

FINAL  
Regular Meeting

May 14, 2018

City Council met in Regular Session at 7:00 PM on Monday, May 14, 2018. Mayor Gary Heilbrun called meeting to order. David Weaver gave invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Adam Hogan, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: none. Also present were City Attorney Mike Talley, David Weaver and approximately 28 guests.

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

**Public Hearings:**

Rezoning Application – a tract of property containing approximately 5.6 acres generally located at or near 4218 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:01pm

City Clerk, Brandi Miller, stated part of the property is not being rezoned. City Attorney, Mike Talley, questioned how much is being rezoned. Dan Mitchell with Schuber Mitchell showed on TV Screen. Brandi Miller stated it is also clarified in the legal description. Dan Mitchell shared information about project, discussed benefits including sidewalk to school. Alderman Baine asked about the average lot size. Dan stated they don't have finalized plans yet. Will have meetings to develop plan May 29<sup>th</sup> and May 31<sup>st</sup> at City Hall. Will be similar to current development in Piper Glen

Public Comments: David Steele, 3201 E. 13<sup>th</sup> Street, asked if City is making sure the homes are built to code. Mayor Heilbrun stated that they are.

Gary Wuellner, 4500 E. 20<sup>th</sup> Street, asked about the sidewalks. Dan Mitchell stated entire neighborhood will have them, but they would like to have them run all the way to the school. Mr. Wuellner stated he wanted curb and gutter and sidewalk to extend all the way to the school on 20<sup>th</sup> Street. David Weaver stated it might be safer for the children to have the sidewalk run behind the properties.

Cindy Sundy, 4431 E. 24<sup>th</sup> Street, stated she is employed by CableOne. Legal team stated potential ethical issues with Mediacom. Recommended letter sent from the City. Brandi Miller stated CableOne has contacted the City of Duquesne expressing interest in running fiber in the right-of-ways. The City has provided them with the requested information. The franchise agreement the City has with Mediacom is for cable services, not internet, and is not an exclusive agreement.

Becky Erinson, 4430 E. 24<sup>th</sup> Street, asked for clarification on R-4 zoning. She questioned the setbacks in R-4 zoning. Schuber Mitchell previously requested to match Joplin side setbacks of 6' during Site Plan Review process and it was approved with 65' wide lots minimum. They had to build the neighborhood as planned before the rezoning went into effect. Ms. Erinson asked about an Ordinance making changes to 404.060 and 420.060. Questioned if we will be overhoused.

Public Hearing closed at 7:35pm

Rezoning Application – 4220 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:35pm

Public Comments: none

Public Hearing closed at 7:36pm

Rezoning Application – 4304 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:37pm

Public Comments: none

Public Hearing closed at 7:37pm

Rezoning Application – 4308 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:37pm

Public Comments: none

Public Hearing closed at 7:37pm

Rezoning Application – a tract of property containing approximately 4.6 acres generally located at or near 4316 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:38pm

Public Comments: none

Public Hearing closed at 7:38pm

Rezoning Application – a tract of property containing approximately 2.7 acres generally located at or near 4404 E. 20<sup>th</sup> Street from R-1 to R-4

Opened at 7:38pm

Public Comments: Syeda Greelee, 4551 E. 26<sup>th</sup> Street, questioned what the City is gaining from the proposed project. Alderman Welch stated City is sales tax based, pays for police department. Would hopefully attract more business. Ms. Greelee expressed concern over the impact to the schools. David Weaver stated School District would get money from each additional house, possible more Use Tax from Amazon and vehicles, pay down sewer bond, help with grants. Ms. Greelee stated she preferred larger lots and is concerned about her childrens education. David Weaver stated School District will be made aware of project and will have 2-5 years for their long-range planning.

Rick Gamboa, 4005 E 20<sup>th</sup> Street, stated Student/Teacher ratio at East Middle School is 13.4 to 1. It is a new building with modern technology, but has lowest test scores in the region. He stated it might be time for some new students.

Public Hearing closed at 7:50pm

Rezoning Application – a tract of land commencing approximately 494' West of the Northwest corner of East Middle School, the frontage continuing for another 165' West, and consisting of approximately 4.89 acres more or less, from R-1 to R-4.

Opened at 7:50pm

Public Comments: none

Public Hearing closed at 7:50pm

Rezoning Application – a tract of land commencing approximately 331' West of the Northwest corner of East Middle School, the frontage continuing for another 163' West, and consisting of approximately 4.89 acres more or less, from R-1 to R-4.

Opened at 7:50pm

Public Comments: Carmen Filbeck, 2031 S. Jonathan Hunter, stated she lives in Piper Glen. She has had a good experience with Schuber Mitchell and really likes her new home. She said the quality is high and she believes the project will be a great asset to the City.

Becky Brinson, 4430 E. 24<sup>th</sup> Street, stated she prefers bigger lots. She believes the City should maintain the R-1 requirements of 9,000 square feet minimum lots. She feels the City of Duquesne does not have a lot to offer their residents other than big lots.

Public Hearing closed at 7:55pm

Proposed Ordinance – to specify which home occupations are permitted in R-1 districts and further restricting the use of accessory buildings, and repealing section 405.020

Opened at 7:55pm

Brandi Miller stated ordinance is a result of the Codification project. Mike Talley stated we are moving items that existed before the P&Z was adopted.

Public Comments: none

Public Hearing closed at 7:58pm

Proposed Ordinance – to establish a filing fee of \$600.00 and to require applicant to pay the cost of any required transcript for a Board of Adjustment hearing.

Opened at 7:58pm

Public Comments: none

Public Hearing closed at 7:58pm

Proposed Ordinance – to raise rezoning application fee to \$325.00 and making applicant responsible for all expense incurred by the city and to require attendance of applicant at all scheduled public hearings.

Opened at 7:59pm

Public Comments: none

Public Hearing closed at 7:59pm

**Minutes:** April 9 Regular Meeting: Motion made by Jane Baine, seconded by Barbara Welch, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

April 20 Special Meeting: Brandi Miller stated correction on page 1, Bill 18-13, needed. Strike "Provide new regulations for Attached and Detached Accessory Buildings" and replace with "Provide that applications for land use permits have same fee and deposit requirement as Building Permits." Motion made by Barbara Welch, seconded by Adam Hogan, to approve minutes as amended. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**Bill Summary:** Brandi Miller stated invoice from MAPS for 1<sup>st</sup> Quarter 2018 was amended from \$150 to \$267. Mike Talley stated we can not pay over \$200, did not have a contract at that time, but did have a vote by the Board of Aldermen. Alderman Baine questioned hydrant bill. Motion made by Chris Ellsworth, seconded by Adam Hogan, to pay bills as amended. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**PD Monthly Report:** Chief Kitch presented. Requested to put 814 back in service. Alderman Welch denied request.

**New Business Licenses:** Twenty-two new business license applications were considered. Motion made by Barbara Welch, seconded by Adam Hogan, to approve all twenty-two new business license applications. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried. Debbie Giddens, 3838 E 16<sup>th</sup> Street, questioned need for business license for lawn care services.

**Setback Variance Request** – 2011 S. Jonathan Hunter, Brandi Miller stated original application was considered at the March meeting, Aldermen asked Mr. Peters to amend his request. Amended request was provided. Mike Talley suggested they form an approval as temporary with conditions and have owner sign off. Motion made by Adam Hogan, seconded by Chris Ellsworth, to approve temporary setback variance for 2011 S. Jonathan Hunter that is valid only until the City needs the right-of-way or sale of the

property, whichever comes first. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-04** Rezoning 611 Walnut Ridge from R-1 to C-2. Mike Talley stated the proposed land use agreement has been approved but not executed by Clarence and Janet Garman. He recommended to table the rezoning. Motion made by Chris Ellsworth, seconded by Adam Hogan, to table Bill 18-04 and 18-05 until Agreement has been executed. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-05** Rezoning 615 Walnut Ridge from R-1 to C-2. Tabled.

**Bill 18-15** Amend Code – specify home occupations, accessory buildings, repeal 405.020. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-15 by title only.

Bill 18-15 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-15 and move to second and final reading by title only.

Bill 18-15 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-15 and assign Ordinance #362. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-16** Amend Code – establish filing fee for Board of Adjustment hearings. Motion made by Barbara Welch, seconded by Adam Hogan, to read Bill 18-16 by title only.

Bill 18-16 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-16 and move to second and final reading by title only.

Bill 18-16 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-16 and assign Ordinance #363. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-17** Amend Code – raise rezoning application fee, require attendance. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-17 by title only.

Bill 18-17 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-17 and move to second and final reading by title only.

Bill 18-17 was read second and final time by title only. Motion made by Barbara Welch, seconded by Adam Hogan, to accept second and final reading by title only of Bill 18-17 and assign Ordinance #364. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-18** Rezoning property at or near 4218 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-18 by title only.

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

Bill 18-18 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-18 and assign Ordinance #365. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-19** Rezoning 4220 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-19 by title only.

Bill 18-19 was read by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 18-19 and move to second and final reading by title only.

Bill 18-19 was read second and final time by title only. Motion made by Barbara Welch, seconded by Adam Hogan, to accept second and final reading by title only of Bill 18-19 and assign Ordinance #366. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-20** Rezoning 4304 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 18-20 by title only.

Bill 18-20 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-20 and move to second and final reading by title only.

Bill 18-20 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-20 and assign Ordinance #367. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-21** Rezoning 4308 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-21 by title only.

Bill 18-21 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-21 and move to second and final reading by title only.

Bill 18-21 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-21 and assign Ordinance #368. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-22** Rezoning property at or near 4308 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Adam Hogan, to read Bill 18-22 by title only.

Bill 18-22 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-22 and move to second and final reading by title only.

Bill 18-22 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-22 and assign Ordinance #369. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-23** Rezoning property at or near 4404 E. 20<sup>th</sup> Street from R-1 to R-4. Motion made by Barbara Welch, seconded by Adam Hogan, to read Bill 18-23 by title only.

Bill 18-23 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-23 and move to second and final reading by title only.

Bill 18-23 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-23 and assign Ordinance #370. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-24** Rezoning property 494' West of the School from R-1 to R-4. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-24 by title only.

Bill 18-24 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-24 and move to second and final reading by title only.

Bill 18-24 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-24 and assign Ordinance #371. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-25** Rezoning property 331' West of the School from R-1 to R-4. Motion made by Barbara Welch, seconded by Adam Hogan, to read Bill 18-25 by title only.

Bill 18-25 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 18-25 and move to second and final reading by title only.

Bill 18-25 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept second and final reading by title only of Bill 18-25 and assign Ordinance #372. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-26** Approve Land Use Agreement with Clarence and Janet Garman. Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 18-26 by title only.

Bill 18-26 was read by title only. City Attorney, Mike Talley, stated City has to agree to terms in proposed agreement. He added repercussions to clause, Garman's asked for it to be reciprocal. The Garman's have verbally agreed. Alderman Welch stated agreement needs to be signed and notarized first. Mike stated the Ordinance authorizes Mayor's signature. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 18-26 and move to second and final reading by title only.

Bill 18-26 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-26 and assign Ordinance #373. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.



**Old Business:** CDBG Housing Project Update – David Weaver stated last house complete in late July and then project will be closed out. Alderman Hogan stated he received letter from Harry S. Truman Coordinating Council requesting permission to run the Radon test.

MAPS Contract: Brandi Miller stated we received email from Robert Lolley asking what we wanted to do since we have already hit \$200 cap. Alderman Ellsworth asked if the contract says anything about discontinuing services. Mike Talley confirmed it does not.

Copy Machines: Brandi Miller asked about the maintenance contract for the big copier. Motion made by Chris Ellsworth, seconded by Adam Hogan, to allow Mayor to terminate maintenance contract with Lakeland on copier in City Clerk's office. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Update on City Matters: none.

**Aldermen Interaction:** Alderman Ellsworth questioned who mowed the ditches today. Alderman Baine stated Special Road District.

**Public Comment:** Debbie Giddens, 3838 E. 16<sup>th</sup> Street, spoke about minors needing business license for mowing.

**New Business:** Assistant to the Board of Aldermen Report – David Weaver spoke about the Duquesne School and whether it needed a sprinkler system. He discussed sidewalks on 20<sup>th</sup> Street. He provided information on \$150 Million in grant money available, possibly to widen 20<sup>th</sup> Street and Duquesne Road. Estimated by Allgeier Martin to be \$19 million project. Alderman Welch asked if we need to have a work session, wanted to know why we are working with Joplin. David Weaver stated we need Federal politicians support. Next step is letter of intent.

Update on Commissions and Committees – Alderman Ellsworth stated next meeting is Thursday, June 7<sup>th</sup>. Rick Gamboa stated Board of Adjustment approved draft application.

**Other Business Deemed Necessary:** none.

As there was no further business, motion made by Chris Ellsworth, seconded by Barbara Welch, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 10:03 PM, meeting adjourned.