

The Carl Junction City Council met in regular session on Tuesday February 28, 2023 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: LaDonna Allen, Rick Flinn, Jim Gozia, Bob McAfee, Roger Spencer, and Hollie LaVigne. Mark Satterlee and Mike Burns was absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, City Clerk Alaina Wright and City Administrator Assistant Crystal Winkfield.

### AGENDA

Roger Spencer motioned to approve the agenda as presented. Hollie LaVigne seconded. All in favor. No opposed with two absent. LaDonna Allen motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed with two absent.

Addison Botzow, Girl Scout Troop 70341 presented a recycling project to collect tin and aluminum cans at the Community Center. Anna Hammond said that since September, they have picked up 413 pounds of tin cans and 281 pounds of aluminum cans from Joplin Street and the Briarbrook area. They plan to check the recycling bin once per week. LaDonna Allen motioned to approve the recycling project. Rick Flinn seconded. All in favor. No opposed with two absent.

### PUBLIC FORUM

There was no one present for public forum.

### P&Z CASES

Mayor Powers asked for discussion regarding Case #23-01 – Amending Chapter 405: Zoning Regulations and Chapter 610: Miscellaneous Business Regulations

The public hearing was opened at 7:08 PM. Steve Lawver said P&Z met on this and are recommending approval. He said this puts in place regulations for P&Z and business regulations if someone opens up a marijuana dispensary or manufacturing/growth facility and limits where those facilities could be placed. No one spoke on the case and the public hearing was closed at 7:09 PM.

### APPROVAL OF BIDS FOR BUILDING REPAIRS

Steve Lawver said there are several building repairs we've gotten bids on. He said we received one bid to replace the public works front door, from Commercial Glass & Metal Inc. for \$5,129.00. Steve said one bid was received for the police department door repair and replacement, from Midwest Doors & Interiors, for \$14,168.75.

Steve Lawver said we received four bids to replace the gym lights: LED Lighting and Supply for \$7,461.20, Joplin Industrial Electric for \$11,017.00, KAB Electric for \$11,662.26, and Bills Electric for \$17,400.00. Steve said he was recommending the low bidder, LED Lighting and Supply, for the repairs. Steve said the funds for those projects would come from ARPA. LaDonna Allen motioned to approve the bids as recommended. Hollie LaVigne seconded. All in favor. No opposed with two absent.

### ORDINANCES

LaDonna Allen motioned to put "**AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE; CHAPTER 205: ANIMAL REGULATIONS, ARTICLE I. GENERAL PROVISIONS, BY AMENDING SECTION 205.130: REDEMPTION OF ANIMALS, GENERALLY, TO CLARIFY REDEMPTION PROCEDURES**" on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said this was brought by the animal control officer and the police chief and it clarifies existing code. He said it also changes the redemption policy of licensed and unlicensed animals so it is more clearly spelled out. Rick Flinn said the code committee is recommending approval.

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

Discussion: There was no further discussion.

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

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-04 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 THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 605: BUSINESS AND OCCUPATION TAX, BY AMENDING SECTION 605.080: SCHEDULE OF LICENSE FEES AND CLASSIFICATION OF OCCUPATIONS**" on first reading by title only. Jim Gozia seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said this ordinance hadn't been amended in years. He said he went through and combined similar types of businesses. Steve also said he went through and added several categories, like internet service providers and short-term rentals. Rick Flinn said the code committee is recommending approval.

Roger Spencer motioned to put it on second reading by title only. Hollie LaVigne seconded. All in favor. No opposed with two absent.

Discussion: There was no further discussion.

LaDonna Allen motioned to put it on final passage. Bob McAfee seconded. All in favor. No opposed with two absent.

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-05 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 IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.010: DEFINITIONS AND SECTION 405.040: USE REGULATIONS, AND AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS, BY ADDING NEW ARTICLE VII. MARIJUANA FACILITIES, SECTIONS 610.280 – 610.295, TO ADOPT ZONING AND BUSINESS REGULATIONS GOVERNING MARIJUANA FACILITIES”** on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said most of this ordinance is brand new and was taken from MML. He said this ordinance is due to the authorization of recreational marijuana and it sets the fees and makes sure a facility has to be licensed by the state of Missouri and follow all regulations from the State of Missouri. Rick Flinn said the code committee is recommending approval

LaDonna Allen motioned to put it on second reading by title only. Hollie LaVigne seconded. All in favor. No opposed with two absent.

Discussion: There was no further discussion.

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

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-06 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 THE CODE OF ORDINANCES OF THE CITY OF CARL JUNCTION, MISSOURI, BY AMENDING TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS, BY AMENDING ARTICLE VI. HOME OCCUPATIONS, BY REPEALING EXISTING SECTIONS 610.230 – 610.270 AND ENACTING NEW SECTIONS 610.230 – 610.260 TO COMPLY WITH STATE MANDATED CHANGES IN REGULATING NO-IMPACT HOME-BASED BUSINESSES”** on first reading by title only. Hollie LaVigne seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said in August a new state statute was passed which changed the way home-based businesses are regulated. He said this ordinance lays out those changes and states that a home-based business has to meet several requirements to be considered no-impact. Rick Flinn said the code committee is recommending approval.

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

Discussion: There was no further discussion.

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

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-07 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 TWO AGREEMENTS BETWEEN THE CITY OF CARL JUNCTION AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION IN CONNECTION WITH SIDEWALK IMPROVEMENTS TO BE CONSTRUCTED ALONG THE NORTH SIDE OF ROUTE Z/PENNELLS STREET, FROM DEAN ROAD TO ARLINGTON DRIVE; 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”** on first reading by title only. Rick Flinn seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said this is for Phase VI of the sidewalk project from Dean Road to Arlington Drive. He said there are two agreements that have to be signed. Rick Flinn asked if the new section will have the same buffer zone the previous section has and Steve Lawver said yes.

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

Discussion: There was no further discussion.

Rick Flinn motioned to put it on final passage. Bob McAfee seconded. All in favor. No opposed with two absent.

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-08 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 JEFF ASBELL EXCAVATION & TRUCKING, INC. TO COMPLETE THE DEERFIELD LIFT STATION SCREENING STRUCTURE PROJECT FOR THE CITY OF CARL JUNCTION, MISSOURI IN ACCORDANCE WITH THE CONTRACT DOCUMENTS FOR THE SUM OF \$45,258.57; 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 first reading by title only. Rick Flinn seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said this bid was approved at the last meeting and this is the contract to go with that approval. Roger Spencer motioned to put it on second reading by title only. LaDonna Allen seconded. All in favor. No opposed with two absent.

Discussion: There was no further discussion.

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

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Motion on Ordinance #23-09 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 we were able to recover items from the hard drive that went down last week.

Steve Lawver said there is a proposal that anyone under the age of 18 must have a parent or guardian sign a release form to be in the building without a parent present. He said the agreement also has a liability waiver in case something happens.

Mike Talley said this is an attempt to limit responsibility, but in the event of an incident, the court would decide the city's liability. Rick Flinn said the fourth bullet point says school property but it should say city property. Rick Flinn motioned to accept the code of conduct and liability waver as amended. LaDonna Allen seconded. All in favor. No opposed with two absent.

Bob McAfee asked if the same should be done for people that will be at the ball fields and Steve Lawver we could.

Treasurer's report – No discussion.

Public Works report – No discussion.

Police Dept. report – Hollie LaVigne asked if the property in question regarding the Copper Oaks incident was a rental property and Chief McCall said yes.

### **COMMITTEE REPORTS**

Budget/Finance: LaDonna Allen said everyone should have a copy of the working budget to look over and see if there are comments or concerns about anything. She said there is also a copy of the proposed ARPA budget to review.

Code/ Nuisance: Rick Flinn had nothing to report.

Human Resources: Roger Spencer said there's a closed session later for personnel.

Public Facilities & Planning: Mike Burns was absent.

Senior Citizens: No one present.

### **UNFINISHED BUSINESS**

Jim Gozia asked if there was an update on the lighting at Frank Dean. Steve Lawver said there's a bid opening tomorrow.

Jim Gozia also asked about an ordinance prohibited marijuana in a public place and Steve Lawver said he'll have that at the next meeting. Rick Flinn asked if the code committee would need to meet on it and Steve Lawver said yes.

Hollie LaVigne asked about the ordinance for the water meter fees and Steve Lawver said he is working on the wording for some of those fees.

Steve Lawver said April 13 is the Chamber of Commerce banquet if anyone wants to attend. Hollie LaVigne and Rick Flinn both said they would attend.

Chief McCall said the LEST board met February 7. He said the department was awarded just over \$32,000 for equipment and he would have the exact numbers at the next meeting.

### **NEW BUSINESS**

Rick Flinn said there was a DOT presentation for highway safety at the legislative conference and there is a national campaign beginning for buckle up and phone down.

LaDonna Allen gave everyone a letter she wrote nominating Clair Uitts as an outstanding senior. Rick Flinn motioned for the City of Carl Junction to endorse the nomination. Roger Spencer seconded. All in favor. No opposed with two absent.

### **CLOSED SESSION PER RSMO 610.021 (3): HIRING, FIRING, DISCIPLINING OR PROMOTING OF PARTICULAR EMPLOYEES BY A PUBLIC GOVERNMENTAL BODY WHEN PERSONAL INFORMATION ABOUT THE EMPLOYEE IS DISCUSSED OR RECORDED**

Roger Spencer motioned to go into closed session. Rick Flinn seconded. Roll call vote: LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-absent, Satterlee-absent, Gozia-yes. Council went into closed session at 7:55PM.

Council meeting reconvened at 8:10 PM.

Mayor Powers said there was discussion but no action was taken during the closed session.

### **ADJOURNMENT**

LaDonna Allen motioned to adjourn the meeting. Hollie LaVigne seconded. All in favor. No opposed with two absent. Meeting adjourned at 8:11 PM

*Alaina Wright*  
CITY CLERK

*Mike G. Lewis*  
MAYOR