

The Carl Junction City Council met in regular session on Tuesday August 15, 2023 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: LaDonna Allen, Mike Burns, Rick Flinn, Bill Maguire, Bob McAfee, David Pyle, Roger Spencer, and Hollie LaVigne. 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. LaDonna Allen motioned to approve the consent agenda. Hollie LaVigne seconded. All in favor. No opposed.

### PUBLIC FORUM

Carole Wofford-207 Verbryck-She had a question about the solar panels after the discussion about Liberty at the last meeting and asked if the city gets benefits from the panels. Steve Lawver said they do not produce enough energy to offset any of our costs.

Someone was present from the yoga class to say the carpet in the media center needs to be cleaned because it is dirty.

### PUBLIC HEARING ON 2023 TAX LEVY

Mayor Powers called the public meeting to order at 7:05 PM. LaDonna Allen said she needed to correct what she said at the previous meeting and that after taking the allowance for new construction, the levy will increase by only .26%. Steve Lawver said political subdivisions across the state are dealing with the same issue and there is one district in Jasper County that is not levying what the state auditor is allowing and are taking a half a cent higher increase. He said if the city chose to do that, the levy would still be well below what the voters have approved and it would increase our general fund by around \$50,000. Mayor Powers closed the public hearing at 7:13 PM.

### ORDINANCES

LaDonna Allen motioned to put **“AN ORDINANCE ESTABLISHING THE TAX LEVY FOR THE FISCAL YEAR 2024 ESTABLISHING SAID LEVY \$0.8263 PER HUNDRED ASSESSED VALUATION ESTABLISHING THE ALLOCATIONS OF SAID FUNDS TO GENERAL FUND AND GENERAL OBLIGATIONS SINKING FUND”** on first reading by title only. Roger Spencer seconded. All in favor. No opposed.

Discussion: LaDonna Allen said she believes this ordinance should not be approved and should be taken up again later in a special session. Mike Talley said he couldn't say what the repercussions of raising the levy above the auditor's limit would be and that he would need the information that has been discussed to decide what the best option would be. Mike Burns asked what the levy would be set at if it were changed. Steve Lawver said he would have to look into it and run the calculations to be sure but half a cent would be .4712 for General Fund.

David Pyle said he had concerns about the proper way to handle getting rid of the ordinance and would feel more comfortable tabling the current ordinance. Mike Burns agreed and felt the ordinance should be tabled so the new proposed levy could be advertised. Mike Talley said procedurally it would be preferable to table the current ordinance.

LaDonna Allen motioned to table the ordinance until a special meeting could be held. Mike Burns seconded. All in favor. No opposed.

LaDonna Allen motioned to put **“AN ORDINANCE PROVIDING FOR A FINANCIAL DISCLOSURE AND CONFLICTS OF INTEREST”** on first reading by title only. Mike Burns seconded. All in favor. No opposed.

Discussion: Alaina Wright said this is an ordinance that has to be passed each year.

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

Discussion: There was no further discussion.

LaDonna Allen motioned to put it on final passage. Hollie Lavigne seconded. All in favor. No opposed.

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Maguire-yes, Pyle-yes. Motion on Ordinance #23-31 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 SETTLEMENT AGREEMENT WITH DEBBIE AND DEAN DANKELSON TO RESOLVE CLAIMS AGAINST THE CITY OF CARL JUNCTION, MISSOURI, RELATED TO THE SANITARY SEWER SYSTEM BY PAYMENT OF \$5,000.00 IN MEDIATION COSTS, PAYMENT OF THE SUM OF \$20,000.00 TO THE DANKELSONS, AND THE COMPLETION OF SANITARY SEWER REPAIRS AT A COST OF \$47,500.00, IN EXCHANGE FOR A RELEASE OF THE CITY OF CARL JUNCTION, MISSOURI”** on first reading by title only. Hollie LaVigne seconded. All in favor. No opposed.

Discussion: Steve Lawver said Friday he went to Kansas City for the mediation talks on this claim. He said after four hours there was no agreement and they felt the two sides were too far apart for an agreement. Steve Lawver said an offer was left on the table, and he was informed later that day the agreement was accepted. He said this agreement is what He, MIRMA, and the lawyers had agreed to. Mayor Powers asked about the city's cost and Steve Lawver said the city would pay ½ of the full cost of the settlement. Mike Talley said typically the board doesn't approve settlement agreements without signatures on it but MIRMA felt it was extremely time sensitive and wanted the ordinance passed at tonight's meeting. Mike Burns asked when the incident in question happened and Steve Lawver said 2019.

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

Discussion: Mike Talley said the agreement provides for a complete release for the City of Carl Junction which should also include damages. Steve Lawver said there were conversations that this agreement did not include damages because of the type of claim this is. He also said other than the dollar amount and mediation costs, this is the same agreement that was previous approved for the Dankleson's neighbor.

LaDonna Allen motioned to put it on final passage. David Pyle seconded. All in favor. No opposed.

LaVigne-yes, McAfee-yes, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Maguire-yes, Pyle-yes. Motion on Ordinance #23-32 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 Long-Term Project report. Hollie LaVigne asked who is responsible for mowing along the sidewalks on Pennell. Steve Lawver said right now the contractor is supposed to do it, and after the final inspection it is the responsibility of MoDOT.

Treasurer's report - No discussion.

Public Works report – Mike Burns asked what daily maintenance of the splashpad is. Jay Morton said it has to be backflushed each day which takes 30-60 minutes to get grass clippings out of the filter.

Police Dept. report – Chief McCall said the new vehicle has arrived and they just need to pay for it. He also said all the equipment is in for it except the radio.

### **COMMITTEE REPORTS**

Budget/Finance: LaDonna Allen said there is a budget meeting set for September 5 at 6:00 PM.

Code/ Nuisance: Rick Flinn had nothing to report.

Human Resources: Roger Spencer had nothing to report.

Public Facilities & Planning: Mike Burns said there was a committee meeting earlier at 6:00 pm. He said the committee is recommending purchasing single cantilever 16x20 shelters from Duffer Hollow Designs for a total cost of \$13,750. David Pyle motioned to approve the purchase of the shade structure quote presented by the Public Facilities committee. LaDonna Allen seconded. All in favor. No opposed.

Mike Burns also said cleaning services for the Community Center and Police Department were discussed and they are recommending we look for a part-time person to start doing that cleaning work.

Mayor Powers said he is going to establish a new committee for economic development. He said Hollie LaVigne would be the committee chair, and the members of the committee would be himself, Bill Maguire, Rick Flinn, Steve Lawver, and Crystal Winkfield. He also said he would add several members from outside the Board of Aldermen and city officials.

### **UNFINISHED BUSINESS**

Mayor Powers said he spoke with the county commissioners today at their meeting about a stop sign at Fir & Briarbrook Drive. He said they are going to look into it but they are generally opposed to a stop sign for safety reasons.

Hollie LaVigne said in addition to hiring a part time cleaner we should look into getting a carpet shampooer.

Steve Lawver said September 11 Allgeier Martin is having a company sponsored event at top golf in Overland Park for those attending MML and said he would need a headcount.

Steve Lawver said several people were present to answer any questions about the Liberty and Integrity lighting project. Brian with Integrity said the city would receive a 73% rebate. He said 80% of costs are eligible for the rebate but the lift to install them is not included. He said the bulbs would be under warranty for five years but are expected to last much longer than that. Steve Lawver said they did clarify the payment would be made after the work was done so Mike Tally said an ordinance would not be necessary. LaDonna Allen motioned to approved lighting project. Hollie LaVigne seconded. All in favor. No opposed.

**NEW BUSINESS**

Rick Flinn said we consistently have issues with MoDOT mowing along Pennell and asked what would happen if we did the work and billed MoDOT for it. Steve Lawver said MoDOT always declines that option.

Steve Lawver said over the past two weeks he has been educating himself on the lead service line inventory requirement from the EPA. He said two locations at every water meter must be surveyed for the type of lines. He said Allgeier Martin sent it to him and proposed \$300,000 to do the work for us, but he believes the project can be handled in-house. He said the homeowner will also have to do the inventory of their line at their home. David Pyle asked what the penalty would be for non-compliance. Steve Lawver said he did not know about penalties.

**ADJOURNMENT**

LaDonna Allen motioned to adjourn the meeting. Hollie LaVigne seconded. All in favor. No opposed. Meeting adjourned at 8:01 pm.

  
CITY CLERK

  
MAYOR