

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

July 12, 2010 - 7:00 p.m.  
Office of the City Clerk

CALL TO ORDER:

The Council of the City of St. Joseph, Missouri, met in regular meeting in the Council Chamber at City Hall, on Monday, July 12, 2010, at 7:00 p.m. The meeting was called to order at 7:00 p.m. by Mayor Falkner. Notice of said meeting had been established as every other Monday at 7:00 p.m. Further notice was provided by posting the regular meeting date and time in the City Clerk's office at City Hall, and by written notice (together with a tentative agenda) three days in advance in the City Clerk's office.

ROLL CALL:

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

Also present were City Manager Vincent J. Capell, Asst. City Attorney Graham Jura, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Customer Assistance Director Samuel T. Barber, Community Development Manager Gerald McCush, Communications Manager Mary Robertson, Sr. Code Compliance Inspector Walter Hughes, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

Under the Council voting rotation system, Councilmember Penland voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

36849 By general consent, the minutes of the special meeting held June 28, 2010, at 6:30 p.m. and the regular meeting held June 28, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

36850 Presentation of Certificate of Achievement in Excellence in Financial Reporting Award.

ACCEPTANCE OF AGENDA:

36851 It was moved by Councilmember Penland and seconded by Councilmember Jones that the Agenda be accepted as published. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.

CONSENT AGENDA:

36852 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 36853 through 36861 be passed by Consent Agenda. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.

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CONSENT AGENDA: (Cont'd)

Bills for Passage:

- 36853 (G.O. 2391) A Bill (#106-10) amending Section 28-1590 of the Code of Ordinances entitled "Parking prohibited at any time," having been read the first time on June 28, 2010, was read the second time and passed.
- 36854 (S.O. 8013) A Bill (#102-10) authorizing the transfer of ownership of city-owned property at 723, 727, and 729-733 South 15<sup>th</sup> Street to St. Joseph Habitat for Humanity and to enter into a grant agreement in the amount of \$250,000.00 in Neighborhood Stabilization Program Funds for redevelopment of these properties for affordable housing, having been read the first time on June 28, 2010, was read the second time and passed.
- 36855 (S.O. 8014) A Bill (#105-10) to amend the General Fund and CIP Sales Tax Fund budgets in the amount of \$75,500.00 to provide funds for the installation of the pre-engineered shade sail canopy and for resurfacing of the parking lot at Phil Welch Stadium, having been read the first time on June 28, 2010, was read the second time and passed.
- 36856 (S.O. 8015) A Bill (#108-10) authorizing accepting of a Permanent Right-of-Way Grant and a Permanent Culvert and Drainage Easement from Boehringer-Ingelheim Vetmedica, Inc., having been read the first time on June 28, 2010, was read the second time and passed.
- 36857 (S.O. 8016) A Bill (#109-10) accepting a Quit Claim Deed being donated from KCP&L Greater Missouri Operation Company to be used for the new multi-purpose athletic facility that will replace the old Muchenberger Youth Center, having been read the first time on June 28, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36858 (Resolution No. 36858 - 3105) A Resolution (#120-10) authorizing the Planning and Community Development Department to purchase foreclosed property and enter into rehab contracts under the Neighborhood Stabilization Program (NSP) Grant Agreement from the Missouri Department of Economic Development in the amount not to exceed \$350,000.00, was read and adopted.
- 36859 (Resolution No. 36859 - 3106) A Resolution (#121-10) authorizing contracts with social service agencies in the total amount of \$410,000.00, as provided in the Community Partnership Strategy and Consolidated Plan, 2010-2015, and First Year Annual Plan for Fiscal Year 2010-2011, was read and adopted.
- 36860 (Resolution No. 36860 - 3107) A Resolution (#129-10) authorizing a unit price contract with Herzog Contracting Corporation and authorizing the issuance of purchase orders towards this contract in the amount not to exceed \$1,326,000.00 for the 2010 Street Resurfacing Program, was read and adopted.
- 36861 (Resolution No. 36861 - 3108) A Resolution (#132-10) authorizing the purchase of walkway lighting poles and fixtures for Krug Park in the amount of \$26,148.00 from American Electric, was read and adopted.

\*\*\*\*\* END OF CONSENT AGENDA \*\*\*\*\*

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BILLS FOR PASSAGE:

- 36862 (G.O. 2392) A Bill (#110-10) amending Chapter 28 of the Code of Ordinances entitled "Traffic and vehicles" to add a new Section 28-162 to be entitled "Automated traffic control systems" to provide for the establishment of an automated traffic control system through the use of what is commonly known as red light cameras, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.
- 36863 It was moved by Councilmember Roach and seconded by Councilmember Boyer that Bill #111-10 be amended before consideration for passage by attaching the Facilities Use Agreement to the ordinance. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.
- 36864 (S.O. 8017) A Bill (#111-10) authorizing a Facilities Use Agreement with Missouri Western State University regarding the use of the indoor training facility at Missouri Western State University, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.
- 36865 (S.O. 8018) A Bill (#113-10) to cancel three promissory notes and release three Deeds of Trust with Corby Independent Living, LLC, that total \$500,000.00, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.
- 36866 It was moved by Councilmember Myers and seconded by Councilmember Starr that Bill #114-10 be amended before consideration for passage by attaching the Deed of Trust and Promissory Note to the ordinance. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.
- 36867 (S.O. 8019) A Bill (#114-10) entering into a Deferred Payment Loan Agreement in the amount of \$50,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.
- 36868 It was moved by Councilmember Penland and seconded by Councilmember Myers that Bill #115-10 be amended before consideration for passage by attaching the Deed of Trust and Promissory Note to the ordinance. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.
- 36869 (S.O. 8020) A Bill (#115-10) entering into a Deferred Payment Loan Agreement in the amount of \$120,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.
- 36870 It was moved by Councilmember Myers and seconded by Councilmember Penland that Bill #116-10 be amended before consideration for passage by attaching the Deed of Trust and Promissory Note to the ordinance. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.

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BILLS FOR PASSAGE: (Cont'd)

36871 (S.O. 8021) A Bill (#116-10) entering into a Deferred Payment Loan Agreement in the amount of \$250,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, having been read the first time on June 28, 2010, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Jones, Kovac, LaBass, Myers--8. Abstention, Falkner--1.

EMERGENCY BILLS FOR PASSAGE:

36872 (S.O. 8022) An Emergency Bill (#118-10) amending the Community Development Block Grant Fund to roll forward unspent Neighborhood Stabilization Program funds in the amount of \$2,226,730.00 received from the Missouri Department of Economic Development, was introduced, read and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.

36873 (S.O. 8023) An Emergency Bill (#119-10) amending the Community Development Block Grant Fund in the amount of \$150,000.00 to re-appropriate funding for the city's Housing Rehabilitation Program, was introduced, read and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers--9.

RESOLUTION FOR ADOPTION:

None.

BILLS FOR FIRST READING:

36874 A Bill (#117-10) to approve expenditures from the Special Business District Fund in the amount of \$11,250.00 for expenses related to the service contract with the St. Joseph Downtown Partnership, was introduced and read the first time.

36875 A Bill (#122-10) amending the Community Development Block Grant Fund in the amount of \$23,500.00 to re-appropriate funding for roof repairs at the National Military Heritage Museum, was introduced and read the first time.

36876 A Bill (#123-10) amending the Parks Maintenance Fund in the amount of \$4,222.00 to recognize monies received from insurance proceeds to be used to repair a pickup truck, was introduced and read the first time.

36877 A Bill (#124-10) amending the General Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in an amount not to exceed \$7,500.00 to be used to assist with the purchase and installation of the Phil Welch Stadium signs, was introduced and read the first time.

36878 A Bill (#125-10) redistricting 1909 Oscar Street from C-3 Commercial District and R-1A Single Family Residential District to all R-1A Single Family Residential District as requested by Johnny Arnold, was introduced and read the first time.

36879 A Bill (#126-10) granting a Conditional Use Permit to U.S. Cellular to construct a 105 foot high telecommunications tower at 1215 6<sup>th</sup> Avenue, requested by Lee Marvin, agent, was introduced and read the first time.

36880 A Bill (#127-10) granting a Conditional Use Permit to Russell C. Book, property owner, to give private basketball lessons in an accessory structure at 2920 Blackwell Road, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36881 A Bill (#128-10) vacating a portion of an alley running north/south from Charles Street to Sylvania Street and between 5<sup>th</sup> Street and 6<sup>th</sup> Street as requested by Sunshine Electronic Display Corporation, Terry Steinbecker, agent, was introduced and read the first time.
- 36882 A Bill (#130-10) amending the Police Department budget in the General Fund to recognize monies received from Jimmy D. Masoner, Sr. for items sold at auction from the St. Joseph Police Department, was introduced and read the first time.
- 36883 A Bill (#131-10) amending the Police Department budget in the General Fund to budget funds received from an insurance company for damage to a police car in the amount of \$2,110.00 to the Maintenance and Repair of Motor Vehicles Account, was introduced and read the first time.
- 36884 A Bill (#133-10) amending the Health Department budget in the General Fund and entering into a contract with the Missouri Department of Health and Senior Services in the amount of \$50,000.00 for the Comprehensive Tobacco Control Program, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 6/24/10: Minutes of the Building and Fire Prevention Code Board of Appeals meeting held May 27, 2010, at 4:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 7/6/10: Minutes of the Museum Oversight Board meeting held June 14, 2010, at 6:45 p.m., at 3406 Frederick Blvd.

COUNCIL WORK SESSIONS & COMMITTEE MEETINGS – CITY CLERK’S OFFICE:

Filed 6/24/10: Minutes of the Council Work Session held June 22, 2010, at 4:00 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 6/25/10: Mayor and City Council Update, June 25, 2010.

Filed 6/28/10: Memorandum in re: Acting City Manager (July 6-9, 2010).

Filed 6/30/10: Memorandum in re: Sr. Recreation Supervisor (Mike Halloran) vacancy.

Filed 7/2/10: Mayor and City Council Update, July 2, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 6/24/10: City Weekly, June 24, 2010.

Filed 6/24/10: Memorandum from Mike Kellam, City Planner, in re: Issuance of citations for operation of a machinery shop at 1714 Buchanan Ave.

COMMUNICATIONS: (Cont'd)

Filed 6/25/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held June 10, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 6/25/10: Minutes of the St. Joseph Museums, Inc. Personnel Committee meeting held June 11, 2010, at 10:00 a.m., at 3406 Frederick Blvd.

Filed 6/25/10: Letter from Rhabecca Boerkircher, Executive Director, St. Joseph Downtown Partnership, Inc., in re: 2009 Audit.

Filed 6/29/10: St. Joseph Museums, Inc. 2009-2010 Annual Report.

Filed 6/29/10: Memorandum from Debra Bradley, Health Director, in re: Assistant Director of Health named.

Filed 6/30/10: City Weekly, July 1, 2010

Filed 6/30/10: Letter from Larry Tourangeau, P.O. Box 6008, in re: Formal complaint against Mike Holdren and Steve Hofferber.

Filed 6/30/10: Letter from Lena M. Coplen in re: Witness to conversation between Larry Tourangeau and Mike Holdren.

Filed 6/30/10: Letter from Guillermo E. Pena in re: Witness to conversation between Larry Tourangeau and Mike Holdren.

Filed 6/30/10: Memorandum from Chuck Kempf, Project Manager, in re: Phil Welch Stadium Update – Phase II.

Filed 6/30/10: Memorandum from Andrew Clements, Public Works & Transportation Asst. Director, in re: Whitehead Creek Stormwater Separation Project – status update.

Filed 7/1/10: Municipal Division Reporting Form, June 2010.

Filed 7/2/10: Memorandum from Mayor Falkner in re: Absent from the city (July 4 – 6, 2010).

Filed 7/2/10: Memorandum from Mayor Falkner in re: Request for information on Metropolitan Planning Organization (MPO).

Filed 7/2/10: Memorandum from Mayor Falkner in re: Inquiry on restaurant having organic gardens.

Filed 7/2/10: Memorandum from Steve Hofferber, Property Maintenance Director, in re: Larry Tourangeau.

Filed 7/2/10: Memorandum from Kelsy Marr, Transportation Planner, in re: MPO Coordinating Committee voting members.

Filed 7/2/10: Memorandum from Carolyn Harrison, Financial Services Director; Lisa Robertson, City Attorney; and Diana Slater, Human Resources Director; in re: Annual Personnel Manual revisions.

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OTHER BUSINESS:

City Manager's Report - None.

PUBLIC COMMENT:

36885 Franke Majewski, President of Paint the Parkway Pink Committee, said this is St. Joseph's first Annual Breast Cancer Awareness Walk. It will be held October 2, 2010, beginning at 10:00 a.m. from Bartlett Park to Hyde Park. In regard to the route of the walk, last year the city wouldn't grant them access to walk the actual parkway; they were told to stay on the walkway. From 22nd to 11th St. there is no walkway along the parkway. With this year's expected registration of over 15,000 people, they are concerned about them fitting on the walkway safely and along the portion that doesn't have a walkway. They are requesting that the streets be actually blocked from Bartlett to Hyde Park during their walk. City Manager Vincent J. Capell suggested that the Committee go ahead and file its application and he will follow up on it and make sure there is an acceptable solution. Mayor Falkner asked Ms. Majewski to keep his office updated on the status.

Sarah Hochschwender, 1114 N. 6th St., urged the City Council to seek the services of an expert professional firm to assist the Council in a national search for the city manager position and to consider that the expense of hiring such group would be the best possible allocation of tax dollars. She does not think that Mr. Capell is overpaid in the least bit; it is a very difficult position and she thanked him for his service to the city.

Councilmember Jones wondered how the accessory building that the petitioner on Bill #127-10 (Agenda No. 36880) will be constructing relates to the new regulations the Council is considering in regard to accessory structures. Also, some of the people that were to be notified about the meeting to discuss the changes to the accessory structure regulations have not been notified. That's the reason she wanted it put in the newspaper. She is aware of other people who are wanting to build accessory structures.

NOTES:

Agenda No. 36850 - Councilmember Penland presented the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the city's Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2009 to Financial Services Director Carolyn Harrison.

Agenda Nos. 36866--36871 - Mayor Falkner said he will abstain on these bills because he has a working relationship with the Foutch Brothers.

Agenda No. 36872 - Councilmember LaBass said there are several ordinances on the agenda pertaining to Community Development grant money and she is not sure what the Council needs to do but she would like to see us go in a little bit different direction and provide more opportunities for people to have jobs so they don't have to rely on community development grant money.

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ADJOURNMENT:

36886 By general consent, the Council adjourned.

The meeting adjourned at 7:53 p.m.

Paula Heyde, CMC, City Clerk