

Draft

## **Regular Meeting**

**January 9, 2017**

The City of Duquesne, Missouri Board of Aldermen opened Regular Session City Council Meeting at 7:00 PM on Monday January 9, 2017. Board of Alderman President Gary Heilbrun called the meeting to order.

### **Roll Call**

Present were, 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 10 guests.

Absent: Mayor Lisa Daugherty

### **Agenda**

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

### **Minutes**

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth to approve the minutes of the December 12, 2016 Regular Meeting Minutes and December 12, 2016 Closed Session Minutes. 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 minutes of the December 20, 2016 Special Session Minutes. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Reports – Financial & Court**

Financial reports – No financial report submitted, City Clerk out on maternity leave

Court report – No Aldermen comments, filed for audit

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

Updated City Council on LEST grant request for around \$16,000 submitted. Several car repair issues reported. Talked about various personnel items. Chief Kitch also noted the decline in criminal activity in Duquesne. He stated there was no major criminal activity in Duquesne this year that he could think of.

### **Budget Summary**

Alderman Barbara Welch noted she had signed the check to pay Visa prior to approval noting that it was often received well after the previous council meeting, but due before or close to the upcoming council meeting causing late fees to be assessed. Board of Aldermen agreed this was ok after a careful review of each item on the bill.

Alderman Chris Ellsworth wanted to talk about the Humane Society two invoices on the budget summary and the situation surrounding it in relationship to our agreement with them.

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

### **New Business Licenses**

Alderman Chris Ellsworth noted on Danner Auto Sales application that it was listed as a retail and had a question about whether they would also be conducting auto service at that same location and if one business license would cover both activities. Alderman Ellsworth didn't think their building was equipped to do auto service. City Attorney Mike Talley reviewed the city code and concluded that the code allows two businesses to operate under one license, and he then quoted the special code provision dealing with two businesses at one location.

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

### **Renewal of Existing Business Licenses**

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

### **Old Business**

#### **Update on Schuber Mitchell Development near 20<sup>th</sup> & Duquesne**

Jarred Hogan from Anderson Engineering presented a plat to the City Council for consideration. He answered questions regarding the plan then City Attorney Mike Talley explained the procedures per our City Code for obtaining Final Plat Approval. This included going through Planning and Zoning. He also asked Mr. Hogan about the Covenants that had previously been discussed and Mr. Hogan stated they were close to being completed. Mr. Talley encouraged Mr. Hogan to go through the steps of our code.

Assistant to the Board of Alderman, David Weaver, asked if this information could be gathered and completed to present to Planning and Zoning at a special meeting perhaps in a week as the next regular meeting was a month away. Mr. Hogan said they could be. Discussion, Special Meeting scheduled for Planning and Zoning at 7 PM on Monday, January 16, 2017 and a Special Meeting for the City Council that same day at 7:30 PM.

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

**Road Project** David Weaver reported that work is done, paperwork being processed and talked about a hold back of limited funds to ensure the grass grows along the edges of the road where black dirt was put down as it was planted so late in the season by the contractor.

## **Other City Matters**

**Redwood Estates Apartments**, Alderman Welch discussed her work on the Redwood Apartment Complex that is in the City of Joplin, but hooked on to our sewer. She discussed Mayor Daugherty bringing this idea to the Council some time ago and being excited about how much money it would generate for the City of Duquesne. Redwood Estates wanted to hook on to our line because of its elevation in contrast to Joplin's line which would have required a large amount fill to raise the elevation of their construction to be high enough to have a gravity fed line into the Joplin sewer lines. It was to save them a lot of money to be able to hook on to our line.

At a previous meeting, Mayor Daugherty denied knowing anything about it. Alderman Welch stated the Mayor dropped the ball on this project failing to follow through and costing the city thousands in potential revenues. City Attorney Mike Talley recalled being copied with an email exchange involving the City's engineers and Redwood Estates concerning this subject, but there was never any follow up.

Alderman Welch contacted the developer, Mr. Jack Strick who stated that he had talked to Mayor Daugherty and she told them to get with the city regarding hooking up. Alderman Welch asked our City Clerk to look on our monthly spreadsheet for sewer billing and nothing was found on the address of Redwood Garden Estates on Rex Ave. Alderman Welch contacted the City of Joplin to see if Duquesne was receiving any revenue from this tap and Joplin replied we were not because the development was located in the City Limits of Joplin.

Attorney Mike Talley suggested we get a formal agreement drafted and the Board of Alderman directed him to work on it so that it could be approved by ordinance.

Alderman Welch was concerned and wanted it noted that this was another incident of our Mayor not following through on managing the day to day operations of the city and dropping the ball on the completion of an agreement on this development potentially costing the city thousands of dollars per year in lost revenues.

## **Committee and Commission Reports**

Alderman Chris Ellsworth asked that a spot be included on all future meeting agendas for Committee and Commission Reports.

**Planning and Zoning (P&Z) Report by Alderman Ellsworth** (also a member of P&Z)

**Lot Spits** – P & Z discussed a resolution regarding possible dimensions for minimum sq. foot requirements and minimum total square footage on the total lot size. P & Z is prepared to move forward in recommending 90 feet for minimum lot frontage and 9,000 square foot minimum on total lot size as a condition/requirement for any lot and that all new lots meet these minimum requirements. After this ordinance or resolution is put in place the P&Z Council will be ready to recommend repealing the temporary lot spit regulation put in place shortly after the May 22, 2011 tornado. Wanted to add a public hearing to the February 6<sup>th</sup> P&Z meeting and also have a public hearing regarding this at our February 13, 2017 regularly scheduled City Council meeting.

**Employee Handbook** – Resolution No. 17-01, Amendment NO. 5

Discussion about allowing employees to pay for their city health insurance, at their option, before being eligible for City paid/provided health insurance. Council had previously allowed this but upon talking to our insurance agent we found this was not allowed.

Motion Made by Alderman Roger Bone, seconded by Alderman Barbara Welch to approve amending the employee handbook by resolution 17-01. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

**Mayor's Report**

Mayor notified the Board of Alderman by email sent at 6:20 PM that she would not be attending the meeting. No written report was provided.

**Aldermen Interaction** - None

**Public comments:**

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

Mr. Gamboa wanted to know where the Mayor was and why she was no longer attending meetings. He noted that she was also absent from the previous meeting. Alderman Welch stated the Mayor notified the council by email that she would not be attending. Mr. Gamboa wanted to know if that email was public record and City Attorney Mike Talley stated because it was addressed to all City Council members that it was. Mr. Gamboa said he would be asking for a copy of it but wanted to know if someone would read the email. Alderman Welch read the email.

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

Asked how many meetings the Mayor could miss before jeopardizing her position? City Attorney Mike Talley stated that nothing in our City Code addressed that issue. Ms. Baine then asked if the Mayor would continue to get paid the \$1,000 per month if she didn't show?

Redwood Apartments – Why were emails between the Mayor and Redwood Apartments and our Engineer lost? What happened to them? She stated on her bill the Duquesne base fee was

around \$13 per month and wondered if that was how much we were losing in potential revenue per month per unit because of the Mayor's inattentiveness to this project?

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

#### **Policer Search of and Alderman for a weapon**

After hearing Alderman Welch read the email from the Mayor as to the reason for her absence Mr. Gamboa asked Alderman Gary Heilbrun if he was carrying a gun. Alderman Heilbrun stated he was not. Mr. Gamboa asked if Alderman Heilbrun would consent to a voluntary search of his person by the Duquesne Police Officer (Officer Pryor) in attendance to verify that he had no weapon on his person. Alderman Heilbrun responded, "sure, I don't have a problem with that". Officer Pryor and Alderman Heilbrun left the meeting for the Police Office, (located in the same building) and Officer Pryor conducted a search. Upon their return, Officer Pryor stated he had conducted a thorough search of Alderman Heilbrun found no weapon. Mr. Gamboa wanted this noted for the record and thanked the officer and Alderman Heilbrun for their assistance in the matter.

**Verna Lee Gamboa**, 4005 E. 20th, Joplin, MO 64804

Mrs. Gamboa asked the Council if the city could get back any money that Mayor Daugherty has cost the city including penalties and interest paid to the IRS and Missouri Department of Revenue, Checks paid to city employees which violated the city employee manual and all the other money this Mayor has cost the City? Alderman Welch said the Mayor had stated that she was able to get some of the IRS penalties back but didn't know how much nor was she able to verify whether the city had received those funds yet.

**Micky Sherman**, 825 S. Duquesne Rd., Joplin, MO 64801

Wanted to thank the Aldermen who opened their eyes to what the Mayor was doing and seeing what was going on. She thanked them for acting in the best interest of the city.

## **New Business**

### **Planning and Zoning Application**

Planning and Zoning Board Application of Val Carter, 4101 E 20<sup>th</sup>, Joplin, MO 64804

Motion made by Alderman Chris Ellsworth, seconded by Alderman Barbara Welch to approve the appointment of Val Carter to a four-year term on the Planning and Zoning Board. Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried

### **MS4 Storm Water Permit**

Mayor Daugherty sent an email to City Worker Chris Grubel's directing him to act on the MS4 Storm water project. Mr. Grubel's objected stating the documents the Mayor presented him clearly state that it is the Mayor's responsibility to do this and that he is not qualified nor does

he have any knowledge of how to perform the assignment. Aldermen discussion, Alderman Welch said she would review this situation.

## **Other Business Deemed Necessary**

### **Southwest Missouri Bank emails**

The City received a letter dated December 21, 2016 from Southwest Missouri Bank advising them that at the City's request the email address to send all bank correspondence regarding city accounts had been changed and directed to go to: [moviemouse@hotmail.com](mailto:moviemouse@hotmail.com). It was noted that this was the Mayor's personal email address. Discussion that none of the Aldermen authorized this nor did they have any knowledge of it. Discussion that this was wrong and that it should have been brought before the Council first.

Motion Made by Alderman Barbara Welch, seconded by Alderman Chris Ellsworth that all Southwest Missouri Bank emails be sent to the Mayor, President of the Board, and City Clerk at their city provided email addresses currently ending in "@duquesnemo.org". Ayes: Alderman Roger Bone, Alderman Chris Ellsworth, Alderman Gary Heilbrun and Alderman Barbara Welch. Nays: none. Motion carried.

### **Motion to Adjourn**

8:51 PM - As there was no further business, motion made by Alderman Chris Ellsworth, 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