

Board of Aldermen opened Regular Session at 7:00 PM on Monday, May 9, 2016. Mayor Lisa Daugherty called meeting to order and gave invocation.

Roll Call: Present were Aldermen Gary Heilbrun, Barbara Welch, Chris Ellsworth, Roger Bone and Mayor Lisa Daugherty. Absent: none. City Attorney Mike Talley, David Weaver, Mike Atkinson with Allgeier Martin & Associates and 16 guests were also present.

Agenda: Mayor requested Mike Atkinson with Allgeier Martin be added to agenda since Work Session was cancelled due to time and move Bill 16-10 Selection and Term of Court Clerk to after Closed Session. Motion made by Roger Bone, seconded by Barbara Welch, to approve agenda as modified. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Mike Atkinson with Allgeier Martin & Associates (AMA) Discuss CDBG Road Project: Utilities at 10th Street have to be moved and work was scheduled to begin on May 23 with ditch work. Barricades would be set at 7th and 13th Streets to restrict traffic to local residents only. Project would take 2 to 3 months from start to finish. Project notification emails would be sent to City and schedule updates as available. When asked about drainage issues in 25th Street area, Mike clarified current project was for paving and stormwater improvements would change scope of project. Only necessary improvements to protect new roadway would be done. David Weaver had asked AMA to develop 5-year plan with engineer study and estimate available within next 2 – 3 weeks.

Harry S Truman Coordinating Council (HSTCC) Representative: Open Archaeologist Proposal and Award Contract for CDBG Housing Project: At 3:30 PM today, five bids were opened to perform environmental review required by Indian tribe. Brian West with HSTCC said all bidders were aware of scope of timeline – 30-day advertisement requirement with 2-week public response requirement. David said of 3 lowest bidders, Missouri Archaeologist Society, Springfield, Missouri, had strong recommendations and could meet timeline. Motion made by Chris Ellsworth, seconded by Roger Bone, to accept bid of \$1,695 and have City Attorney draft necessary documents to award bid to Missouri Archaeologist Society. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Approve Minutes: March 23 Special Meeting: Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. April 6 Special Meeting (previously tabled) were not available. Motion made by Barbara Welch, seconded by Chris, to table minutes to June meeting. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. April 11 Closed Session of Regular Meeting minutes were not available. Motion made by Roger Bone, seconded by Barbara Welch, to table minutes to June meeting. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

April 11 Regular Meeting – Open Session: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

April 18 Special Meeting: Motion made by Roger Bone, seconded by Barbara Welch, to approve minutes. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. May 3 Special Meeting: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Financial Report & Budget Summary: Approved and filed for audit. Mayor requested employee payroll report. She asked about possibility of amended budget draft for first 7 months for June meeting. City Clerk stated copy of approved FY16 budget would need to be provided.

Court Report: No report was available as there were not sufficient funds available to cover what InCode report indicated was necessary for April Court. Motion made by Barbara Welch, seconded by Roger, to table April report until June meeting. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Police Department Report: Chief Tom Kitch presented report. Tahoe needed to have decals removed, cleaned and serviced. Then vehicle would be ready for general use by employees. Brittany Stanley had been offered \$10 per hour during training, pending her passing physical.

Bill Summary: U S Cellular invoice was for GPS tracking on city maintenance truck. Motion made by Roger Bone, seconded by Barbara Welch, to pay outstanding bills. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Old Business: David Weaver said at some point, City would need to reimburse FEMA about \$38S,000 City had received for demolition of homes that were eventually removed by some other means. FEMA had requested City to de-obligate \$150,000 that would be covered by Community Disaster Loan. CCTV was in second appeal but there was no time limit for government to make final ruling. Housing project was ready to move forward with 6 to 7 houses, with another 3 to 4 to follow.

Stephens Boulevard as Public Roadway: Update from Dolence Law Office: City had received letter that matter had been resolved and filed with Jasper County Recorder's Office.

Choose Alternate Signature in Absence of Mayor or Acting President of Board of Aldermen: Motion made by Roger Bone, seconded by Chris Ellsworth, to have Barbara Welch continue as alternate signature. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Harry S Truman Coordinating Council Alternate Point of Contact for Matters Concerning Michael Weaver's Application: David Weaver requested Board appoint someone other than him to be point of contact for that project, due to relationship to property owner. Motion made by Barbara Welch, seconded by Roger Bone, to appoint Chris Ellsworth as point of contact. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Aldermen Interaction: On Harry S Truman Coordinating Council contact form, David Weaver's title needed to be change to "Assistant to Board of Aldermen". Lisa Daugherty commented on statement made by David Weaver earlier concerning news release about "flawless" audit. She pointed out that nowhere in release was "flawless" used. She also stated she had not had telephone conversation with anyone about moving Michael Weaver's application to end of applications that was referenced in letter David referred to in May 3 Special Meeting. Paving project emails were to be forwarded to Board members and Mayor. Mayor requested two memos be attached to minutes.

Gary Heilbrun said State unemployment rate was wrong in computer for this year and had to be adjusted to get computer in-sync with State report. He expressed concern about several thousand dollars paid for vacation to employees who resigned without 2-week notice required by employee handbook. He wanted to know exactly how much City had paid for tax penalties. Lisa Daugherty said she had no comment because of possible pending litigation from former employees. Mike Talley warned employee conduct was closed session discussion.

Public Comment: Bill Sherman – 825 S Duquesne Rd: He said at February 8, 2016, meeting, Bill 16-03 was read, passed and adopted as Ordinance 280, which created 5-member Fair Housing Committee. He wanted to know if anyone else had submitted written request. At March 14 meeting, Mayor stated she had appointed Michael Oliver, Paula Bone, Jolene Sapp, Bill Sherman, herself and had inadvertently omitted Cinda Sweet from list (who was added to March 14 minutes). Board did not vote on appointments, as required by Section 5: Administration of Ordinance. He wanted to know when committee was scheduled for its first meeting and select Chairman.

Since Mayor had exceeded committee member number, she removed Jolene Sapp. No vote was taken to approve appointments. Fair Housing Ordinance was condition of grant funding and met HUD requirements and guidelines. City Attorney Mike Talley said it was good idea for committee to meet and select Chairman.

Jane Baine – 4250 E 13th St: She said she attended most meetings and Mayors failure to communicate with Aldermen seemed to be ongoing problem. She asked what has been accomplished. No response given.

Tom Johnston – 3000 S Duquesne Rd: He had lived here for 48 years and letter that was sent out before April 2016 election was despicable. It was unsigned, misinformed and could only have come from Mayor Daugherty. Because of Mayor's non-feasance or inability to work with employees, including Police Department, City of Joplin and Board of Aldermen and malfeasance; untold expense to City; continued incompetence, he employed Board to remove her to avoid public's action for her removal. Instead of appointing some who owned over \$2,000 in back sewer bills to serve on committee, he should be prosecuted. This had been embarrassment to City for too long. Law required 150 signatures of registered voters to force removal.

Rick Gamboa – 4005 E 20th: He wanted to know how many vacation hours were paid to two clerks who resigned without notice. Mayor said she had no comment. Mike Talley cautioned against discussing any performance issue in open session.

New Business: Update Authorized Signatures for CDBG Requests for Funds: Done earlier in meeting.

Resolution 16-03 Excessive Force (Reaffirm and Reestablish Resolution 16-01 passed 2-8-16): Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve Resolution 16-03. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Resolution 16-04 Designate Alderman Barbara Welch with Authority to Make Purchases for Supplies and Services, Not to Exceed \$1,500: Resolution was requested to eliminate need for some special meetings when Mayor refused to approve needed expenditures. City Attorney Mike Talley said Code Section 135.060 allowed for Mayor or such Aldermen, officers or employees as Board of Aldermen may designate to make purchases without Board approval or competitive bids if estimated expenditure was less than \$1,500. Several recent circumstances where Mayor refused purchases less than \$1,500 resulted in need for special meeting and/or additional cost to City to resolve matter. Mike also stated City Clerk is Purchasing Agent for City by Code, following policy set by Board. Motion made by Gary Heilbrun to amend resolution to explicitly deny Mayor authority to make purchases without Board approval. No second, motion failed. After further discussion, motion made by Chris Ellsworth, seconded by Barbara Welch, to amended resolution to designate Barbara Welch, in addition to Mayor, with authority to approve purchases up to \$1,500 without Board approval. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Consider Vote to Go into Closed Session Pursuant to RSMo 610.021(3) (relating to hiring, firing, disciplining or promoting of particular employee by public government body when personal information about employee is discussed or recorded): Motion to go into Closed Session made by Roger Bone, seconded by Chris Ellsworth. Roll call taken: Ayes: Aldermen Heilbrun, Welch, Bone, Ellsworth. Nays: none. Motion carried. At 9:25 PM Council went into Closed Session. Also present were David Weaver and Chief Tom Kitch. Council returned to open session at 10:05 and Mayor stated no motions or votes were taken.

Officer Jonathan White had completed 90-day probation. Motion made by Roger Bone, seconded by Chris Ellsworth, to approve 10% pay increase, effective with next pay period. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Part-time Officers rate has not been changed in at least 10 years. Motion made by Roger Bone, seconded by Chris Ellsworth, to increase part-time rate from \$10/hour to \$13/hour. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 16-10 Selection and Term of Court Clerk: Motion made by Chris Ellsworth, seconded by Roger Bone, to strike bill from agenda. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Other Business Deemed Necessary: Mayor Daugherty recused herself from meeting. Gary Heilbrun, as Acting President, took over meeting as Mayor Pro-Tem. Gary Heilbrun appointed Janet Stemm as Court Clerk and asked Board for its consent and approval. Motion made by Chris Ellsworth, seconded by Gary Heilbrun, to give consent and approval for appointment of Janet Stemm as Court Clerk. Ayes: Aldermen Gary Heilbrun, Chris Ellsworth. Nays: none. Abstain: Aldermen Barbara Welch, Roger Bone. To break tie, as Acting President, Gary Heilbrun voted aye. Motion carried.

As there was no further business, motion made by Chris Ellsworth, seconded by Gary Heilbrun, to adjourn. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Meeting adjourned at 10:10 PM.

Terry Ingram
City Clerk