

FINAL  
Regular Meeting

August 14, 2017

City Council met in Regular Session at 7:00 PM on Monday, August 14, 2017. Mayor Gary Heilbrun called meeting to order. David Weaver gave invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: Adam Hogan. Also present were City Attorney Mike Talley, David Weaver and 12 guests.

**Agenda:** City Clerk, Brandi Miller, asked to move the Resolutions before the Bills. Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve agenda as amended. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Adam Hogan arrived at 7:03pm.

**Public Hearings:** Proposed Ordinance to require applicant to pay all engineering costs incurred by the City in the approval process of lot split, minor subdivision and lot consolidations.

Opened at 7:03pm

Public Comments: none

Public Hearing closed at 7:04pm

**Minutes:** June 10 Regular 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.

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

**Bill Summary:** Jane Baine questioned Fletcher invoice for the 2012 Charger. Chief Kitch stated air conditioner was repaired while vehicle was still in service. Motion made by Jane Baine, seconded by Adam Hogan, to pay bills as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**Police Report:** Chief Kitch presented report.

**New Business License:** Semper Fi Gun – Ammo & Safes

Motion made by Jane Baine, seconded by Barbara Welch, to approve new business license for Semper Fi Gun – Ammo & Safes. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

David Weaver stepped down.

**Resolution 17-07:** Assigning Address to lot #48 in Meadow Lane Addition Plat 4  
Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve Resolution 17-07. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Resolution 17-08:** Assigning Address to lot on Johnson Court  
Motion made by Chris Ellsworth, seconded by Jane Baine, to approve Resolution 17-08. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

David Weaver returned.

**Bill 17-15** Amend code to require application to pay engineering costs incurred by city for lot split, minor subdivision and lot consolidation: Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-15 by title only.

Bill 17-15 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 17-15 and move to second and final reading by title only.

Bill 17-15 was read second and final time by title only. Motion made by Jane Baine, seconded by Adam Hogan, to approve second and final reading of Bill 17-15 and adopt as Ordinance 335. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-16** Amend Code for sales and use of fireworks: Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-16 by title only.

Bill 17-16 was read by title only. City Attorney, Mike Talley, stated bill was drafted by direction of the Board of Aldermen. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 17-16 and move to second and final reading by title only.

Bill 17-16 was read second and final time by title only. Mike Talley stated the exception referred to in the bill is a red-flag warning. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-16 and adopt as Ordinance 336. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-17** Approve Agreements: Cleaveland, Watkins Quest Construction, City (CDBG Housing): Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-17 by title only.

Bill 17-17 was read by title only. Mike Talley stated this is the first of four bills related to CDBG grants. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 17-17 and move to second and final reading by title only.

Bill 17-17 was read second and final time by title only. Mike Talley stated the agreements were drawn up by David Weaver and Harry S. Truman Coordinating Council – our grant administrator. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-17 and adopt as Ordinance 337. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-18** Approve Agreements: Johnson, Ledford Construction, City (CDBG Housing): Motion made by Jane Baine, seconded by Adam Hogan, to read Bill 17-18 by title only.

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

Bill 17-18 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-18 and adopt as Ordinance 338. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-19** Approve Agreements: Lewis, W.A.G.S. Unlimited City (CDBG Housing): Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-19 by title only.

Bill 17-19 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 17-19 and move to second and final reading by title only.

Bill 17-19 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-19 and adopt as Ordinance 339. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-20** Approve Agreements: Wages, W.A.G.S. Unlimited City (CDBG Housing): Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-20 by title only.

Bill 17-20 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 17-20 and move to second and final reading by title only.

Bill 17-20 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-20 and adopt

as Ordinance 340. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Setback Variance Request – ABC Supply:** Chris Ellsworth stated P&Z voted unanimously to approve the variance conditional on the City Engineers stormwater approval, with end date of December 31, 2020, and with a letter assuring City will not be held liable for future removal and future property owner will be notified prior to sale. Susan Boyer, Manager of ABC Supply, was present. Motion made by Adam Hogan, seconded by Chris Ellsworth, to approve setback variance request with three (3) conditions:

1. Letter from ABC Supply.
2. Approval of Stormwater Plan by Allgeier, Martin & Associates.
3. Agreement with neighbor if required.

Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Old Business:** Update on FEMA/SEMA: David Weaver stated we received \$25,000 deposit today. Should receive about \$100,000 more soon. He requested we start process to secure another grant administrator for additional CDBG funds. Would not be an expense to the city to pursue projects. City would have the option to refuse grants. Motion made by Barbara Welch, seconded by Adam Hogan, to start the procurement process for a grant administrator for CDBG funds. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Update on Accessory Building Issue: Val Carter, P&Z Vice President, stated Planning and Zoning Commission has conducted several work sessions. He presented their proposed changes. Chris Ellsworth requested city attorney, Mike Talley, draft an ordinance. Ordinance would require public hearings, will try to have ready for October meetings. Barbara Welch thanked the Planning & Zoning Commission for their work on this issue.

All Seasons Signs: Aaron Garman submitted a Minor Subdivision Application on August 7, 2017. The drawing still had setback issues. P&Z requested the drawing be corrected and resubmitted before the September meeting. Barbara Welch requested we move forward with citation. Complaint will have to be filed with Code Enforcement Officer.

Open Positions: Mayor Heilbrun stated we may have to hire a part-time Assistant for the Prosecuting Attorney. Mike Talley stated this is to be in compliance with Senate Bill 572 or 574. There has to be a separation of duties between the Police Department, Court and Prosecutor. Judge Elliston is checking with OSCA. Mayor Heilbrun stated we need to define street position. Defined as Seasonal part-time position with no set hours. Pay range of \$12-13/hour. Board determined to move forward on interviewing candidates.

Update on City Matters: none

**Aldermen Interaction:** Alderman Welch asked about the budget. David Weaver stated he is working on a draft. We will have a special meeting the last week of September to adopt budget, and a work session after the September meeting.

**Public Comment:** Rick Gamboa, 4005 E. 20<sup>th</sup> Street, spoke about the Schuber Mitchell project, Sami's Business License, and Researching Court costs.

Cinda Sweet, 3711 E. 13<sup>th</sup> Street, spoke about Jasper Products odor issue. David Weaver read a statement from Jasper Products. She also spoke about posting open position on marquee, and Sewer Billing issue. The board asked Brandi Miller to contact the City of Joplin and notify them of change in billing address for 1209 Van Winkle Street.

Val Carter, 4101 E. 20<sup>th</sup> Street, spoke about Prosecuting Attorney Assistant and Code Enforcer position.

**New Business:** Utility Cut Bids: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve Southard Construction's bid and move forward with contract. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

David Weaver stepped down to address the board.

Johnson Court Street Lights: David Weaver, 1435 Van Winkle, stated previous street light pole sits on boundary of his property. It was paid for by previous owner privately. He is requesting the light turned back on by the city and turned outward toward the cul-de-sac. He has spoken to Empire and they can do it. Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve street light on Johnson Court cul-de-sac. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

David Weaver returned.

Sewer Tap Fees – Subdivisions: David Weaver discussed being competitive with other cities in regard to large developments. He suggested we lower the sewer tap fees for subdivisions – more than 20 homes. Chris Ellsworth stated should be the same for all, not just subdivisions. He suggested \$300.00 each, asked Mike Talley to draw up Ordinance.

Delinquent Sewer Billing: Barbara Welch stated total has gone up, many are really old accounts. She requested David Weaver speak to Leslie Haase with the City of Joplin to ask about writing off. David Weaver stated we can put a lein on property that is three months past due. Mike Talley stated we need to ride Joplin's coattails.

Update on Commissions and Committees: Alderman Ellsworth stated nothing more from P&Z. Their next meeting is on September 7<sup>th</sup>, due to Labor Day. Val Carter asked about possibly not allowing more storage units or apartment complexes in the City of Duquesne. Could possibly be done by ballot.

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 10:58PM, meeting adjourned.