

FINAL  
Regular Meeting

June 12, 2017

City Council met in Regular Session at 7:00 PM on Monday, June 12, 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:** David Weaver requested to remove Assistant to the Mayor from New Business. 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 Housing Project Public Hearing opened at 7:03pm Bryan West with the Harry S. Truman Coordinating Council stated the Duquesne I project is ready for close-out. David Weaver stated this is the first homes that were built starting in 2012. Alderman Hogan asked if there is going to be legal assistance on the 2<sup>nd</sup> round? Bryan West stated if there is additional funding from CDBG, they can request them if a problem arises.

Public Comments: none

CDBG Street Public Hearing closed at 7:05pm

Open Public Hearing for Proposed Ordinance allowing C-2 uses in M-1 districts at 7:05pm City Attorney, Mike Talley, stated code was amended 1-2 years ago and eliminated some zoning codes, retail no longer allowed in industrial zoning. Often Industrial businesses are also retail. This ordinance will correct our code to allow.

Public Comments: none

Rezoning Public Hearing closed at 7:08pm

Open Public Hearing for Proposed Ordinance to provide that the combined lot area used by all accessory buildings, whether attached or not attached, may not exceed the lot area of the living area of the dwelling unit at 7:08pm

Chris Ellsworth stated that there was a lot of opposition at the Planning & Zoning meeting. The P&Z Commission voted to not move forward without revision.

Public Comments:

Val Carter, 4101 E. 20<sup>th</sup> Street, asked Mike Talley if an attached garage counts against total square footage of accessory buildings twice? Mike stated yes, that is the way he was asked to write it up. He is opposed. Should be related to property size.

Rick Gamboa, 4005 E. 20<sup>th</sup> Street, stated he was originally in favor of restricting accessory buildings. He does not believe proposed ordinance fairly addresses all the stake holders in city. He passed out a potential replacement based on property size. Should not include attached garages.

John Johnson, 1401 Johnson Court, stated that he agrees with Rick Gamboa.

David Weaver asked Rick Gamboa about  $\frac{3}{4}$  acre, what square footage could you have? Rick stated 2,000 sqft. David stated that is the size of another home – seems large. Rick stated the numbers could be changed. He stated 4,000 sqft of structure on a 21,000 sqft lot seems reasonable.

Derek Gander, 1221 Woodland Ave, stated he works in real estate. It is typical for an attached garage to be considered part of the total square footage of the home. Some communities have restrictions on accessory buildings to have same front as home. He is opposed to proposed ordinance.

Paul Daugherty, 4230 E. 24<sup>th</sup> Street, stated he is opposed to any ordinance that unnecessarily restricts reasonable use of property. Previously passed code is more than adequate. Requested information be published on website.

Roger Bone, 2501 Freeport, stated he is opposed to the ordinance. Was not original intent of the ordinance previously passed.

Lisa Daugherty, 4230 E. 24<sup>th</sup> Street, stated she is not opposed to Gamboa's idea. Original intent of Ordinance 257 was not to allow garage to be larger than living structure.

Rezoning Public Hearing closed at 7:44pm

Open Public Hearing to rezone 735 Van Winkle from C-1 to M-1 at 7:44pm

Public Comments: none

Rezoning Public Hearing closed at 7:45pm

**Minutes:** May 8 Regular Meeting: Alderman Baine stated pg 2, under Bill Summary, second needs to be corrected from Roger Bone. City Clerk, Brandi Miller, stated she has

the correct second written on her draft minutes. Page 4 under public comments, last name Alvin should be Allen. Motion made by Barbara Welch, seconded by Jane Baine, 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 pointed out another Allgeier Martin invoice for the Schuber Mitchell project. Alderman Ellsworth wants to hold the bill for reimbursement. 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:** May Court Report was presented. Board approved report and filed for audit.

**Police Report:** Chief Kitch presented report. Motion made by Chris Ellsworth, seconded by Jane Baine, to authorize purchase of 2017 Explorer out of street funds. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**New Business License:** A Squared Art, Alderman Hogan stepped down because he has a vested interest. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve business license. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

LTR Motorsports Inc, Motion made by Alderman Ellsworth, seconded by Jane Baine, to approve business license contingent upon rezoning. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Business License Renewal:** Lined Products LLC, Motion made by Alderman Ellsworth, seconded by Barbara Welch, to approve business license renewal. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 17-09** To Rezone 735 Van Winkle Street from C-1 Non-Commercial Retail to M-1 Industrial: Motion made by Barbara Welch, seconded by Adam Hogan, to read Bill 17-09 by title only.

Bill 17-09 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 17-09 and move to second and final reading by title only.

Bill 17-09 was read second and final time by title only. Bill Utley, owner, stated his father ran Joplin Diesel Service for 45 years at same location – similar use. Motion made by Barbara Welch, seconded by Jane Baine, to approve second and final reading of Bill 17-

09 and adopt as Ordinance 329. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 17-10** To allow the uses permitted in “C-2” districts in “M-1” districts: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-10 by title only.

Bill 17-10 was read by title only. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 17-10 and move to second and final reading by title only.

Bill 17-10 was read second and final time by title only. Motion made by Barbara Welch, seconded by Adam Hogan, to approve second and final reading of Bill 17-10 and adopt as Ordinance 330. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 17-11** To provide that the combined lot area used by all accessory buildings, whether attached or not attached, may not exceed the lot area of the living area of the dwelling unit: Motion made by Jane Baine, seconded by Adam Hogan, to table the ordinance and send back to P&Z for review. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Old Business:** Codification Project: Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve responses recorded during the work session. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Update on FEMA/SEMA: David Weaver stated we have received \$112,000 from FEMA. Should be receiving another \$80,000 for the second appeal. We were reimbursed \$2,000 on our audit fees from CDBG. Alderman Welch thanked David for all of his work with FEMA/SEMA.

Fire Hydrants: Duenweg Fire Department installed new hydrant at 7<sup>th</sup> and Van Winkle. They provided us with an updated list. Will install 2 more during next fiscal year.

City Credit Card: Brandi Miller stated we have a new account with Arvest. Departmental cards are on order.

Update on City Matters: David Weaver stated there have been some issues come up on social media. City received calls regarding a dog on E. 25<sup>th</sup> Street. City responded immediately. Dog and cage are no longer there. Someone is also spreading accusations that the council is considering a tax on trees and vegetation. This is not true.

**Aldermen Interaction:** Alderman Hogan will miss the July and August meeting.

**Public Comment:** Rick Gamboa, 4005 E. 20<sup>th</sup>, spoke about microphones. Adam Hogan has an appointment this week.

David Steele, 3201 E. 13<sup>th</sup> Street, stated MGE fixed his culverts.

Kerry Devine, 314 Morgan Court, spoke about new Foxfire light.

**New Business:** Resolution 17-06: Assigning Addresses to the two (2) platted lots in the replatted lot 25 of Meadow Lane Subdivision: Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve Resolution 17-06. Ayes: Aldermen Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Schuber Mitchell Engineering Fees: Brandi Miller stated we have several invoices from Allgeier Martin related to the Piper Glen subdivision. David Weaver stated we addressed this issue with Schuber Mitchell in the beginning and we have an ordinance requiring payment of expenses incurred. Brandi Miller will contact project manager to request payment.

Bonding Assistant City Clerk: Brandi Miller stated we may want to bond the assistant city clerk position for \$50K since Flo Dempsey has access to Quickbooks and the Bank Accounts. Will cost \$142.00. Motion made by Barbara Welch, seconded by Chris Ellsworth, to bond Flo Dempsey as assistant city clerk. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Update on Commissions and Committees: Alderman Welch updated on the park. Donation letters have been sent. She requested up to \$1,000 to have an architect draw up memorial. Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried. Tom Johnston has been maintaining park grounds, he suggests removing concrete slabs. He also suggested having a community picnic to raise funds.

**Other Business:** David Weaver stated lot splits are currently decided by the City Clerk. Brandi is not comfortable making the decision, so she consults city engineer, Allgeier Martin. He suggested a change to code to avoid engineering fees. Mike Talley suggested passing cost on to requester when engineering is necessary. He will draw up a possible solution.

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 9:18PM, meeting adjourned.