

FINAL
Regular Meeting

April 10, 2017

City Council met in Regular Session at 7:00 PM on Monday, April 10, 2017. Acting President of the Board of Aldermen Gary Heilbrun called meeting to order.

Roll call was taken. Present were Aldermen Gary Heilbrun, Barbara Welch, Chris Ellsworth, and Roger Bone. Absent: Mayor Lisa Daugherty. Also present were City Attorney Mike Talley, David Weaver and 13 guests.

Agenda: Alderman Gary Heilbrun stated we needed to add Resolution 17-03 to New Business. David Weaver stated we needed to remove “with vote to go into closed session” from the header. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve agenda as modified. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Minutes: March 13 Regular Meeting: Motion made by Barbara Welch, seconded by Roger Bone, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth. Nays: Bone. Motion carried.

March 13 Closed Session: Motion made by Roger Bone, seconded by Chris Ellsworth, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Financial Report and Budget Summary: Approved and filed for audit.

Bill Summary: Motion made by Barbara Welch, seconded by Roger Bone, to pay bills as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

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

Business Licenses: Three new applications were presented: Tiny Tykes Town, K&K Services, and Buy Rite Motors. Motion made by Roger Bone, seconded by Barbara Welch to approve application for Tiny Tykes Town. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Alderman Heilbrun stated they were cited for vehicles on this property. It is not a commercial property. City Attorney, Mike Talley, stated section 405.020 of our city code applies to restrictions on commercial use of residential property. There is outside storage which appears to violate city code 405.020. Motion made by Barbara Welch, seconded by Roger Bone to deny new business license for K&K Services because it violates city

code 405.020. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Motion made by Roger Bone, seconded by Barbara Welch to approve application for Buy Rite Motors. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Renewals: Motion made by Roger Bone, seconded by Barbara Welch to approve business license renewal for 13th Street Auto. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Setback Variance Request: Gaylon Ward wrote a letter to the board that was also signed by his neighbor requesting a setback variance to install a storm shelter within the 10' setback on the east side of his property because it provides direct access from 4 out of 5 of his exterior doors. Mr. Ward stated his electric is overhead, and he had Dig-Rite come out to make sure there were no utility lines in that area. The storm shelter would be 2' from the lot line. Alderman Ellsworth stated the Planning and Zoning Commission voted unanimously to recommend the variance request. Mike Talley asked if the board wanted to add a time condition. Motion made by Roger Bone, seconded by Chris Ellsworth, to approve 2' setback for the purpose of installing an above-ground storm shelter. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Police Report: Chief Kitch presented report. Motion made by Roger Bone, seconded by Chris Ellsworth, to approve up to \$2,500 to repair or replace Stalker radar. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Chief Kitch thanked Roger Bone for his service on the Board of Aldermen.

Bill 17-05 Amending Title V. Building and Construction, Chapter 500: Building Regulations, Article I. Numbering of Buildings, Section 500.010: Numbering of Buildings – Street Address: Motion made by Roger Bone, seconded by Chris Ellsworth, to read Bill 17-05 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-05 was read by title only. Mike Talley stated our current code provides that addresses will be assigned by USPS. USPS stated they no longer assign addresses. Code needed to be updated. Motion made by Barbara Welch, seconded by Roger Bone, to accept first reading of Bill 17-05 and move to second and final reading by title only. Alderman Heilbrun asked City Clerk, Brandi Miller, to read the title.

Bill 17-05 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-05 and adopt

as Ordinance 325. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-06 Amending Title V. Building and Construction, Repealing and Replacing Chapter 540: Streets, Sidewalks and Other Public Places: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-06 by title only. Alderman Heilbrun asked City Clerk to read the title.

Bill 17-06 was read by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 17-06 and move to second and final reading by title only. Alderman Heilbrun asked City Clerk, Brandi Miller, to read the title.

Bill 17-06 was read second and final time by title only. Mike Talley stated he asked City Engineer, Chris Erisman, to provide feedback on this code revision. Chris stated this was a good start, but cautioned we may find need to make revisions over time. Mike asked Brandi if she had located the construction specifications. She stated she had not, but would get with Chris Erisman. Brandi Miller stated Chris Erisman had also approved our bid form for utility cut repair contractor. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-06 and adopt as Ordinance 326. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Old Business: Update on Redwood Garden Estates: Brandi Miller stated the agreement had been executed. The City will begin to receive funds from Redwood Garden Estates with the May transfer.

Update on City Matters: David Weaver stated our city council chairs were hand downs from Carl Junction. He suggested we consider replacing them. Alderman Ellsworth will look for a good deal. David also stated that we have been looking for a part-time maintenance person. Part-time officer, Josephus Heun, has offered to help as an independent contractor. He wants \$18/hr. Alderman Ellsworth questioned if he could be on our payroll as an officer and receive a 1099 as an independent contractor. Chief Kitch stated he could be changed to a reserve officer which do not receive pay. David will check with the Department of Labor. Motion made by Chris Ellsworth, seconded by Roger Bone, to use Mr. Heun as a contract laborer pending approval by Department of Labor. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Approve Certified Election Results: City Clerk read certified results. The following were declared winners: Mayor – Gary Heilbrun
Ward I - Chris Ellsworth
Ward II – Adam Hogan

Motion made by Barbara Welch, seconded by Roger Bone, to approve certified results. Ayes: Aldermen Heilbrun, Welch, Ellsworth and Bone. Nays: none. Motion carried.

Sine Die (Old Board Steps Down): Old board members stepped down.

Administer Oaths of Office: City Clerk administered oaths.

Before he assumes the duties of Mayor, Gary Heilbrun resigns his position as Alderman for Ward II. Motion made by Chris Ellsworth, seconded by Adam Hogan, to accept Mayor Heilbrun's resignation. Ayes: Aldermen Welch, Ellsworth, and Hogan. Nays: none. Motion carried.

Mike Talley advised Mayor Heilbrun he needs to call a special meeting to appoint a replacement for the remainder of the term for the vacant seat for Ward II. The Special Meeting was scheduled for 6:30pm on Wednesday, April 12, 2017.

Elect Board President: Barbara Welch nominated Chris Ellsworth for President. As there were no other nominations, motion made by Barbara Welch, seconded by Adam Hogan, to elect Chris Ellsworth as President of the Board of Aldermen. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Aldermen Interaction: FEMA/SEMA Update: David Weaver we will be receiving \$21,000 from SEMA within the month. Still waiting on 2nd appeal for CCTV. Once we have decision, we can move forward on Community Disaster Loan.

Public Comment: Nancy Wilder, Joplin Resident, spoke about special meeting for appointment of Alderman for Ward II.

Tom Johnston, 3000 Duquesne Rd, spoke about legal action against Lisa Daugherty to recover attorney fees for Gary Heilbrun.

Rick Gamboa, 4005 E. 20th St, spoke about supporting Mr. Johnston's request. He additionally spoke about the storage shed issue from the March meeting minutes. Mike Talley asked that this issue be added to the agenda for the May meeting for further discussion.

Jane Baine, 4250 E 13th St, spoke about the positive transition.

Tim Blair, 2402 Hartford, requested reimbursement of \$200 for having to return the storage shed that he purchased. Motion made by Barbara Welch, seconded by Chris Ellsworth, to reimburse Tim Blair \$200. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

New Business: Resolution 17-02: Assigning New Addresses to the forty (40) platted lots located in Piper Glen subdivision: Brandi Miller stated E911 provided the suggested address numbers. They additionally recommended that Danica Jo Lane should be 23rd Street to be consistent with numbering in the city. Schuber Mitchell agreed to the change and it will be changed on the fully-executed plat. Alderman Ellsworth suggest directional

markers be added to the street addresses because there are the same range of numbers on 23rd street in Joplin. He recommended it be S. Jonathan Hunter Street and E. 23rd Street. We will double-check with Mike at E911. Motion made by Chris Ellsworth, seconded by Barbara Welch, to table Resolution 17-02. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Resolution 17-03: Mayor's spending authority: Motion made by Barbara Welch, seconded by Adam Hogan, to approve resolution 17-03. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Update on Commissions and Committees: Alderman Ellsworth stated the Planning & Zoning Commission voted unanimously to approve Gary Colson's Minor Subdivision Application. They additionally voted to remove Cathy Hudson from the Commission. They are actively seeking new members.

Credit Card Account: Chief Kitch stated that In & Out Carwash has upped our rate for washes. He thought we should consider changing to Tommy's. David Weaver stated that we will be cancelling the city Visa card. The card at SMB requires a social security number, but it does not report to their credit. We have a Corporate Resolution on file with SMB that dictates who is able to sign and access accounts. We can pass an updated resolution at the special meeting. David suggested we go ahead and change the check signers by motion. Motion made by Barbara Welch, seconded by Chris Ellsworth, to name the following as check signers: City Treasurer – Brandi Miller, Mayor – Gary Heilbrun, President of the Board – Chris Ellsworth. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Other Business: Alderman Ellsworth asked for an update on the Code Book project. Brandi Miller stated she had recently scanned and sent all of our signed ordinances to General Code, and will continue to do so as they are passed. She explained the process to come.

Mayor Heilbrun stated he is looking into new microphones. Adam Hogan has experience with production and offered to help.

As there was no further business, motion made by Barbara Welch, seconded by Adam Hogan, to adjourn. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried. At 9:39PM, meeting adjourned.