

Board of Aldermen opened Regular Session at 7:00PM on Monday, October 12, 2015.  
Mayor Lisa Daugherty called meeting to order.

Roll Call: Present were Aldermen Chris Ellsworth, Gary Heilbrun, Barbara Welch, and Roger Bone. Absent: None. Also present were Mayor Lisa Daugherty, City Attorney Mike Talley, David Weaver, Chief Tommy Kitch and approximately 13 guests.

Agenda: Motion made by Alderman Bone to strike the purchase order resolution from the agenda seconded by Alderman Heilburn. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone to approve the amended agenda, seconded by Alderman Heilburn to amend the agenda. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Public Hearing:

- Public Hearing 1 at 7:05
  - Rezoning of 3109 E. 13<sup>th</sup> St. from C-1 Commercial to R-1 Single Family Residential.

Public comments:

There were no public comments.

- Public Hearing 2
  - Amending Title IV: Lane Use, Chapter 404: Zoning Regulations, Section 404.040: Use Regulations, to Further Restrict the Uses Permitted in R-3, C-1, C-2 and M-1 Districts So That the Uses Permitted Are Not Incompatible With the Zoning Designation of Such Districts.

Public comments:

- Dan Wahnoutka, 3500 E.7<sup>th</sup>
  - Found out that property he is going to build on was zoned as C-1 and should have been zoned as C-2. He is getting close to submitting his building permit at the end of the month and needs to know what route he needs to take. Mayor Daugherty stated it was a mistake of the city and something the city will have to rectify. Mayor Daugherty also stated that they consolidated all three lots into one. Mr. Wahnoutka was not against rezoning.
- Public Hearing 3

- Amending Title IV: Land Use, Chapter 404: Zoning Regulations, Section 404.030: Off-Street Parking and Loading Spaces, to Clarify Parking Area Paving Requirements and to Grandfather Non-Conforming Parking Areas Established Prior to November 1, 2015, to Clearly Exempt Residential Driveways From Paving Requirement, and to Allow Exemptions to Paving Requirements Under Certain Circumstances.

Public comments:

- Dan Wohnoutka, 3500 E.7<sup>th</sup>
  - Need clarification on the paving requirements. I will have area with security fencing that will be used for storage. Does it have to be paved? Mike Talley stated that the old ordinance states that the parking lot has to be paved not the storage areas.

Motion made by Alderman Welch, seconded by Alderman Bone to approve September Regular Meeting Minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Heilburn to approve September 16 Special Meeting Minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to approve September 29 Special Meeting Minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Financial Report & Budget Summary: September financial report was presented. As there were no changes or corrections, report was approved and filed for audit.

Court Report: September court report was presented. As there were no changes or corrections, report was approved and filed for audit.

- Bill 15-17: An Ordinance Amending Title IV: Land Use, Chapter 404: Zoning Regulations, Section 404.030: Off-Street Parking and Loading Spaces, to Clarify Parking Area Paving Requirements and to Grandfather Non-Conforming Parking Areas Established Prior to November 1, 2015, to Clearly Exempt Residential Driveways From Paving Requirement, and to Allow Exemptions to Paving Requirements Under Certain Circumstances

Motion made by Alderman Welch, seconded by Alderman Bone to have 1<sup>st</sup> reading of Bill No. 15-17 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to have 2<sup>nd</sup> reading of Bill No. 15-17 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Welch to approve Bill 15-17 and to accept as ord # 269. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

- Bill No. 15-18: An Ordinance Amending Title IV: Lane Use, Chapter 404: Zoning Regulations, Section 404.040: Use Regulations, to Further Restrict the Uses Permitted in R-3, C-1, C-2 and M-1 Districts So That the Uses Permitted Are Not Incompatible With the Zoning Designation of Such Districts.

Motion made by Alderman Welch, seconded by Alderman Heilbrun to have 1<sup>st</sup> reading of Bill No. 15-18 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Heilbrun to have 2<sup>nd</sup> reading of Bill No. 15-18 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Welch to approve Bill 15-18 and to accept as ord # 270. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

- Bill No. 15-19: An Ordinance Amending the Zoning District Map Adopted by the Board of Aldermen of the City of Duquesne, Missouri, by Ordinance No. 106 on the 21<sup>st</sup> Day of July, 2008, as Amended, to Rezone 3109 E. 13<sup>th</sup> Street, Jasper County, Missouri, as More Fully Described in the Body of this Ordinance, from C-1 Commercial to R-1 Single Family Residential.

Motion made by Alderman Welch, seconded by Alderman Bone to have 1<sup>st</sup> reading of Bill No. 15-19 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to have 2<sup>nd</sup> reading of Bill No. 15-19 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Welch to approve Bill 15-19 and to accept as ord # 271. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

#### Old Business:

- Update on City Matters
  - Mayor Daugherty stated there is property north of 7<sup>th</sup> street in the county that is not in the city of Duquesne and Duquesne had to run a sewer line on his property. The landowner chose to go with Joplin even though Duquesne paid for the sewer with grant money. Joplin took over the sewer line and Duquesne will have to still pay off the sewer debt. Mayor Daugherty now wants to know how the city wants to proceed with our own sewer billing. Joplin wants to do the billing and Duquesne has gone to some existent to purchase the software to do our own city sewer billing. Mayor Daugherty stated she has requested a couple of times under the "Sunshine Law" for sewer information and Joplin has failed to provide that information. Mayor Daugherty also stated she has requested under the "Sunshine Law" a list of names of residents who are behind or who have not even paid their bill and Joplin has no record of shutting anyone's water off. Mayor Daugherty sent a letter to the Mayor of Joplin asking that they communicate with our software provider. I have received no response. Mayor Daugherty has been told by the water company that Duquesne water belongs to the city and right now we are in agreement with Joplin for them to provide that information. Mike Talley stated there is a possible litigation that can be discussed in closed session.
  - Mayor Daugherty stated Mr. Ward called her over the summer about the odor. Alderman Heilburn has attempted to contact DNR but DNR is slow to respond because they have a large area to cover and by the time they get there the odor is gone. Mr. Ward stated he does not know what else to do.
  - Alderman Bone stated he has not received Cris Gurubel log sheets and asked Alderman Heilburn to e-mail to him. Mayor Daugherty asked if the log sheets could be e-mailed to her as well. Alderman Heilburn stated he has the logs and will forward them to the other council members. Alderman Welch stated she did not want a copy.
  - Alderman Bone about moving a sign on the NW corner of 25<sup>th</sup> and Freeport and it has yet to be done. Mayor Daugherty advised she has asked Chris over

- the summer to move it. Alderman Heilburn (Street Commissioner) has been advised.
- Mayor Daugherty advised there is a large hole on Morgan Court that is in need of repair.
  - Mayor Daugherty had complaints that there is poor lighting on some of the street. Chief Kitch will check on it.
  - There have been some complaints of someone on Morgan Court having several rummage sales though out the year. Mike Talley advised the ordinance says a person can have a total of 4 rummage sales a year for 3 days and have to be at least 30 days apart.
  - Update on Soft Trail
    - Chief Kitch advised 4 out of 10 said yes. Some people had questions as to liability issues and about officers showing up at their door in uniform. Chief Kitch advised people did not feel comfortable so he shut the process down.
  - Policy for Surveillance
    - Alderman Heilburn advised he has not heard back from anyone on the policy he sent out reference the surveillance. Mayor Daugherty advised it can be discussed at next month's meeting.

Public comments:

- Rick Gamboa, 4005 E.20<sup>th</sup>,
  - Wanted to know why the P&Z minutes were not posted on the web site since 06/01/2015 when the web site says they are posted. Mayor Daugherty advised it is a courtesy that the city does by posting the minutes on the web site. The city is not obligated to post them on the city web site.
  - When will the city map be updated because the P& Z has requested an updated map because the one they have to work with is from 2008? Mayor Daugherty stated she would not have the time to update the map and the council can either hire someone, assign an employee to do it, or someone can volunteer to come in and help update the map.
  - Since the city audit is done is it public record and what were the results? Mayor Daugherty, Alderman Bone, and Alderman Welch all stated that everything was fine concerning the audit.
  - Who is contracted to do our street cuts? Mayor Daugherty advised that no one put in on the first bid that was sent out. There will be another bid will be sent out in the near future.

New Business

- Business License:
  - WebconInc

Motion made by Alderman Welch with contingent classification, seconded by Alderman Heilbrun to accept business license. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

- Mattress By Appointment

Motion made by Alderman Bone, seconded by Alderman Heilbrun to accept business license. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

- Bonding for Alderman Heilbrun
  - Mayor Daugherty brought up the reason for the bonding is due to Alderman Heilbrun having the code to the city offices and coming into the city office after hours when city staff has left for the day. Mike Talley said reason for bonding someone is security for the city. Mayor Daugherty will get with KPM on the bonding issue.

Motion made by Alderman Bone, seconded by Alderman Welch to approve to pay the bills. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

#### Reports of Special Boards, Committees & City Officers

- Comments:
  - Aldermen Ellsworth stated the P&Z has a work session on 10/15/2015
  - Alderman Welch gave update on the city park plans. Park plans are in the final phase and hoping to get detailed colored plan soon.
  - David Weaver stated the housing was coming along and talked about widening 20<sup>th</sup> St. He thought there would be a problem with moving electric poles and the cost associated with it. The city could be eligible for FEMA funding but it is unknown on exact amount.

Motion made by Alderman Bone, and seconded by Alderman Heilbrun to go into closed session pursuant to RSMo. 610.021(3) relating to hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Motion made by Alderman Welch, and seconded by Alderman Bone to go into closed session pursuant to RSMo. 610.021(1) relating to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

A roll call vote was taken with Ayes: Alderman Welch, Heilbrun, Bone and Ellsworth  
Nays: none. Motion carried.

Board moved to closed session at 9:41 PM.

Board reconvened Regular Meeting at 11:55PM.

Motion made by Alderman Ellsworth, seconded by Alderman Heilburn to have 1<sup>st</sup> reading of Bill No. 15-20 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Bone to have 2<sup>nd</sup> reading of Bill No. 15-20 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to approve Bill 15-20 and to accept as ord # 272 Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to pay David Weaver since October 1<sup>st</sup>, 2015. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Board of Alderman directed David Weaver to continue working with FEAMS/SEMA and work on the CDBG housing project.

As there was no further business, motion was made by Alderman Welch, seconded by Alderman Ellsworth to adjourn. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

At 12:11 AM, meeting adjourned.

Stephanie Ayres  
Asst Duquesne City Clerk