

Final
Regular Meeting

August 10, 2015

Board of Aldermen opened Regular Session at 7:00 PM on Monday, August 10, 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 and approximately 23 guests.

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

Public Hearing: Amending Ordinance No. 195, Which Suspended Lot Splits and Minor Subdivisions In The Expedited Debris Removal Area, To Allow Lot Splits and Minor Subdivisions If The Smallest Resulting Lot Is One-Half (1/2) Acre or More.

Public Hearing opened at 7:05

Public Comments:

Bryan Stephens, Represents the owners at 3715 E. 16th St.
Mr. Stephens urges the Board to adopt this ordinance. His clients would like to split their property so that they can sell part of the property. They have no issue with the half acre size limitation.

Arnold Terry
1705 Melissa Terry Lane
Mr. Terry wanted to know why is Duquesne increasing their lot size. All the surrounding cities have a smaller lot size. City Attorney Mike Talley answered that this ordinance that the public hearing is for does not amend the code. It lifts part of the freeze that happened after the tornado. Mr. Terry stated that his property was non-conforming and if split would be smaller than the half acre. His concern was whether this ordinance changed a previous ordinance. Mr. Talley told him to look at ordinances 199, 200, and 220. Whatever rights were given in these ordinances were still valid.

Rick Gamboa
4405 E. 20th St.
Mr. Gamboa wanted to know what the minimum lot size is for residents out of the EDR zone. Also is there a reason that the city has separate rules for the EDR zone than the rest of the city. Mayor Daugherty stated that residents complained that the lots were

being split. The community complained that they wanted the area to stay as it was before the tornado. Mr. Gamboa stated that the whole city should be the same and all these ordinances should be abolished.

Scott Marshall
4421 E. 25th St.

Please pass this ordinance. He would like to develop on the land that he owns and bring more homes to the area.

Cinda Sweet
3711 E. 13th St.

Ms. Sweet stated that after the tornado not all residents came back. These residents were selling their lots to developers that wanted to build two houses instead of one and make spec homes. These ordinances were put in place to try and preserve the integrity of the area. She gave an example that residents near Katherine Estates may not have rebuilt if they would have known that the apartments were going to be built across from them.

Verna Lee Gamboa
4005 E. 20th St.

Mrs. Gamboa stated that everyone needs to realize that everyone needs to stop talking down about Katherine Estates. It is a nice building and kept up well.

Deborah Gibbons
3838 E. 16th St.

Agrees that the lot splits should be a minimum of a half-acre. She moved to Duquesne because of the bigger lots and would like to see the Board pass this bill.

Mayor Daugherty closed the hearing at 7:30 PM.

Minutes: Motion made by Alderman Welch, seconded by Alderman Heilbrun to approve July regular meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Welch, seconded by Alderman Bone to approve July closed meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Ellsworth, seconded by Alderman Welch to approve July special meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Ellsworth, seconded by Alderman Welch to approve June special meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Minutes: Motion made by Alderman Welch, seconded by Alderman Ellsworth to approve June closed meeting minutes. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

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

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

Bill 15-08 Title IV: Land Use, Chapter 404: Zoning Regulations, Section 404.030: Off-Street Parking and Loading Spaces
Chapter 405: Miscellaneous Land Use Regulations, By Repealing Section 405.011: Setback Variances

Bill 15-08 has stalled in the P&Z because several of their members do not think that Duquesne needs paved parking lots. Alderman Welch stated that there is already an ordinance on the books that needs enforced. Mike Talley stated that this ordinance was created to help with hardships and gives 5 years to get the parking lots paved.

Mayor Daugherty opened the public hearing for Bill 15-08 at 8:56 PM.

Bryan Stephens

Representing the Sanctuary Church

Mr. Stephens stated that there is a huge cost in paving a parking lot and if the Board needs to decide if it wants to encourage or discourage new businesses from coming into Duquesne. He encourages the Board to have a size requirement. An example would be that lots that have 10 parking spaces or less should be required to pave and bigger lots should have a minimum number of spots paved. The position of the church is that they are a young growing church and they would like to have a gravel parking lot, as there are many in the city.

Rex Robertson

2809 E. Wickersham Rd.

Joplin

Mr. Robertson stated that the Sanctuary Church has already purchased 25,000 square foot of land with plans to turn it into parking. He does not know what the future holds for the church and the area may someday get turned into an expansion of the church. If they were to expand then they would have to tear up the pavement in the parking lot. Also when you have a paved parking lot then you have to build curbs and guttering for water runoff and water retention. If you have gravel the water will soak through. He is in favor of the ordinance because it gives the mayor the ability to extend or exempt the paved lot. They like there location in Duquesne and would like to stay and grow in Duquesne.

Cinda Sweet
3711 E. 13th St.

Ms. Sweet agrees that is parking lots are paved then there will be water runoff. Businesses need to maintain the gravel and keep the weeds out. Mayor Daugherty stated that residents have complained about the gravel creates a lot of dust and that they won't visit businesses that don't have paved parking lots. Ms. Sweet stated that she believes that the rules need to be for everyone.

Rick Gamboa
4005 E. 20th St.

Mr. Gamboa asked is everyone who has a gravel driveway going to have to pave it. Mr. Talley stated that the ordinance is only for commercial. Mr. Gamboa then asked if existing businesses required to pave or is it from the point of this ordinance. Is the city going to enforce businesses that have been here since 2008? Alderman Ellsworth stated that he is against going to those businesses and asking them to pave. Mr. Gamboa is for paved parking lots, but has been told that businesses have come to Duquesne because they don't have to pave their parking lots.

Roger Hall
4436 Elm Dr.
Joplin

Who is liable when the storm water leaves a property and moves on to another property? Mr. Talley stated that when a lot is paved it has to comply with all the city ordinances including our storm water regulations. It depends on what is required by the city ordinances. The Board is not sure if we have those ordinances in place that make the land owner responsible.

Mayor Daugherty closed the public hearing at 8:25.

Alderman Ellsworth stated that the P&Z is not recommending the passing of this bill because they are against paving in general. He also stated that without this bill passing then the city cannot legally grant an exemption.

Motion made by Alderman Bone, seconded by Alderman Welch to have 1st reading of Bill No. 15-08 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to approve the 1st reading and have 2nd reading of Bill No. 15-08 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Ellsworth to accept Bill 15-08 and for it to become Ordinance 262. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Bill 15-09 An Ordinance Amending Ordinance No. 195, Which Suspended Lot Splits and Minor Subdivisions In The Expedited Debris Removal Area, To Allow Lot Splits and Minor Subdivisions If The Smallest Resulting Lot Is One-Half (1/2) Acre or More.

Motion made by Alderman Bone, seconded by Alderman Heilbrun to have 1st reading of Bill No. 15-09 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Ellsworth to approve the 1st reading and have 2nd reading of Bill No. 15-09 by title only. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Welch, seconded by Alderman Ellsworth to accept Bill 15-09 and for it to become Ordinance 263. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Motion made by Alderman Bone, seconded by Alderman Heilbrun to strike Bill No. 15-10 and Bill 15-11. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Old Business:

Update on Road Project:

Allgeier Martin suggested that the city should wait until later this year to get bids.

Once bids are in the recommendation is to start in the spring.

MSSU is requesting a sidewalk to go down Duquesne Rd to 7th St. It could cost the city \$25,000. Alderman Welch stated that she would rather put that money toward a sidewalk on 20th by the school.

Update on City Matters:

MSSU is requesting a sidewalk to go down Duquesne Rd to 7th St. It could cost the city \$25,000. Alderman Welch stated that she would rather put that money toward a sidewalk on 20th by the school.

UMB has \$190,000 that we are looking at using to pay Allgeier Martin.

Update on Odor from Nearby Manufacturers:

Alderman Heilbrun is trying to get the DNR out. DNR has to come out when the smell is going on to check it.

Public Comments:

Cinda Sweet

3711 E. 13th St.

The odor is happening at night and the companies need to be addressing it. She believes that the city needs to get more aggressive with them.

David Steele

3201 E. 13th St.

Mr. Steele stated that the odor was getting worse. He also wanted to know if the annual audit was complete and if he could receive a copy. The answer was yes it is done and yes he can have a copy.

Alderman Welch has been working on a project to get a city park. She is asking the Board to for \$1500.00 to get plans started. It is the first step toward getting a park.

Motion made by Alderman Welch, seconded by Alderman Bone to approve \$1500.00 to have plans draw up for the city park. Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

New Business:

Annual Audit Report:

Page 11 of the audit states that we are at 30%, they expect to see cities about 20%. The city has taken steps to comply with the audit.

Bill Summary:

Motion made by Alderman Bone, seconded by Alderman Welch to pay bills.

Ayes: Aldermen Ellsworth, Welch, Bone, Heilbrun. Nays: none. Motion carried.

Reports of Special Boards, Committees & City Officers:

The Police Department had an accident with one vehicle, it will cost about \$4500.00 to fix. Officer Jeffers resigned on July 24th. We have two officers that have about 3-5 weeks of training left. The body cameras have been placed in limited services.

Motion made by Alderman Welch and seconded by Alderman Bone 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.

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

Board moved to closed session at 9:14 PM.

Board reconvened Regular Meeting at 10:31 PM.

The Mayor announced that no votes, except to adjourn, were taken during the closed session.

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 10:32 PM, meeting adjourned.

Gina Taylor
Duquesne City Clerk