

FINAL  
Regular Meeting

September 11, 2017

City Council met in Regular Session at 7:00 PM on Monday, September 11, 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 8 guests.

**Agenda:** Mayor Heilbrun stated agenda was amended and re-posted as 12:30pm to include full description of bills. He stated it was not feasible to wait an additional 24-hours to conduct city business. Motion made by Jane Baine, seconded by Barbara Welch, to approve agenda as present. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Minutes:** August 14 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:** Motion made by Chris Ellsworth, seconded by Jane Baine, 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.

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

**New Business License:** Sami's Family Restaurant

Motion made by Chris Ellsworth, seconded by Adam Hogan, to approve new business license for Sami's Family Restaurant. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-21** An Ordinance approving a contract between the City of Duquesne and Southard Construction Co., to repair utility cuts for 2017-2018: Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-21 by title only.

Bill 17-21 was read by title only. City Clerk, Brandi Miller stated that Southard Construction had not yet given feedback on the contract. Motion made by Jane Baine, seconded by Adam Hogan, to accept first reading of Bill 17-21 and move to second and final reading by title only.

Bill 17-21 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 17-21 and adopt as Ordinance 341. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Bill 17-22** An Ordinance amending code to reduce the permit and inspection fee for new residential buildings from \$500 to \$300: Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 17-22 by title only.

Bill 17-22 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 17-22 and move to second and final reading by title only.

Bill 17-22 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 17-22 and adopt as Ordinance 342. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

Motion made by Chris Ellsworth, seconded by Barbara Welch, to strike Bill 17-23 from the agenda. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Setback Variance Request – US Kustoms:** Tom Johnston, Planning & Zoning Commission, stated the commission voted to deny the variance for an 80' building and to approve a variance for a 70' building with a survey. Mayor Heilbrun stated utilities have been confirmed except Sewer. Motion made by Chris Ellsworth, seconded by Barbara Welch, to table the setback variance request until US Kustoms has a survey. Ayes: Aldermen Baine, Welch, Hogan, and Ellsworth. Nays: none. Motion carried.

**Old Business:** Update on FEMA/SEMA: David Weaver stated we received another \$71,290, and are still expecting about \$20,000 for the State match.

All Seasons Signs: Mayor Heilbrun stated Aaron Garman brought in an amended drawing, but we could not approve the Minor Subdivision due to not meeting code requirements.

Open Positions: City Attorney, Mike Talley, stated Flo Dempsey has filled the Prosecuting Attorney Assistant position. Barbara Welch asked about the maintenance position. Mayor Heilbrun stated we have not moved forward yet.

Update on City Matters: David Weaver stated he met with the City of Joplin to discuss Sewer Collections. They can shut off the water. Will be talking about write-off policy. David additionally spoke about frustration at ABC Supply. Mike Talley stated per our Stormwater Management Design Manual, the City Engineer has the ability to waive stormwater requirements. Or they need to show us in writing how the City has the legal authority to waive a stormwater requirement.

**Aldermen Interaction:** Alderman Welch asked about Use Tax for storage units. Mike Talley agreed to take a look at the use tax.

**Public Comment:** Rick Gamboa, 4005 E. 20<sup>th</sup> Street, spoke about researching court costs. Alderman Welch stated she is working on it. He also spoke about the Schuber Mitchell fence, creating a variance application that requires a survey. He asked about a procedure to proceed against those not paying sales tax. He additionally passed out a suggestion of information to provide to new residents that move into Duquesne.

David Weaver asked to have it noted that Schuber Mitchell will pay Engineering fees.

Mickey Sherman, 825 S. Duquesne Road, spoke about why she did not agree with the variance.

**New Business:** MAPS Contract: David Weaver stated he didn't believe we had ever signed an agreement. City Clerk, Brandi Miller, stated she found minutes from April 2015 where the board voted to limit charges to \$250/fiscal year. Mike Talley stated they had the same issue in Carl Junction. The board advised Brandi to request more information from MAPS. Motion made by Barbara Welch, seconded by Jane Baine, to table the MAPS Contract. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

CDBG Street Account – Mayor Heilbrun requested approval to close the account as we will no longer be using it. Motion made by Chris Ellsworth, seconded by Adam Hogan, to close the CDBG Street Fund bank account. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried. David Weaver stated he spoke to Chris Erisman regarding our sewer accounts and they were not required. Mike Talley stated Section 720.030 is regarding User Charge Accounts and shows what is required.

Budget – Mayor Heilbrun asked to set a work session for the budget. Work session scheduled for September 19<sup>th</sup> at 7pm.

David Weaver's Contract – David currently has a contract that automatically renews. Mayor Heilbrun stated he would like to revise the contract. It has not been drawn up. The Board directed Brandi Miller to email the previous two contracts.

Update on Commissions and Committees - The next Planning and Zoning meeting will be October 2<sup>nd</sup> at 7pm.

Other Business Deemed Necessary: Alderman Ellsworth stated the light is out at 10<sup>th</sup> and Duquesne Road on the East side. There is a hole at 10<sup>th</sup> and Woodland that has not been repaired.

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 9:26 PM, meeting adjourned.