

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

January 25, 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, January 25, 2010, at 7:00 p.m. Due to the absence of the Mayor, the meeting was called to order at 7:00 p.m. by Deputy Mayor Boyer. 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, Starr--8. Absent, Shearin--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, Health Director Debra Bradley, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Community Development Manager Gerald McCush, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Accounting Manager Tom Mahoney, Supt. of Park Maintenance Jeff Atkins, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

36344 By general consent, the minutes of the regular meeting January 11, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

36345 It was moved by Councilmember Bozarth and seconded by Councilmember Starr that the Agenda be accepted as published with the addition of one bill for first reading being placed on the agenda (Bill #1583-06). Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

36346 (G.O. 2374) A Bill (#1565-06) granting a Conditional Use Permit to the Islamic Center of Greater St. Joseph for construction of a multipurpose religious/charitable Islamic Community Center at 2325 Messanie Street by Ahmad Safi, agent, having been read the first time on January 11, 2010, was read the second time and passed.

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CONSENT AGENDA:

36347 It was moved by Councilmember Roach and seconded by Councilmember Starr that Agenda Numbers 36348 through 36355 be passed by Consent Agenda. Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.

Nominations and Appointments:

36348 Filed 1/12/10: The nomination by Councilmember Baker was approved, appointing Paul A. Bridenstine, 1720 N. 29th St., to serve as a member of the Community Police Advisory Committee for a term expiring February 12, 2013; he is being reappointed.

36349 Filed 1/19/10: The nomination by Councilmember Roach was approved, appointing Jo Ann Brott, 2920 S. 29th St., to serve as a member of the Landmark Commission for a term expiring January 25, 2013; she is replacing Jeff A. Daum, whose term has expired.

Bills for Passage:

36350 (S.O. 7878) A Bill (#1561-06) to amend the Police Department budget in the General Fund and to enter into a contract with the St. Joseph Youth Alliance in the amount of \$13,020.00 for alcohol compliance checks, having been read the first time on January 11, 2010, was read the second time and passed.

36351 (S.O. 7879) A Bill (#1562-06) to amend the Public Health Fund budget in the amount of \$2,999.00 for the purpose of implementing the Missouri Department of Health and Senior Services Tuberculosis Case Management Enablers and Incentive Program, having been read the first time on January 11, 2010, was read the second time and passed.

36352 (S.O. 7880) A Bill (#1572-06) amending the CIP Sales Tax Fund budget in the amount of \$7,250.00 to provide funds for the purchase and installation of a computer for use by the Fire Department, having been read the first time on January 11, 2010, was read the second time and passed.

36353 (S.O. 7881) A Bill (#1568-06) approving the preliminary plat entitled "Fountain Creek Plat 2", a major subdivision consisting of 17 lots by SDG Developments, L.L.C. by Scott Gann, agent located at 2100 Fountain Creek Drive, having been read the first time on January 11, 2010, was read the second time and passed.

36354 (S.O. 7882) A Bill (#1569-06) approving the preliminary plat entitled "Greens of Ashland Plat 1", a major subdivision consisting of 17 lots requested by Don Clark, located at 3130 Karnes Road, having been read the first time on January 11, 2010, was read the second time and passed.

36355 (S.O. 7883) A Bill (#1563-06) to enter into a Housing Rehabilitation Contract with Martha L. Ferguson, a single person, (owner) and Davenport Contracting (contractor) for a housing rehabilitation project at 812 Powell Street in a total amount not to exceed \$43,210.50, having been read the first time on January 11, 2010, was read the second time and passed.

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

BILLS FOR PASSAGE:

36356 It was moved by Councilmember Bozarth and seconded by Councilmember Penland that Bill #1564-06 be amended before consideration for passage by substituting a new "Public Notice of General Municipal (Regular) Election" with the one originally attached to the ordinance. Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.

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BILLS FOR PASSAGE: (Cont'd)

- 36357 (S.O. 7884) A Bill (#1564-06) calling for a General Municipal (Regular) Election to be held in the City of St. Joseph, Missouri on Tuesday, April 6, 2010, to nominate candidates for certain city offices, having been read the first time on January 11, 2010, was read the second time and passed. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.
- 36358 It was moved by Councilmember Falkner and seconded by Councilmember Baker that a Bill (#1566-06) vacating a north/south portion of Bellevue Street from Antoine Street to sixty feet north of Louis Street as requested by the City of St. Joseph, Missouri, be postponed for two weeks to the February 8, 2010 Council meeting. Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.
- 36359 It was moved by Councilmember Falkner and seconded by Councilmember Roach that Bill (#1567-06) vacating two east/west portions of Bellevue Street as requested by the City of St. Joseph, Missouri, be amended by changing the word "south" to "north" in the 3rd line of the legal description in Section 1 in the body of the ordinance and that the bill be postponed for two weeks to the February 8, 2010 Council meeting. Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.
- 36360 It was moved by Councilmember Penland and seconded by Councilmember Roach that Bill #1570-06 be amended before consideration for passage by attaching the "Downtown Building Rehabilitation Program Agreement" (Exhibit B -Tax Increment Financing Redevelopment Agreement) to the ordinance. Motion carried. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.
- 36361 (S.O. 7885) A Bill (#1570-06) approving the Center Building Redevelopment Project in Redevelopment Project Area One of the Downtown St. Joseph Tax Increment Financing Plan as a redevelopment project, adopting tax increment financing therein; designating Mid-City Partnership, Inc. as the developer of the redevelopment project, approving a Tax Increment Financing Redevelopment Agreement between the City of St. Joseph, Missouri and Mid-City Partnership, Inc., and authorizing the City Manager of the City of St. Joseph, Missouri to execute the agreement, having been read the first time on January 11, 2010, was read the second time and passed. Ayes, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--7. Abstention, Falkner--1. Absent, Shearin--1.

EMERGENCY BILL FOR PASSAGE:

- 36362 An Emergency Bill (#1581-06) submitting a proposed City Charter amendment to the voters of the City of St. Joseph, Missouri, at an election to be held April 6, 2010 (budget adoption), was introduced, read and failed to pass. Ayes, Falkner, LaBass, Penland, Bozarth--4. Nays, Roach, Starr, Baker, Boyer--4. Absent, Shearin--1.

RESOLUTIONS FOR ADOPTION:

- 36363 (Resolution No. 36363 - 3058) A Resolution (#1577-06) sponsored by Councilmember Penland establishing the "Mike Hirter Humanitarian Award," was read and adopted. Ayes, Falkner, LaBass, Penland, Roach, Starr, Baker, Boyer, Bozarth--8. Absent, Shearin--1.

BILLS FOR FIRST READING:

- 36364 A Bill (#1575-06) to approve expenditures from the Special Business District Fund in the amount of \$8,510.80 for expenses related to various downtown projects at Felix Street Square including lighting, maintenance and rock material to construct a new wall, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36365 A Bill (#1576-06) to approve expenditures from the Special Business District Fund in the amount of \$11,250.00 for expenses related to the Special Business District Board's service contract with the St. Joseph Downtown Partnership, was introduced and read the first time.
- 36366 A Bill (#1578-06) authorizing the dedication of utility easements at Rosecrans Memorial Airport for the installation of utilities across said property to support the re-location of the Air National Guard base, was introduced and read the first time.
- 36367 A Bill (#1579-06) amending the CIP Sales Tax Fund budget and authorizing a contract with Auxier Construction Co. for the installation of railroad quiet zone median barriers at Francis Street and Fourth Street in the amount of \$27,870.00, was introduced and read the first time.
- 36368 A Bill (#1580-06) amending the Community Development Block Grant Fund budget and authorizing a grant agreement to accept Historic Preservation Grant funds from the Missouri Department of Natural Resources, Division of State Parks, State Historic Preservation Office in the amount of \$126,000.00 for a roof replacement project at the Patee House Museum, was introduced and read the first time.
- 36369 A Bill (#1582-06) to amend the Technology Services Department budget in the General Fund in the amount of \$31,798.00 for Permits Plus maintenance and renewal fees for the period July 1, 2010 to June 30, 2011, was introduced and read the first time.
- 36370 A Bill (#1583-06) sponsored by Councilmember Boyer amending the General Fund and CIP Sales Tax Fund budgets in the amount of \$85,000.00 and entering into a Real Estate Sales Agreement and accepting a Warranty Deed from D.D.E. Enterprises, Inc., a Missouri Corporation, to purchase real estate located at 802 Prospect Avenue, AKA Fort Smith, for the amount of \$85,000.00, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 1/6/10: Minutes of the Mechanical Standards and Appeals Board meeting held December 10, 2009, at 3:30 p.m., in the 4th Floor Conference Room at City Hall.

Filed 1/14/10: Minutes of the St. Joseph Public Library Board of Trustees meeting held January 11, 2010, at 5:00 p.m., at Carnegie Library, 316 Massachusetts.

Filed 1/15/10: Minutes of the Building and Fire Prevention Code Board of Appeals meeting held December 16, 2009, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 1/19/10: Minutes of the Community Police Advisory Committee meeting held January 5, 2010, at 7:00 p.m., at the East Hills Library, 502 N. Woodbine Road.

Filed 1/19/10: Museum Oversight Board Quarterly Report to the City Council.

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

Filed 1/13/10: Minutes of the Work Session held January 12, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 1/20/10: Minutes of the Council Finance/Audit Committee meeting held January 14, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 1/8/10: Mayor and City Council Update, January 8, 2010.

Filed 1/15/10: Mayor and City Council Update, January 15, 2010.

Filed 1/19/10: Update on information requested by Councilmember Falkner in re: Request for specific information regarding alley maintenance program.

Filed 1/20/10: Memorandum in re: Proposed Charter change for budget adoption.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 1/6/10: Memorandum from Carolyn Harrison, Financial Services Director, and Patty Robbins, Purchasing Agent, in re: Response to request for information on architectural firms.

Filed 1/6/10: Memorandum from Carolyn Harrison, Financial Services Director, in re: Request for information on the CIP Sales Tax Fund.

Filed 1/7/10: Current Year Budget to Actual Detail report for the Mayor and City Council, City Clerk and City Manager programs dated 12/31/09.

Filed 1/7/10: City Weekly, January 7, 2010.

Filed 1/7/10: Letter from Rex Jones, 4001 South 31st St., in re: Resignation from the Plumbers Examining and Appeals Board.

Filed 1/8/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held September 16, 2009, at 1:00 p.m., at 3406 Frederick Blvd.

Filed 1/8/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held October 8, 2009, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 1/11/10: Letter from Gene McNary, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 12/1/09 through 12/31/09.

Filed 1/11/10: City Builder, Volume 5, Issue 1, January, 2010.

Filed 1/11/10: St. Joseph Area Chamber of Commerce Weekly Board Report, January 8, 2010.

Filed 1/11/10: Memorandum from Ed Schilling, Risk Management Coordinator, in re: Sewer Backup Reimbursement Policy – Quarterly Report (2nd Quarter FY10).

Filed 1/12/10: Building Blocks newsletter, January, 2010.

Filed 1/13/10: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held December 15, 2009, at 8:00 a.m., at 3406 Frederick Blvd.

COMMUNICATIONS: (Cont'd)

Filed 1/13/10: Remington Nature Center of St. Joseph Member News, Winter 2010.

Filed 1/13/10: Memorandum from Mayor Shearin in re: Absent from City (January 19-25, 2010).

Filed 1/14/10: City Weekly, January 14, 2010.

Filed 1/14/10: Memorandum from Mayor Shearin in re: Voting procedure for Mayor.

Filed 1/15/10: Memorandum from Mayor Shearin in re: Misplaced allegiances?

Filed 1/15/10: Memorandum from Mayor Shearin in re: GIS to identify every household by Council district.

Filed 1/15/10: Memorandum from Councilmember Penland in re: Conflict of interest – proposed Downtown Tax Increment Financing District.

Filed 1/15/10: Municipal Courier, January 2010, Volume 8, Issue 1.

Filed 1/19/10: Article from the St. Joseph News Press entitled "*Leadership class kicks off with retreat*".

Filed 1/19/10: St. Joseph Area Chamber of Commerce Weekly Board Report, January 15, 2010.

Filed 1/19/10: Minutes of the Downtown Parking Committee meeting held January 14, 2010, at 3:30 p.m., in the Community Room at Commerce Bank, 4th & Felix St.

Filed 1/19/10: E-mail from Steve Johnston, Chamber of Commerce, in re: Summary of Community Alliance Legislative Team meeting.

Filed 1/20/10: Letter from Ted Allison, CED, President and CEO, Chamber of Commerce, in re: Encouraging the City Council to continue its prudent use of TIF's in downtown St. Joseph.

OTHER BUSINESS:

City Manager's Report - None.

Donald Sherwood, 415 N. 10th St., told Councilmember LaBass that it is correct that one-third of the police officers are in the downtown some times because there are only about six or seven on that shift. He gave a copy of the front page of a book entitled "Sign for Water" to Public Works & Transportation Director J. Bruce Woody. He said he has written Councilmember Starr about certain projects related to that topic.

Oscar Kirschner, 306 W. Hyde Park Ave., talked to the City Manager about how certain city services are paid for and what financial assistance is available for people wanting to improve their neighborhoods and buildings, the Stockyards Exchange Building being one of them. He thinks that we pay for what we get is so true and we're always so reluctant to pay any more instead of wanting more.

Councilmember Falkner congratulated the Parks, Recreation & Civic Facilities Dept. for the Heritage Park being selected as the 2009 ASA Complex of Year from the Amateur Softball Association of American (ASA).

NOTES:

Agenda No. 36346 - In response to a question from Councilmember Penland, Charles M. Triplett, 704 Concord St., said they are recognized as a non-profit and religious organization by the federal government.

Agenda No. 36360-1 - Charles L. White, 903 Lincoln St., representing Mid-City Partnership, Inc., read a letter of support for this project from the Downtown Association.

Larry Buck, 716B Francis St., thanked the City Council for the things it has been doing to assist them in the downtown. He said the Downtown Association would appreciate the Council's support on this TIF project. Also, the Downtown Association and the St. Joseph Downtown Partnership would support some move that would put a limit or a cap on places that just sell liquor and are not restaurants and bars.

Robert Slater, Chairman of the Tax Increment Financing Commission, 2606 Francis St., said the Commission voted unanimously to support this issue. One thing they stressed when they reviewed this project is there is no city financial exposure except the parking lot improvements which will be made regardless. He hopes the Council will endorse this TIF proposal.

The following people spoke in support of this project: Rhabecca Boerkircher, 4217 Crimson Dr., Executive Director of St. Joseph Downtown Partnership, Inc.; Jim Roth, 12759 Lakeland Dr., President of St. Joseph Downtown Partnership, Inc. and Executive Vice-President of Hillyard Corp.; Ted Allison, President and CEO of St. Joseph Area Chamber of Commerce; and Sally Wurtlzer, 113 S. 7th St.

Jeff Daum, 300 W. Louis and owner of a downtown business, questioned the conflict of interest that some Councilmembers have on this project and suggested and encouraged the Councilmembers to follow Councilmember Starr's lead on this vote, since this project is in her district, and she is the most knowledgeable member of the City Council on this particular topic. He feels it is not in the greater good of the city to vote this project down.

Oscar Kirschner, 306 W. Hyde Park Avenue, said he thinks the development under TIF is in harmony with the people choosing to live in downtown St. Joseph and he hopes renovated buildings are enterprises that support the community livability.

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ADJOURNMENT:

36371 By general consent, the Council adjourned.

The meeting adjourned at 8:37 p.m.

Paula Heyde, CMC, City Clerk