

DRAFT – SUBJECT TO CHANGE
Regular Meeting

August 13, 2018

City Council met in Regular Session at 7:01 PM on Monday, August 13, 2018. Mayor Gary Heilbrun called meeting to order. David Weaver, Special Assistant to the Mayor gave the invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Adam Hogan, Chris Ellsworth, and Mayor Gary Heilbrun. Also present were City Attorney Mike Talley, David Weaver and approximately 8 guests.

Agenda: Alderman Jane Baine made a motion to approve the Agenda as presented, Alderman Barbara Welch seconded the motion. Ayes: Aldermen Baine, Welch, and Ellsworth. Nays: none. Motion carried.

Minutes: July 9 Regular Meeting: Attorney Mike Talley stated that on page 2 under Parking Lot Exemptions that the same phrase needed to be used in both sections for Bud's Bait and Oceans Adventure. Motion made by Barbara Welch, seconded by Jane Baine, to approve amended minutes as presented with corrections as stated. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

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

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

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

PD Monthly Report: Chief Kitch presented. He stated that Officer Sullins has accepted another job and will be going back to part-time with a pay rate returned to \$13.00 per hour effective 8/23/2018. Chief Kitch also spoke to the Council about getting the stop sign at 20th and Katherine put back up in the correct spot as soon as possible. He stated that it is a very dangerous situation right now because it is in the wrong place and could cause a accident if not moved soon. Alderman Chris Ellsworth stated that we need to get someone out there to fix the sign as soon as possible with school starting up this week. Alderman Chris Ellsworth also requested that we place a police officer over by the school for the first few days with school starting up again. Chief Kitch also requested that the Hiring Board needs to be set up again for some new hires in his department. Alderman Barbara Welch also requested that the PD report once again be placed in the monthly packets and Chief Kitch agreed. Board approved report and filed for audit.

Parking Lot Exemptions:

Celebration Church: Glen Davidson with Celebration Church presented a letter to the council stating his intent and addressed the council about the same asking for a 5 year exemption giving them time to get opened and get some other repairs to the building done. It was stated by City Attorney Mike Talley that this exemption will follow the code 40.030(G)(5) for a 1 year exemption with an automatic renewal unless there are nuisance reports filed against them for at total of 5 years beginning 8/15/2018. Motion made by Chris Ellsworth, seconded by Adam Hogan to approve the Parking Lot Exemption for 1 year with 4 automatic renewals for a total of 5 years without any nuisance issues. Ayes: Aldermen Baine, Welch, Higan, Ellsworth. Nays: none. Motion carried.

New Business Licenses: Five new business license applications were considered. Motion made by Barbara Welch, seconded by Jane Baine, to approve all five new business license applications. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Bill 18-30: Financial Disclosure and Conflicts of Interest. Motion made by Jane Baine, seconded by Adam Hogan, to read Bill 18-30 by title only.

Bill 18-30 was read by title only. Motion made by Jane Baine, seconded by Adam Hogan, to accept first reading of Bill 18-30 and move to second and final reading by title only.

Bill 18-30 was read second and final time by title only. Motion made by Jane Baine, seconded by Adam Hogan, to accept second and final reading by title only of Bill 18-30 and assign Ordinance #378. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Old Business:

Amendment to Ordinance 198 – Discussion on amending this ordinance to adjust the set back variance on Duquesne and 20th in order to allow people to build fences within that normal set back variance. It was stated that 198 would reassign control to the Board of Alderman and would cover Duquesne Road and 20th Street. This power is specific to only these two streets. This would place a restriction on the use of property. With three aldermen agreeing not to make any amendments to this ordinance it was then decided that it would stand as read. The responsibility would then be up to the City Clerk to not accept any applications that would not fulfill the Board of Adjustment requirements. The Board of Adjustments could still pass but they have strict requirements that most applications can't meet.

New Board of Adjustments Appointments – Mayor Gary Heilbrun stated that two members on the Board of Adjustments needed to be revoked due to a conflict of interest. Mayor Heilbrun appointed Jane Baine to the Board of Adjustments for a term of 4 years. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve the Mayor's appointment of Jane Baine to the Board of Adjustments. Ayes: Alderman Welch, Hogan and Ellsworth. Nays: None. Motion carried.

Mayor Gary Heilbrun appointed Barbara Welch to the Board of Adjustments for a term of 5 years. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve the Mayor's appointment of Barbara Welch to the Board of Adjustments. Ayes: Baine, Hogan and Ellsworth. Nays: None. Motion carried.

CDBG Housing Project Update – David Weaver stated that the Beaver House will be closed on the 17th of this month. He said that he has been told that there is another \$33,000 more that could be allotted to us to use toward another house. The Radon tests still need to be done and there is a company up around Kansas City that has a 3-4 day turn around time that would cost \$70-\$80 each and the city would be allowed to be reimbursed to that expense.

Update on City Matters:

Court: Alderman Barbara Welch stated that she and Flo Dempsey met with Melissa Holcomb and Judge Nicholas about moving the court. Welch stated that Melissa Holcomb said that they had a hiring freeze at the county right now. She said the Judge brought up several good points. 1) if we came on board with them that would mean a crunch for them, 2) we don't know what legislature will come up with in years to come, 3) we would not get all our money back the way it is run, 4) that we would have to help pay for the additional court clerk and balliff, 5) that once we all got on Show-me courts which should be within the next two years this will allow us to garnish money from individual income tax to refund that money they owe to the city.

Sidewalks: Alderman Barbara Welch presented to the Council that MoDot has money available every two years that can go to sidewalks. They would pay 80% and the city would pay 20%. She said that she was told that smaller cities can do their sidewalk projects in small phases so that the 20% is not such a strain. With MoDot the grant writing portion has to come from the city. This began a discussion on a sidewalk to the school which Alderman Welch said she was told that this would bring us closer to the top of the list. This round of TAP grants need to be in by November 1st and will become available in September. Alderman Ellsworth asked if the grant money could possibly be used to

purchase any right-of-ways. Alderman Welch stated that the TAP grant could be up to \$300,000 with a 20% city match. There was a lot of discussion about which side of the road the sidewalks should be placed, where to locate them and how to manage the easements and utilities. Mayor Heilbrun stated that there were two people in the city that was working on the training for this grant.

Aldermen Interaction:

Fireworks Ordinance: Alderman Welch wanted to discuss the hours to sell stated in the ordinance that City Attorney Mike Talley had written. Alderman Welch proposed that the cutoff for sale of fireworks should be at 10pm. Alderman Ellsworth brought up that there was only one fireworks tent in the city this past year and he did not think that there really needed to be a change in the time. After much discussion it was decided to make no changes to the hours of sell and that the ordinance would be presented at the September meeting as written.

Public Comment:

Rick Gamboa – 4005 E. 20th: Mr Gamboa requested that a copy of the draft minutes be placed up front along with the agenda at the beginning of each council meeting. He also requested that copies of any ordinances and other paperwork pertaining to the discussions at the city council be placed at the front of the room for people to be able to have a copy and follow along during the meeting. Mr. Gamboa also asked that if the Board of Adjustments was actually in existence of if we had to wait till the codification was finalized. He also stated that he felt the Building Bermits should be posted on the website as well as the fees that people are responsible for. Mr. Gamboa also talked that he felt additional items should be placed on the building permit like sprinkler systems. Alderman Chris Ellsworth stated that Brandi Miller and he were working on this prior to her leaving and that he would get with Melody Cundiff, the new City Clerk to get that started again.

New Business:

Assistant to the Board of Aldermen Report – None

Update on Commissions and Committees – Alderman Chris Ellsworth announced that the September P & Z meeting would be held on Thursday September 6th due to the fact that the normal night for the meeting would have fallen on September 3rd which this year is Labor Day.

Other Business Deemed Necessary: Alderman Barbara Welch referenced the Springfield Missouri Code for Churches and requested that we add “excluding overnight

shelters” to our ordinance. City Attorney Mike Talley said we would need to go through the whole Public Hearing process to get this amendment done. It was agreed upon that the phrase “excluding overnight shelters” will be added to the ordinance and placed up for public hearing.

As there was no further business, motion made by Barbara Welch, seconded by Jane Baine, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 9:33 PM, meeting adjourned.