

The Carl Junction City Council met in regular session on Tuesday May 20, 2025 at 7:00 PM at City Hall. Mayor Mike Moss called the meeting to order with the following present: Anita Francis, Hollie LaVigne, Bob McAfee, James Shanks, Roger Spencer, and Carole Wofford. Walter Hayes and David Pyle were absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, City Clerk Alaina Wright and Assistant Crystal Winkfield.

AGENDA

Mayor Moss said he wanted to move items 5-Public Forum and 6-Discussion of ethics complaint per 110.600 after item 10-New Business. Hollie LaVigne motioned to approve the agenda as presented. James Shanks seconded. All in favor. No opposed with two absent. Hollie LaVigne motioned to approve the consent agenda. Roger Spencer seconded. All in favor. No opposed with two absent.

PUBLIC FORUM

Becky Crane-120 Rocky Lane-She was present to talk about mosquitoes. She said the city used to spray mosquitoes and when she was at Frank Dean she was bitten over 20 times, and she asked why the city no longer sprays. Steve Lawver said the city no longer has a mosquito fogger and the insecticide that used to be used is longer legal and what is now legal isn't as effective. Mayor Moss said he didn't realize we no longer had a fogger. Steve Lawver said the cost of the machines and the cost of the insecticides was too expensive.

Steven Goff-108 York-He said this town is garbage because we don't spray for mosquitoes and we let kids run rampant. He said he hasn't seen a cop drive by his house in a year. Steven said he would like to see his council give Mayor Moss the respect he deserves. Steven said he doesn't care if Mayor Moss said what he's accused of saying if his town goes back to the way it was.

Brandy Castlebury-29014 Impatiens-She said she's been lived here for 17 years and said she was recently reading comments on a public forum and couldn't believe the disrespect for the women in the City Hall office. She said Mayor Moss was using the same rhetoric two years ago when he ran for mayor, and that at the time he spoke quite aggressively with her when she worked for the city and was doing her job. Brandy said it was her hope as a former employee and a woman that the council doesn't take the comments and disrespect towards these employees lightly

DISCUSSION OF ETHICS COMPLAINT PER 110.600

Mike Talley said a complaint was filed by James Shanks on Wednesday May 8 about the conduct of the Mayor. Mike said several allegations and references were made and the code of ethics was referenced. He said other codes, including conduct in the workplace were also described, and the complaint was a public record because it was about an elected official. James Shanks motioned for a short recess so the entire council could review the complaint that was filed. Hollie LaVigne seconded. All in favor. No opposed with two absent. The council temporarily recessed at 7:17 PM.

Roger Spencer motioned back into open session. Carole Wofford seconded. All in favor. No opposed. The meeting was reconvened at 7:21 PM.

Mike Talley said he believes it is a fair statement that the complaint raised many issues, some issued raised were under the code of ethics, and some under other codes. He said in reviewing this complaint, he was forced to review the code of ethics in greater detail since it was passed not too long ago and has never been used by the council. Mike Talley said in the code of ethics there is a technical requirement that to be advanced, a complaint must be signed under oath or affirmation and this complaint was not, and so technically doesn't meet the requirement of a complaint under the code of ethics. However, he said the substance of the complaint raises the same issue covered under other codes as well. Mike said when a complaint involves the mayor, it gets referred to the Board of Aldermen and they will have to decide the appropriate action on this complaint. Mike Talley said that while it's not legally sufficient for a code of ethics complaint, it still includes charges that are against other codes as well. He said that he is hopelessly conflicted to prosecute a complaint against the mayor and doesn't believe it's in the city's best interest for him to do so and that his motives and conduct could fall under scrutiny, and so he believes the city should have special council to conduct this.

Roger Spencer said he's spoken to Mike Talley multiple times and he said they agree the city needs outside counsel for this complaint. Mike Talley said he spoke with several local people who he felt would be qualified to prosecute this complaint and several were interested but none could fit it into their schedule. He suggested to Mayor Moss that he probably needed private council, and he understands Mr. Fleischaker will represent Mayor Moss in these matters. He said it is incumbent upon the city to show due process for these complaints and there needs to be time allowed for the mayor and his attorney to review the complaints. He said four other complaints were received yesterday from city employees for essentially the same thing but under other sections of the code. Mike Talley said he contacted Lauber Municipal Law and specifically Nate Dally, under the authority of Roger Spencer, and asked him to consider presenting the allegations for the city in a formal hearing. Mike said Nate Dally was willing to do it but he needs his law firm to approve it, and he won't be able to get that approval until tomorrow. Mike Talley said he doesn't have the authority to hire special council but he is recommending the city do so. Mike said even though the complaint isn't technically sufficient for an ethics violation complaint, it doesn't affect the proceedings at all. Mike Talley said his advice to the mayor was to avoid contact with any individuals who have raised complaints, but that was before the additional four complaints were filed. Mike said workplace standards require the complainants be protected and this alleged conduct not be allowed to continue. He said the city is not doing its job if the alleged behavior is allowed to continue. Mike Talley said the board could set a tentative date for a hearing for due process, but Mr. Fleischaker needs to be able to review the complaints. Mike said he spoke to Nate Dalley about the situation for the mayor's duties and his recommendation is for the mayor pro-tem to act when there needs to be contact with employees.

Jim Shanks asked Mike Talley when he'd be able to get the information to the other attorney. Mike Talley said he'd like to wait until tomorrow because he's concerned since this is a tricky situation. He said he would like to wait until Nate Dalley can be sure he'll take the case because Mike Talley wants to make sure the complaints can be given to Mayor Moss and Mr. Fleischaker as they are.

Roger Spencer asked if Nate Dalley would contact Mike tomorrow and Mike said he should hear tomorrow morning. Mayor Moss asked what this will cost the city. Mike Talley said he didn't know what Nate Dalley's hourly rate is, but if it's not handled correctly, it could cost the city more money.

Jim Shanks asked if the council will be receiving copies of the other complaints or if that would be just be for the attorneys and Mike Talley said he is reluctant to distribute those complaints before he talks to Nate Dalley. He said he wants to respect the employees who filed the complaints and he needs outside counsel on the issue.

Mike Talley said it is in the city's interest and Mayor Moss's best interest that there is a pause until this issue is taken up again, and that the code says the mayor pro-tem fulfills the duties of the mayor in the mayor's absence.

ORDINANCES

Carole Wofford motioned to put "AN ORDINANCE AMENDING TITLE II. **PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 240: PARKS AND RECREATION, ARTICLE I. IN GENERAL, BY AMENDING SECTION 240.030 HOURS, TO PROHIBIT PARKING VEHICLES IN PUBLIC PARKS WHEN PARKS ARE CLOSED AND TO AUTHORIZE TOWING ANY VEHICLE LEFT IN A PUBLIC PARK WHILE THE PARK IS CLOSED**" on first reading by title only. Jim Shanks seconded. All in favor. No opposed with two absent.

Discussion: Bob McAfee said he understands keeping the parks clear, but he feels perhaps a violation would be better for a first offense, rather than towing a vehicle the first time. Mike Talley said when he originally drafted this ordinance, he suggested posting signs at the parks with rules and violations. Chief McCall said he's spoken with the City Administrator and believes that's what will happen.

Hollie LaVigne asked if there was a reason the police department wanted this. He said at Memorial Park there's a resident who is parking there all the time because they say they don't have room to park their vehicles at their house. Jim Shanks said the parking lot at Lakeside Park overlaps with the country club's parking lot and there needs to be some sort of marking because there's no clear division there.

Roger Spencer motioned to put it on second reading. Jim Shanks seconded. All in favor. No opposed with two absent.

Discussion: Hollie LaVigne asked if the code committee was recommending this and Carole Wofford said yes.

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

Francis-yes, LaVigne-yes, McAfee-yes, Spencer-yes, Pyle-absent, Hayes-absent, Wofford-yes, Shanks-yes. Motion on Ordinance #25-13 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.

Roger Spencer motioned to put "AN ORDINANCE AMENDING TITLE II. **PUBLIC HEALTH, SAFETY AND WELFARE: CHAPTER 240: PARKS AND RECREATION, ARTICLE II. LAKESIDE PARK, BY AMENDING SECTION 240.170. FISHING REGULATIONS FOR LAKESIDE PARK, TO ALLOW CATCH AND RELEASE FISHING ONLY, AND TO PROHIBIT HARVESTING FISH IN LAKESIDE PARK**" on first reading by title only. Carole Wofford seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said several residents complained people were hauling buckets of fish away. Steve said he was called by a conservation agent who said that would kill the population and it was recommended we have fishing limits. Hollie LaVigne asked what fish are in the pond. Jay Morton said perch, bass, croppie, and catfish were in there.

Roger Spencer motioned to put it on second reading. Bon McAfee seconded. All in favor. No opposed with two absent.

Discussion: Hollie LaVigne asked if the code committee was recommending this and Carole Wofford said yes.

Hollie LaVigne motioned to put it on final passage. Anita Francis seconded. All in favor. No opposed with two absent.

Francis-yes, LaVigne-yes, McAfee-yes, Spencer-yes, Pyle-absent, Hayes-absent, Wofford-yes, Shanks-yes. Motion on Ordinance #25-14 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.

Hollie LaVigne motioned to put "AN ORDINANCE APPROVING A CONTRACT FOR THE SALE OF REAL ESTATE BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND FENIX MANAGEMENT L.P.; AUTHORIZING THE CITY TO PURCHASE A CERTAIN TRACT OF LAND LOCATED AT GUM ROAD AND DEMOTT DRIVE, LYING WITHIN SECTION 15, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, AND AS MORE FULLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED TO THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT A WARRANTY DEED TO SAID PROPERTY FROM FENIX MANAGEMENT L.P.; AUTHORIZING THE PAYMENT OF ONE MILLION DOLLARS (\$1,000,000.00) TO PURCHASE SAID PROPERTY AND TO PAY THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) AS EARNST MONEY IN ACCORDANCE WITH THE SALE CONTRACT; AUTHORIZING THE CITY TO RETAIN KIM HIGDON OF CHARLES BURT REALTORS TO ASSIST THE CITY TO MAKE THE PURCHASE IN ACCORDANCE WITH THE COMPENSATION AGREEMENT ATTACHED TO THIS ORDINANCE; AND, AUTHORIZING THE MAYOR AND/OR THE CITY ADMINISTRATOR AND SUCH OTHER OFFICERS OF THE CITY AS MAY BE NECESSARY TO EXECUTE SAID CONTRACTS AND SUCH OTHER DOCUMENTS AS MAY BE REQUIRED TO CONCLUDE SAID PURCHASE" on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

Discussion: Steve Lawver said this is the 32 1/3 acres at the corner of 171 & Gum that has come up for sale. He said P&Z had hearing and they are recommending approval. He said it is the fulfillment of 20 years' worth of work in economic development to try and get property that could be developed commercially. He said companies always ask for highway frontage and that was reinforced several months ago by a company in town looking at property. They said they were interested in bringing their business here but wanted highway frontage. Steve said he negotiated the price from \$1,150,000 to \$1 million. He said it does have risks associated with it but also has rewards. Steve Lawver said we take a lot of comments saying that we don't do enough for economic development and this would allow us to take care of some of this. He said it has taken years' worth of work to get the city into a position to be able to make a purchase like this. He said working with CBT on a tax anticipation note makes it viable for us and that the city carries AA- rating with Standard & Poor's which is excellent for a city our size.

Hollie LaVigne said we've been working with Retail Strategies for the last year to try and find properties and it's been a challenge. She said this is a big opportunity for the city. She said it could be annexed into the city right away if the city purchases it. Hollie LaVigne said it already has electric and water access and would just need natural gas set up. Hollie said she thinks it's a good opportunity and hopes it will be an investment into commercial development. Mayor Moss asked what comparable rates were and Steve Lawver said prices ranged from \$25,000 to \$100,000 per acre, depending on where property was located. Steve said this property comes out to \$31,000-\$32,000 per acre for commercial property. Mayor Moss asked what it would cost per month to finance. Steve Lawver said it wouldn't be monthly it would be annually. He said the city would pay interest only and then re-sign the note each year. He said at some point we would either pay it off in a balloon payment or transfer it to a more typical loan. Steve Lawver said CBT is still working on the interest rate but it would be between four and six percent and it would be a payment around \$40,000 per year.

Roger Spencer motioned to put it on second reading. Carole Wofford seconded. All in favor. No opposed with two absent.

Discussion: There was no further discussion.

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

Francis-yes, LaVigne-yes, McAfee-yes, Spencer-yes, Pyle-absent, Hayes-absent, Wofford-yes, Shanks-yes. Motion on Ordinance #25-15 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.

REPORTS

Long-Term Project report – Mayor Moss said part of the sunshades at center creek park were damaged by yesterday's winds and asked Steve Lawver if anyone had reported that and Steve said no.

Hollie LaVigne asked if any dirt had been filled at Country Club Park and Steve Lawver said yes and that it's been hydroseeded.

Mayor Moss asked about splashpad and Steve Lawver said it's up and running.

Carole Wofford asked about the status for WIFI at the parks. Steve Lawver said we are waiting he, David Pyle and Adam Davenport to having a meeting on it.

Treasurer's report – Alaina Wright said the annual report will be available at the next meeting.

Public Works report – Hollie LaVigne asked about the irrigation hose and Jay Morton said he hasn't gotten the parts yet.

Police Dept. report – Hollie LaVigne said it's been busy lately.

UNFINISHED BUSINESS

Bob McAfee asked if there was an update on the pool. Steve Lawver said public works got behind with the tornado but are ready to start again.

James Shanks said the ditch project on 2nd Avenue is still unfinished.

Steve Lawver said on the solar arrays, MIRMA will reimburse us the lesser of the actual cost value for repairs or the cost to completely tear down and disassemble them if we don't want to repair them. Hollie LaVigne asked if it was worth fixing something that old that didn't work and Steve Lawver said he didn't think so.

NEW BUSINESS

Carole Wofford said northbound on Briarbrook Drive the speed limit signs stay at 20 mph where it used to say 30 mph. Chief McCall and Hollie LaVigne said it was changed. Carole Wofford said it doesn't indicate when it goes back to 30 mph.

Hollie LaVigne said the farmer's market has been going extremely well and it's on Thursdays from 4-7 PM at Lakeside Park.

COMMITTEE REPORTS

Budget/Finance: Walter Hayes was absent. Hollie LaVigne had nothing to report.

Code/ Nuisance: Carole Wofford said there hadn't been time yet to work on public forum statement.

Human Resources: Roger Spencer said there was a meeting at 6:30 over handbook and evaluations sheets. He said they found some discrepancies in the handbook and will get it fixed. He also said they elected to do away with employee evaluations. Roger said they would like to make some changes to city administrator evaluation and then adopt it. Mayor Moss asked why they didn't want to adopt employee evaluations. Chief McCall said he's been to seminars that spoke against evaluations especially because of the officer's bill of rights. He said that once officers believe pay might be involved, it immediately moves that into the officer's bill of rights territory which opens the city up to liability. Hollie LaVigne said she doesn't agree about employee evaluations. She thought it was extremely unfair that employees that were complained about got the same raises as employees who were working hard. James Shanks said federal employers are only allowed to say the dates of employment. He said maybe evaluations shouldn't be what raises are based on.

Public Facilities & Planning: David Pyle was absent. Hollie LaVigne said Country Club Park was seeded and she'll check on that. She said everything looks good at Lakeside Park.

Economic Development: Hollie LaVigne said the purchase of property was approved and she feels that's a real catalyst to get businesses in town.

ADJOURNMENT

Roger Spencer motioned to adjourn the meeting. Hollie LaVigne seconded. All in favor. No opposed with two absent. Meeting adjourned at 8:35 PM.


CITY CLERK


MAYOR PRO-TEM