

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

March 21, 2011 - 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, March 21, 2011, 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, Myers, Penland, Roach, Starr--8. Absent, LaBass—1. Total membership--9. Five members constitute a quorum.

Also present were City Manager Vincent J. Capell, City Attorney Lisa M. Robertson, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher Connally, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Associate Director of Technology Services Mark Townsend, Project Manager Chuck Kempf, Accounting Manager Tom Mahoney, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

37522 By general consent, the minutes of the special meetings held March 3, 2011, at 4:15 p.m. and March 7, 2011, at 6:15 p.m. and the regular meeting held March 7, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

37523 Special Recognition Award – Lafayette High School Basketball Team

ACCEPTANCE OF AGENDA:

37524 It was moved by Councilmember Penland and seconded by Councilmember Boyer that the Agenda be accepted as published. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.

PUBLIC HEARINGS ON AMENDMENTS TO CONSOLIDATED ANNUAL PLANS:

37525 The City Council of the City of St. Joseph held a public hearing on Monday, March 21, 2011, at 7:00 p.m., in the Council Chamber at City Hall, on an amendment to its Fifth Year Consolidated Annual Plan for the use of Fiscal Year 2009/2010 HOME Investment Partnership funds the city receives

PUBLIC HEARINGS ON AMENDMENTS TO CONSOLIDATED ANNUAL PLANS: (Cont'd)

from the Department of Housing & Urban Development. The City certifies that the activity described in the proposed amendment, if adopted, is consistent with the *Community Partnership Strategy and Consolidated Plan, 2005-2010*, adopted by the City Council upon passage of Special Ordinance Number 7644 on May 4, 2009.

The amendment consists of adding a new activity: Applewood Estates, the construction of 10 units of affordable senior rental housing and infrastructure to be located at the southeast corner of Pear Street and Ajax Road. \$156,300 in FY 2009/2010 HOME funds is being reallocated to this project.

Project Description: Assist with the construction of Applewood Estates, which will provide for the infrastructure and construction of ten senior affordable rental units at the southeast corner of Pear Street and Ajax Road.

Proposed Funding Source: Re-allocate \$156,300 set-aside for infill housing in the Mid-City area for new construction of single family homes for income qualified buyers Community Action Partnership wishes to transfer these funds to Applewood Estates, a senior affordable rental housing project.

By re-allocating the following: \$156,300 of FY 2009/2010 HOME funds, the City of St. Joseph is deleting Annual Plan Project No. 20/2009, Community Housing Management, set aside for an infill housing in the Mid-City area for new construction of single family homes for income qualified buyers.

37526 There being no persons appearing to be heard, the Mayor declared the public hearing closed.

37527 The City Council of the City of St. Joseph held a public hearing on Monday, March 21, 2011, at 7:00 p.m., in the Council Chamber at City Hall, on an amendment to its First Year Consolidated Annual Plan for the use of Fiscal Year 2010/2011 HOME Investment Partnership funds. The City certifies that the activity described in the proposed amendment, if adopted, is consistent with the *Community Partnership Strategy and Consolidated Plan, 2010/2015*, adopted by the City Council upon passage of Special Ordinance Number 7968 on May 3, 2010.

The amendment consists of adding a new activity: Applewood Estates, the construction of 10 units of affordable senior rental housing and infrastructure to be located at the southeast corner of Pear Street and Ajax Road. \$612,996 in HOME funds is being reallocated to this project.

Project Description: Assist with the construction of Applewood Estates, which will provide for the infrastructure and construction of ten senior affordable rental units at the southeast corner of Pear Street and Ajax Road.

Proposed Funding Source: Re-allocate \$612,996 set-aside for three infill housing projects which will not be moving forward due to various factors.

By re-allocating the following: \$203,148 of FY 2010/2011 HOME funds, the City is deleting Annual Plan Project No. 19/2010, Community Housing Management, construction of three single family rental houses in South St. Joseph with the objective of offering quality rental opportunities to residents in the south side for which \$203,148 of FY 2010/2011 HOME funds were reserved for this project.

\$203,148 of FY 2010/2011 HOME funds, the City is deleting Annual Plan Project No. 20/2010, Construction of 19 single family homes in McKinley Ridge, 417 Kansas Avenue, former site of

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PUBLIC HEARING ON AMENDMENTS TO CONSOLIDATED ANNUAL PLANS: (Cont'd)

McKinley Elementary School. Each home will have three bedrooms, two baths, and a two car garage. The site will also have a common building with a lease management office. All of the proposed homes will be sold at the end of the tax credit compliance period to provide homeownership possibilities to low/moderate income families. \$203,148 of FY 2010/2011 HOME funds was reserved for this project.

\$206,700 of FY 2010/2011 HOME funds, the City is deleting Annual Plan Project No. 18/2010, Continue enhancement of the Mid-City neighborhood by purchasing two single family homes and making the necessary renovations/repairs, bringing them up to code, or constructing new homes on vacant lots. Once completed, each home will be sold to low/moderate income families. \$206,700 of FY 2010/2011 HOME funds was reserved for this project.

37528 There being no persons appearing to be heard, the Mayor declared the public hearing closed.

CONSENT AGENDA:

37529 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 37530 through 37542 be passed by Consent Agenda. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.

Nominations and Appointments:

37530 Filed 3/8/11: The nomination by Councilmember Starr was approved, appointing Roger E. Baker, 1616 County Line Road, as a member of the Downtown Review Board for a term expiring March 21, 2014; he is filling a vacancy on the board.

37531 Filed 3/14/11: The nomination by Councilmember Boyer was approved, appointing Edward R. Helsel, 10890 State Route T, Easton, Missouri, as a member of the Electrical Standards & Appeals Board for a term expiring December 4, 2011; he is filling a vacancy on the board.

37532 Filed 3/14/11: The nomination by Councilmember Boyer was approved, appointing nominates Joshua W. Simpson, 2407 Beechwood Blvd., as a member of the Board of Operating Engineers for a term expiring March 21, 2016; he is replacing Earl W. Ellis, whose term has expired.

Bills for Passage:

37533 (S.O. 8168) A Bill (#373-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Safety Center to accept \$500.00 to conduct a "Statewide DWI St. Patrick's Weekend Enforcement" Campaign, having been read the first time on March 7, 2011, was read the second time and passed.

37534 (S.O. 8169) A Bill (#374-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Safety Center to accept \$900.00 to conduct a "Youth Seat Belt Enforcement" Campaign, having been read the first time on March 7, 2011, was read the second time and passed.

37535 (S.O. 8170) A Bill (#378-10) amending the Gaming Initiatives Fund and General Fund Planning & Community Development Department budgets in the amount of \$5,000.00 to provide additional funding for the Downtown Initiative Project, having been read the first time on March 7, 2011, was read the second time and passed.

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CONSENT AGENDA: Bills for Passage: (Cont'd)

- 37536 (S.O. 8171) A Bill (#379-10) to amend the Fire Department budget in the General Fund and to accept a Homeland Security Response Team Grant from the Department of Homeland Security in the amount of \$18,159.40 to purchase equipment to enhance regional response teams, having been read the first time on March 7, 2011, was read the second time and passed.
- 37537 (S.O. 8172) A Bill (#385-10) amending the Gaming Initiatives Fund and the Capital Projects Fund budgets in the amount of \$65,000.00 for purchases, repairs and improvements at Phil Welch Stadium – Phase 3, having been read the first time on March 7, 2011, was read the second time and passed.
- 37538 (S.O. 8173) A Bill (#380-10) entering into a Municipal Agreement with the Missouri Highways and Transportation Commission (MHTC) related to public improvements to the intersection of Mitchell Avenue (RT. YY) and Woodbine Road, having been read the first time on March 7, 2011, was read the second time and passed.
- 37539 (S.O. 8174) A Bill (#382-10) abating weed and trash liens in the amount of \$1,543.00, plus penalty and interest, on the property located at 418 South 17th Street, having been read the first time on March 7, 2011, was read the second time and passed.
- 37540 (S.O. 8175) A Bill (#386-10) sponsored by Mayor Falkner and all Councilmembers appointing Christopher Connally as Interim City Manager of the City of St. Joseph, Missouri, for the period commencing March 25, 2011, at 5:00 p.m. until such time as a permanent City Manager commences employment with the city, having been read the first time on March 7, 2011, was read the second time and passed.

Resolutions for Adoption:

- 37541 (Resolution No. 37541 – 3184) A Resolution (#388-10) accepting the renewal from Blue Cross and Blue Shield of Kansas City for group health insurance for City employees, was read and adopted.
- 37542 (Resolution No. 37542 – 3185) A Resolution (#389-10) authorizing the submission of a Federal Transit Administration Section 5316 Job Access Reverse Commute Grant to provide transit operating assistance in the approximate amount of \$847,573.00, was read and adopted.

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

BILLS FOR PASSAGE:

- 37543 It was moved by Mayor Falkner and seconded by Councilmember Kovac that a Bill (#375-10) amending Sections 7-502, 7-503, 7-505, 7-506, 7-513 and 7-517 of Chapter 7 “Buildings and building regulations” of the Code of Ordinances to update the plant operating engineer licensing program, be postponed to the April 4, 2011, Council meeting. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.
- 37544 (G.O. 2422) A Bill (#372-10) amending Chapter 28 “Traffic and vehicles” of the Code of Ordinances to add a new Section 28-191 entitled “Duty to secure loads” dealing with the duty of the driver of all vehicles to properly secure the load on a vehicle or trailer to keep any portion of the load from falling off, having been read the first time on March 7, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.

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BILLS FOR PASSAGE: (Cont'd)

- 37545 (S.O. 8176) A Bill (#384-10) submitting a proposition to the qualified voters of the City of St. Joseph, Missouri, to increase the current 3% Transient Guest (Hotel/Motel) Tax by 3% for a twenty year period, for the purpose of funding the promotion of tourism and convention facilities, including capital expenditures therefore, at an election to be held on June 7, 2011, having been read the first time on March 7, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Myers, Penland—6. Nays, Roach, Kovac—2. Absent, LaBass—1.
- 37546 (S.O. 8177) A Bill (#370-10) authorizing Amendment No. 1 to the Consolidated Annual Plan for the use of FY2009/2010 HOME Program Funds, having been read the first time on March 7, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.
- 37547 (S.O. 8178) A Bill (#371-10) authorizing Amendment No. 1 to the Consolidated Annual Plan for the use of FY2010/2011 HOME Program Funds, having been read the first time on March 7, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.

EMERGENCY BILLS FOR PASSAGE:

- 37548 (S.O. 8179) An Emergency Bill (#395-10) to amend the General Fund and Capital Projects Fund budgets in the amount of \$100,000.00 and to approve contracts required for the immediate restoration of the Missouri Theater, was introduced, read and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.
- 36549 (S.O. 8180) An Emergency Bill (#396-10) sponsored by Councilmember Penland accepting permanent utility easements in Fountain Creek Plat 2, a preliminary platted development, was introduced, read and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—8. Absent, LaBass—1.

RESOLUTIONS FOR ADOPTION:

None.

BILLS FOR FIRST READING:

- 37550 A Bill (#387-10) amending Section 7-112 of the Code of Ordinances entitled “Supervision of work; temporary electricians; transferability,” was introduced and read the first time.
- 37551 A Bill (#390-10) amending the Landfill Fund budget in the amount of \$290,000.00 and entering into a Real Estate Sales Agreement with Western Staab Inc. to purchase real estate located at 3409 South Belt Highway, in the amount of \$290,00.00, was introduced and read the first time.
- 37552 A Bill (#391-10) approving a petition for the creation of the Cook Crossing Community Improvement District and creating the Cook Crossing Community Improvement District, was introduced and read the first time.
- 37553 A Bill (#392-10) granting approval of a development plan for Cook Crossing Redevelopment Corporation 353 Redevelopment Project at the northwest corner of Belt Highway and Cook Road including the known addresses of 4200 and 4204 North Belt Highway and a portion of 4302 North Belt Highway, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 37554 A Bill (#393-10) approving a Sales Tax Improvement, Reimbursement and Development Agreement between the City of St. Joseph, Missouri, Cook Crossing Community Improvement District and St. Joseph Partners, LLC in the amount not to exceed \$1,600,000, plus interest, was introduced and read the first time.
- 37555 A Bill (#394-10) approving a Cooperative Agreement among the City of St. Joseph, Missouri, the Cook Crossing Community Improvement District and St. Joseph Partners, LLC, for funding a financing of certain improvements related to the petition to establish the Cook Crossing Community Improvement District, as amended, and authorizing the City Manager to execute the agreement, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 3/2/11: Minutes of the Disability Services Board meeting held February 23, 2011, at 3:30 p.m., in the Council Chamber at City Hall.

Filed 3/7/11: Minutes of the Advisory Commission on Aging meeting held February 9, 2011, at 12:00 p.m., at Hope House, 528 N. 8<sup>th</sup> St.

Filed 3/10/11: Minutes of the Downtown Review Board meeting held March 2, 2011, at 5:30 p.m., in the Council Chamber at City Hall.

Filed 3/10/11: Minutes of the Tree Board meeting held March 8, 2011, at 7:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 3/11/11: Minutes of the Senior Citizens Foundation, Inc. Board meeting held February 15, 2011, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10<sup>th</sup> St.

Filed 3/15/11: Minutes of the Planning Commission meeting held February 24, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 3/15/11: Minutes of the Planning Commission special meeting held March 1 2011, at 5:00 p.m., in the Council Chamber at City Hall.

Filed 3/15/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held March 14, 2011, at 5:00 p.m., at the Washington Park Library, 1821 N. 3<sup>rd</sup> St.

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

Filed 3/3/11: Minutes of the Council Work Session held February 23, 2011, at 4:15 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 3/8/11: Minutes of the Work Session held March 2, 2011, at 4:30 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 3/10/11: Minutes of the Work Session held February 28, 2011, at 4:00 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 3/14/11: Minutes of the Council Work Session held March 9, 2011, at 4:30 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 3/4/11: Mayor and City Council Update, March 4, 2011.

Filed 3/7/11: Memorandum in re: Missouri Theater fire update.

Filed 3/11/11: Letter to Stephen J. Hall, Chairperson, Advisory Commission on Aging, in re: Agreement between City and Kay Gallagher, Fitness Coordinator at Joyce Raye Patterson Senior Citizen Center.

Filed 3/11/11: Mayor and City Council Update, March 11, 2011.

Filed 3/11/11: Memorandum in re: Missouri Theater fire update.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 3/2/11: Minutes of the Geiger Mansion Committee meeting held February 17, 2011, at 4:00 p.m., at 2501 Frederick Ave.

Filed 3/3/11: City Weekly, March 3, 2011.

Filed 3/4/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for February 2011.

Filed 3/8/11: Memorandum from Mayor Falkner in re: Request for information – Wyeth Tootle Mansion.

Filed 3/8/11: Minutes of the St. Joseph Museums, Inc. Funding Events Committee meeting held November 10, 2010, at 1:05 p.m., at 3406 Frederick Blvd.

Filed 3/8/11: Minutes of the St. Joseph Museums, Inc. Funding Events Committee meeting held February 10, 2011, at 3406 Frederick Blvd.

Filed 3/8/11: Minutes of the St. Joseph Museums, Inc. Finance Committee meeting held November 16, 2010, at 3:00 p.m., at 3406 Frederick Blvd.

Filed 3/9/11: Letter to Paul Jeffery, Acting Chief, Compliance/Enforcement Section, Dept. of Natural Resources, in re: Establishing a start date for open burning.

Filed 3/10/11: Municipal Division Reporting Form, February 2011.

Filed 3/10/11: City Weekly, March 10, 2011.

Filed 3/11/11: Minutes of the Geiger Mansion Committee meeting held March 3, 2011, at 4:00 p.m., at 2501 Frederick Avenue.

Filed 3/14/11: Letter from Roger Stottlemyre, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 2/1/11 through 2/28/11.

COMMUNICATIONS: (Cont'd)

Filed 3/14/11: Memorandum from Paula Heyde, City Clerk, in re: St. Joseph Regional Port Authority Financial Statements.

Filed 3/14/11: Memorandum from Mayor Falkner in re: Absent from the city (March 15-17, 2011).

Filed 3/14/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: Mayor's RFI on Wyeth-Tootle.

Filed 3/15/11: Letter from St. Joseph Downtown Association Board of Directors in re: City owned parking lot at 5th & Edmond Street.

Filed 3/15/11: Letter from Paula Heyde, City Clerk, to Andy Findley, Washington, DC, in re: Thank you for donation of a Harris & Harrington grandfather clock valued at \$7,000 to \$8,000.

OTHER BUSINESS:

City Manager's Report – None.

Mayor Falkner presented City Manager Vincent J. Capell with a "Key to the City" for his 21 years of service to the city.

Councilmember Jones introduced the new president of the Fire Fighters Local #77, Jim Haenni.

PUBLIC COMMENT:

Clifford, aka "Pop", resident of Tent City, asked about possibly finding another place in St. Joseph to relocate and mentioned the abandoned properties list. He asked for a dumpster and thanked whomever provided them with a port-a-pot. He knows the city doesn't like "Tent City" but he thinks there's a need for it.

NOTES:

Agenda No. 37523 – Mayor Falkner read the contents of the Special Recognition Award and he and Councilmember Jones recognized the members of the team who were present. Following the presentation, Roger Hurd played "The Wearing of the Green" on the bagpipes.

Agenda No. 37543 – Mayor Falkner would like the Plumbers Examining & Appeals Board to review the new provision, 7-503(b)(5)e, contained in this bill. Customer Assistance Director Sam Barber said the Board should be able to meet before the next Council meeting to be held April 4, 2011.

Agenda No. 37545 – Councilmember Roach went on record as saying that he thinks we're going too fast on this. The 5% increase was voted down not too long ago and the sewer bond issue is on the table right now and he doesn't want anything to jeopardize that issue.

Col. Frank Flesher, 816 N. Noyes Blvd., Executive Director, National Military Heritage Museum, said he understood that after the defeat of the tax issue the last time the Council was going to talk to the museums. As of this date, he hasn't heard a word from anyone. He hasn't heard what the projects are for this issue. He has been running the museum for 22 years and it's about time the city stood up for what it's suppose to be doing. He favors the sewer tax. Our veteran population is

NOTES: (Cont'd)

just over 23,000,000 and counting. That gives us 23,000,000 tourists. How many do we have for your projects or is the city going to take over running the tourism business in the city. If it is, we'll figure out a price for the museum. He quoted from the National Commander of the American Legion "I am here to remind the American people that all who put on our nation's uniform made a commitment and in fact signed a blank check payable to our country for an amount up to and including their very lives."

Kenneth Reeder, 1801 E. Randolph St., on behalf of Public Citizens Local, said moving this election to a later date is not complicated, if the issue will stand on its own. The previous issue was defeated by 9% which is significant. It was 141 days ago that \$40,000 was spent to run that election; we're going to spend \$40,000 now. If we wait until later, we at least get to split the cost with another issue. He is confident the citizens can think passed the importance of the sewer issue but it's critical that issue does pass. One thing that speaks in it's favor right now is that it does have a sunset clause.

Agenda No. 3755.0 – Councilmember Kovac thinks as a courtesy, city staff should send the proposed change to the electrical contractors before the next Council meeting.

Councilmember Penland asked for a copy of the minutes of the Electrical Standards and Appeals Board's meeting where this issue was voted on.

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ADJOURNMENT:

37556 By general consent, the Council adjourned.

The meeting adjourned at 8:07 p.m.

Paula Heyde, CMC, City Clerk