

City Council for City of Duquesne met in Regular Session at 7:00 p.m. on Monday, August 11, 2014, at City Hall.

Acting President of Board of Aldermen Roger Bone called meeting to order. David Weaver gave invocation.

Roll call was taken. Aldermen Frank Herron, Barbara Welch, Roger Bone, Lisa Daugherty were present. Absent: Mayor Denny White. City Attorney Mike Talley, David Weaver, Police Chief Kitch and 8 visitors were also present.

Agenda: Motion made by Lisa Daugherty, seconded by Barbara Welch, to approve agenda. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Minutes from July 14 Regular Meeting were presented. Motion made by Barbara Welch, seconded by Frank Herron, to approve minutes as presented. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Financial report for July was presented. Alderman Daugherty asked status of payment from Casey's, Dollar General and Midcontinent Equity Holdings for Allgeier Martin & Associates' invoices previously withheld. It will be updated at next meeting. As there were no changes or corrections, report was approved and filed for audit. Budget Summary was also presented. Board requested copies of maintenance employee's worksheets in Board packs.

Court report for July was presented. Alderman Daugherty asked how much revenue was down from previous month. Total received by City was down about \$3,400. Chief stated calls were up which lowers availability to patrol streets. Due to recent accident involving two police vehicles, Board discussed claim notification. Motion made by Barbara Welch, seconded by Lisa Daugherty, to have Chief or his ranking officer in his absence file any future patrol vehicle claims with insurance company. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. Motion made by Barbara Welch, seconded by Lisa Daugherty, to approve Court report as presented. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Business License and Peddlers/Solicitors Applications: Vivint, home security monitoring business based out of Utah, and ARM Security, door-to-door sales of security system, also based out of Utah, were presented. Board asked Chief to investigate both companies as he deemed necessary and report back to Board at September's meeting. Motion made by Lisa Daugherty, seconded by Frank Herron, to table both applications, pending investigations. Vivint has opened office in Joplin,

according to audience member. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Public Comments: Roger Bone read letter submitted by Fred Frerer, wherein Fred suggested George Reeve remain on Planning & Zoning Commission and that all members work together.

Gary Heilbrun, 4015 E 25th, wanted to respond to Mr. Frerer's letter. Matter needed to be weighed: good statements v. bad; not isolate portions but look at it all.

Alderman Daugherty stated she had read Ms. Sweet's letter presented at July's meeting and said she followed City Ordinance requesting written statement before any public hearing could be called.

Attorney Mike Talley stated criticism actions of members of boards and commissions was not unique to Duquesne. In his experience in another city, the mayor spoke privately with individual as first step. He continued by reading section referenced in letter wherein Board may remove member from P&Z Commission with written cause. Two steps were needed: schedule public hearing and formulate due cause presented to individual in writing with at least 7-day notice prior to hearing.

Alderman Welch stated she had already spoken to Mayor about speaking to P&Z member. She did not know if Mayor had. Motion made by Lisa Daugherty, seconded by Frank Herron, to monitor situation but take no further action at this time. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Paula Bone, 2501 Freeport Drive, asked status of school property at 13th and Duquesne. FEMA property provided to school after May 2011 tornado was being removed. City had requested storm shelters be left. School Board has not made any decision about property. Mayor has continued to be in contact with Paul Barr, Joplin R-VIII CFO. She asked if representative from Council should be on next school board agenda. She also asked about annexation of Soaring Heights Elementary.

William Shumate, 4441 E 24th, submitted his application for Planning & Zoning Commission.

Consider Vote to Go into Closed Session: Motion made by Lisa Daugherty, seconded by Barbara Welch, to go into closed session pursuant to RSMo 610.021(3) for personnel issues. Roll call vote was taken. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. At 8:35 PM, Board entered closed session.

At 9:15 PM, Board returned to open session. Acting Mayor Pro-Tem Bone stated personnel matters were discussed, but no action taken.

Old Business: Set P&Z Terms for Two Appointed Members in July: Motion made by Lisa Daugherty, seconded by Barbara Welch, to set Roger Sapp's term to expire 12-

31-17 and Chris Ellsworth to expire 12-31-14 to complete Roland Harmon's vacated position.

Members Attendance: Board agreed member would be removed after three absences in 12-month period unless Board accepts reason for any absence. Attorney directed to draft ordinance for September's meeting.

Update on City Matters: David Weaver stated acquisition of sewer easements were progressing. FEMA has requested documents for Rosetta reimbursement previously supplied. Allgeier Martin has supplied documents. FEMA questioned eligibility of TVing to cap lines. David explained cost to dig up length of lines v. TVing to locate connections for capping. He also spoke with Senator Ron Richard about \$3 million grant to pave roads.

New Business: Application for P&Z: Motion made by Lisa Daugherty, seconded by Barbara Welch, to appoint Mr. Shumate to P&Z beginning January 1, with term ending 12-31-19. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Police Department Monthly Report: Chief presented monthly report. Two damaged vehicles were returned to service. Alderman Daugherty asked if Street Commissioner was assigning duties for street maintenance employee. Chief Kitch, as appointed Street Commissioner, stated he had assigned duties, but had been pre-empted by Mayor who reassigned duties. She asked if any assigned tasks were of questionable nature. Chief had concerns about street employee's training and recommended HAZMAT training for employee. City has no policy for removal or demolish of buildings. Chief Kitch stated several surrounding communities have buildings tested before work begins. Chief Kitch had submitted sample from garage and provided Board with copy of report. Motion made by Lisa Daugherty, seconded by Barbara Welch, to temporarily direct Mayor not to contact employee on street issues involving street maintenance employee's duties and add matter to Special Meeting agenda already scheduled for Wednesday, August 13. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. Alderman Bone was to notify Mayor.

Chief Kitch was asked about dump trucks on 20th Street. Mayor had granted temporary permission to Snyder Construction.

Alderman Daugherty stated she understood process for weed nuisances, but asked if City Codes could be changed to Joplin's process of written notification with number of days to abate nuisance before City took action, no posting or public hearing required. City Attorney Talley stated Joplin was charter form of government with very broad powers while Duquesne was 4th Class City with very limited powers. This might explain why Joplin's ordinance required no notice or public hearing before abatement by city, but he would check it out and report back. If possible by state statute, he would prepare ordinance for next meeting to adopt Joplin's nuisance process as much as possible. She asked if any properties on 20th Street, east of Duquesne Road, had

been notified because ditches were not being maintained as required by Code Section 215.220.

Chief Kitch also submitted list of 23 hydrant locations drafted and prioritized by Allyn Reding, Fire Chief for Duenweg Volunteer Fire Department. Chief stated fire hydrant grant was available for unincorporated areas only. So, Board might want to pursue grant for areas City might annex. Board instructed Chief to pursue grant.

Board requested Chief make street employee's log sheets available for Board packs.

Bill Summary: July outstanding bills of \$11,125.86 and Sewer \$159.23 were presented. Motion made by Lisa Daugherty, seconded by Barbara Welch, to pay outstanding bills. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Building Board of Appeals: Historically, Board had served as Board of Appeals' members. Mayor Pro-Tem Bone recommended Board of Aldermen be appointed as Board of Appeals and Mayor would serve as its Chairman. Motion made by Lisa Daugherty, seconded by Barbara Welch, to accept recommendation. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Other Business Deemed Necessary: Street Maintenance Employee, Cris Gurubel asked Board to consider purchase of new lawnmower and pole saw. Board asked lawnmower bids be copied for Wednesday's Special Meeting and matter be added to agenda. Motion made by Lisa Daugherty, seconded by Frank Herron, to approve purchase of pole saw, up to \$700. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

As there was no further business, motion was made by Lisa Daugherty, seconded by Frank Herron, to adjourn meeting. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. At 11:00 p.m. meeting adjourned.

Terry Ingram, City Clerk