

City Council for City of Duquesne met in Regular Session at 7:00 p.m. on Monday, July 14, 2014, at City Hall.

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

Roll call was taken. Mayor Denny White, Aldermen Frank Herron, Barbara Welch, Roger Bone were present. Absent: Alderman Lisa Daugherty. City Attorney Mike Talley, David Weaver, Police Chief Kitch and 18 visitors were also present.

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

Minutes from June 9 Regular Meeting were presented. Minutes were approved after address correction for Paula Bone.

Financial report for June was presented. As there were no changes or corrections, report was approved and filed for audit. Amended Budget Summary for fiscal year was presented with adjustment to street wages (41% of wages and taxes were transferred to administration). Amended Budget Summary was approved and filed for audit.

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

Public Comments: none.

Bill 14-11 Amend Dangerous Buildings Definitions: Motion made by Frank Herron, seconded by Roger Bone, to read Bill 14-11 by title only. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

Bill 14-11 was read by title only. Bill amended definition section by adding new definition for abandoned structures and foundations. Motion made by Roger Bone, seconded by Frank Herron, to accept first reading of Bill 14-11 and move to second and final reading by title only. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

Bill 14-11 was read second and final time by title only. Motion made by Barbara Welch, seconded by Roger Bone, to accept second and final reading of Bill 14-11 by title only and adopt as Ordinance 240. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

Old Business: Chris Erisman (Allgeier Martin & Associates) estimated cost to draft utility easements and obtain signatures on easements for sewer line from 7th Street south to Wildwood Baptist Church for approximately 10 properties at \$5,000. Old Business discussion suspended for public hearing.

Rezoning Public Hearing for South County Lane 203 from R1 Residential to C1 Commercial: At 7:15 PM, Mayor opened public hearing. Scott Goble, representing

landowner/landlord Jim Houk and lessee Verizon, addressed Board. FCC regulations would be met and FFA approval would be obtained before construction could begin. He asked Board to approve rezoning of revised limited area and approval of special use permit to construct tower. In response to July 28 letter of Daniel Stehley, towers under 200' do not require lights unless near airport. Proposed site was greater than 6 miles from Joplin airport.

George Reeve, 4460 E 26th, opposed rezoning. He stated there were already 31 cell towers and 96 microwave antennas.

Bryan Osborn, 2325 Eastland, said he saw no benefit to City and Verizon would find suitable location regardless of City's approval to rezone and construct tower within City limits. He asked if project was engineered by professionals. Planning & Zoning tied with its vote to recommend rezoning application.

Gary Hunter, 18697 Apple Road, said his property was located across from Joplin Industrial Park and offered location as alternative.

Mike Talley reminded Board of new legislation going into effect in August that greatly limited city's rights to deny such towers. Current ordinances gave City some authority to regulate location and construction.

Alderman Bone asked about partial rezoning of parcel, as it was not allowed earlier. Mike Talley explained situation was different because of size of parcel involved.

At 7:50 PM, Mayor closed Public Hearing.

Bill 14-12 Rezone Property on South County Lane 203 from R1 Residential to C1 Commercial: Motion made by Frank Herron, seconded by Barbara Welch, to read Bill 14-12 by title only. Ayes: Aldermen Herron, Welch. Nay: Alderman Bone. Motion carried.

Alderman Welch agreed with George Reeve. Alderman Herron expressed concern about microwave signals. Scott Goble stated it was not microwave tower. Alderman Bone said he saw no benefit to City. City Attorney reiterated that effective August 28, new legislation severely limits city's ability to limit location of towers as long as it complies with engineering requirements.

Bill 14-12 was read by title only. Motion made by Frank Herron, seconded by Barbara Welch, to accept first reading of Bill 14-12 and move to second and final reading by title only. Ayes: Aldermen Herron, Welch. Nay: Alderman Bone.

Bill 14-12 was read second and final time by title only. Motion made by Frank Herron, seconded by Barbara Welch, to accept second and final reading of Bill 14-12 by title only and adopt as Ordinance 241. Ayes: Aldermen Herron, Welch. Nay: Alderman Bone. Motion carried. City Attorney said if absent member's vote was treated same as abstention, as nay vote, vote would be tied. Mayor ruled vote was tied. Mayor voted aye. Motion carried.

Special Use Permit for Cell Tower: Motion made by Barbara Welch, seconded by Frank Herron, to grant special use permit. Ayes: Aldermen Herron, Welch. Nay: Alderman Bone. Motion carried.

Old Business Resumed: David requested Board's approval of \$5,000 for Allgeier Martin & Associates to draft utility easements and obtain signatures on easements for sewer line extension. Motion made by Frank Herron, seconded by Barbara Welch, to approve expenditure, up to \$5,000. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

New Business: Police Department Monthly Report: Chief presented monthly report. Department currently has one vehicle in service. New vehicle expected mid-August and one vehicle should be operational around July 18. Weed nuisance complaints were sent out with some lots already cut. Parcels greater than 1 acre only have to keep weeds cut back 15-foot parameter from road(s) and other residences. Officer Karr has successfully completed probation.

Bill Summary: June outstanding bills of \$17,027.52 and Sewer \$188.32 were presented. Motion made by Frank Herron, seconded by Barbara Welch, to pay outstanding bills. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

Other Business Deemed Necessary: Members' Attendance for Appointed Commissions and Boards: After discussion, Board decided to table until full Board was present.

Planning & Zoning Commission Appointments: Applications for Chris Ellsworth, 1004 S Duquesne Road, and Roger Sapp, 4410 E 25th, were presented. Mayor recommended both applicants be approved. Motion made by Roger Bone, seconded by Frank Herron, to approve appointment. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

Alderman Bone read letter from Patricia Sliger, 4601 E 26th, that expressed concern about tall weeds, tornado debris and foundations. Chief Kitch explained process necessary to pursue weed nuisance violations. David Weaver stated 3 properties with foundations left by tornado were under contract with \$500,000 CDBG grant which left on 25th Street.

Alderman Bone read request by Cinda Sweet for removal of Planning & Zoning Commission member. She referenced Ordinance 400.010 which required written statement of cause for removal. Section also required public hearing. Motion made by Roger Bone, seconded by Barbara Welch, to table matter until full Board was present. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried.

As there was no further business, motion was made by Frank Herron, seconded by Barbara Welch, to adjourn meeting. Ayes: Aldermen Herron, Welch, Bone. Nays: none. Motion carried. At 8:45 p.m. meeting adjourned.

Terry Ingram, City Clerk