

Regular Meeting

June 18, 2012

City Council for City of Duquesne met in Regular Session at 7:10 p.m. on Monday, June 18, 2012, at City Hall. Meeting was rescheduled from June 11 due to quorum.

Mayor Denny White called meeting to order. David Weaver gave invocation.

Roll call was taken. Mayor Denny White, Aldermen Dale Daniels, Frank Herron, George Reeve, Lisa Daugherty were present. Absent: none. City Attorney Mike Talley, Police Chief Kitch, David Weaver and 28 visitors were also present.

Agenda: Motion made by George Reeve, seconded by Lisa Daugherty, to approve agenda. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Minutes from May 14 Regular Meeting and June 11 Regular Meeting that was rescheduled due to lack of quorum were presented to Board prior to meeting. No changes or corrections minutes were approved as presented.

Financial report for May was presented. Approved and filed for audit.

Court report for May was presented. As there were no changes or corrections, report was approved.

Justin Coyne with District 7 Highway Credit Union: Asked about status of request for Letter of Intent from City. Motion made by George Reeve, seconded by Lisa Daugherty, to authorize Mayor to issue Letter of Intent that would allow city employees to be members of credit union. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Public Hearing for Suspending Lot Splits and Minor Subdivision Regulations until Board Can Review Sections: At 7:22 PM, Mayor opened Public Hearing. Debra Giddens (3838 E 16th), Gary Heilbrun (4015 E 25th), Cathy Hudson (4420 E 24th), Julie Rouse (4035 E 24th) and Kim Beauchamp (4024 E 24th) addressed Board and were in favor of suspending regulations at least in EDR (Expedited Debris Removal area as defined by FEMA). Most said their main reason for building and residing in Duquesne was because of big lots and open spaces. As there were no other comments, motion was made by Dale Daniels, seconded by George Reeve to close public hearing. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried. At 7:35 PM, public hearing and regular session resumed.

Gary Heilbrun: Canceled request to address Board, as matter was resolved.

Bill 12-04 Add Chapter 504: Excavations: Motion made by George Reeve, seconded by Lisa Daugherty, to take Bill 12-04 off table and read by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Bill 12-04 was read by title only. Motion made by Lisa Daugherty, seconded by George Reeve, to accept first reading of Bill 12-04 by title only and move to second and final

reading of Bill 12-04 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Bill 12-04 was read second and final time by title only. Motion made by Dale Daniels, seconded by George Reeve, to accept second and final reading of Bill 12-04 by title only and adopted as Ordinance 194. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Bill 12-05 Suspend Lot Splits and Minor Subdivision Regulations Pending Review by Board: Motion made by George Reeve, seconded by Lisa Daugherty, to read by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Bill 12-05 was read by title only. Mayor asked for any discussion. Alderman Daugherty expressed concern about lot splits causing potential flooding issues. Alderman Herron asked if suspending regulations would prevent property sale for subdivision development. It would only suspending dividing properties into 4 lots or less. Alderman Reeve suggested suspension be restricted to EDR (Expedited Debris Removal) area as defined by FEMA.

Board allowed comments from audience: Steve Reese agreed restricting suspension to EDR area made sense, so city could continue to move forward. Gary Heilbrun did not want to see suspension of regulations to rest of city.

Motion made by George Reeve, seconded by Dale Daniels, to amend Bill 12-05 to only suspend lot splits and minor subdivision regulations to EDR area until Board can review and move to first reading of Amended Bill 12-05 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

After additional discussion, motion made by George Reeve, seconded by Dale Daniels, to read Amended Bill 12-05 for second and final time by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Amended Bill 12-05 was read second and final time by title only. Motion made by Dale Daniels, seconded by George Reeve, to accept second and final reading of Amended Bill 12-05 by title only and adopted as Ordinance 195. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Motion carried.

Building Commission: Motion made by George Reeve, seconded by Dale Daniels, to convene Commission Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. Following members were present: Chairman Denny White, Commissioners Dale Daniels, Frank Herron, George Reeve and Lisa Daugherty. At 8:36 PM, commission opened Show Cause Hearing for property at 4129 E 25th. Commissioner White if any owners of interest in property were present. As none were present, City Attorney presented City's case. Mr. Talley stated hearing was originally scheduled for June 11 at 7:45 PM, but had to be rescheduled June 18 due to lack of quorum and owners of interest were notified. He called City Building Inspector Ken Ansley to testify. Court recorder was present to take testimony. Mr. Ansley attested to content of several photographs showing detail of damages sustained to structure and why such damages made it unsafe and inhabitable, documents and notifications that

were placed into evidence. Documents included, but not limited to, Notice and Order; Findings of Fact, Conclusions of Law and Order; Show Cause Hearing Notices; and Non-Compliance Report and Complaint submitted to Building Commission. Ken concluded his testimony by stating it would be not cost-effective to attempt repairs to structure.

Attorney Talley called City Clerk Terry Ingram to testify. She testified about documents, notifications and acquisition of title search information. Attorney concluded City's case and informed Commission of next step: draft demolition order letter and newspaper notification. Motion made by George Reeve, seconded by Frank Herron, to instruct City Attorney to prepare documents and return to regular session. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. At 9:15 PM Commission closed.

Bill 12-06 Voluntary Annexation of 4602 E 25th: Motion made by George Reeve, seconded by Frank Herron, to read Bill 12-06 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Bill 12-06 was read by title only. As there was no discussion, motion was made by George Reeve, seconded by Dale Daniels, to accept first reading of Bill 12-06 by title only and more to second and final reading of Bill 12-06 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Bill 12-06 was read second and final time by title only. Motion made by George Reeve, seconded by Frank Herron, to accept second and final reading of Bill 12-06 by title only and adopt as Ordinance 196. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Bill 12-07 Voluntary Annexation of 4611 E 26th: Motion made by George Reeve, seconded by Dale Daniels, to read Bill 12-07 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Bill 12-07 was read by title only. As there was no discussion, motion was made by George Reeve, seconded by Frank Herron, to accept first reading of Bill 12-07 by title only and more to second and final reading of Bill 12-07 by title only. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Bill 12-07 was read second and final time by title only. Motion made by George Reeve, seconded by Frank Herron, to accept second and final reading of Bill 12-07 by title only and adopt as Ordinance 197. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Business License Renewal Applications: 4 State Satellite (fireworks), Interstate Batteries and Wallerinebear Trading Post were presented. Motion made by Dale Daniels, seconded by George Reeve, to accept renewal applications. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Business License Applications (new): Have Tractor Will Travel (603 Walnut Ridge), Kellan Foster Insurance Agency (3640 E 7th) and Shoal Creek Originals (1221 Woodland Ave) were presented. Motion made by George Reeve, seconded by Frank

Herron, to table Shoal Creek Originals for additional information and approve other two. Discussion was held and motion was rescinded. Motion made by Dale Daniels, seconded by George Reeve, to approve all 3 applications. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

Public Comments: Jane Baine – 4250 E 13th asked about status of property at 4031 E 14th. Property is still in city court system.

Consider Vote to Go into Closed Session: Motion made by Dale Daniels, seconded by Lisa Daugherty, to go into closed session pursuant to RSMo 610.021.3. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. At 9:25 PM, Board entered into closed session.

Meeting returned to open session at 9:45 PM, employee(s) will be notified of Board's decision.

Old Business: Update on City Matters: David Weaver said Katherine and 20th intersection needed fixed for traffic entering off Katherine onto 20th. He recommended Board have Allgeier Martin & Associates draw plans to correct corner. Motion made by Dale Daniels, seconded by George Reeve, to request plans as recommended. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

David announced City has received grant for \$800,000 to widen Duquesne Road south of 7th Street to near culvert area. Culvert repairs to that section will require road closing for approximately 8 weeks. No date has been set.

Missouri American Water to discontinue doing sewer billing November 28, 2012. David should have proposal from Joplin for August meeting for Joplin to take over billing function.

New Business: Police Department Monthly Report: Chief Kitch presented report.

Bill Summary: May outstanding bills of \$18,896.19; and \$50,628.24 for Sewer and Wastewater Fund were presented. Motion made by George Reeve, seconded by Dale Daniels, to pay outstanding bills as presented. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried.

As there was no further business, motion was made by Dale Daniels, seconded by Frank Herron, to adjourn meeting. Ayes: Aldermen Daniels, Herron, Reeve, Daugherty. Nays: none. Motion carried. At 10:20 p.m. meeting adjourned.

Terry Ingram, City Clerk