

The Carl Junction City Council met in regular session on Tuesday November 21, 2023, 2023 at 7:00 PM at City Hall. Mayor Mark Powers called the meeting to order with the following present: LaDonna Allen, Mike Burns, Bill Maguire, David Pyle, Roger Spencer, and Hollie LaVigne. Rick Flinn and Bob McAfee were absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, and City Clerk Alaina Wright.

AGENDA

Roger Spencer motioned to remove closed session minutes for November 14, 2023 from the agenda. LaDonna Allen seconded. All in favor. No opposed with two absent. Mike Talley asked if all the ordinances on the agenda would be voted on since it takes five votes to pass an ordinance. Hollie LaVigne motioned to remove agenda item 8b, an ordinance approving putting Question 1 (local use tax) on the April 2, 2024 ballot, from the agenda. LaDonna Allen seconded. All in favor. No opposed with two absent. LaDonna Allen motioned to approve the agenda as amended. Roger Spencer seconded. All in favor. No opposed with two absent. LaDonna Allen motioned to amend the minutes from November 7, 2023 under P&Z Cases to change “Mayor Powers opened the meeting at 7:10” to “Mayor Powers opened the P&Z hearing at 7:10”. Hollie LaVigne seconded. All in favor. No opposed with two absent. David Pyle motioned to approve the consent agenda as amended. Hollie LaVigne seconded. All in favor. No opposed with two absent.

PUBLIC FORUM

Richard Garrett-1021 Copper Oaks-He was present to speak about the use tax being put on the ballot and believes the public needs to be made aware of why it is going on the ballot.

Richard Housley-29124 Imperial Road-He was present to say that Cavanaugh Studyvin would be missed.

Dennis Sawyer-914 Monroe Circle-He said he was here at the previous meeting and showed up again regarding the rezoning request. He is concerned that the multi-occupancy apartments that are being considered would change the flavor of the area and he is not in favor.

Sharon Logan-604-B Tara Way-She said she opposes the building on the land because it doesn't seem large enough for the structures or the parking. She said the area is heavily traveled and she opposes the idea because she doesn't want to see that building and a privacy fence there when she looks out her door. She said she is sure that there is other land that can be found around Carl Junction to build these buildings. She also said there's a telephone pole at the intersection but there is no street light and they would like a street light.

P&Z CASES

Mayor Powers asked for discussion regarding Case #23-07 –Rezoning Request R2 to R3-Walnut & Elliott (NE Corner)- Elisa Bittner

The public hearing was reconvened at 7:18 PM.

Steve Lawver said Planning and Zoning met on the issue and they are recommending approval.

Elisa Bittner was present to speak about the project. She said they have a lot of rental property in this community. She said they are unable to have driveways come off the highway and must have the driveways come off Elliott. She said part of the process requires her to get an engineer to make sure stormwater doesn't affect other properties around. Elisa Bittner said the rentals would not be subsidized and the tenants would have thorough background checks and be quality tenants.

Shannon Sampson-606-A Tara Way-She said her building backs up to where this would be and her concern is flooding because that area floods yearly.

Elisa Bittner said she doesn't have an engineering background, but she believes developing the property and putting in a retention pond would actually help the flooding situation.

Steve Lawver said if it is re-zoned, the Bittners would have to provide a site plan and that site plan would have to include the stormwater plan and hydrology study to make sure everything is handled correctly.

Vicky Peoples-602-A Tara Way-She said she is against the project because it will noisy, disturbing, and busy.

Someone stood up without identifying herself and said she doesn't want to look at it when she steps out her door.

Virginia Wallace-914 Monroe Circle-She said she was talked into moving to Carl Junction from Florida. She said changing the type of homes would adversely affect her property value.

Public Hearing was closed at 7:29 PM.

APPROVAL OF ANTHEM BCBS HEALTH INSURANCE RENEWAL

Steve Lawver said he spoke with multiple employees and the plan they would use is split evenly and this proposal would allow people to choose their option. LaDonna Allen motioned to accept the proposal. Bill Maguire seconded. All in favor. No opposed with two absent.

ORDINANCES

LaDonna Allen motioned to put **“AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF CARL JUNCTION, MISSOURI, BY ORDINANCE NO. 99-10 ON THE 18TH DAY OF MAY, 1999, AS AMENDED, TO REZONE THE NORTHEAST CORNER AT WALNUT & ELLIOT, CARL JUNCTION, JASPER COUNTY, MISSOURI OWNED BY ELISA BITTNER AS MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM R-2 TO R-3”** on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

Discussion: Hollie LaVigne said this is in her ward and she has heard from more people about this than any other topic. She feels it's unfair for people who have homes on Elliott to rezone it. Mike Burns said the issue here is simply rezoning the property because at some point this will be developed in the future and voting down the rezoning will not prevent developing on that property. David Pyle asked if the access would come off Walnut if developed and Steve Lawver said no, the access would come from Elliott because MoDOT will not allow more ingress/egress from Walnut.

LaDonna Allen said she'd much rather see multi-family homes in a development planned for that, rather than an area like this.

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.

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

LaVigne-no, McAfee-absent, Flinn-absent, Spencer-yes, Allen-no, Burns-yes, Maguire-no, Pyle-yes. Motion on Bill #23-35 was defeated by roll call vote.

LaDonna Allen motioned to put **"AN ORDINANCE APPROVING A REAL ESTATE PURCHASE CONTRACT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND PORFIRO LLC, dba MI TORITOS II CARL JUNCTION; AUTHORIZING THE CITY TO SELL 1203 E. PENNELL, CARL JUNCTION, MISSOURI, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AUTHORIZING THE CITY TO ACCEPT \$135,000.00 FOR SAID REAL ESTATE AND TO CONVEY SAID PROPERTY AS PROVIDED IN SAID CONTRACT; AND AUTHORIZING THE MAYOR, CLERK AND OTHER OFFICERS OF THE CITY TO EXECUTE AND PROCESS SUCH DOCUMENTS AS MAY BE NECESSARY TO CONVEY SAID REAL ESTATE"** on first reading by title only. David Pyle seconded. All in favor. No opposed with two absent.

Discussion: There was no discussion.

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

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

LaVigne-yes, McAfee-absent, Flinn-absent (**amended, Consent Agenda 12/05/23**), Spencer-yes, Allen-yes, Burns-yes, Maguire-no, Pyle-yes. Motion on Ordinance #23-35 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 CHANGE ORDER NO. 2 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND R.E. SMITH CONSTRUCTION COMPANY TO CONSTRUCT THE CARL JUNCTION PARK SHELTER, PLAYGROUND AND ASSOCIATED SITE IMPROVEMENTS FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER NO. 2 BEING TO REDUCE SITE COSTS BY \$24,043.00, REDUCING THE TOTAL COST OF THE PROJECT BY SAID AMOUNT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO.2 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI"** on first reading by title only. David Pyle seconded. All in favor. No opposed with two absent.

Discussion: LaDonna Allen said with this change order we could keep the features and size that half the council wanted but would also free up some funding that the other half wanted. Bill Maguire asked if this change order would keep the building the same size and Mayor Powers said yes.

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.

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

LaVigne-yes, McAfee-absent, Flinn-absent, Spencer-yes, Allen-yes, Burns-yes, Maguire-yes, Pyle-no. Motion on Ordinance #23-36 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 CHANGE ORDER NO. 3 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND R.E. SMITH CONSTRUCTION COMPANY TO CONSTRUCT THE CARL JUNCTION PARK SHELTER, PLAYGROUND AND ASSOCIATED SITE IMPROVEMENTS FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER NO. 3 BEING TO REDUCE BUILDING COSTS BY \$12,981.00, REDUCING THE TOTAL COST OF THE PROJECT BY SAID AMOUNT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO.3 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI"** on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

Discussion: Mike Burns said he asked last time for these to be two separate change orders because the items on change order #2 can be added later if we choose, and these items cannot be. He said he was concerned about the coiling door. He said the CJFC would like there to be a larger door so that a mower could be stored in the storage area. Hollie LaVigne said she heard from a coach from the CJFC today who said the same thing about storing a lawn mower.

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

Discussion: Hollie LaVigne said the coach also said if the budget was a sticking point, the CJFC would be willing to do fundraising for the door. Steve Lawver said the change order could be amended to remove that door and then redone with the new

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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.

LaVigne-yes, McAfee-absent, Flinn-absent, Spencer-yes, Allen-yes, Burns-yes, Maguire-yes, Pyle-no. Motion on Ordinance #23-36 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 CHANGE ORDER NO. 3 TO AN AGREEMENT BETWEEN THE CITY OF CARL JUNCTION, MISSOURI AND R.E. SMITH CONSTRUCTION COMPANY TO CONSTRUCT THE CARL JUNCTION PARK SHELTER, PLAYGROUND AND ASSOCIATED SITE IMPROVEMENTS FOR THE CITY OF CARL JUNCTION, MISSOURI, SAID CHANGE ORDER NO. 3 BEING TO REDUCE BUILDING COSTS BY \$12,981.00, REDUCING THE TOTAL COST OF THE PROJECT BY SAID AMOUNT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO.3 FOR AND ON BEHALF OF THE CITY OF CARL JUNCTION, MISSOURI"** on first reading by title only. Roger Spencer seconded. All in favor. No opposed with two absent.

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Discussion: Hollie LaVigne said the coach also said if the budget was a sticking point, the CJFC would be willing to do fundraising for the door. Steve Lawver said the change order could be amended to remove that door and then redone with the new

deduct change amount. Mayor Powers asked if these things would be done anytime soon and Steve Lawver said some things have to be ordered early because of their lead time. HL asked if a backflow preventer would be required if sprinklers were installed later and Steve Lawver said yes. LaDonna Allen said she would be in favor of passing a change order that has the door removed.

Mike Burns motioned to amend the ordinance to remove the overhead coiling door in the amount of \$5,811 from the change order to bring the new deduct total to \$7,170 for the change order. Roger Spencer seconded. Hollie LaVigne, Roger Spencer, LaDonna Allen, Mike Burns, and Bill Maguire were in favor. David Pyle was opposed with two absent.

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

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

LaVigne-yes, McAfee-absent, Flinn-absent, Spencer-yes, Allen-yes, Burns-yes, Maguire-yes, Pyle-no. Motion on Ordinance #23-37 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- LaDonna Allen said the entry for ARPA water line replacement should be MPA water line replacement.

LaDonna Allen asked about the agreement signed with Waters Edge about the pool. Steve Lawver said he heard from them a couple of weeks ago and they are putting the final report together.

LaDonna Allen asked if any bids had been received for playground equipment for Center Creek Park. Steve Lawver said he has two designers that are interested in making designs for the park and he just needs an ok to tell them to go ahead.

LaDonna Allen asked if the amount for a half-court basketball court at Four Oaks could be updated for the upcoming budget talks.

LaDonna Allen asked for footgolf and the dog park to be put on the report.

Mike Burns asked if there was an update about the land purchased in Fall Creek Estates and Steve Lawver said no. He tried to contact Kevin Parker and hasn't heard back yet.

Public Works report – Mike Burns asked about the vacant land that the leaves were moved to and he asked about possibly getting fill for the area so that it could possibly be developed somehow in the future.

Police Dept. report - Hollie LaVigne asked how the meeting with Tyler Technologies went. Steve Lawver said Tyler Tech had decided most of the issues had been worked through and there were only a few left they were working on and they would issue us a credit for that. He said the credit invoice came in today and they gave us a credit for \$1,221. LaDonna Allen asked if the Omnigo and DigiTicket issue could be on the next agenda and Steve Lawver said yes.

Chief McCall said he is waiting to hear back from AT&T and they are looking at possibly getting free smartphones from AT&T and the city would just have to pay for the data plans, which would ultimately be cheaper than getting wi-fi in the vehicles.

COMMITTEE REPORTS

Budget/Finance: LaDonna Allen had nothing to report. She said in a few months budget talks will begin again.

Code/ Nuisance: Rick Flinn was absent.

Human Resources: Roger Spencer had nothing to report.

Public Facilities & Planning: Mike Burns had nothing to report.

Economic Development: Hollie LaVigne said there was a meeting last week where the committee heard a proposal from Retail Strategies. She said she would like the entire council to review that material and discuss it at the next meeting.

UNFINISHED BUSINESS

Bill Maguire said as of now the use tax has a 99% change of failing and we need to change the way we are presenting it. Steve Lawver said the city and the board of aldermen cannot promote that. Mike Talley said the city can spend some money to educate about the use tax, but cannot promote it. Steve Lawver said the HR and Budget committees both have talked about using the use tax to support the Police Department and most committee members are in favor of that. He said the ballot language cannot be changed.

Hollie LaVigne asked if the speed signs had been ordered. Steve Lawver said the council would need to approve the bid first.

LaDonna Allen asked about sending the water line inventories to people that receive bills and Alaina Wright said Tracé McMullen is working on the list right now to send those inventories out.

LaDonna Allen asked about the VoIP process. Steve Lawver said S&S Computers has started the process of porting those numbers.

Mike Talley said closed session minutes were not reviewed tonight since two members were absent, and he would like to share those minutes with the Mayor, and since he wasn't part of that meeting he needs permission before he can review those minutes. David Pyle motioned to share the minutes with Mayor powers. LaDonna Allen seconded. All in favor. No opposed with two absent.

Steve Lawver said he has preliminary drawings for the next phase of Pennell sidewalks. He said the city's portion of the project had gone down from \$95,513 to \$89,347 and the drawings are available if anyone wants to see them.

NEW BUSINESS

Bill Maguire asked when the city does striping and Steve Lawver said we have to contract that out. Bill Maguire said he's heard from several people that Briarbrook drive going into the curves toward Joplin needs to be restriped.

LaDonna Allen asked about rezoning Pennell to make it a mixed zoning area. Mike Talley said a new zone would need to be created and P&Z will need to make a recommendation on that.

Mayor Powers said Don Marshall, a former alderman passed away several weeks ago and thoughts and prayers are with his family.


Mike Talley said there needs to be a closed session during the next meeting for personnel.

Alaina Wright said the filing for aldermen opens on December 5 at 8:00 AM and runs through December 26 at 5:00 PM. She said the seats occupied by Bill Maguire, Mike Burns, Bob McAfee, and Roger Spencer are available in this election.

Alaina Wright brought a utility issue for the resident at 406 Hodge Drive. She said that resident had called and they had an extremely high water bill but there was no leak detected when the meter was check. Alaina said that we typically only do adjustments when a leak was found and repaired but this customer is asking for an adjustment because 119,400 gallons were used and his water bill was \$1,040.68. Mike Talley asked what besides a leak could cause that kind of usage. Jay Morton said a faucet open on side of house can do it, or a toilet flap that gets stuck open could easily cause that kind of usage. Hollie LaVigne motioned to allow an adjustment to be done to forgive the excess sewer charges. Mike Burns seconded. Hollie LaVigne, Roger Spencer, LaDonna Allen, Mike Burns and Bill Maguire were in favor. David Pyle abstained and there were no opposed with two absent.

ADJOURNMENT

LaDonna Allen motioned to adjourn the meeting. Hollie LaVigne seconded. All in favor. No opposed with two absent. Meeting adjourned at 8:36 PM.


CITY CLERK


MAYOR