

**DUQUESNE BOARD OF ALDERMEN  
MARCH 5, 2020 MEETING MINUTES**

**CALL TO ORDER** The regular meeting for the Duquesne Board of Aldermen was called to order at 7:00 p.m. by Mayor Gary Heilbrun.

**ROLL CALL** Answering Roll Call were Aldermen Jane Baine, Barbara Welch, Adam Hogan, Chris Ellsworth and Gary Heilbrun. Also in attendance was City Attorney Mike Talley and 11 Guests.

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

**INVOCATION** was read by City Clerk Melody Cundiff.

**AGENDA** Motion made by Jane Baine, seconded by Barbara Welch to approve the amended agenda as presented. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**PUBLIC HEARING**

Rezoning Application for 3739 E. 7<sup>th</sup> St from R-1 to C-2:

Opened at 7:02pm

Public Comments: There was no one who spoke in favor of. There was no opposition to the rezoning. Jane Baine did ask for some clarification on the location of the property being at the corner of 7<sup>th</sup> and Walnut Ridge. The Mayor asked for Joan McMullen, owner of the property to speak. She told the Board that she had this property rezoned 7 years ago. The Mayor stated that there was no paperwork or ordinances at the city stating that this was completed. City Attorney Mike Talley stated that his suggestion to the Board is to table the hearing until we can figure out some reasonable resolution as to rezoning the property. Ms. McMullen asked that the main reason for the problem with having it rezoned right now is because of the house being on the property. City Attorney Mike Talley replied that is a large issue because the houses don't conform to the setbacks in our commercial code. Mayor Gary Heilbrun stated that the garage is also over the property line which is another issue that is causing concern with the rezoning issue. Ms. McMullen stated that her best option is then to have the structures torn down and not try to sell the buildings as business structures. Mayor Gary Heilbrun stated that the Board feels it is best to table this until the next meeting which will give Ms. McMullen time to talk with the contractors and realtors to see what her best option might be. City Attorney Mike Talley requested that the Board refer this back to the P & Z. Bill Sherman, 825 S. Duquesne asked the Board if the City has any provisions that entitles the zoning change then it should be done. Rick Gamboa, 4005 E, 20<sup>th</sup> addressed the Board about a reapplication and lot consolidation and lot split but was informed that even doing that will not hit the required setbacks. City Attorney Mike Talley stated again that he would be inclined to send back to the P & Z for reconsideration after publication and some of the cost falling back on the City for republication and asked that the Board consider this. It was adjourned until the April 13<sup>th</sup> meeting.

Public Hearing closed at 7:46pm

**MINUTES** Motion made by Barbara Welch, seconded by Jane Baine to approve the February 10, 2020 regular meeting minutes as presented. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**CLOSED MINUTES:** Motion made by Barbara Welch, seconded by Adam Hogan to approve the February 10, 2020 Closed Session minutes as presented. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**ENGINEERING SERVICES FOR 2020 ROAD RESURFACING:** Mike Atkinson with Allgeier Martin spoke to the Board and stated the agreement proposed to them would allow the city to move in the direction of a Street Maintenance Plan which would allow evaluation of the street conditions and consider repairs to the city streets which would come out of the Street Fund. Mayor Gary Heilbrun stated that the road repairs does need to begin City Attorney Mike Talley stated that an ordinance needs to be worked up to approve the plan for the April meeting.

**CHANGE INSURANCE COMPANIES THROUGH CONNELL INSURANCE:** We need to get bids so the Board will open those up from 3/9/2020 through 3/20/2020 and will then hold a Special Meeting to finish this out before the April 1<sup>st</sup> deadline.

**SPIRE ROAD CUTS:** Ryan Conley with Spire spoke to the Board stating that the street light has been repaired. A culvert has been installed in front of the homes along 13<sup>th</sup> and Duquesne on the northeast side which is eliminated the flooding in those yards. The next phase which is from City Hall to Ocean Adventures has begun and they are having some issues dealing with the round a bout. Their current plan is to cut a 2 x 2 hole in the island and work with the power and water lines which will prevent any restrictions on traffic through the roundabout. When the repairs are done it will be done with red concrete. The second and less favorable option is to cut the road at the roundabout east on 20<sup>th</sup>.

**CDBG CLOSEOUT:** Gerrit Brinks with HSTCC spoke to the Board about the closeout of CDBG phase #2. That a public hearing is scheduled for 3/6/2020 at 11am. Approximately \$18,500 will be going back to the state and this will not reflect badly on the city for not using the funds. They have been trying for over a year to find someone to use these funds with no luck. The paperwork needs to be signed then we will wait for the completion letter.

**FINANCIAL REPORT** Approved and filed for Audit

**BILL SUMMARY** Motion made by Chris Ellsworth, seconded by Barbara Welch to approve payment of the bills as presented. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**COURT REPORT:** February Court Report was presented. Board approved report and filed for audit.

**POLICE DEPARTMENT MONTHLY REPORT** Police Chief Kitch spoke to the Board.

**BUSINESS LICENSE RENEWALS** Motion made by Jane Baine, seconded by Barbara Welch to approve the Business License Renewals as presented. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**BILL 20-09: Rezoning 3739 E. 7<sup>th</sup> St. from R-1 to C-2:**

Motion to table this until the April 13<sup>th</sup> Board meeting was made by Barbara Welch, seconded by Adam Hogan. Voting in favor were Baine, Welch, Ellsworth and Hogan. Nays: None. Motion carried.

**BILL 20-10: Sign Permit Fees**

Motion made by Jane Baine, seconded by Chris Ellsworth, to place Bill 20-10 on first reading by title only. Discussion stated that this is for business signs only and commercial property only. This is not attended to apply to residential signs. 7<sup>th</sup> Street falls under the state.

Motion made by Jane Baine, seconded by Chris Ellsworth to place Bill 20-10 on second reading by title only.

Motion made by Jane Baine, seconded by Barbara Welch, to accept the second and final reading of Bill 20-10 and assign Ordinance #425. Voting in favor were Baine, Welch, Ellsworth and Hogan. Nays: None. Motion carried.

**BILL 20-11: Jake Brakes**

Motion made by Jane Baine, seconded by Chris Ellsworth, to place Bill 20-11 on first reading by title only. Discussion stated that Carl Junction rejected this type of ordinance in 2009. Airport Drive passed this type of ordinance but then repealed it. We will need to purchase the necessary signs.

Motion made by Jane Baine, seconded by Chris Ellsworth to place Bill 20-11 on second reading by title only.

Motion made by Jane Baine, seconded by Barbara Welch, to accept the second and final reading of Bill 20-11 and assign Ordinance #426. Voting in favor were Baine, Welch, Ellsworth and Hogan. Nays: None. Motion carried.

**UPDATE OF CITY MATTERS** Mayor Gary Heilbrun shared copies of all necessary paperwork that had been sent in to update the census maps.

**ALDERMAN INTERACTION** Alderman Jane Baine stated that Spire is working hard to fix their issues. The Mayor stated that Liberty will be coming in to repair all necessary areas as well.

**PUBLIC COMMENTS:** None

**UPDATE OF COMMISSIONS AND COMMITTEES** Alderman Chris Ellsworth stated that the P & Z requested that the Board approve the purchase of additional fire hydrants. Motion made by Chris Ellsworth, seconded by Barbara Welch to spend up to \$10,000 to purchase two additional fire hydrants in this fiscal year. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

Alderman Barbara Welch stated that Ryan with HSTCC submitted the grant so the committee will begin working on phase #2. They made a presentation to the Joplin Lions Club and are waiting to hear from them.

**ESTIMATE TO REPLACE THE DEFIBTECH AED IN COUNCIL AREA:** Mayor Gary Heilbrun stated that the current one was purchased in 2005 and updated in 2011. Motion made by Barbara Welch, seconded by Jane Baine to purchase a new AED. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**DISCUSSION ON ESTHER ELLIOTT PROPERTY:** The piece of property is not very wide and has a tree on it and once we took it over the City would then have to maintain it. It was suggested that she deed it over to Ray Brown who currently maintains it as it is adjacent to his property. The City does not want it as it is of no benefit to the City. City Attorney Mike Talley will research to see what we need to do with the claim deed issue.

**RESOLUTION 20-04: EMPLOYEE RETIREMENT PLAN** Motion made by Jane Baine, seconded by Barbara Welch to approve the resolution. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**RESOLUTION 20-05: PIPER GLEN #2 ADDRESSES** Motion made by Barbara Welch, seconded by Chris Ellsworth to approve the resolution. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**RESOLUTION 20-06** Motion made by Barbara Welch, seconded by Adam Hogan to strike Resolution 20-06. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**APPOINT DONNY ALLEN TO BOARD OF ADJUSTMENTS:** Mayor Gary Heilbrun moved to have Donny Allen appointed to the Board of Adjustments. Motion made by Barbara Welch, seconded by Jane Baine to appoint Donny Allen to the Board of Adjustments. Voting in favor were Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**OTHER BUSINESS DEEMED NECESSARY** None at this time.

There was no further business, a motion was made by Barbara Welch, seconded by Adam Hogan to adjourn the meeting. Voting in favor was Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried. Meeting adjourned at 9:40 p.m.