

City Council met in Regular Session on Monday, June 13, 2016, at 7 PM. Mayor called meeting to order and gave benediction.

Roll call was taken. Present were Aldermen Gary Heilbrun, Barbara Welch, Chris Ellsworth and Roger Bone, Mayor Lisa Daugherty. Absent: none. Also present were City Attorney Mike Talley, David Weaver and 10 guests.

Agenda: Motion made by Roger Bone, seconded by Barbara Welch, to approve agenda as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Minutes: April 6 Open Session: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. April 11 Closed Minutes: Motion to strike from agenda made by Barbara Welch, seconded by Chris Ellsworth. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

May 9 Special Meeting: Closed Session: Minutes presented by Mayor Daugherty. Motion made by Barbara Welch, seconded by Roger Bone to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Motion made by Roger Bone, seconded by Barbara Welch, to pay invoice presented in Closed Session. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Open Session: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

May 9 Regular Meeting: Open Session: Mayor requested on page 3, paragraph 7, word "refused" be stricken and memo be attached. She asked for clarification about state unemployment rate. Company ("City") must manually update rate each year. QuickBooks only updates maximum wage limit. News release mentioned in previous meeting, copy now on file with Clerk, did not contain word "flawless". Mayor wanted two memos attached to minutes. City Attorney Talley stated Board approved minutes, but Mayor or Board members could add documents as attachments, but not as part of official City document.

Motion made by Gary Heilbrun, seconded by Barbara Welch, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch. Nays: Aldermen Ellsworth, Bone. Motion failed. Motion made by Roger Bone, seconded by Chris Ellsworth, to attach two memos to minutes and add her comment about letter. Ayes: Aldermen Ellsworth, Bone. Nays: Aldermen Heilbrun, Welch. Motion tied. Mayor broke tie and voted aye. Motion carried.

May 9 Regular Meeting: Closed Session: Minutes taken by David Weaver, who presented minutes for approval. Motion made by Roger Bone, seconded by Barbara Welch, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Special Meeting: May 13: Motion made by Chris Ellsworth, seconded by Roger Bone, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. May 27: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Financial Report and Budget Summary: Due to errors in transactions setup by previous clerk, no report or summary was presented. Some accounts were overstated and others were understated. It would take time to locate and correct errors. Alderman Welch asked about total payroll tax penalties paid to date. All four quarters for 2015 had penalties, totaling over \$4,200. Mayor had sent letters to IRS to request fines and interest be waived. One quarter had been forgiven. There were additional penalties expected for first quarter 2016. There had also been about \$3,000 paid to State of Missouri for penalties. Mayor now has someone else open City's mail.

Court: June Court Report was presented. Report balanced to penny with revenue deposited to Municipal Court bank account. May and April have bond and other issues. General Funds had already reimbursed Jasper County Municipal Court for \$4,206.12 (\$3,777.89 were errors from already audited FY15). Board approved June court report and filed for audit.

Police Report: Chief Kitch presented report. Chief asked for funding approval to repair 812's steering problem. Motion made by Barbara Welch, seconded by Gary Heilbrun, to approve up to \$2,100 for repairs. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. He also requested pay increase for Officer Pryor since he had completed 90-day probation. Motion made by Roger Bone, seconded by Gary Heilbrun, to increase Officer Pryor to \$14.75 per hour, effective immediately. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Chief wanted to use reserve officers Sullins, Torix and Blaukat to fill one full shift each. Board approved request. Tahoe battery went bad, but was still under warranty.

Mayor asked about drug testing policy and if any employee could be required to sign letter agreeing to be subject to drug testing upon demand. Policy manual allowed for random and unannounced drug testing by lots. Standard policy for any officer involved in accident subjected to mandatory drug testing following accident or if Chief or any supervisor had reasonable suspicion of impairment. City Attorney would review letter.

Bill Summary: Mayor asked about \$150 reimbursement for David Weaver. Alderman Welch stated it was for Aldermen Heilbrun and Welch attended Disaster Recovery Summit sponsored by Chamber of Commerce at MSSU. Because of additional billing from Tyler Technologies, Board decided to pull its invoice, pending further investigation. Motion made by Barbara Welch, seconded by Gary Heilbrun, to pay remaining outstanding bills of \$37,212.28 for City and \$251.85 for sewer as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Business License: Three applications were presented: Amplify Gymnastics (1302 S Duquesne Road), Lined Products (711 S Duquesne Road) and Military Fireworks (3702 E 7th Street). Motion made by Roger Bone, seconded by Barbara Welch, to approve applications. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

FEMA: David Weaver updated Board on FEMA projects. Weaver said David Burgan (SEMA) said City needed to sign P7 & P8. PW-1750 for house demolition was never done and City would need to reimburse FEMA \$38,385.21 City received for project. Motion made by Roger Bone, seconded by Chris Ellsworth, to repay demo funds. Funds spent by City for demolition legal process (public hearings, inspections, etc.) might be eligible for reimbursement through CDBG disaster expense. PW for roads was in second appeal process without any deadline for decision. CDBG funds should cover road paving. David Weaver recommended City de-obligate road project.

Road Project: David Weaver recommended paving Morgan Court, Foxfire, Walnut Ridge and Cresswell. Weaver stated Street Fund balance per KPM FY15 audit at about \$60,000. David said reason for sink hole on Morgan Court needed to be determined before resurfacing. If City proceeded to add Morgan Court, Foxfire, Cresswell and Walnut Ridge with funds remaining from CDBG project and street funds, any additional amount to complete project would come from general funds. Mike Atkinson with Allgeier Martin & Associates would need to provide change order information for City Attorney to draft ordinance to approve change order. Mike Talley spoke with Mike Atkinson about change order and was told information would not be available until next meeting.

Delinquent Sewer Accounts: Mayor asked if someone not in good standing with sewer bill be allowed to serve on any committee or commission. Jane Baine said if her reference was about Gary Jackson's outstanding bill, he was receiving sewer bill for building without any utilities. He had tried to clear matter with City of Joplin to no avail. City would have Cris Gurubel confirm situation and let Clerk know results. If confirmed, Clerk would notify Joplin. Mike Talley said he would need list of most delinquent accounts with detailed information before anything could be done. Barbara Welch volunteered to obtain list from City of Joplin and forward to Mike.

Gary Colson's Property on 13th: Gary Heilbrun said his 200' of sewer line was not installed with mandatory rock under sewer line. When Cris Gurubel, as building inspector, told him rock was necessary, Gary said he had contract with Mayor that waived connect fee, allowed him to cut and cross roadway and did not need to be inspected. Lisa confirmed she had waived connection fee. Connection would generate 4 meters and would be billed at new customer rate. Mayor said signed copy of contract was on file with City. There was no record that Board had approved such contract. Mike Talley said contracts were normally approved by ordinance which authorized Mayor to sign on behalf of City. He had drafted agreement per Mayor's request that was forwarded to her. Chris Ellsworth said language of agreement would determine what had to be done. Mayor said she waived connection fee because it was best for environment and for City, but connection would have to be done to Code requirements. Barbara said Cris Gurubel needed to do random sampling and, if no rock was found, Colson would need to dig line up. Chris Ellsworth said language of agreement would determine what had to be done.

Aldermen Interaction: Mayor was asked about result of Joplin Globe advertisement for police officer. She said no applications were received and ad included newspaper and monster.com as part of 5-day printed ad. Board discussed who should receive future applications for any City position. No decision was made. Mayor Daugherty was asked why she had recording device on her belt during police interviews. She stated it was not turned on during interviews. Board said no recording devices could be present during any future interviews.

Barbara asked about landowners being held responsible for usage fees if renters did not pay bill. Lisa said Joplin held landowners liable for any delinquent bills.

Public Comment: Gary Reeder, 508 Morgan Court, asked Mayor about her campaign promise to pave his road. Rocks from temporary road patch on Morgan Court kept getting thrown out onto road. Mayor said maintenance employee could sweep roadway.

Rick Gamboa, 4008 E 20th, said if sweeping rocks from roadway was maintenance employee's only job, City did not need employee.

Kerry Divine, 314 Morgan Court, appreciated elected officials' time to do job. She asked Council to consider putting in additional street lighting on Fox Fire because cul-de-sac was extremely dark. City would obtain estimate to add light to make decision.

City HAVC: Air conditioning unit went out in PD and Clerk's office on Thursday. Three bids had been received by deadline of 5 PM on Monday. Schnelle, Duquesne based business, had submitted bid for new heat and air system with 2 additional air handlers for \$3,888. Bid was for 3.5 ton Trane Condenser and 100,000 BTU furnace. Motion made by Barbara Welch, seconded by Roger Bone, to award bid to Schnelle for new

HVAC system. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

New Business: Tom Johnston's Application for Planning & Zoning Board: Mayor recommended appointment, length of term to be determined based on term expiration of current members. Motion made by Chris Ellsworth, seconded by Barbara Welch, to accept recommendation. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Hiring Board: Gary recommended Chris Ellsworth to Hiring Board, replacing Roger Bone. Motion made by Barbara Welch, seconded by Gary Heilbrun, to accept recommendation. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 16-13 Establish \$4 Convenience Fee for Online Fine Payments: Motion made by Barbara Welch, seconded by Roger Bone, to read Bill 16-13 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

From April 2015 until now, \$4 convenience had been charged by InCode for online payments made through e-commerce and would need to be refunded or applied to any balance. Court Clerk Janet Stemm said she had called Judge Elliston's other courts. None of those courts collect fees that were deposited directly into court account. Carl Junction used service that collects credit card payments and city received funds for court fines and costs only, similar to TrafficPayment.com.

Bill 16-13 was read by title only. Motion made by Barbara Welch, seconded by Roger Bone, to accept first reading of Bill 16-13 and move to second and final reading by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 16-13 was read second and final time by title only. Motion made by Roger Bone, seconded by Barbara Welch, to approve second and final reading of Bill 16-13 and adopt as Ordinance 288. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Resolution 16-05 Jasper-Newton Bi-County Hazardous Mitigation: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve resolution. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Consider Vote to Go into Closed Session (pursuant to 310.021.3 personnel matters): Motion made by Roger Bone, seconded by Barbara Welch, to go into closed session for personnel matters. Roll call was taken. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 10:05 PM, Council entered closed session with

City Attorney Mike Talley, David Weaver (head of HR), Police Chief Kitch and City Clerk.

At 10:20 PM, Council returned to open session. Mayor stated no vote was taken during closed session.

New Police Officers: Justin Pryor had completed 90-day probation. Motion made by Roger Bone, seconded by Barbara Welch, to raise Officer Pryor to \$15 per hour, effective immediately. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. April Altic and Brady Stuart were recommended by Hiring Board for full-time positions; and Thad Torix for part-time position/reserve. Motion made by Chris Ellsworth, seconded by Gary Heilbrun, to hire Brady Stuart as full-time officer at \$15 per hour. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Motion made by Roger Bone, seconded by Chris Ellsworth, to hire April Altic as full-time officer at \$14.75 per hour. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Motion made by Roger Bone, seconded by Gary Heilbrun, to hire Thad Torix as part-time reserve officer at \$13 per hour. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Other Business: KPM invoice for \$800 for earlier meeting with David Weaver and Terry Ingram. If KPM did next audit, complete review of tax penalties could be included as part of audit. David Weaver stated audits were not line item audits, but were to examine whether financial statements represented accurately and materially represent financial status of City. City could have third party review audit.

As there was no further business, motion made by Gary Heilbrun, seconded by Chris Ellsworth, to adjourn. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 10:45 PM, meeting adjourned.