

FINAL  
Regular Meeting

February 12, 2018

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

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: Adam Hogan. Also present were City Attorney Mike Talley, David Weaver and approximately 13 guests.

Adam Hogan arrived at 7:02pm

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

**Public Hearings:**

Rezoning Application 611 Walnut Ridge from R-1 to C-2

Opened at 7:03pm

Aaron Garman stated he is requesting Commercial zoning with residences on it. He went over the timeline of events. Alderman Baine shared her opinion on the matter. Sonny Garman stated they want to get this resolved and it is his understanding the rezoning is allowed by the statutes. City Attorney, Mike Talley, requested the owners provide a timeframe in which the non-conforming use would end. Aaron asked if 10 years would be acceptable. Alderman Welch stated it would need to be in writing and notarized.

Public Comments: none

Public Hearing closed at 7:42pm

Rezoning Application 615 Walnut Ridge from R-1 to C-2

Opened at 7:43pm

Previous conversation regarding 611 Walnut Ridge would apply to this property as well.

Public Comments: none

Public Hearing closed at 7:43pm

Rezoning Application 1402 S. Rex Ave from R-1 to R-3

Opened at 7:43pm

Nguyen Lam, 2226 Wisconsin Ave, stated property was previously a group home, wants to change to a 4-plex. Will be gutting to the studs and creating separate entrances. Questions were raised about parking and water meters.

Public Comments: none

Public Hearing closed at 7:47pm

Rezoning Application 1408 S. Duquesne Road from R-1 to C-2  
Opened at 7:47pm  
Public Comments: none  
Public Hearing closed at 7:48pm

**Minutes:** January 8 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.

January 22 Special Meeting: Motion made by Barbara Welch, seconded by Adam Hogan, to approve 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 Barbara Welch, seconded by Chris Ellsworth, to pay bills as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**PD Monthly Report:** Chief Kitch presented.

Adam Hogan stepped down.

**Business License Renewals:** Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve the Business License renewals received to date. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Adam Hogan returned.

**New Business Licenses:** Easterseals Midwest, Motion made by Jane Baine, seconded by Adam Hogan, to approve the Business License for Easterseals Midwest. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Emerald Artistry Studios, Motion made by Barbara Welch, seconded by Adam Hogan, to approve the Business License for Emerald Artistry Studios. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Resolution 18-02:** Assigning Address on Stephens Blvd. Motion made by Jane Baine, seconded by Chris Ellsworth to approve Resolution 18-02. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Resolution 18-03:** Assigning Address on 27<sup>th</sup> Street. Motion made by Barbara Welch, seconded by Chris Ellsworth to approve Resolution 18-03. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Consider Bids on Beaver and Henry CDBG Homes:** David Weaver stated recently met with James Robnett from the State. Alderman Baine stated Mr. Robnett made suggestions regarding the Beavers project which could become a buyers assistance program. Mike Talley stated a Resolution would start the process, but would not complete it. The construction contract would be done on their own. Projects would have to be done by August 1<sup>st</sup>.

**Resolution 18-04:** Rejecting all Bids Submitted in Connection with Henry and Beaver CDBG Housing Project. Motion made by Jane Baine, seconded by Chris Ellsworth to approve Resolution 18-03. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Mike Talley withdrew request to go into closed session. Motion made by Adam Hogan, seconded by Barbara Welch, to strike the closed session from the agenda. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-04** Rezoning 611 Walnut Ridge from R-1 to C-2 Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-04 by title only.

Bill 18-04 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-04 and move to second and final reading by title only.

Bill 18-04 was read second and final time by title only. Mike Talley stated he had a discussion with the Garman's attorney and advised to rezone and then consolidate. He felt the only way to move forward was to require an agreement and suggested we table the Bill until the next meeting. Alderman Baine questioned a reasonable amount of time. Alderman Welch stated ten years is too long and requested five years. Clarence and Aaron agreed to provide an agreement. Mike Talley will work with their Attorney to produce said agreement. Motion made by Jane Baine, seconded by Chris Ellsworth, to table Bill 18-04 until the next meeting. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-05** Rezoning 615 Walnut Ridge from R-1 to C-2 Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-05 by title only.

Bill 18-05 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-05 and move to second and final reading by title only.

Bill 18-05 was read second and final time by title only. Alderman Ellsworth stated the outcome of the Planning & Zoning Hearing was a 3 to 2 vote against approval. Motion made by Jane Baine, seconded by Chris Ellsworth, to table Bill 18-05 until the next meeting. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-06** Rezoning 1402 S. Rex Ave from R-1 to R-3. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-06 by title only.

Bill 18-06 was read by title only. Alderman Ellsworth stated there were some neighbor concerns expressed at the Planning & Zoning hearing. The Commission voted unanimously to approve the rezoning request. He stated he does not have any concerns with their plans. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-06 and move to second and final reading by title only.

Bill 18-06 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-06 and assign Ordinance #354. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-07** Rezoning a tract of land at or near 1408 S. Duquesne Road from R-1 to C-2. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-07 by title only.

Bill 18-07 was read by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-07 and move to second and final reading by title only.

Bill 18-07 was read second and final time by title only. Alderman Ellsworth stated there was a concerned neighbor at the Planning & Zoning hearing. The Commission voted unanimously to approve. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-07 and assign Ordinance #355. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-08** Approve Regulatory Agreement on Beaver CDBG Housing Project. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-08 by title only.

Bill 18-08 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-08 and move to second and final reading by title only.

Bill 18-08 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-08 and assign Ordinance #356. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Old Business:** Codification Project: City Clerk, Brandi Miller, stated half way through the editorial analysis. Work Session scheduled for February 26, 2018 at 5pm.

CDBG Housing Project Update – David Weaver stated we need a motion to move remaining CDBG homes from Substantial Reconstruction to Buyers Assistance. Motion made by Jane Baine, seconded by Chris Ellsworth, to move remaining CDBG homes from Substantial Reconstruction to Buyers Assistance. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried. David stated this will apply to the last two homes. We will need to appoint a 504 Coordinator as a requirement of the CDBG program.

Microphones – Alderman Welch requested an update on the microphones. Alderman Hogan stated he received a quote for \$1,430 from TEC. David Weaver stated another bid was \$908 for troubleshooting and system would have 1-yr warranty. Motion made by Barbara Welch, seconded by Jane Baine, to approve moving forward with installing microphones. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Update on City Matters: Alderman Baine questioned increase on sewer bills. David Weaver stated 4<sup>th</sup> year 12% increase. People on wells are charged according to Joplin code. Their code spercedes ours per the contract. They can install and acceptable flow meter – approved by City of Joplin.

**Aldermen Interaction:** None

**Public Comment:** Chris Wright, 4023 E. 25<sup>th</sup> Street, asked questions about Beaver project. Wanted to know if he would be reimbursed for the dirt that has already been purchased.

Rick Gamboa, 4005 E. 20<sup>th</sup> Street, spoke about sales tax, fire hydrants, ABC Supply, Building Permits language regarding Engineering Fees, Sewer charges, Schuber Mitchell

property, Business Licenses, and stack of mattresses on Duquesne Rd. Alderman Ellsworth requested City Clerk add building permit language to the next P&Z Agenda.

David Steele, 3201 E 13<sup>th</sup> Street, spoke about sewer at apartment complex on 7<sup>th</sup> Street.

**New Business:** FY17 Audit – David Weaver stated Mense qualified opinion is that we are not in compliance due to Cash Basis Accounting. David went over the specific issues cited in the Audit.

City Treasurer Bond: Motion made by Adam Hogan, seconded by Chris Ellsworth to approve City Treasurer Bond of \$100,000. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Appoint 504 Coordinator - Motion made by Barbara Welch, seconded by Jane Baine to appoint the City Clerk as the 504 Coordinator. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Street lights (Piper Glen Subdivision) – David Weaver provided quoted prices from Empire on street lights for the subdivision. It is based on brighter or dimmer bulbs. Schuber Mitchell is requesting 4 street lights. Motion made by Adam Hogan, seconded by Barbara Welch to approve installation of 4 lights with brighter bulbs. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Update on Commissions and Committees – Gary Heilbrun stated he was accepting the written resignation of Stephen Williams and Mickey Sherman from the Planning & Zoning Commission. We will need a Special Meeting before the next P&Z Meeting to appoint a new member or there will not be a Quorum.

**Other Business Deemed Necessary:** Brandi Miller asked about mailing information on the Use Tax. David Weaver stated hiring board met to interview Chevelle Kidd. Motion made by Chris Ellsworth, seconded by Adam Hogan, to hire Chevelle Kidd as part-time Administrative Assistant at \$14.50/hr, and increase to \$15.00/hr after 90-day probation period. Pending background check and physical. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

As there was no further business, motion made by Chris Ellsworth, seconded by Adam Hogan, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 10:34 PM, meeting adjourned.