

Board of Aldermen opened Regular Session at 7:00 PM on Monday, September 14, 2015. Mayor Lisa Daugherty called meeting to order.

Roll Call: Present were Aldermen Chris Ellsworth, Gary Heilbrun, Barbara Welch, and Roger Bone. Absent: None. Also present were Mayor Lisa Daugherty, City Attorney Mike Talley, David Weaver, Chief Kitch and approximately 25 guests.

Alderman Heilbrun asked to move his agenda items out of closed session and put into open session. City Attorney Talley stated that to do this he would have to be careful as to what was said and how things were stated.

Motion made by Alderman Heilbrun, seconded by Alderman Ellsworth to amend the agenda to add a discussion about surveillance at City Hall to be put under new business. Ayes: Alderman Ellsworth, Welch, Bone, Heilbrun. Nays: None. Motion carried.

Motion made by Alderman Heilbrun, seconded by Alderman Ellsworth to amend the agenda to add a discussion about the position occupied by David Weaver to be put under new business. Ayes: Alderman Ellsworth, Welch, Bone, Heilbrun. Nays: None. Motion carried.

Motion made by Alderman Heilbrun, seconded by Alderman Ellsworth to amend the agenda to add a discussion about the retention of 3rd party attorneys to be put under new business. Ayes: Alderman Ellsworth, Welch, Bone, Heilbrun. Nays: None. Motion carried.

Motion made by Alderman Heilbrun, seconded by Alderman Ellsworth to amend the agenda to add PD report to be put under new business. Ayes: Alderman Ellsworth, Welch, Bone, Heilbrun. Nays: None. Motion carried.

Agenda: Motion made by Alderman Heilbrun, seconded by Alderman Welch, to approve amend agenda. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Mayor Daugherty appointed Brennan Pinyan to the Planning and Zoning Commission.

Motion made by Alderman Ellsworth, seconded by Alderman Heilbrun to accept the appointment of Brennan Pinyan to the P&Z. Ayes: Alderman Ellsworth, Welch, Bone, Heilbrun. Nays: None. Motion carried.

Public Hearing: Amending Ordinance No. 200, Which allowed lot splits and minor subdivisions pursuant to section 420.070 in the event that the use of the property prior to the May 22, 2011 tornado constituted a legal non-conforming use which would have required - had it not been a legal non-conforming use – a lot split or minor subdivision, to require that application for any such lot split or minor subdivision be made within three (3) months of the passage of this ordinance.

Public Hearing opened at 7:19

Public Comments:

Arnold Terry

1705 Melissa Terry Lane

Mr. Terry would like to get his lot split, to bring his property up to conforming. He does not like the time limit that is being given.

As there were no more public comments, Mayor Daugherty closed the hearing at 7:26 PM.

Minutes: Motion made by Alderman Bone, seconded by Alderman Heilbrun to approve August regular meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Welch, seconded by Alderman Heilbrun to approve August closed meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Ellsworth, seconded by Alderman Welch to approve August special meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Financial Report & Budget Summary: August financial report was presented. As there were no changes or corrections, report was approved and filed for audit.

Court Report: August court report was presented. As there were no changes or corrections, report was approved and filed for audit.

Alderman Welch asked why are the revenues for court down? Mayor Daugherty stated that the police department is shorthanded, and the Chief has not had the time to get with the hiring board yet.

Terry Slinkard
5325 E. 24th

Mr. Slinkard is wanting to know if he is in Duquesne city limits. When he bought his property he was always told that he is in County not Duquesne. He went to title a new vehicle and was told that he is in Duquesne. If he is in the City, he would like to enjoy the benefits that city residents enjoy. City Attorney Mike Talley stated that we need to find documentation that shows that he is in Duquesne.

Bill 15-08, Ordinance No. 262: Veto
Motion made by Alderman Bone, seconded by Alderman Ellsworth for shall the bill pass, the objections of the mayor notwithstanding. Ayes: None Nays: Aldermen Ellsworth, Welch, Bone, Heilbrun. Motion does not carried. Veto stands

Board of Alderman: Stephen and Joy Cole – 4010 E. 24th (setback on side)
Donna Crampton
2415 S. Duquesne Rd.

Ms. Crampton is concerned that if there were a fire in the garage, it would catch her shed on fire. Her property line is very close to where the Cole's are wanting to build their shed. She stated that if we wave the ordinance for the Cole's then more people will want variances.

Alderman Ellsworth stated that the P&Z voted to approve the variance. Although during that meeting there was no objection from anyone.

Motion made by Alderman Bone, seconded by Alderman Ellsworth to approve the variance. Ayes: Aldermen Ellsworth, Welch, Bone. Nays: none. Abstained: Alderman Heilbrun, due to his property being within 175 of the property. Motion carried.

Bill 15-12: An Ordinance Amending Ordinance No.200, Passed by the Board of Aldermen on October 8, 2012, which Allowed Lot Splits and Minor Subdivisions Pursuant to Section 420.070 in the Event That the Use of the Property Prior to the May 22, 2011 Tornado Constituted a Legal Non-Conforming Use Which Would Have Required – Had it Not Been a Legal Non-Conforming Use – A Lot Split or Minor Subdivision, to Require that application for any such lot split or Minor Subdivision be Made Within Three (3) Months of the Passage of This Ordinance.

Motion made by Alderman Bone, seconded by Alderman Welch to have 1st reading of Bill No. 15-12 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Ellsworth, seconded by Alderman Welch to have 2nd reading of Bill No. 15-12 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Welch to accept Bill 15-12 and for it to become Ordinance 264. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Purchase Resolution 15-03

Motion made by Alderman Welch, seconded by Alderman Heilbrun to table until next meeting. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Old Business:

Update on City Matters

CDBG Housing Grant: The city received two bids for Grant Administrator. The bids were from Harry S. Truman and BLB & Associates. The Board will be reviewing the two applicants during a special meeting on September 16, 2015.

There is a street in Duquesne called Johnson Court it is a private drive and the owner would like for the Street grant fix his street. CDBG will not fix this street because it is a private drive, it is the owners responsibility to fix his private drive.

Update on Odor From Nearby Manufacturers

Alderman Heilbrun has driven around several times and stated that the odor has not been as bad since they have been treating it.

Update on School Crosswalk

The crosswalk has been painted and signs ordered. The city is looking into the possibility of a soft trail to go from the roundabout to the school on 20th St. Chief Kitch is to go speak with property owners about allowing easements for this trail.

Public Comments

Frank Herron

3853 E. 20th

Mr. Herron wanted to know where the sidewalks on 20th St. may go, from where to where. The answer is that a soft trail is being discussed to be placed from the roundabout to the school.

New Business

Business License: Joplin Shrine Club

Motion made by Alderman Welch, seconded by Alderman Heilbrun to approve business license. Ayes: Aldermen Welch, Bone, Heilbrun. Nays: Alderman Ellsworth. Motion carried.

Joplin Humane Society

There was a discussion about whether or not the city should have a contract with the Joplin Humane Society. Duquesne does not have an animal control person, so we need some place to take stray animals. The question is will residents get charged if the city does not sign the contract. The board made the decision to not sign the contract.

Selection of Grant Administrator for CDBG Housing:

Selection of Grant Administrator is tabled to Wednesday the 16th meeting.

Barbara Welch: Duquesne Memorial Park

Alderman Welch stated that drawings of the proposed park are at City Hall. There is a note pad next to the plans for any suggestions residents may have. The City is looking for donations to help fund this project.

Bill 15-13: Appointment of New Officers

Motion made by Alderman Bone, seconded by Alderman Welch to have 1st reading of Bill No. 15-13 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to amend Bill No. 15-13 to appoint Gary Heilbrun as Street Commissioner and Police Commissioner. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to have 2nd reading of amended Bill No. 15-13 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Welch to have 3rd reading of amended Bill No. 15-13 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to accept Bill 15-13 and for it to become Ordinance 265. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Elect City Clerk:

Motion made by Alderman Bone, seconded by Alderman Heilbrun to elect Gina Taylor as City Clerk for an unspecified term. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

PD Report:

Police vehicle 811 is having a steering problem that need fixed. The estimated cost is \$2146.00 by Carthage Chrysler.

Motion made by Alderman Bone, seconded by Alderman Welch to have Carthage Chrysler fix a police car 811. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Vehicle 812 had a fuel pump replaced.

Officer Box is through training and is out patrolling.

Vehicle 812 had a fuel pump replaced.

Vehicle 813 has been striped per Mayor Daugherty.

Vehicle 814 needs new tires.

Officer Box is through training and is out patrolling.

The Chief has requested that the Tahoe get a light bar now that it is striped.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to get a light bar for the Tahoe up to \$2000.00. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Mayor Daugherty would like to get commission cards signed, as according to city ordinance and state statue the Mayor shall sign commission cards. The card should have a picture, oath, and an expiration date.

Surveillance at City Hall:

Alderman Welch stated that the city needed a policy on surveillance.

Motion made by Alderman Bone, seconded by Alderman Ellsworth to disable the audio recording. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

3rd Party Attorney Retention:

Alderman Heilbrun stated that when the city hires a 3rd party attorney, they should only be used for the reason that they were retained for.

Position currently held by David Weaver:

Alderman Heilbrun proposes that we change the contract to include other duties.

Mayor Daugherty stated the Mr. Weaver's contract has ended. If the city continues to keep Mr. Weaver, then we need to decide if he will be 1099 or W9.

A contract will be presented at the next board meeting.

Bill Summary:

Motion made by Alderman Ellsworth, seconded by Alderman Welch to pay bills excluding the Joplin Chamber invoice. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Reports of Special Boards, Committees & City Officers:

David Weaver stated that there are issues with a contractor on the first CDBG Grant. The contractor did not finish the work on 2 of the homes. The first issue is that they did not finish the dirt work which has left water under the house and has caused a mold problem. The seconded issue is a house was completed 60 days late, which there was a charge of \$5500.00 that was to be paid by August 23 and the contractor has not paid. Mr. Weaver is asking the Board to approve the retaining of an attorney to work with the applicants and the CDBG get this resolved.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to approve council on the position that CDBG will reimburse the City for fees. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Alderman Ellsworth stated that the P&Z recommends to scrap the first bill about paving of parking lots and to start over. They would like a bill that will grandfather in businesses that are already open, and anything new will need to be paved.

Motion made by Alderman Ellsworth, seconded by Alderman Welch to strike going into closed session. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

As there was no further business, motion was made by Alderman Bone, seconded by Alderman Welch to adjourn. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

At 11:00 PM, meeting adjourned.

Gina Taylor
Duquesne City Clerk