

FINAL  
Regular Meeting

September 10, 2018

City Council met in Regular Session at 7:00 PM on Monday, September 10, 2018. 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 approximately 6 guests.

**Agenda:** Motion made by Jane Baine, seconded by Barbara Welch, to approve agenda as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Public Hearings:**

Rezoning Application – A tract of property located at or near 2025 S. Duquesne Road from R-1 to C-1.

Opened at 7:02pm

Public Comments: Alderman Welch questioned the surrounding properties and Alderman Ellsworth stated that they are all R-1. Alderman Chris Ellsworth stated that the property owners were present at the council meeting and that they attended the P & Z meeting and that P & Z recommended that the rezoning be done. Alderman Jane Baine asked if they knew about the 75' setback easement and they said they were.

Public Hearing closed at 7:06pm

Proposed Ordinance – Amending Title IV: Land Use, Chapter 404: Zoning Regulations, Subsection “A” to provide that in the “R-1” single-family district, churches and other places of worship, but excluding overnight shelters, are permitted uses.

Opened at 7:06pm

Public Comments: Alderman Chris Ellsworth stated that this was a 5-1 vote in the P & Z meeting so it passed and is recommended.

Public Hearing closed at 7:08pm

**Minutes:** August 13 Regular Meeting: Motion made by Barbara Welch, seconded by Jane Baine, to approve minutes as amended with the correction on page 2 with the rewording of the Celebration Church Parking Lot Exemption stating that it is a 1 year exemption with an automatic renewal for the next 4 years with no nuisance reports for a total of 5 years. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**Bill Summary:** Motion made by Chris Ellsworth, seconded by Adam Hogan, to pay bills as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

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

**PD Monthly Report:** Chief Kitch presented. Requested a hiring board for Friday September 14<sup>th</sup> at 5:30pm. Those agreeing to be on the hiring board were Mayor Heilbrun, David Weaver and Alderman Chris Ellsworth. Chief Kitch stated that it is becoming an issue with transporting prisoners as well as transporting Ozark Center patients. Alderman Hogan also stated that at the corner of Hartford and 25<sup>th</sup>, people are running that Stop sign.

**Ocean Adventures Business License Request:** Owner Billy Garrigan spoke to the Council and presented them with a letter requesting that they allow him to go ahead and get his business license. He stated that Charles Patterson, City Engineer with Allgeier Martin has approved his Stormwater Plan as Anderson Engineering completed. The finishing touches are getting finished up and hope to open around September 20<sup>th</sup> as it would be economically hard to wait another month. Mr. Garrigan made the request that his business license be approved with his understanding and commitment that he will not begin commerce in the facility until the Stormwater Plan is complete with the parking lot as well. Mayor Heilbrun stated that the City Clerk can issue the license upon completion of the Stormwater Plan. The City will need notification from the city engineers to assure completion of the Stormwater Plan. Motion made by Chris Ellsworth, seconded by Jane Baine to let the City Clerk issue the business license upon completion of the Stormwater Plan along with the notification from the engineers from Anderson Engineering. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: None. Motion carried.

**New Business Licenses:** One new business license application and one new business license application with alcohol sales were considered. Motion made by Barbara Welch, seconded by Jane Baine, to approve the two new business license applications. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Business Licenses Renewals:** Four business license application with alcohol sales were considered. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve the four business license renewal applications. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-31** Fireworks Article XV – Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-31 by title only.

Bill 18-31 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-31 and move to second and final reading by title only.

Bill 18-31 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-31 and assign Ordinance #379. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-32** Amended Application and Fees. Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-32 by title only.

Bill 18-32 was read by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-32 and move to second and final reading by title only.

Bill 18-32 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-32 and assign Ordinance #380. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-33** 404.040 Use Regulations A.1.2 Churches. Motion made by Jane Baine, seconded by Barbara Welch, to read Bill 18-33 by title only.

Bill 18-33 was read by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-33 and move to second and final reading by title only.

Bill 18-33 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-33 and assign Ordinance #381. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-34** Rezoning 2025 S. Duquesne Road from R-1 to C-1. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-34 by title only.

Bill 18-34 was read by title only. Motion made by Jane Baine, seconded by Barbara Welch, to accept first reading of Bill 18-34 and move to second and final reading by title only.

Bill 18-34 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-34 and assign Ordinance #382. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Old Business:**

**Update of CDBG Housing Project:** none.

**Update on City Matters:** none.

**Aldermen Interaction:** Alderman Welch made a comment that she feels the flags are being left at half-staff for too long. That the flag at the roundabout needs to be replaced. She feels that if we can't have standards that respect the flag, that the flags just need to come down all together. Alderman Ellsworth stated that the police chief can order flags. City Clerk Melody Cundiff did bring it up that the city had received notification that the flags were to be at half-staff on September 11<sup>th</sup> from sunrise to sunset. Alderman Baine asked if we had seen any funds come in yet from the Use Tax. City Clerk Melody Cundiff stated that as of today, we received a check in the amount of \$2,270 for the month of August Use Sales Tax.

**Public Comment:** Rick Gamboa, 4005 E. 20<sup>th</sup> asked the Council for an update of the Codification Manual. Mayor Gary Heilbrun stated that we are still waiting on the final copy to be sent to the city. Alderman Chris Ellsworth stated that when the project began we were told that it would be 12 to 18 months from start to finish. Mr. Gamboa asked if we could not charge Ozark Center a taxi charge when they call our police department to transport people. City Attorney Mike Talley stated that could not be done because it falls under rendering ordinary police service as covered by taxes.

**New Business:**

**Radon Tests:** David Weaver stated that we were waiting to hear back from the CDBG. That it would cost about \$1650 for all 23 homes and that James Robinett with the CDBG would reimburse the city. Mayor Gary Heilbrun brought it up that the city could have Mark from Neosho who is a home inspector to do the radon tests, it would cost \$100 per house but he would go to each home to set 2 tests then go back to pick them up and send them off. A Motion was made by Chris Ellsworth and seconded by Adam Hogan that \$2,500 be approved to get the radon tests completed. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: None. Motion carried.

**Road Maintenance:** David Weaver brought it to the attention of the council that we have gone to a lot of expense to pave the city streets and that they have all been paved and he suggested that we set up a 5 year maintenance plan costing approximately \$50,000. It was suggested that we invite Mike to the next meeting to discuss this further. Alderman Ellsworth agreed that it was a good idea.

**Budget:** David Weaver stated that the information that was sent out to the council was the beginning of the budget. He stated that there are a lot of areas that are not necessarily needed in the QuickBooks company that is currently set up and being worked with. He suggested that we set up a new company. He would like to set down with Chief Kitch, Court Clerk Janet Stemm and City Clerk Melody Cundiff to work up a new list of revenue and expense categories that they feel we need in the new company then we will start building our list and then get with the city auditor to get his input before hiring someone to set up the new company. He would like to see the new company have some logic to it and be able to flow and easily pull information out of it. David Weaver figures it will be approximately around \$500 to pay for the Quickbooks expert. It was suggested that we check with MSSU and Franklin Tech to see if they have a Quickbooks expert.

**Setting Date for Budget Meeting:** The Special meeting is set for September 28<sup>th</sup> at 3:30pm at City Hall. At that time we will set the budget for the new fiscal year, approve the 4 ordinances and approve any other areas that need to be tended to.

**City Clerk Salary:** David Weaver stated that Melody Cundiff was hired at \$17.50 per hour with a pay increase of \$18.50 at the end of 90 days. Alderman Baine stated she thought it was \$18.00. A motion was made by Alderman Chris Ellsworth, seconded by Adam Hogan that the council raise the City Clerk's hourly pay rate from \$17.50 to \$18.50 beginning September 16, 2018 since she has completed her 90 day probationary period. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: None. Motion carried.

**Update on Commissions and Committees:** Alderman Ellsworth stated that there was nothing else brought up at the P & Z meeting that was not already discussed in the council meeting.

**Other Business Deemed Necessary:** none.

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 8:47 PM, meeting adjourned.