

CITY OF LEBANON
CITY COUNCIL MEETING MINUTES
February 26, 2024

BE IT REMEMBERED that the Council of the City of Lebanon, Missouri, met in Regular Session on February 26, 2024 at 6:30 p.m. in the Council Chambers at City Hall located at 401 South Jefferson.

ROLL CALL AND DECLARATION OF A QUORUM

Upon roll call, the following Officers were present: Gib Adkins, Mike Evans, Sheila Mitchell, Dan Mizell, Jeff Mutchler, Randy Wall, Chuck Jordan, Bob Garner, and Mayor Carr. Absent: None.

A quorum was declared.

Staff members and others in attendance: City Administrator Mike Schumacher, Public Works Administrator Richard Shockley, Interim Police Chief Lt. Matthew Wright, Code Administrator Joe Berkich, Planning and Zoning Manager Christina Wagner, Finance Director Kat Gill, Tourism Director Rebecca Rupard, Environmental Services Superintendent Eric Mork, Downtown Business District Executive Director Sarah Stewart, Assistant City Administrator/City Clerk Laina Starnes, and City Counselor Chris Allen.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rev. Don Anderson of Union Mission Church, followed by the pledge of allegiance.

PUBLIC COMMENTS

None.

DISCUSSIONS AND PRESENTATIONS

Electric Linemen Certificates- Mayor Carr announced that the linemen certificates presentation was being moved to the March 11th meeting because Electric Superintendent Travis wasn't able to attend his evening's meeting due to an emergency.

CONSENT AGENDA

Jordan moved and Garner seconded that the Council approve the Consent Agenda as follows.

- Approval of Minutes
 - i. February 12, 2024, Work Session
 - ii. February 12, 2024, Closed Session
 - iii. February 12, 2024, Regular Meeting
- Approval of Warrants
- January Financials

Motion carried as follows: Yea: (8) Adkins, Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, and Garner; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

RESOLUTION NO. 499- INTENT TO EXPAND THE LEBANON SPECIAL BUSINESS DISTRICT

Adkins moved and Jordan seconded that the Council approve Resolution No. 499 as presented.

“A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, STATING ITS INTENT TO EXPAND THE CURRENT BOUNDARIES OF THE LEBANON SPECIAL BUSINESS DISTRICT.

WHEREAS, that the Lebanon Special Business District was established, and its boundaries set on July 26, 1976 via Ordinance No. 1979; *and*

WHEREAS, that by authority of RSMo 71.794, the size of the District may be altered upon petition by one or more owners of real property on which is paid ad valorem real property taxes; *and*

WHEREAS, that the first expansion to the original boundaries was approved on June 14, 2021 via Ordinance No. 6332; *and*

WHEREAS, that on January 17, 2024, a request/petition was submitted to the City Clerk’s Office to again expand the District by real property owners within the proposed area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: That the City Council of the City of Lebanon, Laclede County, Missouri, hereby states its intention to expand the Lebanon Special Business District. The proposed real property runs along the south side of the train tracks between Madison Avenue and Adams Avenue and five parcels on the south side of the Market between Jefferson Avenue and Adams Avenue and described as:

Beginning at the intersection of the Northeast right-of-way line of Madison Avenue and the Northwest right-of-way line of the St. Louis and San Francisco Railroad; thence Northeast, along said Northwest right-of-way line, to the intersection of the Southwest right-of-way line of Adams Avenue, and said Northwest right-of-way line of said Railroad; thence Southeast, along said Southwest right-of-way line, to the East corner of Lot 7 in Block 29 of said First Railroad Addition; thence Southwest, along the Southeast line of said Lot 7, and crossing the platted alley, to the East corner of Lot 8 in said Block 29; thence Southeast, along the Northeast line of Lot 9 to the East corner of said Lot 9, Block 29; thence Southwest, along the Southeast line of said Lot 9 to the South corner of said Lot 9, Block 29; thence Northwest, along the Northeast right-of-way line of Jefferson Avenue, to a point opposite and perpendicular from the East corner of Lot 2 of the Final Plat of Farmers Produce Exchange recorded in Plat Book 7, at Page 214; thence crossing Jefferson, and along the Southeast line of said Lot 2, to

the South corner of said Lot 2 and the Northeast right-of-way line of Madison Avenue; thence Northwest along said Northeast right-of-way line to the Point of Beginning.

SECTION 2: That the City Council of the City of Lebanon, Laclede County, Missouri, hereby states its intention to expand the Lebanon Special Business District. The proposed real property runs along the northside of 2nd Street beginning in the middle of Block 14 to the east side of Madison Ave and along the south side of 2nd Street beginning in the middle of Block 17 going east to include a portion of Block 18, then north to include two parcels located at the corner of 2nd Street and Madison and described as:

Beginning at the West corner of Lot 24, Block 17 in First Railroad Addition, a subdivision recorded in Plat Book 1 at Page 5; thence Northwest, crossing 2nd Street, and along the Southwest line of Lot 1, in Block 14 of said subdivision, to the West corner of said Lot 1; thence Northeast, along the Northwest line of said Lot 1, crossing Madison Avenue, to the South corner of Lot 15 in Block 13 of said subdivision; thence Northwest, along the Southwest line of Lots 15, 14 and 13, 110.7 feet, more or less to the Northwest line of a parcel of land recorded in Book 225, Page 8914; thence Northeast, along the Northwest line of said parcel, crossing the platted alley, to the Southwest line of Lot 4 in said Block 13; thence Southeast, along the Southwest line of Lots 4, 3, 2 1, and crossing 2nd Street, to a point on the Northwest line of Lot 19 in Block 18 of said subdivision; thence Southwest, along the Northwest line of Lot 19, crossing Madison Avenue, and along the Northwest line of said Lot 24, Block 17 to the Point of Beginning.

SECTION 3: That the City Council of the City of Lebanon, Laclede County Missouri, hereby states its intention to impose an Ad Valorem Tax in the amount of Six Thousand Eight Hundred Eighty-Eight Ten-Thousandths Cents (\$0.6888) per One Hundred Dollars (\$100.00) assessed valuation of taxable, tangible property within the boundaries of the above-described real property.

SECTION 3: That revenues derived from the said tax shall be used for the purposes authorized by RSMO 71.796.

SECTION 4: That a public hearing shall be held on Monday, March 11, 2024 at 6:30 pm in the Council Chambers at City Hall located at 401 South Jefferson for the purpose of hearing all protest and receiving evidence for or against the proposed action of the City Council.

SECTION 5: That a notice of said public hearing shall be published on February 28, 2024 and March 2, 2024 in the Laclede County Record.

SECTION 6: That a notice of said public hearing shall be mailed to all owners of record of real property and businesses located within the boundaries of the above-described real property.

Passed and approved by the City Council of the City of Lebanon, Laclede County, Missouri, as this 26th day of February 2024.

(Seal)

Mayor Jared Carr

Attest:

City Clerk Laina Starnes”

Motion carried as follows: Yea: (8) Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, Garner and Adkins; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

PUBLIC HEARINGS

Mayor Carr stepped down from the dais and Mayor Pro Tem Bob Garner chaired the meeting during the public hearings portion of the meeting so there wouldn't be any perceived conflict pertaining to the Carmeco rezoning issue.

Jordan moved and Wall seconded that Council move out of Regular Session and into Public Hearing. Motion carried as follows: Yea: (8) Mitchell, Mizell, Mutchler, Wall, Jordan, Garner, Adkins, and Evans; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Final Plat of DGOG North Route 5 Subdivision

Planning and Zoning Manager Christina Wagner reported that this plat was requested to turn one lot into two lots at 1000 Block of Lynn Avenue. Members of the Council inquired about a driveway for the second lot. Wager stated that MoDOT would be the approver for that entrance, and it would be addressed through the site plan process.

There were no public comments.

Final Plat of Replat of Lots 4 and 5, Block 5, Original Town of Lebanon

Planning and Zoning Manager Christina Wagner reported that this replat was requested to turn two lots into one lot at 645 Cherry so the owner could build a new home.

There were no public comments.

Rezoning of a 6.45 Acre Parcel on Carmeco Road from C-1 Commercial to M-1 Light Industrial

Planning and Zoning Manager Christina Wagner stated the owner wished to rezone this property to M-1 Light Industrial so that all his business property in that area would have the same zoning classification.

There were no public comments.

Rezoning a Portion of Three Parcels of Land Located in the 400 Block of Ice Cream Way
Planning and Zoning Manager Christina Wagner reported that the property owner wished to rezone a portion of three parcels of land located in the 400 Block of Ice Cream Way to C-1 Commercial. She stated the property had been rezoned previously from M-1 to RS-2 at the owner's request, but he since changed his mind and desired to have the property that abutted Ice Cream Way as C-1 Commercial.

There were no public comments.

Jordan moved and Mizell seconded that Council move out of Public Hearing and back into Regular Session. Motion carried as follows: Yea: (8) Mizell, Mutchler, Wall, Jordan, Garner Adkins, Evans, and Mitchell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr returned to the dais.

COUNCIL BILL NO. 6641- REPEAL OF CITY CODE OF ORDINANCES CHAPTER 48 IN ITS ENTIRETY AND ENACT A NEWLY CREATED CHAPTER 48 ZONING.

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") amending the City Code of Ordinances by repealing Chapter 48 in its entirety and enacting in lieu thereof a newly created Chapter 48 Zoning.

Adkins moved and Mizell seconded that the Council approve the second and final reading of Council Bill No. 6641 and that the roll be called for the approval and passage of said bill.

Mitchell moved and Jordan seconded to amend Council Bill No. 6641 by adding the following language.

Height means when transferring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Tower, Antenna, or Pole means any structure designed primarily to support an antenna for receiving and/or transmitting electromagnetic waves or radio frequency or other wireless signals.

Towers, antennas, poles shall be limited in residential district to a height of not more than 6-foot above the roof ridge line. The tower, antenna, pole must be attached to the structure.

(1) It must have a minimum setback of 10 feet from the property line for all structures, supports, wires, cables, coaxial, and guy wire anchors.

(2) It must be located in the rear yard.

(3) No more than one structure may be erected on any one lot.

(4) The tower, antenna, pole shall have the least practicable adverse visual effect on the district.

Motion carried as follows: Yea: (8) Mutchler, Wall, Jordan, Garner, Adkins, Evans, Mitchell, and Mizell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Motion to approve Council Bill No. 6641 as amended then carried as follows: Yea: (8) Wall, Jordan, Garner, Adkins, Evans, Mitchell, Mizell, and Mutchler; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Amended Council Bill No. 6641 duly passed and approved and that it be entered among City Records as Ordinance No. 6886.

COUNCIL BILL NO. 6642- AMENDMENT, CHAPTER 46 UTILITIES ARTICLE I GENERAL, SECTION 46-5 RIGHT OF WAY FEE TO ADDRESS VIDEO SERVICE PROVIDER FEES

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") Amending the City Code of Ordinances Chapter 46 Utilities, Article I General, Section 46-5 Right-Of-Way Fee to Address Video Service Provider Fees.

Mitchell moved and Mizell seconded that the Council approve the second and final reading of Council Bill No. 6642 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Jordan, Garner, Adkins, Evans, Mitchell, Mizell, Mutchler, and Wall; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6642 duly passed and approved and that it be entered among City Records as Ordinance No. 6887.

COUNCIL BILL NO. 6643- FINAL PLAT OF DGOG NORTH ROUTE 5 SUBDIVISION

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") approving and accepting the Final Plat of DGOG North Route 5 Subdivision to the City of Lebanon, Laclede County, Missouri.

Wall moved and Evans seconded that the Council approve the first reading of Council Bill No. 6643 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Garner, Adkins, Evans, Mitchell, Mizell, Mutchler, Wall, and Jordan; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mitchell moved and Mizell seconded that the Council approve the second and final reading of Council Bill No. 6643 and that the roll be called for the approval and passage

of said bill. Motion carried as follows: Yea: (8) Adkins, Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, and Garner; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6643 duly passed and approved and that it be entered among City Records as Ordinance No. 6888.

COUNCIL BILL NO. 6644- FINAL PLAT OF REPLAT OF LOTS 4 AND 5, BLOCK 5 ORIGINAL TOWN OF LEBANON

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") approving and accepting the Final Plat of Replat of Lots 4 and 5, block 5, Original Town of Lebanon to the City of Lebanon, Laclede County, Missouri.

Jordan moved and Evans seconded that the Council approve the first reading of Council Bill No. 6644 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, Garner, and Adkins; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mitchell moved and Garner seconded that the Council approve the second and final reading of Council Bill No. 6644 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Mitchell, Mizell, Mutchler, Wall, Jordan, Garner, Adkins, and Evans; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6644 duly passed and approved and that it be entered among City Records as Ordinance No. 6889.

COUNCIL BILL NO. 6645- AGREEMENT, PROFESSIONAL AUDITING SERVICES, KPM CPAS AND ADVISORS

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City"), authorizing and directing the Mayor and City Clerk to enter into a Professional Auditing Services Agreement between the City and KPM CPAs and Advisors.

Garner moved and Adkins seconded that the Council approve the first reading of Council Bill No. 6645 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Mizell, Mutchler, Wall, Jordan, Garner, Adkins, Evans, and Mitchell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Jordan moved and Mizell seconded that the Council approve the second and final reading of Council Bill No. 6645 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Mutchler, Wall, Jordan, Garner, Adkins, Evans, Mitchell, and Mizell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6645 duly passed and approved and that it be entered among City Records as Ordinance No. 6890.

COUNCIL BILL NO. 6646- AGREEMENT, AIRPORT CONSULTING SERVICES, CRAWFORD, MURPHY AND TILLY

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City"), authorizing and directing the Mayor and City Clerk to enter into and execute a Professional Services Agreement between the City and Crawford, Murphy, and Tilly to provide Airport Consulting Services.

Wall moved and Evans seconded that the Council approve the first reading of Council Bill No. 6646 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Wall, Jordan, Garner, Adkins, Evans, Mitchell, Mizell, and Mutchler; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Jordan moved and Mitchell seconded that the Council approve the second and final reading of Council Bill No. 6646 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Jordan, Garner, Adkins, Evans, Mitchell, Mizell, Mutchler, and Wall; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6646 duly passed and approved and that it be entered among City Records as Ordinance No. 6891.

COUNCIL BILL NO. 6647- PURCHASE, LIFT STATION CRITICAL PARTS, LETTS VAN KIRK

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") approving the purchase of Lift Station Critical Parts from Letts Van Kirk for the Wastewater Department.

Mitchell moved and Mutchler seconded that the Council approve the first reading of Council Bill No. 6647 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Garner, Adkins, Evans, Mitchell, Mizell, Mutchler, Wall, and Jordan; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Evans moved and Mizell seconded that the Council approve the second and final reading of Council Bill No. 6647 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Adkins, Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, and Garner; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6647 duly passed and approved and that it be entered among City Records as Ordinance No. 6892.

COUNCIL BILL NO. 6648- REFUND, COPE SHELTER RESOURCE CENTER BUILDING PERMIT AND FEES, CROSSLAND CONSTRUCTION COMPANY

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") approving a refund to Crossland Construction Company for the Building Permit and Associated Costs for the construction of the COPE Shelter Resource Center.

Evans moved and Jordan seconded that the Council approve the first reading of Council Bill No. 6648 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Evans, Mitchell, Mizell, Mutchler, Wall, Jordan, Garner, and Adkins; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mitchell moved and Garner seconded that the Council approve the second and final reading of Council Bill No. 6648 and that the roll be called for the approval and passage of said bill. Motion carried as follows: Yea: (8) Mizell, Mutchler, Wall, Jordan, Garner, Adkins, Evans, and Mitchell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Mayor Carr declared Council Bill No. 6648 duly passed and approved and that it be entered among City Records as Ordinance No. 6893.

COUNCIL BILL NO. 6649- REZONING OF 6.45 ACRE ON CARMECO ROAD FROM C-1 COMMERCIAL TO M-1 LIGHT INDUSTRIAL

Mayor Carr stepped down from the dais and Mayor Pro Tem Bob Garner chaired the meeting during the first reading of Council Bill No. 6649 so there wouldn't be any perceived conflict pertaining to this rezoning issue.

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, amending the City of Lebanon, Missouri, Zoning District Map by approving the rezoning of a 6.45 acre parcel on Carmeco Road from C-1 Commercial to M-1 Light Industrial; fixing the effective date thereof; repealing ordinances or parts thereof in conflict.

Evans moved and Wall seconded that the Council approve the first reading of Council Bill No. 6649 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Mutchler, Wall, Jordan, Garner, Adkins, Evans, Mitchell, and Mizell; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Second reading scheduled for March 11, 2024.

Mayor Carr returned to the dais.

COUNCIL BILL NO. 6650- REZONING A PORTION OF THE 400 BLOCK ON ICE CREAM WAY FROM RS-2 RESIDENTIAL TO C-1 COMMERCIAL

An Ordinance by the City Council of the City of Lebanon, Laclede County, Missouri, amending the City of Lebanon, Missouri, Zoning District Map by approving the rezoning of a portion of three parcels in the 400 Block on Ice Cream Way from RS-2 Residential to C-1 Commercial; fixing the effective date thereof; repealing ordinances or parts thereof in conflict.

Wall moved and Jordan seconded that the Council approve the first reading of Council Bill No. 6650 and that it be passed to the second reading. Motion carried as follows: Yea: (8) Wall, Jordan, Garner, Adkins, Evans, Mitchell, Mizell, and Mutchler; Nay: (0) None; Abstain: (0) None; Absent: (0) None.

Second reading scheduled for March 11, 2024.

COMMENTS

Councilman Adkins- asked about the status of the Ice Cream Factory. City Administrator Mike Schumacher said Shannon Imler was a great partner and he was continuing to grow his business.

Councilman Jordan- announced that Friday was the opening day of Trout Season at Bennett Spring.

Councilman Garner- acknowledged both the girls wrestling and swim teams for having an outstanding weekend. He also thanked the City for the things they were doing to help out the Hughes Center and then closed by expressing that Charlie Brown, his friend who recently passed, would be greatly missed by this community.

Mayor Carr- reported he presented the State of the City for the Optimist Club and would be doing the same the next day for the Kiwanis Club. He said it was great to be able to speak to the community. He concluded by providing the upcoming meeting schedule.

ADJOURNMENT

Mayor Carr declared the meeting adjourned at 7:17 pm.

ATTEST:



City Clerk Laina Starnes



Mayor Jared Carr

Minutes Approved March 11, 2024