

APPROVED 4-13

Regular Meeting

February 13, 2017

City Council met in Regular Session on Monday, February 13, at 7:03 PM. Acting President of the Board of Aldermen Gary Heilbrun called meeting to order.

Roll call was taken. Present were Aldermen Gary Heilbrun, Barbara Welch, Chris Ellsworth, and Roger Bone. Absent: Mayor Lisa Daugherty. Also present were City Attorney Mike Talley, David Weaver and 18 guests.

Agenda: City Attorney Mike Talley requested to amend the Bill number on the agenda for the public hearing from 17-04 to 17-03. Alderman Welch requested to amend the name Redwood Garden Apartments to Estates. Motion made by Roger Bone, seconded by Chris Ellsworth, to approve agenda as modified. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Public Hearings:

- Public Hearing opened at 7:05pm
 - Proposed Ordinance Amending Title IV, Sections 404.060 & 420.060 to require minimum 90' lot width and minimum 9000 square foot lot area, and lifting the freeze on lot splits in the EDR area

Public comments: none

Public Hearing closed at 7:07pm

City Audit Presentation: Gene Wense, auditor, presented the results of Fiscal Year 16 audit. He stated once they received the client representation letter, the final audit report will be released. City Clerk needs to sign electronically so it can be filed with the Single Audit Clearinghouse. This is an additional step due to budget over \$1 million. Upon request by David Weaver, Gene shared some of the points from the management letter. David asked if acting President of the Board, Gary Heilbrun, could sign the Client Representation letter in the absence of the Mayor. Gene stated that was okay. David Weaver passed out a press release that was issued by Mayor Daugherty last year. He stated he felt it was deceptive, and he wasn't sure there would be another one released this year.

Minutes: January 9 Regular Meeting: Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth. Nays: Bone. Motion carried.

January 16 Special Meeting: Motion made by Roger Bone, seconded by Chris Ellsworth, to approve minutes as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Financial Report and Budget Summary: City Clerk, Brandi Miller, stated that she would email December and January financial reports.

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

Police Report: Chief Kitch presented report. He requested approval of Officer Brian Wenberg for continued employment. Acting President of the Board of Aldermen Gary Heilbrun appointed Brian Wenberg to full-time police officer effective January 17th at \$15/hour. Motion made by Roger Bone, seconded by Chris Ellsworth, to approve appointment. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill Summary: Nays: none. Motion carried. Alderman Bone requested we look into new carwash monthly fee. Chief Kitch will get the information. Motion made by Chris Ellsworth, seconded by Roger Bone, to pay bills as presented. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone.

Business Licenses: Two applications were presented: Wiseguys Italian American Comfort Foods and Cee Kay Supply. Motion made by Chris Ellsworth, seconded by Roger Bone to approve business license applications. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Renewals: Motion made by Chris Ellsworth, seconded by Roger Bone to approve business license renewals. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-01 Approving Change Order No. 4 to Contract Between City and Blevins Asphalt: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-01 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-01 was read by title only. Motion made by Barbara Welch, seconded by Roger Bone, to accept first reading of Bill 17-01 and move to second and final reading by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-01 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-01 and adopt as Ordinance 321. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-02 Approving Final Plat of Piper Glen Subdivision: Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-02 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-02 was read by title only. Alderman Ellsworth stated Planning & Zoning Commission voted unanimously to approve. City Engineers provided a letter stating they were satisfied with final plat. City Attorney Mike Talley stated city code mandates improvements cannot begin until ordinance has passed to approve final plat, but final plat cannot be recorded until the improvements are completed. Dan with Schuber Mitchell stated they will complete improvements before recording final plat. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 17-02 and move to second and final reading by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-02 was read second and final time by title only. Mike Talley additionally stated for the record that final plat calls for 6' side yard setbacks. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-02 and adopt as Ordinance 322. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-03 Amending Title IV, Section 404.060 and 420.060 to require a minimum lot width of ninety (90) feet and a minimum lot area of nine thousand (9000) square feet, except for pre-existing lots which met pre-existing minimums, and repealing Ordinance No. 195, passed on the 18th day of June, 2012, which placed a temporary freeze on lot splits in the EDR area following the May 22, 2011, tornado. Motion made by Barbara Welch, seconded by Chris Ellsworth, to read Bill 17-03 by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-03 was read by title only. Alderman Ellsworth stated Planning & Zoning voted unanimously to approve. Motion made by Barbara Welch, seconded by Chris Ellsworth, to accept first reading of Bill 17-03 and move to second and final reading by title only. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Bill 17-03 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-03 and adopt as Ordinance 323. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Old Business: Update on Redwood Garden Estates: Alderman Welch stated units are not billed individually. Mike Talley stated he contacted Schroeder Investments LLC regarding sewer billing. Tentative verbal agreement was discussed over a year ago, but contract was never signed and they were hooked up to the sewer. The intention was

base charge and user fees per unit, and to obligate owners for payment. With the board's approval, he will draft an agreement and present to Schroeder Investments.

Update on Commissions and Committees: Nothing to report

Update on City Matters: David Weaver spoke about the CDBG Housing project. One plan on Kimberly and Katherine is proposed to be 1,100 sqft and 2 bed/1 bath/1 car garage. Home is much smaller than other program homes and will appraise lower than other homes in that cul-de-sac. HSTCC requested direction from council to accept or reject proposal. If we reject the proposal, what minimums will we accept? The board decided minimum of 1500 sqft and 3 bed/2 bath/2 car garage. Motion made by Barbara Welch, seconded by Roger Bone, to reject the proposed plan. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

FEMA/SEMA: David stated we are still waiting. There have been many changes to leadership, hopefully will move forward.

Alderman Heilbrun stated Cris found 16 street lights out. Have been reported to Empire. Alderman Heilbrun also discussed the second fire hydrant. City Clerk Brandi Miller is going to look at previous minutes to see what was passed by motion.

Sewer Tap Fees: David Weaver questioned where they should be deposited. Former City Clerk, Terry Ingram, instructed Brandi Miller to deposit them into the Sewer & Wastewater Fund. He feels that we should possibly be depositing them into the General Funds because we pay out of that account for inspections, etc. City Attorney, Mike Talley, questioned if we had any obligations under our bonding regarding tap fees. David Weaver will ask Chris Erisman.

Street Cuts Work Session: Alderman Welch asked if need another meeting or have Mike Talley move forward with rewriting the code regarding street cuts. Alderman Ellsworth asked Mike if the City has any ability to take action now against MGE for cutting the streets without asking and leaving holes in the street without filling them. Mike stated that we do have some code provisions, but it won't work the way it is currently written. He will have to look at the code to properly answer the question. Mike suggested someone needs to investigate the situation and provide what, when, pictures, and assessments. He also needs a history of City contact with MGE.

David Steele, 3201 E. 13th Street, shared letter from MGE dated 9/20/16. Letter was written to the homeowners and stated they would restore the street as soon as feasible weather permitting to original condition. David Weaver stated he believes we should enforce our current code, possibly issue a citation or letter of demand. Mike Talley stated we need to get City Engineer to assess the situation.

Mike Talley requested the source of the document that Alderman Welch shared with the council regarding the street cuts. Barb stated it came from the Joplin code and it had been altered by those in attendance at the work session. Mike requested to be invited to the next work session.

Update on Road Project: Alderman Ellsworth expressed concern regarding the culverts on East side of Duquesne. It does not look like the grass is going to grow. David Weaver stated they have until March 31st to finish filling and seeding areas that need it.

David Weaver introduced Adam Hogan who is running for a position on the Board of Aldermen.

Alderman Interaction: Alderman Welch stated Amazon will start charging sales tax. We will have to pass a use tax in order to receive those taxes. Mike Talley stated that we do have time to put it on the ballot.

Alderman Bone shared that the Joplin 2022 project is considering annexation of Duquesne as a part of their 5-year goals. Roger stated that it will be up to Duquesne citizens. David Weaver stated some members of the project do not believe it would be profitable for Joplin. Jane Baine stated she would be concerned about Fire and Police response. If this gets serious, she thinks we need to appeal to the residents of Duquesne.

Public Comment: Rick Gamboa, 4005 E 20th St, asked about procedure if business moves locations. Do they have to get a new business license? The answer is no. He additionally asked how do we know that we are getting sales tax from all of the businesses in Duquesne? Brandi Miller stated that we do not get a breakdown from the State. Rick asked if we have to do all of this research to pass an ordinance requiring a permit for street cut. Alderman Ellsworth stated that we do have that provision in our code, but do not currently have a permit process in place. He will email a permit application to be considered at the next work session. Rick asked for confirmation that no one has heard from Mayor Lisa Daugherty in regard to her missing the council meetings since the first absence. He asked that the mayor resign if she is not going to perform her duties. He asked someone to make a motion ask for her resignation. Motion made by Barbara Welch, Seconded by Gary Heilbrun, to ask Mayor Daugherty to resign. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Kerry Divine, 314 Lincoln Park, asked if we should add it to the job description for Mayor that pay is based on work. David Weaver stated it is a state statute, but we can set some requirements by ordinance before the next mayor is sworn in. Kerry asked again that we look at adding another street light on Foxfire. David asked her to get with him on where she would like that located before the next meeting.

Jane Baine, 4250 E 13th St, asked when the Mayor's pay ends. Mike Talley stated she will receive pay through the end of her term and the new Mayor is sworn in. She stated her concern that Lisa will not come in to swear in the new mayor. Mike stated that's why we have a presiding officer who can do these things in the Mayor's absence.

City Clerk, Brandi Miller, thanked the Board for allowing her to have a maternity leave. She additionally thanked Flo Dempsey for covering her responsibilities during that time. She did a great job.

New Business: Fair Housing Committee: Acting President of the Board of Aldermen Gary Heilbrun appointed the following individuals to the Fair Housing Committee:

Verna Lee Gamboa
Becky Ward
Jane L. Baine
Gary Jackson
William (Bill) Sherman

Motion made by Chris Ellsworth, Seconded by Barbara Welch, to approve appointment to Fair Housing Committee. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried.

Other Business: none

As there was no further business, motion made by Barbara Welch, seconded by Roger Bone, to adjourn. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 9:35PM, meeting adjourned.