-yes, Burns-yes, Hutcheson-absent Satterlee-yes, Allen-yes. Motion on Ordinance #18-39 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.

Mike Burns motioned to put "AN ORDINANCE APPROVING AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND ALLGEIER, MARTIN & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH ITS EVALUATION OF THE PERFORMANCE OF THE EXISTING SEWER COLLECTION SYSTEM TO ADD ADDITIONAL SMOKE TESTING AT AN ADDITIONAL COST OF \$39,600.00, BRINGING THE TOTAL TO \$99,600.00, AND SUCH ADDITIONAL SERVICES AND REIMBURSABLE EXPENSES AS PROVIDED IN THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT NO. 1 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI" on 1st reading by title only. LaDonna Allen seconded. All in favor. No opposed. Two absent.

Discussion: Budget and finance met and the funds are available but heard from the Public Works director. He and most of the committee were in agreement that the funds would be better used for other things. Steve Lawver agrees with the Public Works director.

LaDonna Allen motioned to put it on second reading by title only. Rick Flinn seconded. All in favor. No opposed. Two absent.

Discussion: There was none.

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

Flinn-no, Marshall-absent, Zaccardelli-abstain, Spencer-no, Burns-no, Hutcheson-absent Satterlee-no, Allen-no. Ordinance failed.

Mike Burns motioned to table "AN ORDINANCE APPROVING A MASTER SERVICE AGREEMENT AND SCOPE OF WORK NO. 1 BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND UTILITY SERVICE CO., INC., A GEORGIA CORPORATION, TO SUPPLY, INSTALL AND MAINTAIN 3340 ADVANCE METERING INFRASTRUCTURE WATER MODULES FOR THE CITY OF CARL JUNCTION AT A TOTAL COST OF \$862,800.00, PAYABLE IN FIVE ANNUAL INSTALLMENTS OF \$172,560.00, PLUS \$25,883.00 ANNUALLY FOR MAINTENANCE, PLUS ADJUSTMENTS, IN ACCORDANCE WITH THE MASTER SERVICE AGREEMENT AND SCOPE OF WORK NO.1; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI." LaDonna Allen seconded. All in favor. No opposed. Two absent.. This ordinance was tabled.

REPORTS

The Council reviewed the Administration report. Richard Zaccardelli asked where the city stands on the Fir Road studies. Steve Lawver stated that it is in progress and he believed it would be completed in mid-November.

Public Works – Richard Zaccardelli has had some citizens request if white lines could be put down Briarbrook Drive to prevent hitting mailboxes due to daylight savings. Jimmy stated that they should be able to do that. Jimmy stated that the water pressure around Anita is about 60 pounds. The towers hold 250,000 gal of water each. For the Briarbrook and Oscie-Ora area, they have over 500,000 gallons of water for their area.

Police Dept - nothing to add. Mike Burns asked about an open position for the department. Chief Haase stated that we lost one officer to private industry.

Court –nothing to add

COMMITTEE REPORTS

Budget/Finance: Mike Burns met on 3 different things at tonight's meetings. the smoke test, the water meters, and whether there is enough money to create a Recreation Director. Nothing was decided at this time.

Code/ Nuisance: Randy Hutcheson not at the meeting.

Human Resources: Roger Spencer stated that he needs to schedule a closed meeting at the next meeting.

Public Facilities & Planning: LaDonna Allen needs to have their end of quarter meeting next meeting 11/6/18 at 6:15 to 6:45.

Senior Citizens: Richard Zaccardelli reported that he is going to try to bring in more people to the senior center and possibly some professional entertainment.

UNFINISHED BUSINESS

LaDonna Allen wanted to arrange another sit down with BYAA after the BYAA meeting and public facilities meeting sometime after November 6th.

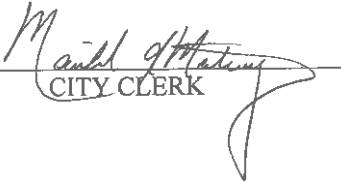
Chief Haase stated that they have their shooting simulator and would like to invite the council to go through it.

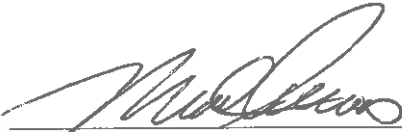
NEW BUSINESS

Steve Lawver stated that a letter from Redwood has been received which states that they have been funded for Carl Junction Estates #2. Steve Lawver has no idea what it will look like. No preliminary or final Plat has been submitted. Steve Lawver stated that the city received a thank you letter for the marvelous job that Jimmy and the rest of Public Works accomplished with the disk golf event last September 28th-30th. The event involved the disk golf courses of Joplin, Neosho, and Carl Junction. Steve Lawver stated that they loved the course.

ADJOURNMENT

Roger Spencer motioned to adjourn the meeting. LaDonna Allen seconded. All in favor. No opposed. Two absent. Meeting adjourned at 8:08 PM.


CITY CLERK


MAYOR