

FINAL
Regular Meeting

May 8, 2017

City Council met in Regular Session at 7:00 PM on Monday, May 8, 2017. 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 20 guests.

Agenda: Mayor Heilbrun stated Bill 17-08 to be added after Bill 17-07. Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve agenda as modified. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Public Hearings: CDBG Street Project Public Hearing opened at 7:03pm
Mike Atkinson, with Allgeier Martin, stated that there are only a few punch-list items left to do. Weather permitting, will be completed in the next week or two. Sue Bacorn, project administrator, stated monitoring appointment with the Department of Economic Development is scheduled on Thursday to be ready for close-out. Mayor Heilbrun asked about two culverts on Duquesne Rd. Mike stated they are on the punch-list. David Weaver asked if the green silks will be removed. Mike stated they will. Chris Ellsworth asked when the city becomes responsible for the grates. Mike stated that maintenance turns over to the city at final sign-off. Drains will be cleaned out before final inspection.

Public Comments: none

CDBG Street Public Hearing closed at 7:09pm

Rezoning Application for 3548 E 13th Street Public Hearing opened at 7:09pm
Chris Ellsworth stated the Planning & Zoning Commission voted unanimously in favor. City Attorney, Mike Talley, stated this rezoning is the final step to complete the agreement with Gary Colson. The request is in compliance with that agreement.

Public Comments: none

Rezoning Public Hearing closed at 7:11pm

Minutes: March 13 Regular Meeting: City Clerk, Brandi Miller, stated minutes were approved at the April meeting, but a typo was discovered. It should have read that they February 13, 2017 minutes were approved instead of January. Motion made by Barbara Welch, seconded by Adam Hogan, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

April 10 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.

April 12 Special Meeting: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

April 20 Special Meeting: Motion made by Chris Ellsworth, seconded by Jane Baine, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

All Seasons Signs: Aaron Garman requested a 60-day extension on their setback variance. Motion made by Chris Ellsworth, seconded by Adam Hogan, to extend setback variance until June 10, 2017. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Financial Report and Budget Summary: David Weaver discussed account balances. According to our financial reports, there are about \$258k in unrestricted funds. Street Funds do not print on report. These funds are restricted. Currently we have \$120k in Street Funds. Only \$138k in unrestricted funds is dangerously low. Was \$300-400k pre-tornado. He recommends when we receive FEMA/SEMA money, we open an account for the street funds to keep them separate going forward. The remainder would be deposited in our General Funds account. David also suggested that we pay our future street person out of the street funds. Barbara Welch stated she read that street funds can be used to police the streets. She questioned if the police department can be a part of that. Jane Baine discussed previous issues with timekeeping. Approved and filed for audit.

Bill Summary: Chris Ellsworth questioned the Allgeier Martin invoice charges for the Schuber Mitchell project. He believes we should seek payment from Schuber Mitchell before paying Allgeier Martin. He additionally questioned the vaccine charges on the Joplin Humane Society invoice. He stated that was not a part of our agreement and doesn't believe we should pay it. Motion made by Chris Ellsworth, seconded by Jane Baine, 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.

Police Report: Chief Kitch presented report. He explained the nuisance process. Mike Talley stated we should notify Judge Elliston of repeat offenders.

Bill 17-07 Amending Title V. Building Code: Chapter 500, Article III. Miscellaneous Provisions, Section 500.120: Standard Specifications for public improvements: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-07 by title only.

Bill 17-07 was read by title only. Mike Talley stated our previously adopted specifications were outdated. Mike Atkinson of Allgeier Martin suggested update. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 17-07 and move to second and final reading by title only.

Bill 17-07 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 17-07 and adopt as Ordinance 327. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 17-08 To Rezone 3548 E. 13th Street from R-3 Multi-family Residential to R-1 Single Family Residential: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-08 by title only.

Bill 17-08 was read by title only. Mike Talley stated this request is in line with the terms of Gary Colson's settlement agreement with the city. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 17-08 and move to second and final reading by title only.

Bill 17-08 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 17-08 and adopt as Ordinance 328. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Old Business: Update on FEMA/SEMA: David Weaver stated 2nd appeal was approved for \$80k. Able to move forward with Community Disaster Loan, \$104k approved. State share could be another \$10-15k.

Fire Hydrants: Duenweg Fire Department provided revised list, 3702 E. 7th (and Van Winkle) will be next hydrant. Mayor Heilbrun advised Missouri-American Water to go ahead and install it.

Accessory Building Issue: Mike Talley stated we passed an ordinance in 2015. He emailed a draft ordinance making changes as previously discussed. Chris Ellsworth stated the draft is the intent of the original ordinance. We will move forward with public hearings to consider at June P&Z and Council meetings.

City Credit Card: Brandi Miller stated we can open a new corporate credit card with Arvest Bank that would not require a social security number. Consensus of the board was to

move forward with credit card application and to name the following as administrators on the account:

City Clerk – Brandi Miller
Assistant City Clerk – Flo Dempsey

Update on City Matters: Mayor Heilbrun got a quote from Empire for a street light on Foxfire. It will be an additional \$20/month. Empire stated there is a transformer on both sides of the street, but more blockage on East than West side. Donnie Allen (409 Foxfire) and Kerry Divine (317 Foxfire) stated the homeowner at 410 Foxfire (DeWitt) has agreed to have light installed on her property. Motion made by Jane Baine, Seconded by Chris Ellsworth, to approve installation of street light at 410 Foxfire provided approval by Empire, homeowner, and no boring under the road. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Aldermen Interaction: none

Public Comment: Rick Gamboa, 4005 E. 20th, spoke about microphones.

Tom Johnston, 3000 Duquesne Rd, spoke about recovering attorney fees for Gary Heilbrun.

John Johnson, 1401 Johnson Court, spoke about missing street signs on Van Winkle/Johnson.

Ray Brown, 3615 Johnson Dr, spoke about street light at 16th/Katherine.

Val Carter, 4101 E. 20th St, spoke about the road cut on 20th Street.

Barbara Welch asked if the City has an insurance policy that we could claim Mayor Heilbrun's fees. Brandi Miller stated we have a policy with a \$5,000 deductible. David Weaver asked Mike Talley if it would be acceptable to file a claim. Mike Talley stated Federal government prohibits using public funds for private uses. The question is whether situation is directly related to performance of his duties. Mike discussed a conflict of interest in advising City regarding Mayor Heilbrun's attorney fees.

New Business: Resolution 17-05: Corporate Resolution Authorizing SMBOnline Internet Banking Services: Motion made by Barbara Welch, seconded by Adam Hogan, to approve Resolution 17-05. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Nuisance Issues: Chris Ellsworth stated Planning & Zoning Commission discussed updating code regarding whistles and ditches. Code currently says nothing specific.

Update on Commissions and Committees: Planing and Zoning – Alderman Ellsworth stated David Steele not fixed by MGE.

Stronghold Data: Board approved paying additional \$300 to upgrade backup storage to 25MB.

Other Business: none

As there was no further business, motion made by Jane Baine, seconded by Barbara Welch, to adjourn. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried. At 9:29PM, meeting adjourned.