

The Carl Junction City Council met in regular session on Tuesday February 4, 2020 at 7:01 PM at City Hall. Mayor Pro-Tem Roger Spencer called the meeting to order with the following present: Rick Flinn, Don Marshall, Roger Spencer, Mike Burns and Randy Hutcheson. Mayor Powers, Richard Zaccardelli, Ladonna Allen and Mark Satterlee were absent. Also present were City Administrator Steve Lawver, City Attorney Mike Talley, City Clerk Maribeth Matney, Deputy City Clerk Alaina Wright and City Administrator Assistant Crystal Winkfield.

### AGENDA

Rick Flinn motioned to approve the agenda as presented. Don Marshall seconded. All in favor. No opposed with three absent. The council reviewed the minutes from the previous meeting's closed session. Mike Burns motioned to approve the consent agenda. Randy Hutcheson seconded. All in favor. No opposed with three absent.

### PUBLIC FORUM

There was no one present for public forum.

### P&Z CASES

Mayor Pro-Tem Roger Spencer asked for discussion regarding Case #20-01 – Special Use Permit – Terri Phillips – Air BnB. The public meeting regarding this case opened at 7:04 PM. Mike Talley stated he found nothing in the state statutes or city code book to prevent the special use permit from being granted. Steve Lawver said P&Z met and recommended approval. Roger Spencer asked if there was any public discussion regarding the permit. There was no public discussion and the public hearing closed at 7:06 PM. Maribeth Matney said there needed to be a motion whether to approve the special permit or not. Randy Hutcheson motioned to approve the permit. Mike Burns seconded. All in favor. No opposed with three absent.

Mayor Pro-Tem Roger Spencer asked for discussion regarding Case#20-02 – Deerfield Estates Plat #4 Replat Steve Laver said P&Z met and recommended approval.

### RATIFY THE MAYOR'S EMERGENCY DECLARATION FOR SEWER LINE REPAIRS ON COLLAPSED LINE

Steve Lawver discussed the letter from Mayor Powers declaring the need for emergency repair of sewer lines near Remington. Ace pipe already has a contract in place for the repairs. Roger Spencer asked if the pipe would be lined, Steve Lawver responded no. Mike Talley stated city code 140.140 requires a full explanation of the circumstances of the emergency be recorded in the journal of minutes, and that it will need to be supplemented with the expenditures in the future. Mike Talley also said it doesn't require ratification but historically the council has ratified emergency declarations. Mike Burns asked about the cost of the project. Steve Lawver replied he won't know the full cost of the project until they know how much has to be fixed. Roger Spencer asked if the city has the funds to cover the project. Steve Lawver responded yes; it will be coming out of I&I budget. Don Marshall asked if it was part of the line installed in the last year. Steve Lawver said this part was installed approximately 20 years ago. Mike Burns motioned to ratify the emergency declaration. Rick Flinn seconded. All in favor. No opposed with three absent.

### ORDINANCES

Rick Flinn motioned to put "AN ORDINANCE AMENDING TITLE V: BUILDING CODE, CHAPTER 500: GENERAL PROVISIONS, ARTICLE I. BUILDING CODES ADOPTED BY REPEALING SECTIONS 500.010, 500.020, 500.030, 500.040, 500.050, 500.060 AND 500.070, AND ENACTING IN LIEU THEREOF, NEW SECTIONS 500.010, 500.020, 500.030, 500.040, 500.050, 500.060 AND 500.070 ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE, THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE, THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE, THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE, THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2017 EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION 58, LIQUEFIED PETROLEUM GAS CODE" on 1<sup>st</sup> reading by title only. Don Marshall seconded. All in favor. No opposed with three absent.

Discussion: Randy Hutcheson stated the Code and Nuisance committee met prior to the previous meeting to discuss the issue and the committee agreed the ordinance should go before the board of alderman. He then asked if the ordinance should be tabled until there were more aldermen present. Mike Burns asked when the ordinance would take effect if adopted. Steve Lawver replied it would take effect as soon as the mayor signs it. Randy Hutcheson made a motion to table further readings on the ordinance until the next meeting. Mike Burns seconded. All in favor. No opposed with three absent.

Rick Flinn motioned to put "AN ORDINANCE ACCEPTING DEERFIELD ESTATES PLAT #4 REPLAT, BEING A REPLAT OF LOTS 17, 19, 20 & 21 OF CARL JUNCTION SUBJECT TO CERTAIN CONDITIONS" on 1<sup>st</sup> reading by title only. Don Marshall seconded. All in favor. No opposed with three absent.

Discussion: Mike Burns stated he saw an email from Kurt Higgins that there were no significant changes and recommending approval.

Rick Flinn motioned to put it on second reading by title only. Mike Burns seconded.

Discussion: There was no further discussion.

Mike Burns motioned to put it on final passage. Rick Flinn seconded. All in favor. No opposed with three absent.

Flinn-yes, Marshall-yes, Zaccardelli-absent, Spencer-yes, Allen-absent, Burns-yes, Hutcheson-yes Satterlee-absent. Motion on Ordinance #20-03 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. Steve Lawver stated the activities and community center report will be removed from the administration report. There will be a separate report for activities now. He also stated he met with FEMA today and there is a new grants program manager who pointed out specific things FEMA needs from the city to be able to process the grants applied for.

Public Works report – Randy Hutcheson asked if the brush pile fire went without incident. Steve Lawver replied yes. He also mentioned there was discussion that the notice given on Facebook was not adequate, but he did not agree with that.

Police Dept. report - Delmar Haase stated the police department tested six people Saturday and it will most likely be March before someone is hired. He also stated he attended the LEST meeting today and they had to give back \$7,000 they had asked for. He stated they received the equipment they requested for switching over to new police cars, but they did not receive the Nixle reimbursement they asked for.

### COMMITTEE REPORTS

Budget/Finance: Mike Burns said the committee is in the middle of budget meetings, and the next meeting is scheduled for Thursday at 3:15 PM for the police department and general fund. Steve Lawver said the Chamber of Commerce asked if their meeting could be the following Thursday and Mike Burns responded yes.

Code/ Nuisance: Randy Hutcheson had nothing to report.

Human Resources: Roger Spencer had nothing to report.

Public Facilities & Planning: LaDonna Allen was absent.

Senior Citizens- Richard Zaccardelli was absent.

### UNFINISHED BUSINESS

Mike Talley informed the council about the pretrial conference in the Boyle case that took place Monday morning. He said there was a good discussion about the standing. Judge Nicholas said the earliest trial setting would be February 2021 and he set for a bench trial on February 4 and 5 of 2021. Mike Talley stated there was some discussion about a resolution without a trial, and the Dr. Boyle's attorney Brad Barton believes mediation would be productive. Judge Nicholas ordered mediation with a resolution by October 1, 2020. Mike Talley said so far, the talks have been unsuccessful.

Randy Hutcheson stated he noticed the structure at 303 Briarbrook drive is still intact.

### NEW BUSINESS

Steve Lawver stated there is some equipment needed for public works and he gave the members present a list for their review. He requested they remove the wheel loader for now, because Zimmerman Tractor which had the preferred quote has rented the equipment out long term and it's no longer for sale. He stated for the replacement truck for Jim Chaligoj he is recommending Maples Ford and for the John Deere attachments he is recommending Heritage Tractor for both the root rake and rotary cutter. Steve also stated the money for this equipment is still available in the new equipment purchase fund. Rick Flinn questioned if purchasing the wheel loader not possible. Steve Lawver explained the best choice is unavailable and the other options are problematic. He stated the equipment for sale from Minnesota is not good, and parts for the equipment available in Springfield are not available locally. Mike Burns motioned to allow Steve Laver to purchase the equipment requested in the memorandum. Rick Flinn seconded. All in favor. No opposed with three absent.

### ADJOURNMENT

Rick Flinn motioned to adjourn the meeting. Don Marshall seconded. All in favor. No opposed with three absent. Meeting adjourned at 7:37 PM.

  
CITY CLERK

  
MAYOR