

**CITY OF BOONVILLE
COUNCIL MEETING**

**AGENDA
(SINE DIE)
June 9, 2020**

7:00 p.m.

**City Council Chambers
525 E. Spring Street
Boonville, Missouri**

- Meeting will be closed to the public in order to minimize the risk of the Novel Coronavirus and to ensure continuity of government services. However, you may view the live stream of the meeting at <https://www.youtube.com/user/cityofboonvillemo> and on channel 3 with Suddenlink Cable TV.
 - If you have a public comment that you would like to present to the council, please contact Teresa Studley, City Clerk, before 4pm on Monday, June 9, 2020 at (660) 882-2332 or by email at teresa.studley@boonville-mo.org. Your statement will be read during the hearing of citizens' comments.
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I. Call to Order – Pledge and Prayer (Susan Meadows)

II. Roll Call

III. Hearing of Citizens' Comments

IV. Approval of the Minutes of the June 1, 2020 Council Meetings

V. Consent Items

a. None.

VI. Presentation of Accounts and Claims

a. None.

VII. Unfinished Business

A) None.

VIII. New Business

- A) First and Second Reading of Bill No. 2020-013 Accepting the Results of the June 2, 2020 Boonville Municipal Election
- B) 2019-2020 Council Adjournment (Sine Die)
- C) Swearing in of Newly Elected Officials
- D) Call New Council to Order
- E) Election of Mayor Pro-Tem

IX. Reports of Standing Committees

A) None.

X. Reports of City Officials

City Administrator

Mayor

XI. Miscellaneous

XII. Adjourn

NOTICE: The City of Boonville will comply with the Americans with Disabilities Act (ADA). Individuals who require an accommodation due to disability to attend this meeting should contact our office at (660) 882-2332 or Relay Missouri, 1-800-735-2966 TTY at least 48 hours in advance.

DRAFT COPY PENDING CITY COUNCIL REVIEW AND APPROVAL

City of Boonville City Council Meeting Minutes June 1, 2020

The Boonville City Council met in Regular Session on June 1, 2020 at 7:00 p.m. in the Council Chambers located at 525 East Spring Street, Boonville Missouri. The following officers were present: Mayor Ned Beach; Kate Fjell, City Administrator; Teresa Studley, City Clerk; and Bobby Welliver, Sergeant at Arms. Doug Abele, Interim City Counselor, was absent.

NOTICE POSTED: Thursday, May 28, 2020 at 1:13 p.m.

Ms. Studley read the following points noted for the Council Meeting:

- Meeting will be closed to the public in order to minimize the risk of the Novel Coronavirus and to ensure continuity of government services. However, you may view the live stream of the meeting at <https://www.youtube.com/user/cityofboonvillemo> and on channel 3 with Suddenlink Cable TV.
- If you have a public comment that you would like to present to the council, please contact Teresa Studley, City Clerk, before 4pm on Monday, June 1, 2020 at (660) 882-2332 or by email at teresa.studley@boonville-mo.org. Your statement will be read during the hearing of citizens' comments.

CALL TO ORDER – PLEDGE AND PRAYER

The meeting was called to order and Steve Young led the prayer, after the pledge of allegiance.

ROLL CALL

The following Council Representatives were present, **sitting distantly from each other in the gallery**: Steve Young, Susan Meadows, Morris Carter, Whitney Venable, Vanessa Dorman, and Michael Stock. Council Representatives Brent Bozarth and Henry Hurt were absent.

HEARING OF CITIZENS' COMMENTS

Ms. Studley reported that there were no citizens' comments.

APPROVAL OF THE MINUTES OF THE MAY 18, 2020 COUNCIL MEETING

The minutes were approved as presented.

CONSENT ITEMS

None.

PRESENTATION OF ACCOUNTS AND CLAIMS

Ms. Studley read the ordinance appropriating money, in its entirety, and a second time, by title only, since a copy of the ordinance had been made available prior to the meeting. Mr. Carter moved, and Ms. Meadows seconded the motion for approval of the ordinance. With no questions, roll call was taken. Ayes: Young, Meadows, Carter, Venable, Dorman, and Stock. Total (6). Opposed: None. Total (0). Absent: Bozarth and Hurt. Total (2). Motion Carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS OF STANDING COMMITTEES

THE FOLLOWING BOARD WAS CANCELLED DUE TO PREVENTATIVE MEASURES TAKEN TO PREVENT THE SPREAD OF COVID-19:

- Board of Public Works – May 28, 2020
- Street, Alley, and Sanitation Board – May 27, 2020
- Parks and Recreation Board – May 19, 2020
- Cemetery Board – May 28, 2020

Mayor Beach reported the committee has not met due to the preventative measures taken to prevent the spread of COVID-19.

Boonville Housing Authority – May 13, 2020

Mr. Carter advised that meeting was held by telephone. It was a good meeting and we are moving forward.

REPORTS OF CITY OFFICIALS

CITY ADMINISTRATOR

Ms. Fjell reminded the Council that the City will be offering the bulk waste collection for our residential customers on June 15-19 on their regularly scheduled collection day.

Ms. Fjell stated that she had mentioned that she would bring a drafted budget amendment to the Council. However, she feels that she should wait until after the election, to know that outcome of the CIP Tax. If the CIP Tax does not pass, it will be a larger budget amendment. Mayor Beach added that with the boat opening back up, we should see some revenue once again.

MAYOR

Mayor Beach directed the Council to the committee appointments that were included in the council packet on page 13, 14, and 15. Mayor Beach advised of the following appointments that need approved by council: Police Board – Jonathon T. Morten; and Street, Alley, and Sanitation Board – Lewis Miller. Mr. Carter moved, and Mr. Venable seconded the motion to approve the appointments. Roll call was taken. Ayes: Young, Meadows, Carter, Venable, Dorman, and Stock. Total (6). Opposed: None. Total (0). Absent: Bozarth and Hurt. Total (2). Motion Carried.

Mayor Beach wanted to commend Ms. Nicole May, Chief Bobby Welliver, and Ms. Kate Fjell for an event that was held on Sunday. Mayor Beach stated that on Saturday afternoon, there was a discussion on having an event in downtown Boonville on Sunday. The event was to provide support for the difficult killing that occurred in Minneapolis. Ms. May had a group of people that wanted to walk down Main Street. Chief Welliver put together some good conditions and discussed them with Ms. May. Chief Welliver and Ms. May were able to set up a compromise where it was possible to close down Main Street, between Chestnut and High Streets, for a short time. Ms. Fjell supported Chief Welliver's decision and made it possible so it could happen. Mayor Beach stated, that under normal circumstances, we would need a week, two weeks, or a month's advance notice for something like this. However, our staff and Ms. May made it possible to be planned in a less than 24-hour notice. Mr. Carter called Mayor Beach to inform him of a "rumor" that he had heard regarding the event that was going to be held. By the time Mayor Beach returned Mr. Carter's phone call, the event was over. Mayor Beach stated that it was a successful event and very well done.

CITY CLERK

Ms. Studley reminded the Council of the Sine Die meeting that will be held on Tuesday, June 9, 2020 at 7:00 p.m. for the swearing in of our new council members.

MISCELLANEOUS

Mr. Carter reminded everyone that they need to vote. The CIP Tax renewal will be on the ballot for the municipal election. Everyone that spends money in Boonville, pay on this tax through the regular sales tax. Mr. Carter stated that the funds are used by the Police Department, Fire Department, Parks Department, and the Local Agency Funding, which assists different organizations in the community.

ADJOURN

With no further discussion, Mr. Young moved, and Mr. Stock seconded the motion to adjourn the meeting at 7:09 p.m. and the voice vote was unanimous.

Respectfully Submitted,

Teresa Studley, City Clerk

Approved:

Ned Beach, Mayor

BILL NO. 2020-013

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE RESULTS OF THE MUNICIPAL ELECTION HELD IN BOONVILLE, MISSOURI ON JUNE 2, 2020 REGARDING CITY COUNCIL MEMBERS AND CIP TAX.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOONVILLE, MISSOURI, AS FOLLOWS:

SECTION 1: It is hereby found and declared that the vote at the municipal election held in the City of Boonville, Missouri on **June 2, 2020** for **City Council Members and CIP Tax**, as certified by Sarah Herman, Cooper County Clerk, attached hereto as **Exhibit A** is hereby accepted.

FIRST AND SECOND READING: June 9, 2020

READ FOR THE FIRST AND SECOND TIME AND PASSED THIS 9th DAY OF JUNE, 2020, AFTER A COPY OF THIS ORDINANCE HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS FIRST AND SECOND READING.

APPROVED THIS 9th DAY OF JUNE 2020.

Ned Beach, Mayor

ATTEST:

Teresa Studley, City Clerk



RECEIVED
6/5/2020

Sarah Herman, County Clerk
Holly Brady, Deputy Clerk
Jerrid Richards, Deputy Clerk



Exhibit "A"

COUNTY COURTHOUSE
200 Main St., Rm. 23
Boonville, MO 65233-1276
660-882-2114

Cooper County Clerk

CERTIFICATION OF ELECTION RESULTS

By County Clerk

To: City of Boonville

The following is an Official Certificate of Election Results of the April Municipal Election held at Cooper County, Missouri on June 2, 2020
We hereby certify that:

Boonville City Question

YES

Received

398

Votes

NO

Received

222

Votes

COUNCILMAN WARD 1

Two Year Term
(Vote for One)

Steve Young

Received

86

Votes

COUNCILMAN WARD 2

Two Year Term
(Vote for One)

Susan Meadows

Received

152

Votes

COUNCILMAN WARD 3

Two Year Term
(Vote for One)

Curtis Robertson

Received

181

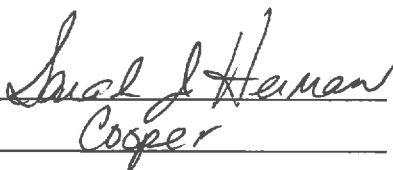
Votes

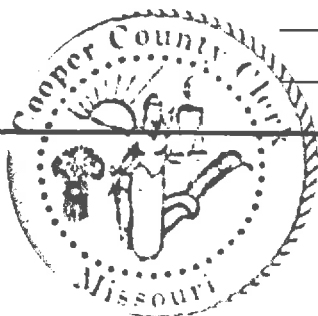


Cooper County Clerk

COUNCILMAN WARD 4			
Two Year Term (Vote for One)			
Sy Harvell	Received	2	Votes
Flip Sears	Received	1	Votes
Theresa Hurt	Received	4	Votes
Sharon Thoma	Received	1	Votes
Dale Monteer	Received	1	Votes
Steve Litwiller	Received	1	Votes
Helen Green	Received	1	Votes
Ernie Ueligger	Received	1	Votes
Earl Haller	Received	1	Votes
Barry Elbert	Received	1	Votes
Henry Hunt	Received	1	Votes
Mike Dee	Received	2	Votes
Henry Hurt	Received	1	Votes

I, Sarah Herman County Clerk/Election Authority of Cooper County, Missouri
do hereby certify that the foregoing is a full and accurate return of all votes cast both
FOR and AGAINST all propositions and FOR all candidates at said election as
certified to me by the duly qualified and acting Judges of said election.
Certified this 5th day of June, 2020

 County Clerk
Cooper County, MO



DOUGLAS ABELE
ATTORNEY AT LAW
UNITED MISSOURI BANK BUILDING
422 EAST SPRING STREET
BOONVILLE, MISSOURI 65233
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660 882-6611

FACSIMILE
660 882-6621

June 4, 2020

Ms. Kate Fjell
Boonville City Administrator
401 Main Street
Boonville, MO 65233

RE: Municipal Election of June 2, 2020 – Write-in Candidate Results

Dear Kate:

You have requested an opinion with respect to the election results for the office of Ward 4 Boonville City Councilperson, for which no candidates had formally filed for the office during the regular filing period. The election results included only write-in votes for several different persons. One of these candidates had filed a formal request to be considered as a write-in candidate for this office after the time for candidate filing had closed on January 21, 2020, as set out in Section 115.127.5, RSMo.

The Municipal General Election date is the first Tuesday in April of each year. In response to the COVID-19 pandemic, the normal municipal election date was rescheduled by Executive Order to June 2, 2020. At the time of the election, no person had met the requirement for declaring their candidacy for this office under Section 115.127.5, RSMo.

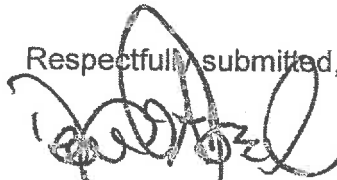
Because no person formally announced his or her candidacy for this office before the regular filing deadline on January 21, 2020, there was no candidate for the office of Ward 4 City Councilperson and the candidate eligibility issue is controlled by Section 115.453 (4), RSMo., dealing with write-in candidates. This section provides generally that a person who has not filed for the office during the regular filing period for candidates may still qualify as a write-in candidate by filing the required declaration of intent to be a write-in candidate for the office with the election authority. This filing must take place prior to 5:00 p.m. on the second Friday immediately preceding the election day. However, this statute further provides that where there is no candidate for the office (i.e., no one declared their candidacy for office during the regular filing period), the general provision requiring a write-in candidate to file a written declaration with the election authority does not apply. This means that anyone receiving write-in votes during the election is eligible for election to the office and the person who filed a declaration of intent to be a write-in candidate for the office does not have any priority over other persons receiving write-in votes for the office on election day.

A total of nine persons received write-in votes for the office of Ward 4 Councilperson. Pursuant to the statutory provisions set out above, the person receiving the highest number of votes would be the winner of the election, subject to that person's willingness to accept the office. Should the person receiving the highest number of votes decline to accept the office, then the office would go to the person receiving the next highest number of votes, subject to their acceptance. In the event there are multiple person receiving the same number of votes (i.e., the highest number of votes received by any person), then there would be a tie vote and the matter would be decided according to certain other statutory provisions, which do not need to be considered in this instance.

Accordingly, it is my opinion that the person receiving the highest number of write-in votes for the office of Ward 4 Councilperson, should be certified as the winning candidate by the election authority and submitted to the office of the Secretary of State.

Should you have any questions, or if there are any additional facts that were not previously provided to me for consideration in rendering this opinion, please contact my office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas Abele', written over the typed name.

Douglas Abele
Interim City Counselor
City of Boonville, MO

DA/jmw

cc: Boonville City Administrator
Boonville City Clerk