

Draft

Regular Meeting

December 12, 2016

Board of Aldermen opened Regular Session at 7:00 PM on Tuesday, December 12, 2016. Mayor Lisa Daugherty called the meeting to order.

Roll call was taken

Present were Mayor Lisa Daugherty, Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Also present were City Attorney Mike Talley, Chief of Police Tommy Kitch and Assistant to the Board of Aldermen David Weaver and approximately 40 guests. Also present were Missouri State Senator Ron Richard and State Representative Charlie Davis

Motion Made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to approve the amended agenda. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Special Presentation**

Missouri State Senator Ron Richard presented former Mayor Denny White with a Senate Resolution honoring him for his efforts in obtaining multiple funding sourced for the city after the tornado including \$2 Million for repairing the roads. State Representative Charlie Davis presented former Mayor Denny White with a House Resolution honoring him for his service and accomplishments following the 2011 tornado.

State Senator Ron Richard then stated it was Denny White and Harrold McCoy who worked to get the \$2 Million CDBG Grant for the roads. He also stated Mayor Lisa Daugherty had nothing to do with obtaining those funds.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve the minutes of the November 14, 2016 Regular Meeting Minutes. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Financial reports – No Aldermen comments, filed for audit

Court report – No Aldermen comments, filed for audit

### **Police Department Report – Chief Kitch**

Updated City Council on several issues including the LEST grant and his intent to request funding for 50% of a new police vehicle and funding for equipment inside the car. Made requests regarding personnel.

Motion Made by Alderman Roger Bone, seconded by Alderman Chris Ellsworth to approve the increase in pay for Officer Blaucket. to \$14.92 per hour at the beginning of the next pay period. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to approve the increase in pay for Officer Torix from to \$14.92 per hour at the beginning of the next pay period, and to move Officer Torix from part time to full time at the discretion of Chief Kitch. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Budget Summary**

Motion made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to pay the bills presented. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Business Licenses**

Motion made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to approve the business license of Via Nutrition. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve the Business License renewals received to date. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Bill 16-44**

- Bill No. 16-44: An ordinance adopting and enacting a new Chapter 210, Offenses, of the Code of Ordinances of the City of Duquesne, County of Jasper, State of Missouri; and providing for the repeal of existing code Chapter 210; and providing when this ordinance shall become effective

Motion made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to the 1<sup>st</sup> reading of Bill No. 16-44 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to the 2<sup>nd</sup> reading of Bill No. 16-44 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Barbara Welch, seconded by Alderman Gary Heilbrun to approve Bill No. 16-44 and to assign it as Ordinance # 319. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Update on City Matters**

FEMA/SEMA – David reported no movement on 2<sup>nd</sup> appeal or SEMA money.

Road Project – David reported that to his knowledge all paving has been completed.

Other City Matters – Lot splits and temporary lot split freeze discussion. Some members felt the temporary freeze had run its course, Mayor did not. Discussion on how to resolve situation regarding Esther Elliot's property, no action taken.

Employee Handbook – Discussion on when health insurance could begin for City Employees and still be in compliance with our insurance carrier guidelines as well as the Affordable Care Act. Discussion on proposed resolution 16-?

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth amend the agenda to approve amending the employee handbook by resolution 16-??. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion Made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to approve Resolution 16-?? Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Mayor's Report**

Mayor Daugherty reported that she was having some success with the IRS in reducing penalties and interest incurred for late and unfiled payroll taxes. Mayor Daugherty stated she had received a \$717 refund.

### **Aldermen Interaction**

Aldermen Heilbrun responded to accusations that he refused to give up the Police Commissioners Job. He asked Chief Kitch if he had any problems with him being the police commissioner. Chief Kitch answered no. Aldermen Heilbrun then asked if the Chief did would he comfortable sharing that with the City Council if he wanted a change and Chief Kitch answered he would feel comfortable sharing that with the Council if that ever happened.

Aldermen Ellsworth expressed concern about the Gas Company cutting up 13<sup>th</sup> street on the west edge of the city. Discussion ensued about street cut policies and possible vendors to fix street cuts. Mayor stated nobody applied after former company the City had a contract with pulled out of the agreement after the death of their owner. Aldermen Heilbrun stated there were other applicants but the Mayor refused to consider them.

### **Public comments:**

**Rick Gamboa**, 4005 E. 20th, Joplin, MO 64804

Mr. Gamboa had questions regarding the Mayors campaign literature taking credit for getting the funding to pave the roads. Mr. Gamboa asked the Mayor in light of Senator Richard's earlier comments tonight if she still maintained she got the money for the roads. Mayor Daugherty answered, "No Comment".

**Jane Baine**, 4250 E. 13<sup>th</sup>, Joplin, MO 64801

Stated around May 2015 she received a phone call from Mayor Daugherty stating the Governor would be here to announce the CDBG grant. Ms. Baine stated Mayor had called the Governor 2 weeks prior to get the money. Ms. Baine stated that work had been started several years before. She stated the accolades for former Mayor White were very just and very thankful.

She stated Mayor Daughert was confused and it was shameful that we lived in a village where one person could take credit for what others worked very hard on.

**David Steele**, 3201 E. 13<sup>th</sup> St., Joplin, MO 64801

Stated he had heard comments from the gas company that the water company was planning on cutting across the road near 13<sup>th</sup> and Rex.

### **New Business**

Auction/Sealed Bids – 5 items were sold, discussion on what to do with remaining items.

Thought was that they were worthless and should be disposed of.

Fair Housing Committee – Aldermen Welch had questions about the Fair Housing Committee.

Ordinance was passed in January where Mayor select 5 people. Questions on discrimination and selecting a more diversified committee. Mayor thinking about who was asked. Stated she appointed people who moved here after the tornado, a widow and business owner lifelong resident, another person was a renter, homosexual, another was a single mom raising children, needed assistance, another who lived in city for some time. Mayor felt that was diversified. Nobody else submitted applications. Alderman Heilbrun stated there were a larger variety of people available, yet none of them were selected. Discussion

Consider Vote to Go into Closed Session pursuant to 610.021.(1) relating legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or it's representatives and its attorneys. Motion made by Chris Ellsworth, seconded by Roger Bone, to go into closed session for personnel matters. Roll call was taken. Ayes: Aldermen Heilbrun, Welch, Ellsworth, Bone. Nays: none. Motion carried. At 8:15 PM, Council entered closed session with City Attorney Mike Talley, Assistant to the Board of Aldermen David Weaver

At 8:50 PM, Council returned to open session. Mayor stated no vote was taken during closed session.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to amend the agenda to add Bill Number 16-45 Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Bill 16-45**

- An ordinance approving a settlement agreement between the City of Duquesne, Missouri, NOLA Investments, LLC, and Gary and Karen Colson which resolves several issues related to installation and connection of a lateral sewer line serving part of NOLA estates in the City of Duquesne; providing the terms and conditions thereof; and authorizing the Mayor to execute said settlement agreement for and on behalf of the City of Duquesne, MO.

Motion made by Alderman Barbara Welch, seconded by Alderman Gary Heilbrun to the 1<sup>st</sup> reading of Bill No. 16-45 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Alderman Barbara Welch, seconded by Alderman Roger Bone to the 2<sup>nd</sup> reading of Bill No. 16-45 by title only. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

Motion made by Barbara Welch, seconded by Alderman Gary Heilbrun to approve Bill No. 16-45 and to assign it as Ordinance # 320. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Other Business Deemed Necessary**

None

**Motion to Adjourn**

9:10 PM - As there was no further business, motion made by Alderman Barbara Welch, seconded by Alderman Roger Bone to adjourn. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

David Weaver  
Acting City Clerk