

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

February 22, 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, February 22, 2010, at 7:00 p.m. The meeting was called to order at 7:00 p.m. by Mayor Shearin. 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 Baker, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin, Starr--9. 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, 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, Planning & Community Development Director Clint Thompson, Acting Customer Assistance Director Tad Hopkins, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Property Mgt. Manager Walter Hughes, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Intern Justin Peacock.

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

PLEDGE OF ALLEGIANCE:

The pledge was led by members of Boy Scout Troop #6 sponsored by Huffman United Methodist Church.

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MINUTES:

36403 By general consent, the minutes of the regular meeting February 8, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

36404 It was moved by Councilmember Boyer and seconded by Councilmember Bozarth that the Agenda be accepted as published. Motion carried. Ayes, Penland, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass--9.

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CONSENT AGENDA:

36405 It was moved by Councilmember Boyer and seconded by Councilmember Roach that Agenda Numbers 36406 through 36416 be passed by Consent Agenda. Motion carried. Ayes, Penland, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass--9.

Nominations and Appointments:

36406 Filed 2/10/10: The nomination by Councilmember Roach was approved, appointing William A. Brunner, 2601 Lovers Lane, as a member of the Landmark Review Board for a term expiring March 15, 2013; he is being reappointed.

36407 Filed 2/11/10: The nomination by Councilmember Roach was approved, appointing Lisa Rock, 2209 Felix Street, as a member of the Landmark Review Board for a term expiring March 15, 2013; she is being reappointed.

36408 Filed 2/11/10: The nomination by Councilmember Roach was approved, appointing Jordan K. Reilly, 2209 Mitchell Avenue, as a member of the Landmark Commission for a term expiring February 22, 2013; he is replacing Ron Peterson, whose term has expired.

Bills for Passage:

36409 (S.O. 7895) A Bill (#1584-06) to approve expenditures from the Special Business District Fund in the amount of \$4,717.38 for expenses related to installation of Christmas decorations in the Downtown Special Business District, having been read the first time on February 8, 2010, was read the second time and passed.

36410 (S.O. 7896) A Bill (#1585-06) amending the Police Department budget in the General Fund to roll forward unspent grant funds in the amount of \$2,490.00 awarded from St. Joseph Youth Alliance for alcohol compliance checks District, having been read the first time on February 8, 2010, was read the second time and passed.

36411 (S.O. 7897) A Bill (#1586-06) amending the Police Department budget in the General Fund in the amount of \$4,110.00 received from insurance claims for damaged police vehicles District, having been read the first time on February 8, 2010, was read the second time and passed.

36412 (S.O. 7898) A Bill (#1587-06) amending the Public Health Fund budget in the amount of \$43,391.00 and to enter into an amendment to the contract with the Missouri Department of Health and Senior Services for additional funds received under the Nutrition Program for Women Infants and Children (WIC) District, having been read the first time on February 8, 2010, was read the second time and passed.

36413 (S.O. 7899) A Bill (#1589-06) authorizing Work Order No. 7522-07 to the Master Agreement with Black & Veatch Corporation in the amount of \$51,200.00 to prepare and develop retail and wholesale wastewater rates for the 2011 Sewer Rate Study District, having been read the first time on February 8, 2010, was read the second time and passed.

36414 (S.O. 7900) A Bill (#1592-06) authorizing a price agreement with First American Title Company, Inc. to provide professional title services for city projects District, having been read the first time on February 8, 2010, was read the second time and passed.

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

35415 (S.O. 7901) A Bill (#1593-06) amending the CIP Sales Tax Fund budget to provide additional funding in the amount of \$35,000.00 for changes and additions that have occurred during the reconstruction of the 18th Street Bridge Project District, having been read the first time on February 8, 2010, was read the second time and passed.

Resolutions for Adoption:

36416 (Resolution No. 36416 - 3062) A Resolution (#1602-06) to authorize the renewal of the On-Call Construction Administration Services Agreement with Bartlett & West, Inc. to provide services for an additional one year period, was read and adopted.

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

BILLS FOR PASSAGE:

None.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

36417 It was moved by Councilmember Bozarth and seconded by Councilmember Baker that Bill #1605-06 be amended before consideration for adoption by changing the words “Fire and Emergency Services Advisory Board” to “Building and Fire Prevention Code Board of Appeals” in both the caption and Section 1 of the body of the Resolution. Motion carried. Ayes, Penland, Roach, Shearin, Baker, Boyer, Bozarth, Falkner, LaBass--8. Nay, Starr--1.

36418 It was moved by Councilmember Boyer and seconded by Councilmember Bozarth that Bill #1605-06 be amended before consideration for adoption by adding the words “the City Manager or his designee to meet with” after the word “directing” in the caption of the Resolution. Motion carried. Ayes, Penland, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass--9.

36419 (Resolution No. 36419 - 3063) A Resolution (#1605-06) directing the Electrical Standards and Appeals Board, the Fire and Emergency Services Advisory Board, the Mechanical Standards and Appeals Board and the Plumbers Examining and Appeals Board to work in conjunction with the Landmark Commission to create regulations to be used to renovate historic homes and existing buildings, was read and adopted. Ayes, Penland, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass--9.

BILLS FOR FIRST READING:

36420 A Bill (#1594-06) entering into an amendment to a contract with the Missouri Department of Health and Senior Services in the amount of \$92,000.00 to provide HIV Case Management Services, was introduced and read the first time.

36421 A Bill (#1595-06) to amend the Police Department budget in the General Fund in the amount of \$6,000.00 to provide funds to be used for the purchase of prisoner meals for the Police Department, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36422 A Bill (#1596-06) authorizing the purchase of eight, 2010 Chevrolet Impalas in the amount of \$172,416.00 from Roberts Auto Plaza for the Police Department, was introduced and read the first time.
- 36423 A Bill (#1597-06) accepting a Quit Claim Deed from Missouri Highways and Transportation Commission for a constructed cul-de-sac at the south end of Green Acres Road and North Highway 169, was introduced and read the first time.
- 36424 A Bill (#1598-06) accepting street improvements in Thousand Oaks Addition, Plat 2 and sewer improvements in Sewer District 347, was introduced and read the first time.
- 36425 A Bill (#1599-06) amending Section 28-498 of the Code of Ordinances entitled "U-turns," was introduced and read the first time.
- 36426 A Bill (#1600-06) amending Section 28-1582 "Speed limit of 40 miles per hour" and Section 28-1583 "Speed Limit of 45 miles per hour" of the Code of Ordinances to reduce the speed limit on U.S. Route No. 169 (Belt Highway) from Pear Street to Route FF from 45 to 40 miles per hour, was introduced and read the first time.
- 36427 A Bill (#1601-06) to authorize a design/build agreement with King City Lumber Company in the amount of \$68,880.00 for a pre-engineered building to be constructed for the Parks, Recreation and Civic Facilities Department, was introduced and read the first time.
- 36428 A Bill (#1603-06) accepting proceeds from sale of property and abating demolition and weed and trash liens up to \$9,500.00, plus penalty and interest, on the property located at 2601 South 13th Street, was introduced and read the first time.
- 36429 A Bill (#1604-06) entering into a Cooperative Agreement with St. Joseph School District for fire protection services for Bessie Ellison Accelerated School facility, was introduced and read the first time.
- 36430 A Bill (#1606-06) authorizing the purchase of two 2009 Model Honda ST1300PA motorcycles for the Police Department in the amount of \$28,402.00 from St. Joe Honda, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 2/4/10: Minutes of the Plumbers Examining and Appeals Board meeting held January 14, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 2/11/10: Minutes of the Library Board meeting held February 8, 2010, at 5:00 p.m., at the East Hills Library, 502 N. Woodbine Road.

Filed 2/11/10: Minutes of the Senior Citizens Foundation, Inc. Board meeting held January 19, 2010, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

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

Filed 2/17/10: Minutes of the Council Finance/Audit Committee meeting held February 10, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 2/4/10: Response to Mayor Shearin's memorandum dated February 2, 2010, in re: City budget.

Filed 2/5/10: Mayor and City Council Update, February 5, 2010.

Filed 2/5/10: Memorandum in re: Ft. Smith.

Filed 2/8/10: E-mail to Boy Scout Jack Jones in re: Condition of streets in St. Joseph.

Filed 2/12/10: Mayor and City Council Update, February 12, 2010.

Filed 2/12/10: Memorandum in re: Acting City Manager (February 17-18, 2010).

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 2/3/10: Letter from Jim Roth, President, St. Joseph Downtown Partnership, Inc., and Larry Buck, President, St. Joseph Downtown Association, in re: Thanking the Council for voting in favor of the first downtown TIF project.

Filed 2/3/10: Memorandum from Mayor Shearin in re: City budget.

Filed 2/3/10: Municipal Division Reporting Form, January, 2010.

Filed 2/3/10: St. Joseph Museums, Inc. Bi-Monthly Board meeting held January 14, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 2/4/10: City Weekly, February 4, 2010.

Filed 2/5/10: Article from the New York Times entitled "*Most U.S. union members are working for the government, new data shows*", by Steven Greenhouse.

Filed 2/5/10: Current Year Budget to Actual Detail report for the Mayor and City Council, City Clerk and City Manager programs dated 1/31/10.

Filed 2/8/10: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: February 5, 2010 correspondence from Black & Veatch.

Filed 2/8/10: Downtown Building Blocks newsletter, February, 2010.

Filed 2/8/10: St. Joseph Area Chamber of Commerce Weekly Board Report, February 5, 2010.

Filed 2/8/10: Memorandum from Mary Montgomery, Capital Projects Coordinator, in re: Capital Improvement Program Update – 2nd Quarter FY10.

Filed 2/9/10: Memorandum from Councilmember Falkner in re: Creation of new code governing renovation of historic homes and existing buildings.

COMMUNICATIONS: (Cont'd)

Filed 2/9/20: Memorandum from Councilmember Falkner in re: Fire and Police Working Agreements.

Filed 2/9/10: Mayor Shearin's State of the City Address given February 8, 2010.

Filed 2/10/10: Letter from Alma G. Fish, 3127 Lafayette St., in re: Leaves in her yard from the neighbor's trees.

Filed 2/11/10: City Weekly, February 11, 2010.

Filed 2/12/10: Memorandum from Carolyn Harrison, Financial Services Director, in re: FY 2010 Second Quarter Financial Report.

Filed 2/12/10: St. Joseph Area Chamber of Commerce Weekly Board Report, February 12, 2010.

Filed 2/16/10: Memorandum from Mayor Shearin in re: Absent from the City (February 17-18, 2010).

Filed 2/16/10: Letter from Ronald R. Holliday, First Assistant Prosecuting Attorney, in re: Commending Police Detective Scott Coates for his work in the prosecution of a serious burglary ring.

Filed 2/16/10: E-mail from Rick Smith, Animal Control & Rescue Manager, to Janice Rothganger, Police Captain/Patrol Division, in re: Thank you (for the excellent job she did with the ethics presentation for the Animal Control & Rescue staff).

Filed 2/16/10: Note from the family of Lola Black to James Tonn, Police Officer/Patrol Division, in re: Thanking him for his professional behavior when attending to their mother when she passed.

Filed 2/17/10: Minutes of the St. Joseph Museums, Inc. Education Committee meeting held September 15, 2009, at 4:00 p.m., at 3406 Frederick Blvd.

OTHER BUSINESS:

City Manager's Report - None.

Leo Hammel, 1121 Edmond St., addressed the Council about the notice he received from the City to abate the nuisance on his property of a retaining wall that has partially collapsed, for which he believes the City is partially responsible. He has tried at least 15 people to give him an estimate to repair the wall and he has had no luck. The City has given him until May 3, 2010. He is not seeing a lot of reasonableness in this request. He wants the Council to know that he is not ignoring the situation; he is trying to get it repaired. Mayor Shearin suggested that Mr. Hammel make an appointment to see the City's Property Maintenance Director Steve Hofferber to work out this situation. Mr. Hammel said if he's going to get this notice, he thinks the property owners at 123 S. 13th St. and 111 S. 11th should get one about the trash.

Wanda Botts, 1907 Jones St., said on Monday, February 15, 2010, she was headed to work on Frederick Blvd. at the Woodbine Road intersection. She was behind a city truck when something hit her windshield causing it to crack. She received a letter from the City's insurance company, MOPERM, denying the claim. Mayor Shearin asked Ms. Botts to meet with the City's Risk Management Coordinator tomorrow at 3:00 p.m.

OTHER BUSINESS: (Cont'd)

Mike Ladish, President of Harris & Kemper Addition Neighborhood Assoc., 209 N. 18th St., said the resolution (Agenda No. 36419) is a good one but something has to be done with the buildings that people are living in; there are no rules and regulations. We can't continue to have substandard housing with no way to get inside and see what's going on. He wonders how many people are going to die in substandard housing. It's got to stop and the Council is the only people that can stop it by enacting ordinances for inspections of leased and rented property. At this point, they're asking for solutions. Mayor Shearin asked Mr. Ladish if he would come up with one and present it to the Council. Mr. Ladish said yes.

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ADJOURNMENT:

36431 By general consent, the Council adjourned.

The meeting adjourned at 7:36 p.m.

Paula Heyde, CMC, City Clerk