

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI

January 5, 2012 -4:15 p.m.
Office of the City Clerk

CALL TO ORDER:

The Council of the City of St. Joseph, Missouri, met in a called special meeting in the 4th Floor Conference Room at City Hall, on Thursday, January 5, 2012, at 4:15 p.m. The meeting was called to order at 4:15 p.m. by Mayor Falkner. Notice of said meeting (together with an agenda) was posted at least 24 hours in advance of the meeting in the City Clerk's office.

ROLL CALL:

Present were Councilmembers Boyer, Falkner, Jones, Kovac, LaBass, Myers, Roach, Starr--8. Absent, Penland—1. Total membership--9. Five members constitute a quorum.

Also present were City Manager J. Bruce Woody, City Attorney Lisa M. Robertson, Financial Services Director Carolyn Harrison, Public Works & Transportation Director Jody L. Carlson, Planning & Community Development Director Clint Thompson, Asst. City Attorneys Ted Elo and Bryan Carter, Revenue Manager Judy Hovey, City Clerk Paula Heyde and Outside Legal Counsel Chris Williams.

Agenda
Number

CALL FOR SPECIAL MEETING:

38310 Filed 12/30/11 - A written request has been received from nine members of the Council this date requesting a special meeting of the Council to be held in the 4th Floor Conference Room at City Hall, on Thursday, January 5, 2012, at 4:15 p.m., to discuss the following issue:

1. The Commons Second Amended Agreement

The tentative agenda of this meeting also includes a vote to close part of this meeting pursuant to Section 610.021(1) RSMo., as amended, which pertains 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, including attorney work product.

Discussions shall be limited solely to the matters stated above.

BEFORE ENTERING INTO SUCH DISCUSSIONS, THE COUNCIL SHALL VOTE ON THE QUESTION OF MAKING THE MEETING CLOSED. If such question receives an affirmative vote of the majority of the quorum of the Councilmembers, the meeting thereafter shall be closed.

Authority for closing the meeting is authorized by Section 610.021(1) RSMo., as amended, which authorizes a closed meeting.

NOW, THEREFORE, as City Clerk of the City of St. Joseph, under the provisions of Section 3.9(a) of the Charter of the City of St. Joseph, I hereby issue a call for a special meeting of the Council for the time and place and for the purpose as set forth above in accordance with the written request of the Council.

(SEAL)

/s/ Paula Heyde
Paula Heyde, City Clerk

Agenda

Number MOTION TO GO INTO EXECUTIVE (CLOSED) SESSION:

38311 It was moved by Councilmember Myers and seconded by Councilmember Starr that the Council adjourn into executive (closed) session with a closed meeting, vote and record in order to discuss matters pertaining 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, including attorney work product. Motion failed to carry. Ayes, Falkner, Jones, Myers, Starr --4. Nays, LaBass, Roach—2. Absent, Boyer, Kovac, Penland—3.

[Councilmember Boyer arrived.]

38312 It was moved by Councilmember Myers and seconded by Councilmember Starr that there be a revote to close the meeting. Motion carried. Ayes, Boyer, Falkner, Jones, LaBass, Myers, Roach, Starr—7. Absent, Kovac, Penland—2.

38313 Vote to close the meeting: Ayes, Boyer, Falkner, Jones, Myers, Starr—5. Nays, LaBass, Roach—2. Absent, Kovac, Penland—2.

The Council adjourned into executive (closed) session.

The Council adjourned the closed portion of the special meeting and reconvened in open session.

38314 DISCUSSION ON THE COMMONS SECOND AMENDED AGREEMENT:

City Manager J. Bruce Woody asked representatives from The Commons to let the City Council and city staff know what they've done the last 270 days and/or the last two months to be sure they are meeting the requirements in The Commons Second Amended Agreement.

Jarrett Archdekin, with Earthworks Excavation Company, said the main issue is that they expand the boundary of The Commons which means that they have to add additional land to it. They have not closed on the land yet. They have the Baldwin property under contract and a closing date has been set for January 25, 2012. They are trying to do the Chu's property at the same time—they are planning on doing both at the same time. The second thing they need to do is expand the boundaries of the Community Improvement District (CID).

Chris Byrd, Archdekin's attorney, said expanding the boundaries and the platting can be done almost simultaneously, saving some costs. The financial statements have all been turned in and signed so that one is out of the way. The federal tax liens were in existence prior to the agreement so we checked that one off; it's been done. The last one on the list is activating the CID. The two businesses currently located in the CID that would be subject to any tax would not generate enough money to support the CID, so there would be a question if it's even prudent right now to impose the sales tax on those two businesses. Mr. Archdekin said the potential big box retailer will be in the CID district but wants the option to pay the 1% itself and not pass it on to its customers.

Mayor Bill Falkner said the bottom line is that the City Council wants to continue with this agreement for up to 90 days and within that time the developer needs to provide the information that is required in writing to city staff. The Council wants to see this project succeed. The Council does expect the information to be provided or it can't continue.

Mr. Woody said city staff will provide the developer a letter that states the areas of breach in the contract that are expected to be complied with and the 90 days will start with receipt of the letter from the city. If the 90 days go by and the items have not been cured, an alternative to consider may be to go back to the terms under the first agreement.

Agenda

Number ADJOURNMENT:

38315 By general consent, the Council adjourned.

The meeting adjourned at 6:10 p.m.

Paula Heyde, CMC, City Clerk