

Public Forum

Board of Aldermen opened a **Sewer Rate Public Forum** at 6:00 PM on Monday, March 14, 2016. Mayor Lisa Daugherty called the meeting to order.

Present were Mayor Lisa Daugherty, Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Also present were City Attorney Mike Talley, and Assistant to the Board of Aldermen David Weaver and approximately 15 guests.

Public comments:

Gary Colson, 1291 Brynewood Ln., Joplin, MO 64801

Mr. Colson gave an extended history of his property containing 39 rental units at approximately 13th and Katherine to the south and east regarding the history of sewer issues, pumps, and attempts at hooking up to a gravity system. Stated he is opposed to a new sewer rate system which charges a base fee to each individual housing unit.

Robert Lee, 3315 S. Highland, Joplin, MO 64804

Mr. Lee was representing University Plaza at approximately 7th and Duquesne to the north and west containing several retail units. Had questions regarding property owners being responsible for unpaid sewer bills of tenants. Wanted to know how property owners would be notified if tenants were not paying their sewer bills. Also questioned why property owners being responsible for utility bills applied to sewer but not other utilities. City Attorney Mike Talley cited state statutes allowing for this to take place.

Rick Powers, 3418 S. Park Ave, Joplin, MO 64804

Mr. Powers owns 4 retail units at approximately 20th and Duquesne to the west and north. Had questions on a base charge to each retail unit. Mr. Powers stated he had a problem with him having to assume liability for tenant sewer bills.

Sewer Rate Public Hearing closed at 6:29 PM

Public Forum

Board of Aldermen opened a 2nd **Public Forum regarding the CDBG Duquesne Road Project** at 6:30 PM on Tuesday, March 14, 2016. Mayor Lisa Daugherty called the meeting to order.

Public comments:

George Reeve, 4460 E. 26th, Joplin, MO 64804

Mr. Reeve had questions about how new asphalt roads will connect to residential driveways. Also had questions about how soft spots in the roads will be addressed. Mike Atkinson, and engineer with Allgeier Martin and Associates answered Mr. Reeve's questions.

CDBG Duquesne Road Project Public Hearing closed at 6:36 PM

Board of Aldermen opened Regular Session at 7:00 PM on Monday, March 14, 2016. Mayor Lisa Daugherty called the meeting to order.

No roll call was taken.

Present were Mayor Lisa Daugherty, Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Also present were City Attorney Mike Talley, Chief of Police Tommy Kitch and Assistant to the Board of Aldermen David Weaver and approximately 30 guests.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve the agenda. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Public Hearing

Board of Aldermen opened a Public Hearing at 7:02 PM on Monday, March 14, 2016, regarding a Conflict of Interest Program Policy (DDBG Housing Grant) regarding Michael Weaver, son of a city employee. Mayor Lisa Daugherty called the meeting to order.

Mr. Brian West of the Harry S Truman Coordinating Council (our CDBG grant administrator) explained the need for this hearing to the City Council. He explained the program is income based to be eligible and that Michael Weaver qualified for the program under program guidelines. Mayor Daugherty asked about how many applications were received and whether a wait list existed. Mr. West stated that 16 applications had been received and that 8 applications were either not eligible or withdrew for various reasons. He stated that 8 of the 9 available spots had been approved and one was pending. He stated there were no other applications and that no one was on a wait list as of the hearing.

Public comments:

Rick Gamboa, 4005 E. 20th, Joplin, MO 64804

Mr. Gamboa had questions about what was being voted on and why. Mr. Gamboa stated he felt it should be approved.

Conflict of Interest Public Hearing closed at 7:09.

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to approve the application of Michael Weaver in so far as a conflict of interest is concerned. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried. (Motion minutes recorded by City Attorney Mike Talley)

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve the minutes of the February Regular Meeting Minutes. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve the minutes of the February Closed Meeting Minutes. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Alderman Barbara Welch made a statement regarding the draft copy of the audit. She stated she was obstructed by Mayor Daugherty and the City Clerk from seeing the draft copy of the audit. Discussion between Mayor Daugherty and Alderman Welch followed. Alderman Welch stated she wanted it stated in the minutes that she was obstructed by Mayor Daugherty and the City Clerk from seeing the draft copy of the audit.

- Bill No. 16-04: An ordinance approving a contract between the City of Duquesne, Missouri and Blevins Asphalt Construction Company, Inc., to commence and complete CDBG road repairs project number 2013-DS-05 for various streets in the City of Duquesne, Missouri, in accordance with the conditions of the contract drawings, specification, addenda and other documents listed in the contract for the sum of \$1,651,1007.00; providing the terms and conditions thereof; and authorizing the Mayor to execute said contract for and on behalf of the City of Duquesne, Missouri.

Motion made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to the 1st reading of Bill No. 16-04 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to the 2nd reading of Bill No. 16-04 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Chris Ellsworth, seconded by Alderman Roger Bone to approve Bill No. 16-04 and to assign it as Ordinance # 281. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Renew Mediacom Contract

City Attorney Mike Talley questioned whether this should be done by ordinance? Mayor Daugherty stated that the contract was up in April and that Mediacom was requesting a 3-year contract extension. Motion Made by Alderman Barbara Welch, seconded by Alderman Roger Bone to table the issue until the April meeting. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Guidelines and Application for CDBG Housing Project 2

Motion Made by Alderman Gary Heilbrun, seconded by Alderman Chris Ellsworth to approve the Guidelines and Application for CDBG Housing Project 2. Ayes: Alderman Roger Bone,

Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Subrogation Agreement for CDBG Phase II Applicant

Motion Made by Alderman Barbara Welch, seconded by Alderman Roger Bone to approve the Subrogation Agreement for CDBG Phase II Applicant Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Update on City Matters:

Mayor Daugherty appointed the following to the City Fair Housing Commission: Michael Oliver, Paula Bone, Jolene Sapp, Bill Sherman, Lisa Daugherty. (Mayor stated Cinda Sweet was inadvertently omitted from the list and she needed to be added). No vote was taken.

Assistant to the Board of Aldermen, David Weaver gave an update on correspondence with David Burgan with SEMA. David updated the board on Mr. Burgan wanting to come down and inspect the public assistance projects. Mr. Weaver also updated the board on withdrawing from our FEMA road project because of the CDBG funding, but recommended waiting until the project was complete and paid for before doing so. Mr. Weaver discussed the FEMA Community Disaster Loan and suggested waiting to finalize that until we received a response from FEMA regarding our 2nd appeal on the CCTV of sewer lines. Mr. Weaver updated board on progress of the CDBG 2nd Housing Project and stated the environmental review should be wrapping up any day and that the first preconstruction meeting will be in early April with the hopes of having 5 houses going up by late April early May.

LED Lighting

Mayor Daugherty received 2 more bids from Bills Electric and C&D electric. Alderman Heilbrun questioned why city employee Chris Grubel was not contacted to see if he could perform the lighting work that was being proposed? Alderman Heilbrun stated he had obtained prices and felt the cost of materials might be around \$1,200. Alderman Ellsworth questioned why the bids were so far apart? (Bids presented were \$6,032 from Ozark Energy Services, \$3,618 from Bills Electric, and \$2,240 from C&D Electric). Mayor Daugherty stated a representative was present from Ozark Energy Services who could answer their questions. Mayor Daugherty also disclosed that the Ozark Energy Services representative was her son.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to table the issue. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Joplin Humane Society Contract

- Bill No. 16-05: An ordinance approving a contract between the City of Duquesne, Missouri and Joplin Humane Society, Inc., to receive, care for, and dispose of small animals, providing the terms and conditions of the contract and renewal, and

authorizing and directing the Mayor to execute said contract for and on behalf of the City of Duquesne, Missouri.

Motion made by Alderman Chris Ellsworth, seconded by Alderman Barbara Welch to the 1st reading of Bill No. 16-05 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Roger Bone, seconded by Chris Ellsworth to the 2nd reading of Bill No. 16-05 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to approve Bill No. 16-05 and to assign it as Ordinance # 282. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

- Bill No. 16-06: An ordinance approving a proposal between the City of Duquesne, Missouri and Dolence Law Office, LLC, to act as special counsel to the City of Duquesne, Missouri to commence and complete a declaratory judgement action to acquire title to Stephens Boulevard between 20th Street and 25th Street for the sum of \$2,500, plus court cost, and in accordance with proposal set forth in the email dated March 8, 2016 which is attached.

Motion made by Alderman Chris Ellsworth, seconded by Alderman Roger Bone to the 1st reading of Bill No. 16-06 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Discussion: Questions from Aldermen regarding the proposal were asked of City Attorney Mike Talley who directed questions to Mr. John Dolence who was in attendance. Mr. Dolence explained the process and answered Aldermen questions

Motion made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to the 2nd reading of Bill No. 16-06 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Roger Bone, seconded by Alderman Gary Heilbrun to approve Bill No. 16-06 and to assign it as Ordinance # 283. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Public Comments:

Jane Baine, 4250 E. 13th, Joplin, MO 64801

Ms. Baine stated she has been a resident of the City of Duquesne for 13 years and a regular attendee of City Council meetings. She discussed previous issues relating to Fair Housing and the Mayor, previous CDBG Housing Grant statements the Mayor had made as well as other concerns she had with the Mayor.

Rick Gamboa, 4005 E. 20th, Joplin, MO 64804

Mr. Gamboa had questions regarding the recent city audit and when it would be available.

Mayor Daugherty stated it would be available after the City Clerk had reviewed it and checked the numbers to make sure everything was correct. Mr. Gamboa asked if that meant the City Clerk was going to then “audit the auditor”? Mr. Gamboa questioned the busy schedule of the City Clerk. He also questioned the ability of an overloaded city staff to handle the city’s sewer billing. He then read a Joplin Globe article regarding the MHDC low income housing project.

George Reeve, 4460 E. 26th, Joplin, MO 64804

Mr. Reeve had questions regarding the progress of a city park. Alderman Welch answered was working on the project but would hold off additional work until after the election.

New Business

Out of State Vehicle Sales Tax

Mayor Daugherty discussed issue and asked if it should be place on the ballot for the next election. City Attorney Mike Talley discussed issue as well as the City of Carl Junctions April ballot item on this same issue. Discussion followed, no vote taken

Use Tax on Storage

Alderman Barbara Welch presented possibilities of collecting a use tax on storage units. She wanted to know if it was something we should consider. Discussion followed, no vote taken.

Business License Renewals

Motion made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth approve business license renewals. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

New Business License

- Maccarro Gym

Motion made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve Maccarro Gym. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Water Pollution Sales Tax

Alderman Barbara Welch presented a Missouri Revised Statute regarding sales tax for storm water control or local parks and whether this was something the city is eligible for and should look into. She asked the council to look into the possibility and consider it.

Police Department Report

Police Chief Tommy Kitch discussed officer issue and Mayor’s handling of the issue regarding categorizing it as sick leave vs. vacation time. Discussion followed between Mayor and Police Chief, issue resolved. Chief Kitch stated the LEST grant had released funds, also stated he had 2 candidates ready to be interviewed by the hiring board. March 17 at 4 PM set for hiring board interviews.

Bill Summary

Motion made by Alderman Roger Bone, seconded by Alderman Barbara Welch to pay the bills presented. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Reports of Special Boards, Committees & City Officers: None

Other Business Deemed Necessary

Alderman Heilbrun noted the updated City Zoning Map recently displayed on the wall of City Hall. He noted that the map was up to day and based on all approved zoning ordinances dating back to when the city first instituted zoning.

Alderman Welch asked Alderman Ellsworth about our City Code Book update options. Mr. Ellsworth stated nothing new to report at this time.

Motion to Adjourn

As there was no further business, motion made by Alderman Roger Bone, seconded by Alderman Barbara Welch to adjourn. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

David Weaver
Acting City Clerk