

**DUQUESNE BOARD OF ALDERMEN
NOVEMBER 9, 2020 MEETING MINUTES**

CALL TO ORDER The regular meeting for the Duquesne Board of Aldermen was called to order at 6 p.m. by Mayor Gary Heilbrun.

ROLL CALL Answering Roll Call were Aldermen Jane Baine, Becca White, Rick Gamboa, Chris Ellsworth and Mayor Gary Heilbrun. Also in attendance was 5 Guests.

PLEDGE OF ALLEGIANCE to the United States of America was led by Mayor Gary Heilbrun.

INVOCATION was read by City Clerk Melody Cundiff.

AGENDA Motion made by Jane Baine, seconded by Becca White to approve the agenda as presented. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

MINUTES Motion made by Jane Baine, seconded by Becca White to approve the October 12, 2020 regular meeting minutes as stated. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

FINANCIAL REPORT Approved and filed for Audit

BILL SUMMARY Motion made by Jane Baine, seconded by Becca White to approve payment of the bills as presented. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

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

POLICE DEPARTMENT MONTHLY REPORT Police Report was presented to the Board by Chief Tommy Kitch. Chief Kitch stated that the new toilet would be coming in on Wednesday. Mayor Gary Heilbrun gave Chief Kitch a list of numbers that he stated needed to go into the police cell phones as calls from these numbers need to be answered. Mayor Gary Heilbrun requested an inventory on everything in the police department be done and presented to the Mayor.

BILL 20-38: ORDINANCE ESTABLISHING SALARY FOR MAYOR BEGINNING AFTER APRIL 2021 ELECTION

Motion made by Jane Baine, seconded by Becca White, to place Bill 20-38 on first reading by title only.

Discussion: Chris Ellsworth requested that the Bill be amended to state \$1,000 per month instead of the \$500 per month. All four Aldermen agreed with this request for the amended amount.

Motion made by Jane Baine, seconded by Becca White to place the amended Bill 20-38 on second reading by title only stating the new salary of \$1,000.

Motion made by Jane Baine, seconded by Rick Gamboa to accept the second and final reading of amended Bill 20-38 and assign Ordinance #451. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

BILL 20-41: BUILDING AND CONSTRUCTION CHAPTER 500, PARKING LOT FEES

Motion made by Jane Baine, seconded by Becca White, to place Bill 20-41 on first reading by title only.

Discussion: Chevelle Lawver stated that in the Spring we passed an ordinance for parking lots where people would need to pay \$50 for commercial lots with 10 lots or less but we still had the \$500 fee for anything over 10. She felt this needed to be addressed because it was extreme if for those businesses and with this it addresses the fact that for 10 or less it is a smaller fee and adjusts according to the number of lots they plan on having. This new ordinance would base their cost on their building costs not the number of spaces with the smallest fee would be \$50 with a \$60 inspection fee.

Motion made by Jane Baine, seconded by Becca White to place Bill 20-41 on second reading by title only.

Motion made by Jane Baine, seconded by Becca White, to accept the second and final reading of Bill 20-41 and assign Ordinance #452. Voting in favor were Baine, White, Ellsworth and Gamboa. Nays: None. Motion carried.

OLD BUSINESS:

SCHUBER MITCHELL PIPER GLEN #3 Mayor Heilbrun asked Chevelle Lawver to speak on this. She told the Board that the final plat had been finalized and recorded. The covenant and stormwater maintenance agreement have both been signed and also filed. The city has not received the maintenance bond yet.

UPDATE OF CITY MATTERS Mayor Heilbrun stated that 21 hydrants will be placed on Beacon but all have been identified but not recorded. There are 10 street lights to get repaired. The Mayor also shared with the Board at the paperwork on the Esther Elliott property has been filed.

The Mayor told the Board that some of the CDBG project paperwork as far as the regulatory agreements were not filed correctly and with that being said not all reimbursements may be able to be collected if they close before the end of the 5 years.

There has been some sewer issues in Schuber Mitchell area. Chevelle Lawver received the first call back on September 29th from a resident at who was having some black stuff coming out of his manhole that is located on his property at 2051 Addis Peace Lane and stated that it smelled like sewer and that his neighbors' manhole seemed to be having some issues with his manhole as well. The Joplin crew and Land Development who put in the sewer mains were there when the Mayor and Chevelle got there and they took the grinder down on of the mains which got stuck and that took some time to get back out. They then sent it down another line and pulled back several large rocks and construction debris. The second call was in October 22nd that a resident at 4411 E. 20th. The sewer mains come up Addis Peace Lane and go over east through Piper Glen then goes across the street under 20th and then heads back east then turns and heads north. This second property is basically downstream from Piper Glen Development. They had an overflow which was significant. The Joplin crew was called back in. Unfortunately the property was pretty wet they had difficulty getting the truck in to where the main overflow was coming. The was overwhelming enough to where the manhole had not come off but it was fountaining enough that it was lifting the manhole up. All of this created a pond in that area and flowed into another property creating a much larger pond. Joplin ended up coming in the back way in order to grind that line which pulled back rocks very similar in size to the ones pulled out in Piper Glen 2. This has now dried up and we had to report this to DNR and Joplin had to report it to DNR. DNR is stating that we need to get it limed which we have a bid on and we have to report back to DNR once we get it limed. The manhole talked about lies in a low area which allows it to get flooded over. Chevelle and the Mayor talked about the need to raise a manhole 2 foot to get it out of being ground level so it is not taking in water and creating a more serious issue. They have one bid of \$2,100 to raise the manhole.

We are also concerned because we don't want this to be a continuing issue so we have a rough estimate on what it would cost to take a camera down some of the main areas over there to see what that line looks like and that bid is approximately \$5,000 and it might be covered by the 2 year maintenance bond with Schuber Mitchell. Mayor Heilbrun stated that they will need to brush hog this area once a year and we are asking for bids to have this done as well.

Motion made by Rick Gamboa, seconded by Becca White to spend up to \$5,500 on an independent contractor for the use of a camera for the sewer issues. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

Motion made by Rick Gamboa, seconded by Becca White to spend up to \$2,200 to raise the manhole 2 feet and spread lime. Voting in favor were Baine, White, Gamboa, and Ellsworth. Nays: None. Motion carried.

Chevelle Lawver also let the Board know that the City had an audit for the MS4 permit it has been completed and compliant for the MS4 permit and MCM 1 & 2.

ALDERMAN INTERACTION Alderman Jane Baine asked if there was any way to predict the average of internet sates in the future. It was brought up about the posting of the business licenses on the website. Mayor replied stating that he asked the City Clerk to remove it off the website because no other cities has theirs posted. Alderman Rick Gamboa asked if the police department could at least have access to the list. Alderman Becca White asked why there can't be a Google Doc available to the police department and Board, just because other cities don't do it does not mean we can't do it. Alderman Chris Ellsworth spoke up and said he was in favor of publishing it.

Motion made by Rick Gamboa, seconded by Becca White to give access to the police department and Board in Google Docs for licenses and permits. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

Alderman Rick Gamboa asked about the job description for Chevelle Lawver and what the projected date was. He also stated that we need an organizational chart. Alderman Becca White added that without having this it makes it harder to decide the job duties. Alderman Becca White asked for a time limit for job description. Chevelle Lawver stated that the city would need to have the City Attorney involved in this as well. Alderman Rick Gamboa offered to help the Mayor work up the job descriptions. It was stated that the Board should have it by the December meeting unless notified otherwise.

PUBLIC COMMENTS Janet Stemm, Court Clerk spoke to the Board. She shared with them a letter explaining that the Missouri Supreme Court tells her what she is to do in her position. Janet said that according to the Municipal Clerks handbook chapter one on administrative procedures, that there are three branches of government, the judicial, executive and legislative and each are distinctive departments. Last month she spoke to the board about a sign for the Prosecuting Attorney and it have been received to be used on Court days fitting over the City Office sign. She would like to have it accepted and placed in the minutes so it can be used on the next court day. Motion made by Rick Gamboa, seconded by Jane Baine to use the sign on court days. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: none. Motion carried.

Janet also stated that the court area should be separate from other areas and not accessed except by court personnel according to the Missouri Supreme Court section 479.060.1, Court business should only be done in this designated area separated from all other city business and signage must be placed there for identification so business can be handled by the court personnel. She also stated that the SCR 37

states that it should be in a location that does not have access to the general public. The Court is requesting that the Board give their approval that court business to be handled in the court office and so state in the minutes that there will be written documentation of this acceptance. Mayor Gary Heilbrun stated that plastic barriers were placed on the windows for protection so our employees don't have to have people spit on them so he asked them to think about what this would do to the other employees forcing them to stand out behind the table instead of behind the plastic which defeats the purpose of why it was placed there in the first place. Janet went one to state that she is requesting that no one is in there except when doing court business. Alderman Becca White asked why the city business could not be done at the window that is located in the city office. The mayor responded by saying that would bring them further into the building. Alderman White then asked if it would be possible to have the north door open for easier accessibility for city business and the west door for court business. Court clerk Janet Stemm also requested that the plastic be removed from the windows as having it up there makes it harder to hear. The court clerk did state that we have to be in compliance with the Missouri Supreme Court rules. Motion made by Becca White, seconded by Rick Gamboa to have court business only handled in the Court Clerk's office. Voting in favor were Baine, White, Gamboa or Ellsworth. Nays: none. Motion carried.

Janet told the Board that she spoke to OSCA about the segregation of duties and she was asked to speak to the judge who will talk to the presiding judge in order to fill out the Show Me Courts user spreadsheet. The gal at OSCA felt that since we have a procedure in place now where Melody can look up the cases, take money when Janet is not here and assist on Court day then Janet enters into InCode that seemed to be advisable to still do with the SMC program but Janet will still need to talk with the Judge about this. MOS #7 where is talks about courts clerks and other non-judicial personnel when doing court related functions under the supervision and direction of the Municipal Judge the circuit clerk will be a division of the judicial branch as to the work to be performed and done. In the City Ordinance the City Clerks duties includes that she is to act as an assistant clerk to Municipal Court and she is also to act as the City Treasurer. In the handbook again chapter 4, it notes where there is one clerk the Municipal Judge may nominate one non-court personnel such as the finance director or treasurer to be a second signature on checks as long as there is no conflict of interest.

Court Clerk Janet Stemm stated that the biggest hurdle at this point will be the financials until we get to that point at the end of the month. There is a class at the end of the month that they are going to have that will run us through the procedure to close out the court. It is still very much a learning thing.

Alderman Becca White asked about the printer wondering if it had been ordered for the Show Me Court system since that was approved at the September meeting. Mayor Gary Heilbrun stated that he refuses to sign for it because there is no reason why we should be spending that money and he said that Chris can sign it if the Board wants it purchased.

Bill Sherman, 825 S. Duquesne Road spoke to the Board and volunteered to assist Rick Gamboa with the job descriptions. He stated that he has been in the position to work on things like this. He believes this thing is something that should be looked at and said there was probably some sort of a job description when Chevelle was hire. She responded by saying that she did not receive an official job description.

NEW BUSINESS:

DQPD ACTIVITIES COMMITTEE HOLIDAY LIGHTS Alderman Becca White spoke to the Board stating that the committee met October 21st and was trying to think of something to do for the community at this time of year. The idea of a Holiday Lights competition was decided upon. All Seasons Signs has offered to donate the yard signs for the event. It was discussed to charge a participation fee but it was brought

up with other Board members that this issue of a fee would need to be discussed with the City Attorney. Alderman Becca White went on to say that the committee is still working a planning a Spring Fling if at all possible. For the Holiday Lights judging committee it would be people from the area. The only possible cost would be a plaque for the business winner which would come out of the Activities Fund. Motion made by Rick Gamboa, seconded by Chris Ellsworth to approve the Holiday Lights Competition with the stipulation of speaking with the City Attorney on a couple of issues. Voting in favor were Baine, White, Gamboa, and Ellsworth. Nays: None. Motion carried.

PARK GRANT Alderman Rick Gamboa spoke to the Board letting them know that the City has received the RTP grant as well as a \$5,000 grant. He went on to say that with these grants, everything purchased needs to be American made. Alderman Gamboa stated that we need permission to use some of the money set aside in the Park Fund and the Community Fund without coming to the Board every time we need to do something so we need permission to do that and use that money and have Gary sign off on it. Alderman Gamboa also went on to say that before we can buy any pavilions and such we need to know what size gauge the steel supports are so the Park Committee needs to have Allgeier Martin add on the concrete pads to the drawings which is an additional engineering cost. Mayor Gary Heilbrun stated that he had spoken to City Attorney Mike Talley on this issue and that the committee would need to get bids which will then need to go through the Board. Motion made by Jane Baine, seconded by Chris Ellsworth to spend up to \$4,000 for Allgeier Martin's additional engineering fees and for it to be taken out of the Community Fund. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

UPDATE OF COMMISSIONS AND COMMITTEES Alderman Chris Ellsworth told the Board that there was not a P & Z meeting in November and that the next meeting will be December 7, 2020 at 7 pm. Alderman Becca White stated that the next Activities Committee meeting will be November 11, 2020 at 11:30 am.

RESOLUTION 20-14 ASSIGNING ADDRESSES FOR PIPER GLEN #3

Motion made by Jane Baine, seconded by Rick Gamboa to accept Resolution 20-14 as presented. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

RESOLUTION 20-15 REASSIGNING ADDRESS FROM 2401 SUNSHINE TO 4502 E. 24th ST.

Motion made by Jane Baine, seconded by Chris Ellsworth to accept Resolution 20-15 as presented. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

OTHER BUSINESS DEEMED NECESSARY Alderman Chris Ellsworth stated that there is still no light from Empire and he was told that Liberty was putting in the work order.

SCHEDULE NEXT MEETING DATE AND TIME The December meeting will be December 14, 2020 at 6pm. Motion made by Becca White, seconded by Chris Ellsworth to approve the date and time of the December meeting. Voting in favor were Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried.

There was no further business, a motion was made by Becca White, seconded by Jane Baine to adjourn the meeting. Voting in favor was Baine, White, Gamboa and Ellsworth. Nays: None. Motion carried. Meeting adjourned at 8:15 p.m.