

City Council for City of Duquesne met in Regular Session at 7:00 p.m. on Monday, August 12, 2013, at City Hall.

Mayor Denny White called meeting to order. David Weaver gave invocation.

Roll call was taken. Mayor Denny White, Aldermen Dale Daniels, Frank Herron, Lisa Daugherty, Roger Bone were present. Absent: none. City Attorney Mike Talley, Police Chief Kitch, David Weaver and 62 visitors were also present.

Agenda: Motion made by Dale Daniels, seconded by Frank Herron, to approve modified agenda, which included vote to go into closed session for personnel matter. (Amended agenda was posted 11 AM on August 12, when need for consideration of closed session for personnel matter was deemed necessary.) Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. Roger asked if closed session(s) could be moved to end of meeting. City Attorney said original motion would need to be rescinded. Motion made by Roger Bone, seconded by Lisa Daugherty, to move closed session(s) to end of agenda. Ayes: Aldermen Daugherty, Bone. Nays: Alderman Herron. Abstain: Alderman Daniels. Motion carried. Motion made by Roger Bone, seconded by Lisa Daugherty, to move closed session(s) to end of agenda. Ayes: Aldermen Daugherty, Bone. Nays: none. Abstain: Aldermen Daniels. Motion carried.

Minutes from July 8 Regular Meeting and July 15 (continued from July 8) with Closed Session and July 29 Special Meeting were presented. Clerical error failed to record Alderman Daugherty's motion to amend appointing of Planning & Zoning Commission members from July 15 meeting. Motion and vote will be added. Motion made by Lisa Daugherty, seconded by Roger Bone, to approve minutes as modified. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. Closed minutes were approved as presented.

Financial report for July was presented. As there were no changes or corrections, report was approved and filed for audit. Ten-month Budget Summary was also presented for Board's review.

Court report for July was presented. As there were no changes or corrections, report was approved.

Public Hearing for Amending EDR Lot Split Suspension to Exclude Commercial Property (continued from July 8): At 7:15 PM, Mayor opened Public Hearing and asked if anyone present wished to address matter. City Attorney Talley explained, when citizens expressed their concerns over developers buying tornado damaged lots to split into smaller lots that it would devalue remaining properties, there was no mention of concerns about commercial lots. Therefore, this proposed ordinance

would exclude commercial lots from suspension of lot splits in EDR area. Mayor stated Planning & Zoning Commission had met prior to Council meeting and recommended Board approve ordinance to omit commercial lots from lot split suspension. Suspension of lot splits, commercial or residential, only applies to properties in EDR (heavily tornado damaged area, as established by FEMA).

Connie Moore asked if there were minimum lot sizes in place. Residential lots must be at least 80' x 100' deep and 8,000 square feet per family for single family structures or 5,500 square feet per family for two-family dwellings. No minimum lot size requirements for commercial or industrial.

William Shumate wanted Board to confirm with amendment was only for commercial properties. Board verified it was.

No further comments or questions, Mayor closed public hearing at 7:25 PM.

Bill 13-05 Amend Ordinance 195 to Exclude Commercial Lot Splits from Suspension of Lot Splits and Minor Sub-Divisions: Motion made by Frank Herron, seconded by Dale Daniels, to read Bill 13-05 by title only. Ayes: Aldermen Daniels, Herron. Nays: Aldermen Daugherty, Bone. Mayor broke tie and voted aye. Motion carried.

Bill 13-05 was read by title only. Motion made by Lisa Daugherty, seconded by Roger Bone, to table Bill 13-05. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried.

Bill 13-07 Amend Allgeier Martin & Associates Sewer Agreement #4. Motion made by Frank Herron, seconded by Dale Daniels, to read Bill 13-07 by title only. Ayes: Aldermen Daniels, Herron. Nays: Alderman Daugherty. Abstain: Alderman Bone. Motion carried.

Bill 13-07 was read by title only. David Weaver stated there were about \$6,000 in stimulus funds remaining. Allgeier Martin & Associates submitted plans to Department of Revenue for sewer expansion that included 1) Largent line; 2) Summit line; and 3) Blake Additions line. Proposed bill establishes engineer's fee structure with maximum cost of \$203,659.43. It does not commit City to develop any, all or combination of proposed lines. Lines 1 & 2 would be for future development. Since original application included all 3 lines, it must continue to be referred as such. Motion made by Frank Herron, seconded by Dale Daniels, to approve first reading by title only of Bill 13-07 and move to second and final reading of Bill 13-07 by title only. Ayes: Aldermen Daniels. Nays: Aldermen Daugherty, Bone. Mayor broke tie and voted aye. Motion carried.

Bill 13-07 was read second and final time by title only. Motion made by Lisa Daugherty, seconded Roger Bone, to table Bill 13-07 for study. Ayes: Aldermen Daugherty, Bone,. Nays: Aldermen Daniels, Herron. Mayor broke tie and voted nay. Motion denied. Motion made by Dale Daniels, seconded by Frank Herron, to

accept second and final reading of Bill 13-07 by title only and adopt as Ordinance 217. Ayes: Aldermen Daniels. Nays: Aldermen Daugherty, Bone. Mayor broke tie and voted aye. Motion carried.

Business License: Affordable Cycle Parts & More at 3408 E 13th, The Dancer's Closet at 2113 Davis Blvd and VLG Investments Inc dba 66 Auto Color at 3720 E 20th were presented. Motion made by Dale Daniels, seconded by Frank Herron, to approve The Dancer's Closet and VLG Investments. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. Motion made by Dale Daniels, seconded by Lisa Daugherty, to table Affordable Cycle Parts for additional information. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. Application was tabled for September meeting.

Public Comment: Cinda Sweet, 3711 E 13th, asked about sewer lines going outside city limits, when roads need repaired. David Weaver explained Largent line, in particular, is important to City's growth.

Lynn Clark, 3052 Blake, Summit/Tammy Lane and Blake Additions were not interested in sewer.

Phil McGowen, 721 Summit, stated, if given choice between Joplin or Duquesne, he would choose Duquesne. He asked about benefits v. disadvantages.

Connie Moore asked about resumption of quarterly newsletter. Board will consider.

Ray Tupper asked if City and Duenweg considered building own sewer treatment plant. He questioned City's need to go \$500k further into debt and its ability to pay. David said City has been approved for \$230k Community Disaster Loan, that could be converted into grant to makeup for lost revenue from homes lost in tornado and not rebuilt. Bonds principal payment has been deferred, but 20-year payoff was not.

Road Repairs: David Weaver said City is pursuing income demographics study for CDBG funding for road repairs and widening of 20th and Duquesne. Dale asked about cost associated with maintaining 5 lanes. Lisa inquired about Rosetta reimbursement before City takes on additional projects. David replied he continues to be in contact with Patrick Duncan with SEMA. State flooding has state behind.

Old Business: Mike Talley submitted research information on possibility of expanding firework sales dates, as requested by Board. No decision was made. Board asked Mike to begin abatement proceedings on Deslatte property, if she failed to abate within 30 days granted at August 12 nuisance hearing.

State Statute Requiring Certain Funds to Be Paid to State (known as Mack Creek rule): Mike Talley said statute requires any court revenues from traffic violations that exceed 30% of city's total revenue must be refunded to state. Sheriff's Retirement Fund fee of \$3 on all municipal cases in scheduled to go into effect on August 28.

Police Department Monthly Report: Chief gave report. Officer Johnson is scheduled to deploy for up to one year in September. His last day scheduled is August 16. State bid for radios now \$2,500, reduced from \$3,200 and good to end of year.

Bill Summary: July outstanding bills of \$50,518.32; and \$957.58 for Sewer and Wastewater Fund were presented. Motion made by Dale Daniels, seconded by Frank Herron, to pay outstanding bills. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried.

Donation of Two Vacant Lots: Cecil Brill contacted Mayor about donation of 2 lots at 24th & Hartford to City, with no restrictions on City's use. Board requested attorney draft necessary documents.

Van Winkle Waterlines: Awaiting documents to advertise for bids.

Consider Vote to Go into Closed Session Pursuant to RSMo 310.021: Motion made by Dale Daniels, seconded by Lisa Daugherty, to go into Closed Session to discuss possible litigation (RSMo 610.021.1), immediately followed by Closed Session to discuss real estate (RSMo 610.021.2), followed by Closed Session to discuss personnel (RSMo 610.021.3) that was not included on agenda but was amended at 11 AM, August 12, 2013, when situation was made known and closed meeting became necessary. Roll call vote: Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. At 9:30 p.m., Board went into Closed Session.

At 9:55 P.M., Board returned to open session. Mayor stated Board had discussed possible litigation in first closed session. No formal action or vote was taken. Following closed session for litigation, Board met in closed session to discuss possible purchase of property, and any further comment might affect outcome. No formal action or vote was taken. Following closed session for real estate, Board met in closed session to discuss personnel matter. No formal action or vote was taken and matter is under review.

As there was no further business, motion was made by Dale Daniels, seconded by Lisa Daugherty, to adjourn meeting. Ayes: Aldermen Daniels, Herron, Daugherty, Bone. Nays: none. Motion carried. At 10:00 p.m. meeting adjourned.

Terry Ingram, City Clerk