

The Carl Junction City Council met in regular session on Tuesday December 6, 2022 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, Roger Spencer, Mike Burns, and Hollie LaVigne. Bob McAfee and Mark Satterlee were 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. Hollie LaVigne 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 #22-06. Steve Lawver said P&Z heard this case last week and are recommending approval. He said the recommendation for approval from the city engineer was also in the packet. LaDonna Allen motioned to approve the site plan. Roger Spencer seconded. Roger Spencer, LaDonna Allen, Mike Burns, and Jim Gozia were in favor. Hollie LaVigne and Rick Flinn were opposed. Mark Satterlee and Bob McAfee were absent. There was discussion regarding how many members of the city council were required to pass the site plan. The site plan was approved.

Mayor Powers asked for discussion regarding Case# 22-07. Steve Lawver said P&Z also heard this case and is recommending approval. Trina Smith with Anderson Engineering was present to speak on behalf of Optic Communications and answer questions. LaDonna Allen motioned to approve the site plan. Roger Spencer seconded. All in favor. No opposed with two absent. The site plan was approved.

Mayor Powers asked for discussion regarding Case# 22-08. Mayor Powers opened the public hearing at 7:08 pm. Steve said P&Z are also recommending approval on this. Steve said a house on a corner lot is allowed to build privacy fence out to property line, but any accessory structures must be 25 feet inside the property line. He said our typical setbacks are 10 feet on the side and 6 feet on the rear and with this code change, owners of corner lots with a privacy fence could follow the typical setbacks. There were no public comments and the public hearing was closed at 7:10 pm.

#### **APPROVAL OF BID FOR DELTA DENTAL AND VISION AND RENEWAL OF ANTHEM BCBS HEALTH INSURANCE**

Steve Lawver said we were renewed with a 4% increase, and the dental and vision will be changing to Delta. He said that will be a reduction in the premium and Delta offers more providers with the same services provided. Roger Spencer motioned to approve the bid for Delta Dental and Vision and Anthem BCBS insurance. LaDonna Allen seconded. All in favor. No opposed with two absent.

#### **DISCUSSION OF IMPOSING SALES TAX ON RETAIL SALES OF ADULT USE MARIJUANA**

Steve Lawver said with the passage of Amendment 3, the city has a couple of options regarding adult use marijuana. He said one option is to impose a 3% sales tax, which would go directly into the general fund. He said the second option is to completely ban recreational marijuana within city limits. The tax requires a simple majority vote to pass, but the ban requires 60% to vote yes to pass.

Mayor Powers said the majority of Carl Junction residents voted against the passage of Amendment 3, and that even if the voters passed a tax now, they could still vote to ban the sale of adult use marijuana later. Mayor Powers asked if anyone was opposed to consider an ordinance at the next meeting to put the sales tax on the ballot, and no one was.

#### **REAPPOINT JENNIFER SHOTWELL AND WALTER HAYES IV AND APPOINT LANEY MCGRUFF TO BOARD OF ADJUSTMENTS**

Mayor Powers said he wanted to reappoint Jennifer Shotwell and Walter Hayes IV and appoint Laney McGriff to the Board of Adjustments. LaDonna Allen motioned to approve Mayor Powers' appointments. Jim Gozia seconded. All in favor. No opposed with two absent.

#### **ORDINANCES**

LaDonna Allen motioned to put "AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTION 405.080: HEIGHT, AREA AND YARD EXCEPTIONS, TO ADD LANGUAGE IN SUBSECTION A.3.b. TO ALLOW ACCESSORY BUILDINGS ON A CORNER LOT NOT LESS THAN TEN (10) FEET FROM THE SIDE CORNER LOT LINE ALONG THE STREET SIDE IF THE SIDE CORNER LOT ALONG THE STREET PROPERTY LINE IS FULLY ENCLOSED BY A PRIVACY FENCE" on first reading by title only. Hollie LaVigne 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. Rick Flinn seconded. All in favor. No opposed with two absent.

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

LaVigne-yes, McAfee-absent, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Motion on Ordinance #22-30 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 BARTLETT & WEST, INC. TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN CONNECTION WITH DESIGNING A SHELTER AND RESTROOM FACILITY FOR THE CITY OF CARL JUNCTION IN ACCORDANCE WITH THE CONTRACT DOCUMENTS FOR THE SUM OF \$55,000.00; 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 is the second contract submitted, which was lower than their first contract, and within the scope of the allowed amount. There was discussion regarding the wording of the ordinance and that Bartlett & West would actually be contracting with Allgeier Martin to complete part of the project. Mike Burns asked about the other companies that had put in bids, and Steve Lawver said if this contract is rejected, then he will go to the next bidder on the list.

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

Discussion: Mike Burns said he would like to go to the next bidder on the list and see what the cost would be. LaDonna Allen asked if we already had those numbers and Steve Lawver said no, with professional services like this you don’t get a cost until after you accept the qualifications.

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

LaVigne-yes, McAfee-absent, Flinn-yes, Spencer-yes, Allen-yes, Burns-no, Satterlee-absent, Gozia-yes. Motion on Ordinance #22-31 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.

### **REPORTS**

The Council reviewed the Administration report. There was no discussion.

Long Term Projects report – Steve Lawver said we were not awarded the ARPA water line replacement grant, so now they are looking at the State Revolving Fund for this project. Steve said on the ARPA stormwater grant it is possible that we still get the money.

There was discussion about opening the bids for phase 5 of sidewalk project.

Treasurer’s report – No discussion.

Public Works report – Jay Morton said there have been a lot of line locates lately with Optic Communications in town.

Police Dept. report – Rick Flinn asked if they needed to register to volunteer for Shop with a Cop and Mark McCall said they would like to know how many are coming but know that some people will show up without calling.

Bldg Insp report – No discussion

### **COMMITTEE REPORTS**

Budget/Finance: LaDonna Allen said budget meetings will start in about five weeks and asked the committee members to begin thinking about days to hold the meetings.

Code/ Nuisance: Rick Flinn had nothing to report.

Human Resources: Roger Spencer said there is a closed session at the end of the meeting.

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

Senior Citizens: Richard Garrett had nothing to report.

### **UNFINISHED BUSINESS**

Rick Flinn said he voted against Discount Express because any time he can vote to make it harder to buy alcohol or cigarettes, he will. LaDonna Allen said that it’s been discussed before, but that aldermen must vote with regard to what’s best for the city and not their personal feelings.

Mike Talley said the board of aldermen cannot be arbitrary and capricious about approving lawful businesses because of personal feelings, because that opens the city up to legal repercussions.

### **NEW BUSINESS**

Mike Burns asked if there had been any delays in upcoming construction projects because of the rise in interest rates. Steve Lawver said we are seeing a decline in building permit applications.

Mike Burns said Sharon Clark has set up a go fund me for a former alderman.

Crystal Winkfield said with the county collector now collecting our taxes, we will not have people coming in to pay their taxes on December 31<sup>st</sup> and asked the council to consider adding New Year’s Eve as a holiday.

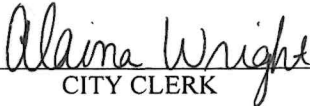
Steve Lawver said there would be a Christmas dinner at City Hall on the 22<sup>nd</sup>.


**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**

LaDonna Allen motioned to go into closed session. Roger Spencer seconded. Roll call vote: LaVigne-yes, McAfee-absent, Flinn-yes, Spencer-yes, Allen-yes, Burns-yes, Satterlee-absent, Gozia-yes. Council went into closed session at 7:57 PM. Council meeting reconvened at 8:11 PM. There was no action taken.

**ADJOURNMENT**

LaDonna Allen motioned to adjourn the meeting. Rick Flinn seconded. All in favor. No opposed with two absent. Meeting adjourned at 8:12 pm.

  
CITY CLERK

  
MAYOR