

**CITY OF WILLARD
BOARD OF ALDERMEN
REGULAR MEETING
January 9, 2023
7:00 p.m.**

Staff present: Interim City Administrator, Steve Bodenhamer; Acting City Clerk, Dona Slater; Chief of Police, Tom McClain; Police Officer, JD Landon; City Planner, Scott Hayes; Director of Finance, Carolyn Halverson; Director of Parks and Recreation, Jason Knight; and Economic Development Director, Greg Williams.

City Attorney Ken Reynolds was present.

Citizens in attendance: Jen Rowe, Bradley Mowell, Scott Stewart, Kathy Stewart, and Leonard and Jennifer Smith.

Call to Order.

Mayor Snider called the meeting to order at 7:00 p.m.

Roll Call.

The Acting City Clerk conducted the Roll Call. Alderman Hendrickson-present, Alderman Whitman-present, Alderman Baird-present, Alderman Hall-present, Alderman Simmons-present, Mayor Snider-present.

Agenda Amendments/Agenda Approval.

Motion was made by Alderman Baird and seconded by Alderman Whitman to approve the Agenda.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hendrickson, Hall, Whitman, Simmons and Baird.

Consent Agenda.

Motion was made by Alderman Whitman and seconded by Alderman Simmons to approve the Consent Agenda with the Minutes from the December 27, 2022 regular meeting removed from the Consent Agenda and voted on separately due to Alderman Simmons not being in attendance at that meeting.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hendrickson, Hall, Whitman, Simmons and Baird.

Minutes from the regular meeting on December 27, 2022.

Motion was made by Alderman Hendrickson and seconded by Alderman Hall to approve the Minutes from the regular meeting December 27, 2022.

Motion carried with a vote of 4-0. Voting aye: Aldermen Hendrickson, Hall, Whitman and Baird. Alderman Simmons abstained.

Discussion/Vote on current Outstanding Invoices, Draft and Check Paid Invoices for December 2022/January 2023.

Motion was made by Alderman Whitman and seconded by Alderman Hall to approve the current Outstanding Invoices, Draft and Check Paid Invoices for December 2022/January 2023.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hendrickson, Hall, Whitman, Simmons and Baird.

Administrator's Report.

The Interim City Administrator presented his report.

Citizen Input.

None.

Public Hearing regarding the re-zoning of 801 and 805 Rocky Lane from R-3, Multi-Family Residential District to C-2, General Business District.

Mayor Snider opened the Public Hearing to discuss the re-zoning of 801 and 805 Rocky Lane from R-3, Multi-Family Residential District to C-2, General Business District at 7:24 p.m.

Mr. Hayes stated the Planning and Zoning Commission voted in favor of the re-zoning. The lot with the house will be grandfathered in and the remaining lot will be used for storage for the owner's earthwork business. The Planning and Zoning Commission voted to recommend this zoning change request at their January 5, 2023 meeting. The applicants were present. No citizens wished to speak. Mayor Snider closed the Public Hearing at 7:27 p.m.

Ordinance for re-zoning 801 and 805 Rocky Lane from R-3, Multi-Family Residential District to C-2, General Business District (1st & 2nd Read) Discussion/Vote.

The first read was conducted by the Acting City Clerk.

Motion was made by Alderman Baird and seconded by Alderman Hall to approve the re-zone of 801 and 805 Rocky Lane from R-3, Multi-Family Residential District to C-2, General Business District.

Motion carried with a vote of 5-0. Voting aye: Aldermen Simmons, Hendrickson, Whitman, Baird and Hall.

The second read was conducted by the Acting City Clerk.

Motion was made by Alderman Simmons and seconded by Alderman Hall to approve the re-zone of 801 and 805 Rocky Lane from R-3, Multi-Family Residential District to C-2, General Business District.

Motion carried with a vote of 5-0. Voting aye: Aldermen Simmons, Hendrickson, Whitman, Baird and Hall.

Ordinance Approving Notice of Non-Renewal of Building Lease with Ozarks Greenways (1st & 2nd Read) Discussion/Vote.

Alderman Simmons requested this item to be on the Agenda as he was not in attendance at the December 27, 2022 regular meeting and did not have an opportunity to discuss or vote on this Ordinance.

Alderman Hendrickson has concerns as this is not a standard development. He considers the Mural building as a City asset and doesn't want to give the asset to a business without knowing anything about it. He stated that everyone wants the City to grow and thrive.

Alderman Whitman said plans are in place for storing the equipment currently in the building. The building is in the business district but currently is not generating any revenue for the City. Allowing a business to occupy the building would generate revenue. He said given the limited buildings and opportunities it's time to take a chance.

Alderman Hendrickson said he generally agrees but without more information on the business he is unsure.

Mr. Williams said Ozarks Greenways is very excited about this venue. The business is very reputable with a twenty-five (25) year history. Mr. Williams said he believes he has explained before that Economic Development cannot disclose information about a prospective business but he will see if he can get permission from the company to identify them and their history in an electronic format.

Mayor Snider stated the information could not be in an electronic format and should be discussed in a Closed Session. He suggested the issue be Tabled until permission has been granted.

Motion was made by Alderman Baird and seconded by Alderman Hendrickson to Table the Ordinance approving notice of non-renewal of the Building Lease with Ozarks Greenways until permission is granted to give more information to the Board of Aldermen by the proposed business.

Motion carried with a vote of 5-0. Voting aye: Aldermen Simmons, Hendrickson, Whitman, Baird and Hall.

New Business.

Alderman Baird stated that in the past few weeks he has had more than one constituent ask about the City using eminent domain to secure property for a sewer treatment facility. Mr. Bodenhamer said he is not aware

of any discussion about this and the City doesn't know where they would put such a facility. He has no idea if any City employees have discussed this or why they would.

Alderman Baird said he is adamantly opposed to taking private property for anything. He wants his opposition on record and does not want to hear of any City employee talking about this again. He believes it should be grounds for termination of the employee(s).

Mr. Reynolds stated that personnel issues are not to be discussed in Open Session.

Mr. Bodenhamer asked the Board of Aldermen if they would like to establish a policy to prohibit City employees from talking about eminent domain.

Motion was made by Alderman Baird and seconded by Alderman Hendrickson to establish a policy prohibiting City employees to talk about eminent domain without approval from the Board of Aldermen.

Motion carried with a vote of 5-0. Voting aye: Aldermen Simmons, Hendrickson, Whitman, Baird and Hall.

Mayor Snider vetoed the Motion until more information and facts could be obtained and discussed at a future meeting. Alderman Baird asked Mr. Reynolds if the Mayor could veto a Motion. Mr. Reynolds stated that the Mayor could veto a Motion but the Board of Aldermen can override his veto.

Alderman Whitman asked if the City needs to change any Ordinances now that recreational marijuana is legal. Mr. Reynolds stated that the City will need to strike any Ordinances on marijuana being illegal but not Ordinances pertaining to paraphernalia.

Alderman Whitman said discussions need to be made about dispensaries and zoning issues.

Mr. Reynolds stated the City can test employees for marijuana but if it is found in their system the city cannot terminate the employee(s). Marijuana is still illegal on any City property.

Unfinished Business.

None.

Recess Open Session.

Motion was made by Alderman Simmons and seconded by Alderman Hall to recess the Open Session.

Motion carried with a vote of 5-0. Voting aye: Aldermen Simmons, Hendrickson, Whitman, Baird and Hall.

Open Session was recessed at 8:20 p.m.

Open Executive Session.

Motion was made by Alderman Hendrickson and seconded by Alderman Simmons to Open the Executive Session at 8:30 p.m.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hendrickson, Whitman, Baird, Hall and Simmons.

Close Executive Session.

Motion was made by Alderman Hendrickson and seconded by Alderman Baird to Close the Executive Session.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hall, Baird, Whitman, Hendrickson and Simmons.

The Executive Session Closed at 8:37 p.m.

Adjourn Meeting.

Motion was made by Alderman Simmons and seconded by Alderman Whitman to Adjourn.

Motion carried with a vote of 5-0. Voting aye: Aldermen Hall, Hendrickson, Whitman, Simmons and Baird.

The meeting was Adjourned at 8:40 p.m.

Dona Slater, Acting City Clerk

Samuel Snider, Mayor