

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

July 25, 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, July 25, 2011, at 7:00 p.m. The meeting was called to order at 7:02 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, Penland, Roach, Starr--8. Absent, Myers—1. Total membership--9. Five members constitute a quorum.

Also present were Interim City Manager J. Bruce Woody, City Attorney Lisa M. Robertson, Asst. City Attorney Ted Elo, Police Chief Chris Connally, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Property Maintenance & Technology Services Director Steve Hofferber, Interim Public Works & Transportation Director Andrew Clements, Associate Director of Technology Services Mark Townsend, Community Development Manager Gerald McCush, Animal Control & Rescue Manager Rick Smith, 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:

Agenda
Number

MINUTES:

37903 The minutes of the special meetings held July 6, 2011, at 4:15 p.m., and July 11, 2011, at 6:00 p.m., and the regular meeting held July 11, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

37904 Proclamation – Breastfeeding Awareness Month

ACCEPTANCE OF AGENDA:

37905 It was moved by Councilmember Boyer and seconded by Councilmember LaBass that the Agenda be accepted as published with the addition of one bill for first reading (Bill #545-10) being placed on the Agenda. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

37906 (G.O. 2433) A Bill (#519-10) redistricting 1116 Elizabeth Street from M-2 Heavy Manufacturing District to R-1B Single Family Residential District as requested by Larry Todd, having been read the first time on July 11, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

Agenda
Number

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS: (Cont'd)

- 37907 (G.O. 2434) A Bill (#520-10) redistricting 221 South 22nd Street from R-1B Single Family Residential District to C-3 Commercial District as requested by Dustin Stock, having been read the first time on July 11, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.
- 37908 It was moved by Councilmember Roach and seconded by Councilmember Jones that a Bill (#521-10) redistricting 3731 Faraon Street From C-3 Commercial District to R-5 Mobile Home Park and Mobile Home Subdivision District as requested by the Audrey Keatley Trust, Donna Howard, Trustee, be postponed for two weeks to the August 8, 2011, Council meeting ant that the public hearing be continued. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.
- 37909 It was moved by Councilmember LaBass and seconded by Councilmember Kovac that a Bill (#522-10) granting a Conditional Use Permit for installation and operation of a two screen drive-in movie theatre at 4814 South 169 Highway as requested by Cooke Brothers Drive-In LLC, by Jay Kerner, agent, be postponed for four weeks to the August 22, 2011, Council meeting in order to schedule a work session to answer questions. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

CONSENT AGENDA:

- 37910 It was moved by Councilmember Boyer and seconded by Councilmember Starr that Agenda Numbers 37911 through 37921 be passed by Consent Agenda. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

Nominations and Appointments:

- 37911 Filed 7/18/11: The nomination by Councilmember Penland was approved, appointing Francis J. Royce, 2619 South 19th Street, as a member of the Senior Citizens Foundation, Inc. Board for a term expiring July 28, 2014; he is being reappointed.
- 37912 Filed 7/18/11: The nomination by Councilmember Penland was approved, appointing John W. Surface, 4929 Douglas Street, as a member of the Senior Citizens Foundation, Inc. Board for a term expiring July 28, 2014; he is being reappointed.

Bills for Passage:

- 37913 (G.O. 2435) A Bill (#526-10) amending Section 7-406 entitled “Permit exempt work” of the Code of Ordinances, having been read the first time on July 11, 2011, was read the second time and passed.
- 37914 (G.O. 2436) A Bill (#525-10) amending Section 27-277 of the Code of Ordinances entitled “Amount” to reflect the increase in the hotel/motel tax from three percent to six percent as approved by the voters on June 7, 2011, having been read the first time on July 11, 2011, was read the second time and passed.
- 37915 (S.O. 8255) A Bill (#523-10) amending the General Fund budget for Fiscal Year 2010-2011 in the amount of \$42,255.00 to cover budget shortfalls in various salary and wages category line items, having been read the first time on July 11, 2011, was read the second time and passed.

Agenda
Number

CONSENT AGENDA: (Cont'd)

Resolutions for Adoption:

- 37916 (Resolution No. 37916 – 3235) A Resolution (#531-10) sponsored by Councilmember Starr authorizing the citizens of St. Joseph, Missouri, to have a garage sale without issuing or purchasing a \$5.00 permit for the weekend of Friday, August 12 through Sunday, August 14, 2011, was read and adopted.
- 37917 (Resolution No. 37917 – 3236) A Resolution (#532-10) authorizing the submittal and execution of a Missouri Highway and Transportation Commission (MHTC) Public Transit Operating Assistance Grant in the amount of \$15,175.00, was read and adopted.
- 37918 (Resolution No. 37918 – 3237) A Resolution (#537-10) authorizing the filing of an application with the Bureau of Justice for a Bulletproof Vest Partnership Grant for use by the St. Joseph Police Department, was read and adopted.
- 37919 (Resolution No. 37919 – 3238) A Resolution (#540-10) to authorize the renewal of a master agreement with Midland GIS Solutions, LLC and the renewal of a price agreement with Midland Surveying, Inc. for professional services for additional one year terms, was read and adopted.
- 37920 (Resolution No. 37920 – 3239) A Resolution (#541-10) to authorize the renewal of a master agreement for professional engineering services with Aquaterra Environmental, Inc. for landfill engineering services, was read and adopted.
- 37921 (Resolution No. 37921 – 3240) A Resolution (#542-10) approving an amendment to the 2003 Feasibility Cost Sharing Agreement with the United States Army Corps of Engineers in the amount of \$340,000.00 for the completion of the feasibility study for a detention basin on Blacksnake Creek and authorizing the city's 50% contribution of \$170,000.00 from the Capital Projects Fund, was read and adopted.

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

BILLS FOR PASSAGE:

- 37922 (G.O. 2437) A Bill (#527-10) amending Chapter 5 “Animals” of the Code of Ordinances to add a new Section 5-105 entitled “Removal of dog waste from property”, having been read the first time on July 11, 2011, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

EMERGENCY BILL FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

- 37923 (Resolution No. 37923 -3241) A Resolution (#539-10) authorizing a housing rehabilitation contract with Mary L. Miller (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 112 East Franklin Street for a total amount not to exceed \$32,750.00, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland—8. Absent, Myers—1.

Agenda
Number

BILLS FOR FIRST READING:

- 37924 A Bill (#529-10) authorizing the Mayor to enter into an Employment Agreement with J. Bruce Woody, was introduced and read the first time.
- 37925 A Bill (#533-10) amending the Mass Transit Fund budget in the amount of \$57,492.00 and authorizing a unit price contract with J D Bishop Construction LLC in an amount not to exceed \$57,491.30 for the repairs to the 6th and Angelique Transfer Station, was introduced and read the first time.
- 37926 A Bill (#534-10) accepting a donation from the George Bode, Jr. Benevolent Trust in the amount of \$40,000.00, amending the Capital Projects Fund budget to budget said funds to be used to assist with the purchase of playground and fitness equipment for Krug Park and authorizing a contract with Athco, LLC in the amount of \$64,260.00 to purchase and install the equipment, was introduced and read the first time.
- 37927 A Bill (#535-10) amending the Parks, Recreation and Civic Facilities Department budget in the General Fund to roll forward unspent funds received in Fiscal Year 2011 and appropriate funding to be received in Fiscal Year 2011 from Senior Citizens Center fitness area memberships in the amount of \$6,200.00 to be used for the operation of the fitness area, was introduced and read the first time.
- 37928 A Bill (#536-10) amending the Capital Projects Fund budget in the amount of \$11,604.00 and authorizing the purchase of playground safety surfacing materials for Krug Park in the amount of \$33,362.00 from Entire Recycling, Inc., was introduced and read the first time.
- 37929 A Bill (#538-10) 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 \$15,000.00 to provide alcohol compliance checks, was introduced and read the first time.
- 37930 A Bill (#543-10) amending the Capital Projects Fund budget and accepting a Scrap Tire Surface Material Grant in the amount of \$16,018.00 from the Missouri Department of Natural Resources Solid Waste Management Program to reimburse the city for 50% of the cost of the playground pour-in-place surfacing at Hyde Park, was introduced and read the first time.
- 37931 A Bill (#544-10) waiving building permit fees for permits associated with repairs to existing structures that were damaged by the flood of 2011 for a period of time ending on December 1, 2011, was introduced and read the first time.
- 37932 A Bill (#545-10) sponsored by Councilmember Kovac authorizing the dedication of a Permanent Public Utility Easement across Fairview Golf Course and Southwest Parkway Park property between 36th Street and 28th Street, north of the Urban Trail to allow for a gas line extension by Missouri Gas Energy (MGE), was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 7/6/11: Minutes of the Building and Fire Prevention Code Board of Appeals meeting held 6/21/11, at 5:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 7/11/11: Minutes of the Downtown Review Board meeting held July 6, 2011, at 5:30 p.m., in the Council Chamber at City Hall.

Filed 7/11/11: Minutes of the Landmark Commission meeting held June 7, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 7/13/11: Minutes of the Electrical Standards and Appeals Board meeting held June 21, 2011, at 7:00 a.m., in the 1st Floor Conference Room at City Hall.

Filed 7/15/11: Minutes of the Senior Citizens Foundation Inc. Board meeting held June 21, 2011, at 3:00 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10th St.

Filed 7/18/11: Minutes of the Planning Commission meeting held June 23, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 7/8/11: Mayor and City Council Update, July 8, 2011.

Filed 7/11/11: Memorandum in re: Customer Assistance Department.

Filed 7/18/11: Mayor and City Council Update, July 15, 2011.

Filed 7/19/11: Memorandum in re: Assignment of Interim Public Works (&Transportation) Director.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 7/8/11: Thank you letter to Mr. & Mrs. Allan Lowenberg, 1116 N. 24th St., in re: Donation of \$200.00 to purchase recreation supplies at Muchenberger Center.

Filed 7/8/11: Thank you letter to Mary Hook, c/o King Hill Christian Church, in re: Donation of \$200.00 to purchase recreation supplies at Muchenberger Center.

Filed 7/8/11: City Weekly, July 7, 2011.

Filed 7/11/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: Gaming budget and possible impact of revenue decreases.

File 7/11/11: Letter to organizations who receive funding from gaming revenue generated by St. Jo Frontier Casino, which is temporarily closed due to flooding.

Filed 7/13/11: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 6/1/2011 through 6/30/11.

Filed 7/14/11: City Weekly, July 14, 2011.

OTHER BUSINESS:

City Manager's Report – None.

Councilmember Penland commended Interim City Manager J. Bruce Woody for initiating the ordinance to waive permit fees for those affected by the flood. Mayor Falkner said that was a good move.

Councilmember Jones said come on home Chiefs.

Mayor Falkner welcomed Mr. Woody and said he is looking forward to working with him over the next few years and thinks he will do a wonderful job.

PUBLIC COMMENT:

Kenneth Reeder, 4000 River Road, on behalf of Public Citizens Local & Associates, said he is appealing to the people of St. Joseph to show that they are paying attention and vote “no” next Tuesday on a one-third cent sales tax, which the voters have reaffirmed three times in the past 25 years, that does not have a sunset clause. We will fully support this tax if they run it again and put the sunset clause back on it. (Editor's Note: the amount of the issue is one-fourth cent.)

NOTES:

Agenda No. 37904 – Councilmember Jones read the contents of the proclamation and presented it to Health Director Debra Bradley.

Agenda No. 37908 – Stacey Bradford, 5514 S. 38th Terr., was present on behalf of Donna Howard who is listed as the trustee on the conditional use permit request. They would like to request that the name on the petition be changed to show that Donna Howard is the owner and not the trustee. The ordinance was postponed and the public hearing continued for two weeks to give the petitioner time to file the appropriate paperwork to back up this request.

Agenda No. 37909 – The ordinance was postponed for four weeks in order to schedule a work session to meet with the County Commissioners and representatives from the Missouri Dept. of Transportation about their concerns with this conditional use permit request.

Agenda No. 37922 – Greg Filardo, 710 S. 9th St., said it is sad when citizens don't show respect to others with their animals and we have to put more rules on the book for things like that. If you have an animal, at least you should be cleaning up after it. We have a lot more important issues to be concerned with such as the theft of copper from over 1,000 air conditioners in this community and nothing is being done about it. When he was a city commissioner in Milwaukee, Wisconsin, he wrote the ordinance that stopped almost all of that. Mayor Falkner asked Mr. Filardo to provide him with a copy of the ordinance.

Agenda
Number

ADJOURNMENT:

37933 By general consent, the Council adjourned.

The meeting adjourned at 7:53 p.m.

Paula Heyde, CMC, City Clerk