

FINAL
Regular Meeting

November 12, 2018

City Council met in Regular Session at 7:00 PM on Monday, November 12, 2018. Mayor Gary Heilbrun called meeting to order. David Weaver gave invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Adam Hogan, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: none. Also present were City Attorney Mike Talley, David Weaver and approximately 5 guests.

Agenda: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve agenda as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None. Motion carried.

Public Hearings:

Proposed Ordinance amending Title IV: Land Use, Chapter 404: Zoning Regulations by adding New Section 404.087: Renewable Energy Systems

Opened at 7:03pm

Public Comments: None

Public Hearing closed at 7:03pm

Rezoning Application – A tract of property located at 3220 E. 13th from R-1 to C-1.

Opened at 7:03pm

Public Comments: Rex Robertson, Pastor at the church located at 3220 E. 13th Street addressed the council about rezoning the property from R-1 to C-1 as he plans to sell the church and that the new owner plans on converting it to office space. Attorney Mike Talley asked if this complies with the P&Z's 2008 Comprehensive Plan Land Use Map. The Council replied Yes stating that the city's future land use map shows this property as Commercial and therefore this complies with the Comprehensive Plan.

Public Hearing closed at 7:06pm

Rezoning Application – A tract of property generally located at or near the Northside of 25th Street without Duquesne Road from C-2 to M-1.

Opened at 7:06pm

Public Comments: Randy with Jasper Products and John Bolte with Small Arrow Engineering spoke to the Council. They told the council that the improvements would be screened from Duquesne Road. It was discussed that 25th Street was platted but not built and that they are not interested in opening it up, therefore it will be left alone. Attorney Mike Talley asked if this complies with the P&Z's 2008 Comprehensive Plan. The Council replied Yes stating that the city's future land use map shows this property as M-1 and therefore this complies with the Comprehensive Plan. Mayor Gary Heilbrun stated that we have not received anything back on the Storm water report.

Public Hearing closed at 7:12pm

Minutes: October 8th Regular Meeting: Motion made by Barbara Welch, seconded by Jane Baine, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None. Motion carried.

October 15th Special Meeting: Motion made by Barbara Welch, seconded by Jane Baine, to approve the minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None. Motion carried.

Financial Report and Budget Summary: Approved and filed for audit.

Bill Summary: Motion made by Adam Hogan, seconded by Chris Ellsworth, to pay bills as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None. Motion carried.

Court: October Court Report was presented. Board approved report and filed for audit.

PD Monthly Report: Chief Kitch presented. Chief reported that the traffic on 20th Street is picking up substantially. Chief asked for the council to approve the hiring of Kyle Gramley. Motion was made by Barbara Welch and seconded by Jane Baine to hire Kyle Gramley as the new police officer. Attorney Mike Talley brought it to the attention of the Council that the mayor needs to make the appointment. Motion was made by Barbara Welch, seconded by Jane Baine to resend the prior motion to hire Kyle Gramley as a new police officer. Mayor Gary Heilbrun appointed Kyle Gramley as a new hire for the Duquesne Police Department to start on 11/13/2018 at a beginning rate of \$15.00 per hour for the first 90 days with a raise to \$15.50 with health insurance after the 90 days.. Motion was made by Barbara Welch, seconded Chris Ellsworth to approve the appointment of Kyle Gramley to the Duquesne Police Department to start on 11/13/2018 at a beginning rate of \$15.00 per hour for the first 90 days with a raise to \$15.50 with health insurance after the 90 days. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None Motion carried. Chief Kitch also asked the Council to cap the amount of part-time officers to 3 as the maximum as of 11/12/2018. Motion was made by Barbara Welch, seconded by Chris Ellsworth to cap the amount of part-time officers at 3 effective

11/12/2018. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: None Motion carried.

Lot Split Approvals on 11/5/2018:

2525 S. Duquesne Road – Gary Reed: The P & Z commission had no obligations to the Lot Split. They are planning on removing the house in front for a larger front yard. The vote from P & Z was 7-0.

2424 S. Duquesne Road – Jasper Products: The P & Z commission agreed that it conformed to the future land use map. The vote from P & Z was 6-1.

New Business Licenses: Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve the three new business license applications. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Business Licenses with Alcohol Sales Renewal: One business license application with alcohol sales was considered. Motion made by Barbara Welch, seconded by Jane Baine, to approve the business license renewal application. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 18-39 Ordinance Amending Title IV: Land Use: Chapter 404: Zoning Regulations, by adding New Section 404.087: Renewable Energy Systems – Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-39 by title only.

Bill 18-39 was read by title only. Chris Ellsworth stated that in the P & Z Commission meeting that there was a 6-1 vote as George Reeve questioned some of the wording in the Bill relating to solar energy. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-39 and move to second and final reading by title only.

Bill 18-39 was read second and final time by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept second and final reading by title only of Bill 18-39 and assign Ordinance #387. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 18-40 Rezoning 3220 E. 13th St. from R-1 to C-1 – Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-40 by title only.

Bill 18-40 was read by title only. Motion made by Jane Baine, seconded by Adam Hogan, to accept first reading of Bill 18-40 and move to second and final reading by title only.

Bill 18-40 was read second and final time by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept second and final reading by title only of Bill 18-

40 and assign Ordinance #388 in accordance with the condition that it complies with what the future land use map states for the City of Duquesne. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 18-41 Rezoning a Tract of Property generally located at or near the Northside of 25th Street without Duquesne Road from C-2 to M-1. – Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-41 by title only.

Bill 18-41 was read by title only. Chris Ellsworth stated that the P & Z Commission voiced concerns about the property up to Duquesne Road but that it was passed 6-1. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-41 and move to second and final reading by title only.

Bill 18-41 was read second and final time by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept second and final reading by title only of Bill 18-41 and assign Ordinance #389 in accordance with the condition that it complies with what the future land use map states for the City of Duquesne. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 18-42 Mayor's Salary Compensation effective April 2019 – Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-42 by title only.

Bill 18-42 was read by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-42 and move to second and final reading by title only.

Bill 18-42 was read second and final time by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept second and final reading by title only of Bill 18-42 and assign Ordinance #390. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Old Business:

Update of CDBG Housing Project:

1st Round is ready for closing based on the completion of the Radon Testing. The second round will be ready to complete shortly. Copies of the Radon Testing has been sent out to the home owners as per David Weaver.

MAPS: Mayor Gary Heilbrun asked if there was anything that council wants to do at this time. Attorney Mike Talley stated that the agreement states that either side can cancel with a 60 day notice and it is his understanding that they have exercised that right to terminate. The Mayor has been contacted by outside people, riders, inquiring about the status of this situation and Mike Talley suggested to the Mayor that he needed to wait to see what the Councils' discussion was on this matter before developing a statement to make to the public or media. The Mayor stated there have been letters sent out to riders by the City of Joplin as the City started getting calls today. Attorney Mike Talley stated that there was a meeting scheduled a few months back for anyone not in agreement but we did not attend the meeting because we had signed the agreement. Attorney Mike Talley stated that the City's response to callers should state that "the City of Duquesne entered into an agreement with the City of Joplin on April 20, 2018 to provide this service. However, the City of Joplin chose to terminate that agreement and cancel the service"

Update on City Matters: The Piper Glen 2 & 3 subdivision is working on digging the sewer main shooting for 10 taps into our main and developing the roads. Chevelle Lawver stated her concern about the final plat not being filed. Attorney Mike Talley said that it had with the contingency that both sets of engineers agreed on everything. The minutes from the June 2018 meeting were pulled up and Mike Talley read from those minutes which stated this fact. There was a discussion on what needed to be done to get the final plat filed with our office so that all the paperwork is correct.

Alderman Chris Ellsworth asked Attorney Mike Talley about having a subdivision with a covenant and the builder is still building and there is a property that is violating the covenant who enforces that. Attorney Mike Talley responded stating that is a situation that is up to the developer and the owners in the subdivision. A covenant is an agreement between a developer and the people that buy within that subdivision. If there is a violation of something within that covenant it is up to the developers to enforce it, the city is not responsible to enforce the codes. The city can only step in and enforce something that has been done within the subdivision only if it has violated our city codes.

Aldermen Interaction: Alderman Welch brought it up to the Council of two possible Grants that will be coming available in December – the first is the Land and Water Conservation Grant which is a 50% match and the second one is a Recreational Trails Program Grant which is a 20% match. She asked that the City Clerk, Melody Cundiff send out information to the council for consideration and discussion at the December meeting. She would like to know what the city feels that they can afford.

City Clerk, Melody Cundiff stated to the Council that she heard from General Code and we are still on target for getting our code book in November. She stated that she was told

that they were working on the Draft and they plan on shipping it to the City by the end of November

Public Comment: Rick Gamboa, 4005 E. 20th asked the Council about citation issues based on city ordinances. He wants to know the process of issuing a citation for a nuisance violation. Attorney Mike Talley stated that we have the option to send them a written citation with a fine with the stipulation that they have a certain amount of time to eliminate the nuisance to avoid a fine.

New Business:

New Outdoor Sign Bids: Mayor Gary Heilbrun asked the Council if they wanted to act on any of the 3 bids that were presented to the Council. Alderman Barbara Welch stated she felt it was a good idea. City Attorney Mike Talley asked if the City of Carl Junction or the City of Joplin had a digital sign and the response was that neither Carl Junction nor Joplin had digital signs. The Council decided that for the purposes of the city, these type of signs are not functional for the city at this time.

P & Z Appointment: Mayor Gary Heilbrun stated that Steven Williams has asked to be reappointed to P & Z. Mayor Gary Heilbrun made the appointment of Steven Williams to the P & Z Commission effective 11/12/2018 for a 4 year term expiring 11/12/2022. Motion made by Chris Ellsworth, seconded by Adam Hogan to accept the Mayor's appointment of Steven Williams to the P & Z Commission Board. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None Motion carried.

Update on Commissions and Committees: Chris Ellsworth stated that they expect a resignation on one member on the P & Z Commission at the December meeting.

Other Business Deemed Necessary: None

As there was no further business, motion made by Barbara Welch, seconded by Jane Baine, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 9:02 PM, meeting adjourned.