

FINAL  
Regular Meeting

November 14, 2016

City Council met in Regular Session on Monday, November 14, 2016, at 7:00 PM. Mayor Lisa Daugherty called meeting to order and gave invocation.

Roll call was taken. Present were Aldermen Gary Heilbrun, Barbara Welch, Chris Ellsworth, Roger Bone and Mayor Lisa Daugherty. Also present were City Attorney Mike Talley, David Weaver and 17 guests.

**Agenda:** Alderman Heilbrun requested to remove Gary Colson from the agenda. Motion made by Barbara Welch, seconded by Gary Heilbrun, to approve agenda as modified. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

**Public Hearings:**

- Public Hearing opened at 7:03pm
  - Rezoning of 4110 E. 20<sup>th</sup> Street from R-1 Residential to R-4 Planned Unit Development District

Alderman Ellsworth shared the results of the P&Z Public Hearing. The Commission vote was tied and broken by Ray Brown in favor of recommending the Rezoning.

Public comments:

Dan Mitchell of Schuber Mitchell Homes made a presentation about proposed development. He stated they had a public meeting the previous week at Sami's with citizens of Duquesne and used that discussion along with concerns expressed at the P&Z Meeting to try to adapt their plan to be good neighbors. Dan went through a slideshow on the tv providing examples of homes and similar neighborhoods. Minimum lot width will be 65' (120' deep), but there will be lots that are larger. They are adding a 6' privacy fence around the acreage. There will be two exits. One exits onto 20<sup>th</sup> Street, the other onto South Duquesne. Will only be single-family units of 1400 sqft and up. They will all be 4-sided brick and masonry. He stated that a neighbor suggested a sunset clause in the case that their plan changes, the zoning reverts back to R1. Development has the potential to increase the city population by about 10%, means we will pay down the sewer loans quicker. Dan Mitchell stated they have a contract with the property owner for the easement. Mayor Daugherty questioned if the sewer pipe was sufficient for the development. Jerrod Hogan of Anderson Engineering stated they the sewer pipes are more than sufficient to meet the needs of the plan. Mayor Daugherty questioned the lot width requirements per City Code. City Attorney, Mike Talley stated that for R4 zoning, there is no requirement for lot width. There is a 2000 sqft lot requirement. Mike asked Dan if he would be open to the city adding a contingency to the ordinance that the rezoning not take place until the final sub-division plat is approved by the City. Mr. Mitchell agreed that was reasonable and stated he was willing to additionally file sufficient

covenants for the project. The ordinance would state the covenants and final plat approval would be required for the R4 zoning.

Mickey Sherman stated there's entirely too many homes. She felt that Duquesne is about their bigger lots and the wide open skies and this development is not in line with that. Mayor Daugherty asked her why the other P&Z member voted no, Mickey stated she could not speak for him.

Bill Sherman stated several residents have had stormwater issues when there's been development around the area. Where will the system empty out and how will it impact the surrounding areas. Jerrod Hogan stated they do not have all of those answers yet, but if the ordinance is passed, they will have to submit their plan to our City Engineer for approval along with the city. Mayor Daugherty stated they will also need a DNR permit since they will be disturbing more than 1 acre which will also address stormwater issues.

Van Benson stated he owns an adjoining piece of land that he hopes to develop commercially. One of the biggest concerns for businesses is the amount of rooftops and residences in the area. He thinks it would be a wonderful addition to the community and would increase property values around it.

David Weaver stated two challenges our city is facing are a loss of 20-30 homes that were not rebuilt after the tornado, so we are not generating sewer revenue. Additionally, the state senate passed a bill to limit police department revenues to 20% of the general restricted funds. With no property taxes, how can we give our police officers raises in a declining revenue situation? Rooftops bring retail. This development will bring revenue into the City. Long range, we do need to look at how we can encourage residential development whether it's this plan or not.

Val Carter (4101 E 20<sup>th</sup> street). He lives across the street from the proposed development. Mr. Carter is comfortable with this development and likes the setup. He is the one who brought up the idea of reverting back to R-1 zoning if they decide to sell the land. Street lighting was also a concern because of the beautiful night skies. He has been assured that will not be a problem. Empire has lights to reduce light pollution.

Rick Gamboa (4005 E 20<sup>th</sup> Street) stated he was originally undecided, but has changed his mind. Mr. Gamboa asked board to consider what happens if they deny the rezoning request. He asked about the pricing of the homes. Mr. Mitchell stated average is \$171k. Will be close to the school and homes will sell well due to that fact. Rick believes in the long run it will benefit the city.

Betty Wilson (4511 E. 24<sup>th</sup> Street) stated she recently moved back to Duquesne. She has wondered why we didn't have a development like this – more like garden homes with smaller lots and a safe neighborhood.

Clarence Clark is building a home in Duquesne and recently opened a shop here. He believes the future is going to smaller homes will less maintenance.

Mickey Sherman asked Chief Kitch if we would have to add additional police officers due to adding this many homes. Chief Kitch stated that we would not.

Susan Brown (4220 E 20<sup>th</sup> Street) stated she originally had a negative mindset. The dynamics of the neighborhood have changed. People aren't buying big lots of acreage and building big fancy homes on them anymore. There is a lot of land available around the area. This is the kind of neighborhood they would want here. Appreciated that Schuber Mitchell has listened to concerns of residents. She thinks their reputation speaks for itself.

Public Hearing closed at 8:07pm

**Minutes:** October 17 Regular Meeting: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth. Nays: Bone. Motion carried.

October 17 Closed Meeting: Motion made by Barbara Welch, seconded by Gary Heilbrun, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

**Financial Report and Budget Summary:** Board approved reports and filed for audit.

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

**Police Report:** Chief Kitch presented report. Mayor Daugherty asked Chief Kitch if he will provide his report in the council packet next month. She additionally asked about the LEST grant. Chief Kitch stated he hoped to use the grant toward a new vehicle.

**Bill Summary:** Mayor Daugherty asked for an update on the Garman bills for Allgeier Martin. City Clerk Brandi Miller stated that Aaron Garman requested at the last council meeting to be provided with more information on how the stormwater charges originated. Brandi was provided with email correspondence from Allgeier Martin between them and Sonny Garman as well as their engineer with Anderson. Aaron requested I forward that correspondence to Sonny, but I have not heard back from them. Mayor Daugherty requested all bills be paid except the two for Garman with Allgeier Martin. Motion made by Chris Ellsworth, seconded by Roger Bone, to pay bills as amended. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

**Business Licenses:** Two applications were presented: Silhouette Signs & More. Gary Heilbrun asked if they will have to pave their lot. Mike Talley stated he was unable to

answer at that moment. He asked the business owners if they understood that they may have to pave their lot to run their business. Motion made by Chris Ellsworth, seconded by Barbara Welch to approve business license application for Silhouette Signs & More. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Boutique 714 LLC, Motion made by Roger Bone, seconded by Barbara Welch to approve business license application for Boutique 714 LLC. Ayes, Aldermen Heilbrun, Welch, Bone. Nays: Alderman Ellsworth. Motion carried.

**Bill 16-43** Amending Zoning District Map to rezone 4110 E. 20<sup>th</sup> Street from R-1 to R-4: City Attorney Mike Talley stated that we could take a short recess to make the necessary changes to the Ordinance if that's what Schuber Mitchell wanted us to do. Mayor Daugherty polled the board, all Aldermen were in favor of passing the Ordinance with the suggested changes. Mike asked Dan Mitchell if he would like us to move forward with the amended ordinance as discussed, and he stated yes. Took a five minute recess.

Motion made by Chris Ellsworth, seconded by Barbara Welch, to amend bill 16-43 to include contingencies for R-4 zoning. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Motion made by Barbara Welch, seconded by Gary Heilbrun, to read amended Bill 16-43 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 16-43 was read by title only. Mike Talley pointed out the wording in Section 2. He stated he had reviewed with Dan Mitchell. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 16-43 and move to second and final reading by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 16-43 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 16-43 and adopt as Ordinance 318. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

**Old Business:** Update on FEMA/SEMA: David Weaver stated we are still waiting on our 2<sup>nd</sup> appeal.

Update on Road Project: David Weaver stated he has not heard anything since the previous meeting, and asked if anyone else knew of an update. Alderman Ellsworth stated they had seeded and sprayed. Alderman Bone stated they had done some clean up.

Other City Matters: Alderman Welch stated she was going to Allgeier Martin regarding the stormwater plan for the Memorial Park. She is hoping to get them to donate their time toward the park. Mayor Daugherty felt we should wait until we have some funding before seeking the plan. Alderman Ellsworth felt asking for them to donate time is a good idea. David Weaver stated there's an update on the housing project. Six houses are under construction, 5 more are pending. One home had some issues with funding and are being given 30 days to get it resolved or they will have to wait a year to reapply.

Outsourcing Payroll: City Clerk Brandi Miller stated we ran into a problem running the monthly payroll checks with the last payroll of the month due to having two different check dates. Brandi asked if these three employees have to be paid once a month. We have two other salary employees who are paid bi-weekly. She asked to change all employees to bi-weekly payroll effective December 2016. Motion made by Chris Ellsworth, seconded by Barbara Welch, to move all employees to bi-weekly payroll. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Update on Fire Hydrants: First Hydrant at 7<sup>th</sup> and Duquesne has been installed. Mayor Daugherty questioned having to pass an ordinance to add a line item to the budget for the hydrants. Mike Talley stated that we can add it to the budget at any time, does not have to be now. David Weaver stated that he does not want to add another line item to the budget. At the end of the year, we can amend the budget as necessary.

**Alderman Interaction:** Alderman Heilbrun received the list of surplus items to be sold by auction. Mayor Daugherty asked if we should use sealed bids. Alderman Ellsworth asked if we could hold an auction ourselves. We will take sealed bids for two weeks and advertise on the City Hall sign, Facebook page, and Website. David Weaver asked about the website password. It is not currently working. Brandi Miller will get with Sgt. White. Gary Heilbrun brought up some letters from the IRS regarding the first quarter of this year. He made a 6-page document that will be available for open records request and titled it BR549. Mayor Daugherty asked if the corresponding emails would be included.

**Public Comment:** None.

**New Business:** P&Z Application, Steven Williams, Mayor Daugherty submitted for approval. Motion made by Chris Ellsworth, Seconded by Roger Bone, to accept application and assign term at next P&Z Meeting. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Redwood Apartments Sewer: Aldermen Heilbrun asked if they are supposed to be paying on our sewer. Mayor Daugherty stated she wasn't involved and she does not know what's going on with it. Alderman Heilbrun asked if Mayor Daugherty was going to check into it. Mayor Daugherty stated she is not the sewer superintendent. Alderman Welch asked City Clerk to check spreadsheets to see if we are receiving payments.

Signing Checks: Mayor Daugherty stated she was waiting on a response from Mike Talley regarding her spending limit. Mike stated the resolution passed to limit her spending without council approval. Lisa can sign checks over \$250 if they have been approved by the council. This includes prepaid bills that have been approved by the board and payroll checks.

MS4: Mayor Daugherty stated we had a meeting with DNR and Allgeier Martin the previous week. Sarah with Allgeier Martin is working on updating our SWMP. We are expecting a new permit by the beginning of the year. She passed out a letter that she had submitted to the DNR. We were missing a 2<sup>nd</sup> page to our inspections regarding stormwater. Cris can get some training in Webb City. Sarah with AMA stated it would take about a workweek to update our SWMP and she hoped to be done next month. Brandi has been directed to keep a file box for anything related to the MS4 permit. We will not have to worry about previous years, must be in compliance going forward. David asked if the inspection form is more residential or commercial. Lisa said she could ask.

Mayor Daugherty shared a letter from Kerry Divine thanking the city for allowing them to use City Hall as a polling place.

Consider Vote to Go into Closed Session (pursuant to RsMo 610.021(3) personnel): Motion made by Barbara Welch, seconded by Gary Heilbrun, to go into closed session for personnel. Roll call was taken. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 9:51 PM, Council entered closed session with City Attorney Mike Talley, David Weaver and City Clerk.

Consider Vote to Go into Closed Session (pursuant to RsMo 610.021(1) litigation): Motion made by Barbara Welch, seconded by Chris Ellsworth, to go into closed session for litigation. Roll call was taken. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. Immediately following the first closed session, Council entered closed session with City Attorney Mike Talley, David Weaver and City Clerk.

At 10:48 PM, Council returned to open session. Mayor stated no vote was taken during closed session.

**Other Business:** Motion made by Barbara Welch, seconded by Roger Bone, to hire Flo Dempsey full-time as Assistant City Clerk as of November 15<sup>th</sup> to train and assist City Clerk during anticipated maternity leave. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

As there was no further business, motion made by Barbara Welch, seconded by Roger Bone, to adjourn. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 10:50PM, meeting adjourned.