

FINAL

**Regular Meeting**

**March 13, 2017**

The City of Duquesne, Missouri Board of Aldermen opened Regular Session City Council Meeting at 7:00 PM on Monday March 13, 2017. Board of Alderman President Gary Heilbrun called the meeting to order.

**Roll Call**

Present were, Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Also present were City Attorney Mike Talley, Chief of Police Tommy Kitch and Assistant to the Board of Aldermen David Weaver and approximately 10 guests.

Absent: Mayor Lisa Daugherty

**Agenda**

Motion Made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to approve the amended agenda. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Minutes**

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to approve the minutes of the February 13, 2017 Regular Meeting Minutes Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Reports – Financial & Court**

Financial reports – No Aldermen comments, filed for audit

Court report – No Aldermen comments, filed for audit

**Police Department Report – Chief Kitch**

Patrol car 811 blew head gasket. Unit is a 2012 Dodge with 73,000 miles.

Motion Made by Alderman Barbara Welch, seconded by Alderman Roger Bone to take 811 out of service and seek to sell or salvage the car. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

New patrol car, Ford Explorer police package priced at \$27,162. LEST grant provided \$16,000 funds for around half the cost of the vehicle once purchased and outfitted.

Motion Made by Alderman Chris Ellsworth, seconded by Alderman Barbara Welch to purchase the new Ford Explore for \$27,162 cash. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Bill Summary**

Motion made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to pay the bills as presented. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

#### **Bill 17-04**

- Bill No. 17-04: An ordinance approving a sewer user fee agreement between the City of Duquesne, Missouri and Schroeder Investments, LLC, D/B/A Redwood Garden Estates, to provide sewage collection services to property located at 1434 Rex. Avenue, Joplin, Missouri, in accordance with the conditions of the agreement; providing the terms and conditions thereof; and authorizing the Mayor to execute said agreement for and on behalf of the City of Duquesne, Missouri.

City Attorney Mike Talley updated the Board of Alderman regarding the contract with Schroeder Investments. He also advised that we would have an obligation to instruct our billing agent, the City of Joplin, to begin billing 2 base charges and the Duquesne sewer rates for usage.

Motion made by Alderman Barbara Welch, seconded by Alderman Roger Bone to the 1<sup>st</sup> reading of Bill No. 16-44 by title only. No vote taken

Motion made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to the 2nd reading of Bill No. 16-44 by title only. No vote taken

Motion made by Barbara Welch, seconded by Alderman Roger Bone to approve Bill No. 17-04 and to assign it as Ordinance # 324. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

## **Old Business**

**Update on Redwood Garden Apartments** - (See above discussion)

### **Committee and Commission Reports**

**Fair Housing Commission**— Bill Sherman gave a report on the inaugural meeting of the newly formed Fair Housing Commission. Shared that he was selected as chair and Jane Bane as vice chair. Mr. Sherman provided the Council with minutes of their first meeting and shared about their obtaining a HUD pamphlet for fair housing for consideration for a Duquesne brochure.

**P & Z Commission** - Alderman Chris Ellsworth gave an update on the most recent meeting and stated that the Esther Elliot lot split was approved, Shared that Val Carter had been selected to replace Cathy Hudson as vice chair. Alderman Welch asked if a new chair would be selected after the April Election? Alderman Elsworth responded that they do that in January and that no

changes were made this year. Alderman Elsworth also shared the need for additional P&Z members and was open to suggestions of possible citizens willing to serve.

**Update on City Matters** – David Weaver updated the Council on the CDBG housing project. Shared that Sharon Cleveland had obtained a contract on another lot located at 4915 E 27<sup>th</sup> Street and asked that she be allowed to build an approximately 1,050 square ft. house on that property on top of the existing foundation. David Weaver shared that there were mostly duplexes around that lot and a similar sized house just to the east.

Motion made by Barbara Welch, seconded by Alderman Chris Ellsworth allow Sharon Cleveland to build her approximately 1,050 sq. ft home on an existing foundation located at 4915 E. 27<sup>th</sup> Street subject to all city codes and regulations. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**New Street Repair and Excavation Provision** – City Attorney Mike Talley discussed street cuts and excavation on city streets. He discussed Joplin’s current code regarding street cuts and how we might apply those to Duquesne. Discussion followed about the need to first get a contractor willing to do the repair of street cuts before drafting an ordinance. Mr. Talley would contact Allgeier Martin for assistance in drafting an ordinance and provisions regarding street cuts.

**Tap Fees** – Discussion on tap fees for the Piper Glen Sub Division of Schuber Mitchel and tap fees. Discussion followed and consensus was to continue with city policy requiring a tap fee, currently \$500 for each home that connects to the sewer.

**Alderman Interaction** –

#### **Renewal of Existing Business Licenses**

Motion Made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to approve the renewal of business licenses presented in the board pack. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Mayor’s Report** – None presented, Mayor absent

#### **Public comments:**

**Tim Blair**, 2402 Hartford, Joplin, MO 64804

Mr. Blair ordered a storage building and had it delivered to his home but was told by Chris Gruebels that it violated city code and that it could not be installed. Mr. Blair had to pay to have it returned to the manufacturer. Mr. Blair felt no violation of city code was committed and referred to a city ordinance he had obtained regarding this. City Attorney Mike Talley discussed the most recent ordinance 404-04 pertaining to this matter that was signed in March, 2015. He explained the reason for that ordinance and that P&Z had considered and approved the ordinance and sent it to the Council for their approval. Mr. Blair felt he was also in compliance with that ordinance as he looked it over. Mr. Tally generally agreed with Mr. Blair

after some discussion but wanted to hear from our code compliance officer on his reason for rejecting the instillation of the storage unit before offering a final opinion.

**Jane Baine**, 4250 E. 13<sup>th</sup>, Joplin, MO 64801

Noted a typo on the agenda regarding minutes. Agenda stated approval of March 13, 2017 minutes and since tonight was March 13 that perhaps it should have said February 13, 2017 minutes. She also stated she was in favor of Schuber Mitchel paying a \$500 tap fee for each house they built in Duquesne.

**Rick Gamboa**, 4005 E. 20th, Joplin, MO 64804

Mr. Gamboa wanted to know who pays for street repairs and how the billing would get done by the city? He also wanted to know if the Mayor had notified anyone that she would not be attending the meeting. Council members stated that she had and that it was due to health reasons. Mr. Gamboa noted it was the 5<sup>th</sup> meeting in a row that she had missed. Next he wanted to know where we were on updating our code book and Alderman Heilbrun stated we were still a ways off. Mr. Gamboa felt it should be a big priority. He also asked about getting current minutes posted on the City web site.

**Tom Johnston**, 3000 S. Duquesne Rd., Joplin, MO 64804

Mr. Johnston had a question on the 13<sup>th</sup> street damage. He wanted to know if the gas company caused the damage or a sub-contractor of the gas company did the damage? Council responded there weren't sure. Mr. Johnston shared the observations and concerns of his grandson who works in the street repair industry.

## **New Business**

### **City Credit Card Account**

It was noted that the current city credit card is in the Mayors name and she is the only one with access to the account information. We have received late notices on a payment, but the City Clerk has no way of accessing the account to clear up the issue. Mayor Daugherty stated her social security number is on the account, therefore she does not want to give out access. Alderman Bone shared about a corporate resolution for banking issues with SMB

Motion Made by Alderman Chris Ellsworth, seconded by Alderman Barbara Welch to close the credit card account at the end of the current billing cycle and immediately pay it off. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Update on Redwood Estates**

City Attorney Mike Talley shared that during the course of the meeting he had received an email from Redwoods attorney that they wanted some language changed in the agreement. Mr Talley shared the suggested changes and the Council agreed to changes.

## **Consent Agenda**

Alderman Heilbrun talked about the idea of a consent agenda and the benefits it could be to the city. He attended a recent Carl Junction City Council meeting and observed their use of a consent agenda. Mike Talley explained the usefulness of a consent agenda and shared how the City of Joplin incorporated the idea in to their council meetings back in the mid 1980's to expedite the meetings.

### **CD Maturity Notice**

Alderman Heilbrun shared that CD's were coming due and the Mayor deferred a decision on renewal to the City Council.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to renew all CD's as they come up for renewal with Southwest Missouri Bank at their 9 month special until further notice. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

## **Closed Session**

Consider Vote to Go into Closed Session (pursuant to 310.021.3 personnel matters): Motion made by Barbara Welch, seconded by Roger Bone, to go into closed session for personnel matters. Roll call was taken. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 9:40 PM, Council entered closed session with City Attorney Mike Talley and David Weaver (head of HR),

At 10:47 PM, Council returned to open session. Alderman Heilbrun stated no vote was taken during closed session.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to appoint Gary Helibrun as Chris Grubels immediate supervisor. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

## **Motion to Adjourn**

10:49 PM - As there was no further business, motion made by Alderman Chris Ellsworth, seconded by Alderman Barbara Welch to adjourn. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

David Weaver  
Acting City Clerk