

FINAL
Regular Meeting

August 12, 2019

City Council met in Regular Session at 7:00 PM on Monday, August 12, 2019. Mayor Gary Heilbrun called the meeting to order. Melody Cundiff, City Clerk gave the invocation.

Roll Call was taken. Present were Aldermen Jane Baine, Barbara Welch, Adam Hogan (who arrived at 7:30 PM), Chris Ellsworth, and Mayor Gary Heilbrun. Absent: none. Also present was City Attorney Mike Talley, David Weaver and approximately 10 guests.

Agenda: Motion made by Barbara Welch, seconded by Jane Baine, to approve the agenda as presented. Ayes: Aldermen Baine, Welch, and Ellsworth. Nays: None. Motion carried.

Public Hearing: Rezoning Application for 2671 S. Kenser from R-1 to M-1:

Opened at 7:03pm

Public Comments: Alderman Jane Baine asked about this business being close to surrounding residents. Mickey Shank responded by saying that there has always been a business in this location.

Mayor Gary Heilbrun asked for any others in favor of the rezoning and there was no response.

Mayor Gary Heilbrun asked for any opposition to the rezoning and there was none.

Public Hearing closed at 7:06pm

Public Hearing: Rezoning Application for 5065 E. 27th Street from R-1 to M-1:

Opened at 7:06pm

Public Comments: None

Mayor Gary Heilbrun asked for all those in favor of the rezoning and there was none.

Mayor Gary Heilbrun asked for any opposition to the rezoning and there was none.

Public Hearing closed at 7:07pm

Minutes: July 8th Regular Meeting: Motion made by Jane Baine, seconded by Barbara Welch, to approve minutes as presented. Ayes: Aldermen Baine, Welch, and Ellsworth. Nays: None. Motion carried.

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

Bill Summary: Alderman Jane Baine stated that she would like for us to invoice Schuber Mitchell for the Plat charges that the city incurred this month. Motion made by Chris Ellsworth, seconded by Barbara Welch, to pay all bills as presented. Ayes: Aldermen Baine, Welch, and Ellsworth. Nays: None. Motion carried.

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

PD Monthly Report: Chief Kitch presented. Chief Kitch reported to the Council that vehicle 812 was wrecked this week and insurance has been filed, estimate has been received and vehicle is at Carthage Ford for the repairs to the A frame. Chief Kitch brought up the issue of the nuisances and that we have found out from the County that they will not be putting any tax liens on property because we don't collect any city property tax so there will be no way to recoup the money that we pay out for lawn mowing and such. With that being said he has a lot of properties that he has issues with so he would like to come up with a way to collect on these properties.

Bill 19-13: Empire Electric 10 year Municipal Electric Service Agreement: Motion made by Jane Baine, seconded by Barbara Welch, to place Bill 19-13 on second reading by title only.

Jordan Bolinger from Empire Electric spoke to the Council explaining the details of the agreement. She stated that any street lights that are reported are done within 3 days so if we can provide them with as much information as possible including the pole number if it is available so that they can get the issue resolved as quickly as possible.

Motion made by Jane Baine, seconded by Chris Ellsworth to amend Bill 19-13 to insert \$6,236.84 in article 5 to replace the amount \$4,807.90. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

Motion made by Jane Baine, seconded by Barbara Welch to place the amended Bill 19-13 on 3rd reading by title only.

Motion made by Jane Baine, seconded by Barbara Welch, to accept the third and final reading of the amended Bill 19-13 and assign Ordinance #404. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: None. Motion carried.

Bill 19-15: Rezoning property at 2671 S. Kenser from R-1 to M-1: Motion made by Jane Baine, seconded by Barbara Welch, to place Bill 19-15 on first reading by title only.

Alderman Chris Ellsworth stated that the P & Z voted in favor of 6/0 with no opposition.

Motion made by Jane Baine, seconded by Barbara Welch to accept the first reading of Bill 19-15 by title only and move to second and final reading of Bill 19-15 by title only.

Motion made by Jane Baine, seconded by Barbara Welch to accept the second and final reading by title only of Bill 19-15 and assign it Ordinance #405. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: None. Motion carried.

Bill 19-16: Rezoning property at 5065 E. 27th Street from R-1 to M-1: Motion made by Jane Baine, seconded by Barbara Welch, to place Bill 19-16 on first reading by title only.

Alderman Chris Ellsworth stated that the P & Z voted in favor of 6/0 with no opposition.

Motion made by Jane Baine, seconded by Barbara Welch to accept the first reading of Bill 19-16 by title only and move to second and final reading of Bill 19-16 by title only.

Motion made by Jane Baine, seconded by Barbara Welch to accept the second and final reading by title only of Bill 19-16 and assign it Ordinance #406. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: None. Motion carried.

Bill 19-17: Amending Title II, Public Health, Safety and Welfare Chapter 211: Offenses Article XV, Fireworks: Motion made by Jane Baine, seconded by Adam Hogan, to place Bill 19-17 on first reading by title only.

City Attorney Mike Talley stated that this came about pursuant to the July Council meeting.

Motion made by Jane Baine, seconded by Adam Hogan to accept the first reading of Bill 19-17 by title only and move to second and final reading of Bill 19-17 by title only.

Motion made by Jane Baine, seconded by Chris Ellsworth to accept the second and final reading by title only of Bill 19-17 and assign it Ordinance #407. Ayes: Aldermen Baine, Hogan, and Ellsworth. Nays: Alderman Welch.. Motion carried.

New Business Licenses: Mayor Gary Heilbrun asked for a motion to approve the new Business Licenses as listed on the agenda. Motion made by Jane Baine, seconded by Chris Ellsworth to approve the new business licenses as listed on the agenda. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried.

Old Business:

Terrace Green Preliminary Site Plan Review:

Motion made by Chris Ellsworth, seconded by Adam Hogan to approve the New Preliminary Site Plan Review. Chevelle Lawver added that the plans were sent to MoDOT and this is why the changes had to be made. MoDOT has approved the revised plan. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

Update on CDBG Housing Project: David Weaver updated the Council that the CDBG project is moving towards closeout. James Robinett will be here late August or early September to help with the close out.

Discussion for Council on 404.010 Ordinance: Alderman Barbara Welch stated that this as presented is not tied back to the number of bedrooms in the house, and she does not like having it state 4 people. The twelve months states everyone must comply which is more strict than our current code which means that regardless of the non-conformity with these provisions everyone must comply so it is much more forceful than our current code. Alderman Jane Baine commented that the 3 bedroom house should be limited to 3 people, but what if one would be a couple in one bedroom which would make 4 people in that household. Alderman Barbara Welch stated this ordinance will be in effect for those homes that receive complaints not that the police will go out a look for homes with this situation. Mayor Gary Heilbrun stated that if we agree in the language we will get it written into an ordinance and placed in the paper. Aldermen Chris Ellsworth and Adam Hogan stated that if we say bedrooms we need to stick to 4. If we go with 3 people, then take out the number of bedrooms phrase. Chris Ellsworth went on to say that bedrooms were brought in to keep the number of people limited. Alderman Adam Hogan stated then maybe we need to take out the bedroom issue all together. Chris Ellsworth feels at this point we are wasting time because we are all not agreeing. Barbara Welch mentioned doing a work session to get this figured out and have more time to discuss the issue. Mayor Gary Heilbrun stated that we will come to a stop and set up a work session for this issue. The Work Session was set for Monday August 26th at 6pm.

Update on City Matters: Mayor Gary Heilbrun let the Council know that there will be 12" water main going down on 20th behind Casey's going west that will have some fire hydrants on it. There will be an 8' gas main starting at 7th and going south toward Jasper Products. Mayor Gary Heilbrun let the Council know that he would be attending a meeting on Wednesday with the Department of Natural Resources in Carthage to talk about a grant dealing with Storm water. The mayor also stated that a spreadsheet is being worked up that will keep track of nuisance calls from start to finish and will be included in the monthly Council packets.

Aldermen Interaction: Aldermen Jane Baine stated that the Council had been provided with some pictures that she has taken of mattresses curb side within city limits. According to 215.040, #17 this is a nuisance and states that the Police Chief is to recognize these and react to them with a legal notification such as a citation or ticket to start and move forward from there.

Public Comments: Kerry Devine, 314 Morgan Court spoke to the Council about the Family Ordinance issue. She stated that she reflected the feelings of many of her neighbors. They realize there are instances when unrelated people need to be in a single-family's home and they are not unsympathetic to those situations. They are concerned about the R-1 houses being filled with unrelated people with no homeowners on site and property owners creating multi-family living conditions meant for different zones in our community and are not R-1 single family. Homeowners build or buy in specific zones for a reason and when that zoning is altered or abused, it creates frustration, property devaluation, degradation of neighborhoods, and congestion. They feel that the ordinance should reflect the name of our zone which is R-1 single family. Potential exceptions should be based on low numbers and common sense guidelines.

Rick Gamboa, 4005 E. 20th addressed the Council asking what happened to the On-Site Construction issue. He was told that they have not paid nor will they. Chris Ellsworth added in that the property was not on the One Call list and the City has now resolved that issue. Mr. Gamboa then asked if the work session will include public input and he was told yes that public comments will be included because it is a posted meeting and the public is allowed. Mr. Gamboa then stated that on the family issue there are complaints about cars and noise that should be addressed by the Police Department. He stated that maybe the city needed to have an ordinance that pertained to parking. He said that with that we could start with the Police Department and then the Courts where the people can be fined. He went on to add the R-1 zoning should only be for single families. If more than one family in a home then it needs to be zoned as multi-family.

New Business:

Resolution 19-01 Assigning Address to Hervey Lane and 14th Street: Motion made by Jane Baine, seconded by Barbara Welch, to approve resolution. Ayes: Aldermen Baine, Welch, Ellsworth, and Hogan. Nays: none. Motion carried.

Resolution 19-02 Assigning Address to Henry Property on E. 16th Street: Motion made by Jane Baine, seconded by Barbara Welch, to approve resolution. Ayes: Aldermen Baine, Welch, Ellsworth, and Hogan. Nays: none. Motion carried.

Donna Crampton-Duquesne and 24th Street: Mrs. Crampton, 2415 Duquesne spoke to the Council about the drainage issue at her home. She spoke to the Council stating that she has lived there for 50 years. She is asking for assistance from the City. She has had someone clean out the whistles but continues to have issues. She has been in contact with AT&T. Mayor Gary Heilbrun told her that the City has an ordinance stating the problem falls back on the home owner. This is backed by 515.010, the City even went to the City Engineers to check on this. Mrs. Crampton asked if the County could help and

she was told that the County will not come into cities to do anything like this. It was mentioned that maybe Joplin Special Road District could help and it was said that they don't do this type of work either. Suggestions made to Mrs. Crampton was to have dirt brought in to change the slope of the yard to help with drainage.

Update on Commissions and Committees: Alderman Chris Ellsworth stated that everything that was discussed during the P&Z meeting had been covered in tonight's meeting. Alderman Barbara Welch mentioned about the consideration for a Storm Water and Recreational sales tax going on the ballot. She mentioned it to the Council as this is something she would like for them to think about doing. Alderman Welch also announced that there was a new member on the Park Committee – Rebecca White.

Joplin Sewer Billing: We have a resident who owns 5 residences two of them being duplexes and felt he was paying too much and only needed to pay for two for those duplexes. He got his rate changed through a contact with the City of Joplin to commercial and did not notify the City of Duquesne. The issue is that there is exiting sewer there for the duplexes, he bought this property to make a profit and the City does not think this will stand and has had conversations with Joplin. The property is zoned as R-1 with duplexes, he is not a Duquesne resident.

Rebecca White Appointed to Planning and Zoning Commission: Motion made by Barbara Welch, seconded by Jane Baine to appoint Rebecca White to be on the Planning and Zoning Commission. Ayes: Baine, Welch, Hogan, and Ellsworth. Nays: None. Motion carried.

Other Business Deemed Necessary: Alderman Chris Ellsworth stated to the Council that he was not comfortable with what we told Mrs. Crampton as she is a lifelong resident. This flooding issue was caused about two years ago. Mayor Gary Heilbrun stated that it can't be said if AT&T is responsible but the City has to stand by this decision. Alderman Baine stated that she agrees it is a bad situation but she is not sure what the answer should be. Alderman Ellsworth stated that the City controls the Right A Way and the resident maintains the ditch in the right a way but yet she can't do anything because she can't touch the right a way because it cannot be altered because it is prohibited by law. Rick Gamboa asked if it was a nuisance on the right a way isn't it the city's responsibility and involvement in correcting it. Chevelle Lawver said that the engineer stated it has been an ongoing issue. She went on to say that AT&T will correct the problem as much as they can. This basically is a landscaping issue. Alderman Jane Baine stated that she has been approached by another resident who has experienced wash from neighbors and experiencing flooding on his property. This gentleman is experiencing issues he has never faced before due to the over average rainfall. She went on to say that we need to

consider that we have had more than double of our average rainfall this year. Rick Gamboa asked is we could not contact the Joplin Special Road District to dig out the ditch for Mrs. Crampton. Chevelle Lawver added that the whistle needs to be cleaned out and the slope of the property changed and that will help with the problem.

As there was no further business, motion made by Jane Baine, seconded by Barbara Welch, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 9:24 PM, meeting adjourned.