

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

January 23, 2012 - 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, January 23, 2012, at 7:00 p.m. The meeting was called to order at 7:00 p.m. by Deputy Mayor Myers. 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, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--8. Absent, Falkner—2. Total membership--9. Five members constitute a quorum.

Also present were City Manager J. Bruce Woody, City Attorney Lisa M. Robertson, Police Chief Chris Connally, Financial Services Director Carolyn Harrison, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Planning & Community Development/Interim Customer Assistance Director Clint Thompson, Property Maintenance & Technology Services Director Steve Hofferber, Public Works & Transportation Director Jody L. Carlson, Associate Director of Technology Services Mark Townsend, Animal Control & Rescue Manager Rick Smith, Human Resources Manager Alicia Nolan, 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 Kovac voted first.

PLEDGE OF ALLEGIANCE:

Agenda  
Number

MINUTES:

38336 By general consent, the minutes of the special meeting held January 5, 2012, at 4:15 p.m. and the regular meeting held January 9, 2012, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

38337 It was moved by Councilmember Boyer and seconded by Councilmember Penland that the Agenda be accepted as published. Motion carried. Ayes, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Jones—8. Absent, Falkner—1.

Agenda  
Number

PUBLIC HEARING FOR THE 3400 BLOCK S. 22ND STREET SANITARY SEWER SYSTEM IMPROVEMENTS NID (NEIGHBORHOOD IMPROVEMENT DISTRICT):

38338 A public hearing was held on January 23, 2012, at 7:00 p.m. in the Council Chamber at City Hall, 1100 Frederick Avenue, for the purpose of considering the improvements and assessments herein described:

1. Project name: 3400 Block S. 22nd Street Sanitary Sewer System Improvements NID (Neighborhood Improvement District).
2. General nature of the improvements: Construction of a gravity sewer system to collect wastewater from nine (9) residential dwellings and commercial buildings, meeting city standards.
3. The estimated cost of the proposed sanitary sewer system improvements is \$118,446.00 for the entire improvement of which the city will contribute \$38,454.00, leaving a remainder to be paid by the District property owners of \$79,992.00 or \$8,888.00 per property owner. The final cost of such improvements assessed against the property within the district shall not exceed such estimated cost by more than 25%.
4. The proposed neighborhood improvement district is located entirely within St. Joseph, Missouri, an incorporated city and includes the following properties:  

3408 S. 22<sup>nd</sup> Street, 3409 S. 22<sup>nd</sup> Street, 3411 S. 22<sup>nd</sup> Street, 3416 S. 22<sup>nd</sup> Street, 3417 S. 22<sup>nd</sup> Street, 3425 S. 22<sup>nd</sup> Street, 3901 S. 22<sup>nd</sup> Street, 2205 Excello Drive, and 2305 Excello Drive (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 46 of Excello Subdivision).
5. The proposed method of assessment is: The total project cost will be shared among the property owners within the improvement district. To establish the cost per property owner, the total costs will be reduced by the city's contribution and the remainder will be computed by dividing the total cost of the project by the number of individual properties to be serviced (nine). Pursuant to state statutes, property owners will be afforded the latitude to finance their portion of the assessment through the city over a period that will be determined by the City Council or to pay the cost in total up front. Interest will be assessed to the unpaid balance in an amount not to exceed the state-regulated rate at that time. Property owners within the neighborhood improvement district shall separately pay the cost of connecting their residence/property to the sanitary sewer main.

Citizens were given an opportunity at this time to comment on the Neighborhood Improvement District.

38339 There being no persons appearing to be heard, the Deputy Mayor declared the public hearing closed.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

38340 (G.O. 2453) A Bill (#711-10) redistricting 6040 and 6044 Pryor Avenue from R-1B, Single Family Residential District to C-1, Neighborhood Shopping District as requested by Rupp Funeral Home, J. L. Robertson, agent, having been read the first time on January 9, 2012, was read the second time and passed. Ayes, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Jones—8. Absent, Falkner—1.

38341 (G.O. 2454) A Bill (#712-10) redistricting 2544 South 10th Street from M-2, Heavy Manufacturing District to R-1B, Single-Family Residential District, as requested by Anthony J. Nitti, having been read the first time on January 9, 2012, was read the second time and passed. Ayes, Kovac, LaBass, Penland, Roach, Jones--5. Nays, Myers, Starr, Boyer—3. Absent, Falkner—1.

Agenda  
Number

CONSENT AGENDA:

38342 It was moved by Councilmember Penland and seconded by Councilmember Boyer that Agenda Numbers 38343 through 38355 be passed by Consent Agenda. Motion carried. Ayes, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Jones—8. Absent, Falkner—1.

Nominations and Appointments:

38343 Filed 1/11/12: The nomination by Mayor Falkner was approved, appointing Lucas Moore, 2010 Village Drive, Apt. 202, as a member of the Downtown Economic Stimulus Authority of St. Joseph, Missouri for a term expiring October 11, 2014; he is being reappointed.

38344 Filed 1/17/12: The nomination by Councilmember LaBass was approved, appointing Deirdre (Dee Dee) G. Squires, 2649 Frederick Avenue, as a member of the Museum Oversight Board for a term expiring January 1, 2015; she is replacing Sheryl A. Gossett, whose term expired January 1, 2012.

Bills for Passage:

38345 (G.O. 2455) A Bill (#713-10) repealing Division 21 of Article V of Chapter 2 of the Code of Ordinances entitled “Special Business District Board,” having been read the first time on January 9, 2012, was read the second time and passed.

38346 (S.O. 8360) A Bill (#710-10) to amend the Public Health Department budget in the General Fund and enter into a contract with the National Association of County and City Health Officials (NACCHO) both in the amount of \$5,000.00 for Medical Reserve Corps (MRC) supplies and capacity building, having been read the first time on January 9, 2012, was read the second time and passed.

38347 (S.O. 8361) A Bill (#715-10) authorizing an Agreement for services with the County of Buchanan for the provision of City Communication Center Services for dispatch of county personnel for a one year term beginning January 1, 2012, having been read the first time on January 9, 2012, was read the second time and passed.

Resolutions for Adoption:

38348 (Resolution No. 38348 – 3295) A Resolution (#717-10) renewing the agreement with the St. Joseph Umpires & Scorekeepers Association to provide officiating services for leagues sponsored by the Parks, Recreation and Civic Facilities Department for an additional one year term, was read and adopted.

38349 (Resolution No. 38349 – 3296) A Resolution (#719-10) authorizing the submittal of a grant application to the Department of Agriculture and stating intent to enhance the City of St. Joseph’s current low-cost spay/neuter assistance program for low-income owners, was read and adopted.

38350 (Resolution No. 38350 – 3297) A Resolution (#723-10) authorizing the purchase of one (1) 5-passenger mini-van from Shawnee Mission Ford, Inc. for the amount of \$21,703.00 for the Water Protection Division of the Public Works & Transportation Department, was read and adopted.

38351 (Resolution No. 38351 – 3298) A Resolution (#725-10) to authorize the renewal of the Master Professional Engineering Services Agreement with Black & Veatch Corporation to provide engineering services associated with the city’s wastewater utility for an additional one-year period, was read and adopted.

Agenda

Number    CONSENT AGENDA: Resolutions for Adoption: (Cont'd)

- 38352    (Resolution No. 38352 – 3299) A Resolution (#726-10) to authorize the renewal of the Agreement for Professional Title Services with First American Title to provide title services for an additional one-year period, was read and adopted.
- 38353    (Resolution No. 38353 – 3300) A Resolution (#728-10) renewing the Lease Agreement with Buchanan County, Missouri for the purpose of leasing space at the Buchanan County Courthouse for the St. Joseph City Prosecutor’s Office for an additional one-year period, was read and adopted.
- 38354    (Resolution No. 38354 – 3301) A Resolution (#730-10) declaring the City Council’s approval and consent to rename a portion of the Noyes Stadium Complex, more specifically, Noyes Field to “Del Wood Field at Noyes Stadium,” was read and adopted.
- 38355    (Resolution No. 38355 – 3302) A Resolution (#732-10) authorizing Work Order No. 7522-22 to the Master Agreement with Black & Veatch Corporation in the amount of \$42,708.00 to prepare and develop retail and wholesale wastewater rates for the 2013 Sewer Rate Study, was read and adopted.

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

BILLS FOR PASSAGE:

- 38356    It was moved by Councilmember Boyer and seconded by Councilmember Roach that Bill #714-10 be amended before consideration for passage by deleting Condition #1 in Section 3 of the body of the ordinance. Motion carried. Ayes, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Jones—8. Absent, Falkner—1.
- 38357    (S.O. 8362) A Bill (#714-10) vacating a portion of a 15-foot alley located between Sixth Avenue and Seventh Avenue, beginning at St. Joseph Avenue and going east approximately 111 feet, as requested by the City of St. Joseph, having been read the first time on January 9, 2012, was read the second time and passed. Ayes, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Jones—8. Absent, Falkner—1.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

None.

BILLS FOR FIRST READING:

- 38358    A Bill (#718-10) amending the Parks, Recreation and Civic Facilities Department budget in the General Fund to recognize the receipt of \$1,152.00 from the Buchanan County Tourism Board to reimburse the city for travel expenses, was introduced and read the first time.
- 38359    A Bill (#720-10) amending the Landfill Fund budget in the amount of \$165,500.00 and authorizing an agreement with Terra Technologies for landfill wetland mitigation credits in the amount of \$165,500.00, was introduced and read the first time.
- 38360    A Bill (#721-10) amending the Police Department budget in the General Fund in the amount of \$13,000.00 to be used to pay laboratory fees for the St. Joseph Police Department, was introduced and read the first time.

Agenda  
Number

BILLS FOR FIRST READING:

- 38361 A Bill (#722-10) repealing Special Ordinance No. 1890 which vacated Renick Street from 36th Street east 300 feet, was introduced and read the first time.
- 38362 A Bill (#724-10) amending the Police Department budget in the General Fund and to accept a donation from the East Hills Fountain Fund both in the amount of \$1,222.00 to be used to purchase a taser for use by the St. Joseph Police Department, was introduced and read the first time.
- 38363 A Bill (#727-10) authorizing a lease agreement with Buchanan County, Missouri to lease space at the Courthouse for Municipal Court, was introduced and read the first time.
- 38364 A Bill (#729-10) to amend the Police Department budget in the General Fund to budget funds received from the Missouri Coalition for Roadway Safety in the amount of \$3,000.00 to conduct enforcement of underage substance abuse and driving during graduation and after prom parties during the months of April and May, was introduced and read the first time.
- 38365 A Bill (#731-10) accepting street improvements and a dedicated right-of-way in the Shoppes at North Village Final Plat and sewer improvements in Sewer District 366, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 1/17/12: Minutes of the Advisory Commission on Aging meeting held December 14, 2011, at 12:00 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10<sup>th</sup> St.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 1/6/12: Mayor and City Council Update, January 6, 2012.

Filed 1/13/12: Mayor and City Council Update, January 13, 2012.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 1/4/12: Memorandum from Clint Thompson, Planning and C.D. Director, in re: Ordinance for vacation of an alleyway adjacent to Station 12.

Filed 1/4/12: Memorandum from Mayor Falkner in re: Absent from the City (January 6-8, 2012).

Filed 1/5/12: City Weekly, January 5, 2012.

Filed 1/6/12: Municipal Division Reporting Form, December 2011.

Filed 1/11/12: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for November 2011.

COMMUNICATIONS: (Cont'd)

Filed 1/11/12: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for December 2011.

Filed 1/12/12: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 12/1/2011 thru 12/31/2011.

Filed 1/13/12: City Weekly, January 13, 2012.

Filed 1/13/12: Minutes of the St. Joseph Area Transportation Study Coordinating Committee meeting held September 22, 2011, at 12:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 1/17/12: E-mail from Nancy Kelly in re: Resignation from the Advisory Commission on Aging.

Filed 1/18/12: Memorandum from Paula Heyde, City Clerk, in re: Resignation from the Advisory Commission on Aging (Ruby Copeland).

OTHER BUSINESS:

City Manager's Report – City Manager J. Bruce Woody said he and the Mayor will be traveling to Jefferson City Wednesday to attend the Missouri Gaming Commission meeting. The renewal of the local casino's gaming licensing is up for consideration.

PUBLIC COMMENT:

None.

NOTES:

Agenda No. 38341 – Anthony J. Nitti, 2544 S. 10th St., petitioner, was present. He said his disabled parents want to move in with him and he needs to build an addition onto his property with a level entrance and it will be much easier for him to get a loan to make these revisions to his property if it is zoned residential instead of commercial. He understands that if the rezoning is approved, he will not be able to continue operating his business out of this location.

Agenda  
Number

ADJOURNMENT:

38366 By general consent, the Council adjourned.

The meeting adjourned at 7:50 p.m.

Paula Heyde, CMC, City Clerk