

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

November 28, 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, November 28, 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, Starr--7. Absent, LaBass, Roach—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, Super. Of Wastewater Treatment Don Gilpin, Risk Manager Ed Schilling, Associate Director of Technology Services Mark Townsend, 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 Starr voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

38208 Approval of the minutes of the regular meeting held November 14, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

38209 Special Recognition Awards – All-City high schools' football, softball, volleyball & soccer players

ACCEPTANCE OF AGENDA:

38210 It was moved by Councilmember Myers and seconded by Councilmember Boyer that the agenda be accepted as published. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

38211 (G.O. 2449) A Bill (#652-10) redistricting a portion of 3240 Pear Street from R-1A Detached Single Family Residential District to RP-4 Planned Apartment Residential District as requested by Tim Minson, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

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PUBLIC HEARING ON ORDINANCES APPROVING A CONCEPTUAL DEVELOPMENT PLAN:

- 38212 (S.O. 8324) A Bill (#655-10) approving the Conceptual Development Plan located on the northern portion of 3240 Pear Street, as requested by Tim Minson, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

CONSENT AGENDA:

- 38213 It was moved by Councilmember Jones and seconded by Councilmember Myers that Agenda Numbers 38214 through 38221 be passed by Consent Agenda. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

Bills for Passage:

- 38214 (S.O. 8325) A Bill (#651-10) amending the Police Department budget in the General Fund to reallocate grant funds received from the Missouri Department of Public Safety for the enforcement of underage drinking laws in the amount of \$3,500.00 from overtime to other services to provide funds for compliance work from outside vendors, having been read the first time on November 14, 2011, was read the second time and passed.
- 38215 (S.O. 8326) A Bill (#657-10) amending the Public Health Department budget in the General Fund in the amount of \$24,265.00 to roll over unspent funds received under the Public Health Emergency Response and Emergency Planning and Preparedness contracts, having been read the first time on November 14, 2011, was read the second time and passed.
- 38216 (S.O. 8327) A Bill (#658-10) to amend the Public Health Department budget in the General Fund in the amount of \$35,695.00 to roll-over unspent grant funds and to accept additional funding due to increased caseload within the Women, Infants, and Children contract with the Missouri Department of Health and Senior Services, having been read the first time on November 14, 2011, was read the second time and passed.
- 38217 (S.O. 8328) A Bill (#650-10) approving Collateral Assignment Agreements to the 353 Redevelopment Agreement and Cooperative Agreement relating to the revenues generated by the Cook Crossing Project and authorizing the City Manager to execute the agreements, having been read the first time on November 14, 2011, was read the second time and passed.
- 38218 (S.O. 8329) A Bill (#664-10) approving the final plat for Cook Crossing, a major subdivision consisting of five (5) lots located generally at the northwest corner of North Belt Highway and Cook Road, as requested by Christie Development Associates, having been read the first time on November 14, 2011, was read the second time and passed.
- 38219 (S.O. 8330) A Bill (#653-10) authorizing the acceptance of various agreements from the Union Pacific Railroad Company for the construction of the Disinfection and Effluent Pump Station Project, having been read the first time on November 14, 2011, was read the second time and passed.
- 38220 (S.O. 8331) A Bill (#663-10) accepting Permanent Sewer Easements and Deeds of Gift from five property owners and authorizing the execution of the Release of All Claims and Settlement Agreement for sewer repairs at the intersection of 2400 North Belt Highway and Linda Lane, having been read the first time on November 14, 2011, was read the second time and passed.

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CONSENT AGENDA: (Cont'd)

Resolution for Adoption:

38221 (Resolution No. 38221 – 3279) A Resolution (#673-10) authorizing a contract with Premier Contracting, Inc. for the Bode Ice Arena Liquid Roof Coating Project in the amount of \$104,772.00, was read and adopted.

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

BILLS FOR PASSAGE:

38222 (S.O. 8332) A Bill (#654-10) to amend the Capital Projects Fund budget in the amount of \$5,214.00 to provide additional funding to cover final completion costs for the Felix Streetscape Project in the amount of \$5,213.51, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

38223 (S.O. 8333) A Bill (#665-10) authorizing the City Manager to enter into real estate contracts for the acquisition of real properties for the Whitehead Stormwater Conduit Separation Project in an amount not to exceed \$500,000.00, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

38224 It was moved by Councilmember Myers and seconded by Councilmember Starr that Bill #659-10 be amended before consideration for passage by substituting a new Page 7 of the ordinance in place of the Page 7 originally filed. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

38225 (S.O. 8334) A Bill (#659-10) authorizing the borrowing of an amount not to exceed \$8,000,000 from the Missouri Development Finance Board in connection with the refunding of certain bonds issued by the board to fund certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the city; approving the form of and authorizing the execution of a financing agreement with the board; providing for the administration of the Special Allocation Fund previously created by the city; and providing for the execution of certain documents and prescribing other matters relating thereto, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

38226 It was moved by Councilmember Myers and seconded by Councilmember Starr that Bill #660-10 be amended before consideration for passage by substituting a new Page 3 of the ordinance in place of the Page 3 originally filed. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

38227 (S.O. 8335) A Bill (#660-10) authorizing the borrowing of an amount not to exceed \$33,000,000 from the Missouri Development Finance Board in connection with the payment of certain wastewater costs; and approving the form of and authorizing the execution of a financing agreement with the board; and providing for the execution of certain documents and prescribing other matters relating thereto, having been read the first time on November 14, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

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BILLS FOR PASSAGE: (Cont'd)

- 38228 It was moved by Councilmember Penland and seconded by Councilmember Starr that Bill #647-10 be amended before consideration for passage by changing Sec. 30-104(d) "Cruising" in Section 1 in the body of the ordinance to read as follows: "A driver may cruise in search of passengers except in areas and such times as shall be designated by the director of public works & transportation or his or her designee. Such areas and times shall only be designated when the director of public works & transportation finds that taxicab cruising would congest traffic or be dangerous to pedestrians and other vehicles." Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.
- 38229 (G.O. 2450) A Bill (#647-10) amending Chapter 30, Article II of the Code of Ordinances entitled "Taxicabs," having been read the first time on November 1, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

EMERGENCY BILLS FOR PASSAGE:

- 38230 (S.O. 8336) An Emergency Bill (#668-10) amending the Aviation Fund budget and authorizing the purchase of one used Oshkosh P-Series dump truck from Luby Equipment Services in the amount of \$23,000.00 for use at Rosecrans Memorial Airport, was introduced, read and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.
- 38231 (S.O. 8337) An Emergency Bill (#677-10) to amend the General Fund budget in the amount of \$77,981.00 and to amend the Capital Projects Fund budget and authorize a contract with Lee Grover Construction Company both in the amount of \$564,014.00 for the Missouri Building Fire Restoration Project, was introduced, read and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

RESOLUTIONS FOR ADOPTION:

- 38232 (Resolution No. 38232 – 3280) A Resolution (#669-10) acknowledging the decrease of the authorized fluoride concentration in the water supply of the City of St. Joseph from one (1.0) part per million to seven-tenths (0.7) part per million, was read and adopted. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.
- 38233 (Resolution No. 38233 – 3281) A Resolution (#675-10) authorizing Work Order Number 20 with Black & Veatch Corporation to provide construction phase services for the construction of the Disinfection Facilities and Effluent Pumping Station Project in the amount of \$1,894,000.00 pursuant to the master agreement previously executed, was read and adopted. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.
- 38234 (Resolution No. 38234 – 3282) A Resolution (#676-10) authorizing a contract with Garney Companies for the Disinfection and Effluent Pump Station Project in the amount of \$17,996,000.00, was read and adopted. Ayes, Starr, Boyer, Falkner, Jones, Kovac, Myers, Penland—7. Absent, LaBass, Roach—2.

BILLS FOR FIRST READING:

- 38235 A Bill (#666-10) amending Section 2-1379 of the Code of Ordinances entitled "Local purchasing preference policy," was introduced and read the first time
- 38236 A Bill (#667-10) redirecting monies received from the Special Business District Fund into the Downtown Community Improvement District (CID) Fund, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 38237 A Bill (#670-10) approving a plan for an industrial development project for Terra Bioenergy, LLC, a Missouri Limited Liability Company, consisting of acquisition and installation of new equipment at the existing plant; authorizing the City of St. Joseph, Missouri, to issue its Industrial Development Revenue Bonds (Terra Bioenergy/Blue Sun Biodiesel Project) Series 2011, in a principal amount not to exceed \$25,500,000 to finance the costs of such project; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the bonds, was introduced and read the first time.
- 38238 A Bill (#671-10) vacating a 20 foot wide alleyway located between 5th & 6th Streets, starting at Sylvania Street and going south approximately 240 feet to Angelique Street, as requested by Sunshine Electronic Display, Terry Steinbecker, agent, was introduced and read the first time.
- 38239 A Bill (#672-10) vacating a portion of the 35th Street Right-of-Way, from Mitchell Avenue north to 110 feet north of the north line of Olive Street as requested by the City of St. Joseph, was introduced and read the first time.
- 38240 A Bill (#674-10) authorizing a contract with the Pony Express Historical Association, Inc. to provide gaming funds in the amount of \$10,000.00 to assist with the Patee House Museum Window Preservation Project, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 11/9/11: Minutes of the Tree Board meeting held November 8, 2011, at 6:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 11/10/11: Minutes of the Planning Commission meeting held October 27, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 11/21/11: Minutes of the Social Welfare Board meeting held September 19, 2011, at 3:05 p.m., at 904 South 10th St., Suite A.

Filed 11/21/11: Minutes of the Community Police Advisory Committee meeting held November 1, 2011, at 7:00 p.m., at the Rolling Hills Public Library, 1904 N. Belt.

Filed 11/21/11: Minutes of the Parks & Recreation Board meeting held November 17, 2011, at 4:00 p.m., at 1920 Grand Avenue.

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

Filed 11/14/11: Minutes of the Work Session held November 3, 2011, at 4:15 p.m., in the 4th Floor Conference Room at City Hall.

Filed 11/16/11: Minutes of the Council Work Session held November 8, 2011, at 4:15 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 11/18/11: Mayor and City Council Update, November 18, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 11/10/11: City Weekly, November 10, 2011.

Filed 11/14/11: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 10/1/11 through 10/31/11.

Filed 11/16/11: Missouri Department of Economic Development Tax Increment Financing Annual Report for the Stockyards Redevelopment.

Filed 11/16/11: Minutes of the Police Pension Board meeting held October 19, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 11/17/11: City Weekly, November 17, 2011.

Filed 11/17/11: Memorandum from Mayor Falkner in re: Absent from the city (November 20-25, 2011).

Filed 11/17/11: Memorandum from Rita Ketchem, Administrative Assistant/Police Dept., in re: Citizen call in (Officer Tim Clark helping a citizen in distress).

Filed 11/17/11: Letter from Mike Navarre, Chief of Police, Moab, Utah, in re: Thanking Detective Frank Till for his instruction at annual training in Mesquite, Nevada.

Filed 11/17/11: Letter from James L. Turgal, Jr., Special Agent in Charge, U.S. Dept. of Justice, Federal Bureau of Investigation, in re: Appreciation for the excellent fugitive investigation conducted by the St. Joseph Police Dept.

Filed 11/17/11: Thank you note from Dave & Angie Becker, 2107 S. 16th St., in re: Express gratitude to Police Officers Jeremy Peters and Tim Schweder for their help in recovering their stolen property.

Filed 11/18/11: Memorandum from Paula Heyde, City Clerk, in re: St. Joseph Museum, Inc.'s Financial Statements audit.

Filed 11/21/11: Letter from Dana Buckner, Director, Office of Community Planning & Development, U.S. Dept. of Housing & Urban Development, in re: Annual Community Assessment (ACA), July 1, 2010 through June 30, 2011.

Filed 11/21/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: FY2012 First Quarter Financial Report.

Filed 11/21/11: Memorandum from Clint Thompson, Planning & C.D. Director, in re: Ordinance for Chapter 100 Bonds for Terra Bio Energy/Blue Sun.

Filed 11/21/11: Minutes of the St. Joseph Museums, Inc. Bi-Monthly Board meeting held September 15, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

OTHER BUSINESS:

City Manager's Report – City Manager J. Bruce Woody encouraged everyone to attend the next City Talk which is scheduled on December 8, 2011, at 7:00 p.m. at Holt's Hall, 302 Illinois Avenue. He said it is an opportunity to have a one on one conversation with Councilmembers. The Parks, Recreation & Civic Facilities staff has turned Hyde Park and Krug Park into beautiful places to visit this holiday; please take the time to visit them. Holiday Park (Krug Park) is open seven days a week from 6 to 9 p.m.

Mayor Falkner recognized Boy Scout Troop #31 sponsored by St. Francis Xavier Church who are here to fulfill a merit badge requirement for communication and citizenship in the community.

Mayor Falkner asked Planning & Community Development Director Clint Thompson to talk about the Annual Community Assessment (ACA) rating the city received recently from the U.S. Dept. of Housing & Urban Development on the use of Community Development Block Grant and HOME Investment Partnership programs. Mr. Thompson said this reassures the Council and the community that the city is properly reporting and funding the activities that are set out in the budget.

Mayor Falkner gave a shout out to Michael Cates who watches the Council meeting every other week-- thanks for watching and keep up the good work.

PUBLIC COMMENT:

Travis Owens, 2711 Mulberry Street, said he is not here as a member of Firefighters Local #77 but as a city employee. He spoke about the fact that city employees are going on their fourth year with possibly no increase to their base wage salaries and that he doesn't think the Council feels that the City employees are truly a priority.

Kenneth Reeder, 1801 E. Randolph St., on behalf of Public Citizens Local & Associates, expressed his thanks for the Council District map but he would still like it to be more detailed. He thanked the Council again for their availability. He asked some questions about Bills #654-10, #659-10, #660-10, #665-10 and #670-10. He again spoke about the county non-occupancy tax and asked everyone to call the County Commissioners, George Murray and Scot Van Meter to say we don't need to do this now. He asked about the expenses incurred for the retreat. He heard that some Councilmembers billed the city for the Mayor's Thanksgiving Dinner. Mayor Falkner said not that he is aware of.

Tim Puett, 4415 Green Acres Road, said, for the record, last year some employees' salaries were 30% out of market. He asked if there is a 2011 current salary survey of comparable cities. Mayor Falkner said they would find out the answer to that and let him know. Mr. Puett said there used to be a list of the survey cities. He would like to see what cities the city is using and be consistent in the ones used city-wide. There is going to have to be some serious talks about a little bit of money being spent to help move things forward and maybe waiting on a public safety tax passing for a few years before it could be viable in the economy. He asked the Council to keep in mind that if the guys had a little bit of a raise or pension enhancements, some of them could move on out and younger guys would move in at lower salaries. He asked what surveys were done in order to do the recent reclassifications or was it done strictly from other employees' pay? Mr. Woody said those adjustments were made more based on equity issues within the existing matrix plan.

Thomas Newton, 615 N. 9th St., said that when he was working they took two pay cuts to keep their jobs and were told if they weren't happy with it, there's 17 doors out of there and if we had something better to go for it. He hasn't had a raise in how many years now and they're talking about raising taxes again. He can see them wanting more, who doesn't but he's got to live within his means and there's a lot of people out there that don't have as much as he does.

NOTES:

Agenda No. 38209 – With Councilmember Penland’s assistance, Mayor Falkner presented Special Recognition Awards to those students from Benton, Bishop-LeBlond, Central, Lafayette and St. Joseph Christian high schools who received the First Team All-City distinction for football, soccer, softball and volleyball.

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ADJOURNMENT:

38241 By general consent, the Council adjourned.

The meeting adjourned at 8:25 p.m.

Paula Heyde, CMC, City Clerk