

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

September 6, 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 Tuesday, September 6, 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., except when it falls on a legal holiday then it shall be held the following day. 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, Myers, Penland, Roach, Starr--9. Total membership--9. Five members constitute a quorum.

Also present were City Manager J. Bruce Woody, City Attorney Lisa M. Robertson, Asst. City Attorney Ted Elo, Police Chief Chris Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Planning & Community Development/Interim Customer Assistance Director Clint Thompson, Property Maintenance & Technology Services Director Steve Hofferber, Asst. Parks, Recreation & Civic Facilities Director Bill France, Interim Public Works & Transportation Director Andrew Clements, Asst. Health Director Kendra Bundy, Associate Director of Technology Services Mark Townsend, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

38011 By general consent, the minutes of the regular meeting held August 22, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

38012 Proclamation – Suicide Prevention Week

ACCEPTANCE OF AGENDA:

38013 It was moved by Councilmember Boyer and seconded by Councilmember Myers that the Agenda be accepted as published with the addition of one emergency bill for passage (Bill #596-10) being placed on the Agenda. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

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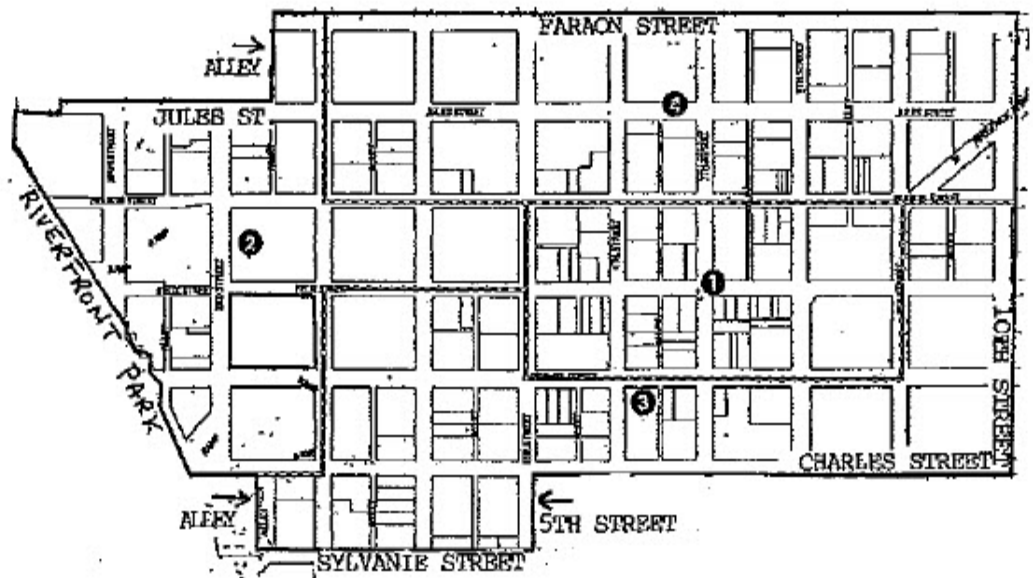
PUBLIC HEARING FOR THE ESTABLISHMENT OF THE ST. JOSEPH DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT (CID):

38014 The City Council held a public hearing on Tuesday, September 6, 2011, at 7:00 p.m. in the Council Chamber at City Hall, 1100 Frederick Avenue, St. Joseph, Missouri, for the purpose of considering the establishment of the St. Joseph Downtown Community Improvement District herein described.

A petition to establish the St. Joseph Downtown Community Improvement District was filed with the City Clerk on August 5, 2011.

The boundaries of the proposed St. Joseph Downtown Community Improvement District are as follows:

Beginning at the intersection of Faraon Street and 10th Street, thence south along 10th Street, thence west along Charles Street until it intersects with 5th Street, thence south one block to Sylvania Street, thence west along Sylvania Street to the ally west of 3rd Street, thence north one block to Charles Street, thence west to the east property line of the riverfront park, thence north along the east property line of the riverfront park to Jules Street, thence east on Jules Street to the alley west of 3rd Street, thence north one block to Faraon Street, thence east along Faraon Street to the point of beginning.



All interested persons were given an opportunity to be heard at the public hearing.

See under “Notes” for comments from persons appearing to be heard.

38015 There being no further persons appearing to be heard, the Mayor declared the public hearing closed.

PUBLIC HEARING ON ORDINANCES FOR REZONING AND CONDITIONAL USE PERMITS:

38016 (G.O. 2440) A Bill (#562-10) redistricting 6100 South Third Street from R-1B Single Family Residential District to C-1 Neighborhood Shopping District as requested by King Hill Lodge #376 by Jerry McClain, agent, having been read the first time on August 22, 2011, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Starr, Boyer—8. Nay, Roach—1.

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

- 38017 It was moved by Councilmember Myers and seconded by Councilmember Starr that Bill #563-10 be amended before consideration for passage by removing the word “New” before the words “Hope Fellowship Church” in the caption of the ordinance. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.
- 38018 (G.O. 2441) A Bill (#563-10) granting a Conditional Use Permit to Hope Fellowship Church by Rev. Earnestine Blakley, agent, for use of a church within an existing building located at 2921 North Belt Highway, having been read the first time on August 22, 2011, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

CONSENT AGENDA:

- 38019 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Agenda Numbers 38020 through 38037 be passed by Consent Agenda. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

Nominations and Appointments:

- 38020 Filed 8/22/11: The nomination by Councilmember Roach was approved, appointing Jennifer K. Higgs, 2603 Francis Street, as a member of the Landmark Commission for a term expiring September 6, 2014; she is replacing Robert Meller-Silvestrissen, whose term has expired.
- 38021 Filed 8/26/11: The nomination by Mayor Falkner was approved, appointing Sandra M. Horn, 520 E. Kansas Avenue, as a member of the Library Board for a term expiring June 30, 2012; she is filling a vacancy created by the resignation of Norma Bagnall.
- 38022 Filed 8/29/11: The nomination by Mayor Falkner was approved, appointing Nakesia (Kesia) Smith, 1802 Safari Drive, as a member of the Downtown Economic Stimulus Authority of St. Joseph, Missouri for a term expiring September 6, 2014; she is replacing James T. Brewer, whose term has expired.

Bills for Passage:

- 38023 (G.O. 2442) A Bill (#564-10) amending Section 28-1590 of the Code of Ordinances entitled “Parking prohibited at any time,” having been read the first time on August 22, 2011, was read the second time and passed.
- 38024 (S.O. 8277) A Bill (#569-10) accepting Permanent Sewer Easements and Temporary Construction Easements from two property owners for sewer improvements at 4104 and 4106 Mitchell Avenue in Sewer District No. 205, having been read the first time on August 22, 2011, was read the second time and passed.
- 38025 (S.O. 8278) A Bill (#570-10) amending the General Fund; Street Maintenance Fund; Parks Maintenance Fund; and Golf Fund budgets for Fiscal Year 2010-2011, having been read the first time on August 22, 2011, was read the second time and passed.
- 38026 (S.O. 8279) A Bill (#571-10) to amend the Police Department budget in the General Fund in the amount of \$6,250.00 and to accept grants from the Missouri Department of Transportation, Traffic and Highway Safety, for overtime for Hazardous Moving Violations in the amount of \$6,000.00, Youth Alcohol in the amount of \$19,200.00, and Sobriety Checkpoint in the amount of \$5,195.00 for a total grant amount of \$30,395.00, having been read the first time on August 22, 2011, was read the second time and passed.

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

- 38027    (S.O. 8280) A Bill (#566-10) amending the Health Department budget in the General Fund and entering into a contract with the Missouri Department of Health and Senior Services in the amount of \$10,000.00 to provide tuberculosis control programs, having been read the first time on August 22, 2011, was read the second time and passed.
- 38028    (S.O. 8281) A Bill (#573-10) repealing Resolution No. 37917 and authorizing the submittal and execution of a State Missouri Highway and Transportation Commission (MHTC) Public Transit Operating Assistance Grant in the amount of \$15,175.00, having been read the first time on August 22, 2011, was read the second time and passed.
- 38029    (S.O. 8282) A Bill (#574-10) amending the Capital Projects Fund budget and authorizing Work Order No. 2 with HDR Engineering, Inc. for the design for replacement of the Garfield Avenue Viaduct bridge in the amount of \$294,731.00, having been read the first time on August 22, 2011, was read the second time and passed.

Resolutions for Adoption:

- 38030    (Resolution No. 38030 – 3251) A Resolution (#581-10) authorizing the purchase of services from SAK Construction, LLC to install cured-in-place pipe in various sewer lines for the amount of \$50,025.40, was read and adopted.
- 38031    (Resolution No. 38031 – 3252) A Resolution (#582-10) authorizing the purchase of services from Duke's Root Control for the removal of roots in sewer lines at various locations in the city for the amount of \$30,876.00, was read and adopted.
- 38032    (Resolution No. 38032 – 3253) A Resolution (#583-10) authorizing the purchase of a horizontal brush grinder for the St. Joseph Sanitary Landfill from Fabick Caterpillar for the amount of \$329,011.00, was read and adopted.
- 38033    (Resolution No. 38033 – 3254) A Resolution (#585-10) authorizing the renewal of a Master Agreement with Burns & McDonnell Engineering Company, Inc. for on-call professional design services for an additional one year term, was read and adopted.
- 38034    (Resolution No. 38034 – 3255) A Resolution (#587-10) authorizing the submittal of an application for a Capacity Building Grant in the amount of \$5,000.00 to the National Association of County and City Health Officials (NACCHO) for use in furthering the Medical Reserve Corps (MRC) activities, was read and adopted.
- 38035    (Resolution No. 38035 – 3256) A Resolution (#589-10) authorizing the submission of an application for \$150,000.00 in Emergency Shelter Grant Assistance from the Missouri Department of Social Services on behalf of providers of homeless services, was read and adopted.
- 38036    (Resolution No. 38036 – 3257) A Resolution (#591-10) authorizing the acceptance of a proposal for Life and Accidental Death and Dismemberment (AD&D) insurance coverage from OCHS/Minnesota Life Insurance for Mass Transit employees for the amount of \$14,121.00 per year for a period of three years, was read and adopted.

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

38037 (Resolution No. 38037 – 3258) A Resolution (#592-10) authorizing the purchase of vehicle and general liability insurance for the Transit Division for one year from Crane/Travelers Insurance for the amount of \$106,123.00, was read and adopted.

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

BILLS FOR PASSAGE:

38038 (S.O. 8283) A Bill (#572-10) approving a petition for the creation of the St. Joseph Downtown Community Improvement District and creating the St. Joseph Downtown Community Improvement District, having been read the first time on August 22, 2011, was read the second time and passed. Ayes, Falkner, Jones, Kovac, Myers, Penland, Roach, Starr, Boyer—8. Nay, LaBass—1.

EMERGENCY BILL FOR PASSAGE:

38039 (S.O. 8284) An Emergency Bill (#580-10) amending the Aviation Fund budget in the amount of \$130,509.00 and entering into Construction Change Orders Number Two (#2), Number Three (#3) and Number Four (#4) with Ideker, Inc. for additional costs related to the Taxiway Alpha Rehabilitation Project in the total amount of \$130,508.45, was introduced read and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

38040 (S.O. 8285) An Emergency Ordinance (#596-10) amending the General Fund budget in the amount of \$300,000.00 and to enter into a Settlement Agreement with Laura De Kraai, both individually and as the legally appointed representative of Lexi De Kraai, and Dennis De Kraai to resolve a dispute involving certain events that occurred on September 15, 2010, was introduced read and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

RESOLUTION FOR ADOPTION:

38041 (Resolution No. 38041 – 3259) A Resolution (#578-10) to purchase household hazardous waste disposal services for the two Fiscal Year 2011/2012 collection events from Heritage Environmental Services in an amount not to exceed \$50,000.00, was read and adopted. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

38042 (Resolution No. 38042 – 3260) A Resolution (#586-10) of Intent expressing support of the development of an affordable rental housing project at 6901 Sherman Street, was read and adopted. Ayes, Falkner, Jones, Myers, Penland, Roach, Starr, Boyer—7. Nay, LaBass—1. Abstention, Kovac—1.

BILLS FOR FIRST READING:

38043 A Bill (#567-10) approving a Consent to Assignment of Tax Increment Financing (TIF) Interest and Security Agreement relating to the TIF revenues generated by the Tuscan Village Tax Increment Financing Project and authorizing the city manager to execute the consent, was introduced and read the first time.

38044 A Bill (#579-10) amending the Aviation Fund budget in the amount of \$296,420.00 for Fiscal Year 2010-2011, was introduced and read the first time.

38045 A Bill (#584-10) amending Section 2-834 of the Code of Ordinances entitled “Meetings” to change the frequency of meetings of the Fire & Emergency Services Advisory Board, was introduced and read the first time.

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Number BILLS FOR FIRST READING: (Cont'd)

- 38046 A Bill (#588-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Safety Center to accept \$750.00 to provide funding to conduct a Child Passenger Safety Enforcement Campaign, was introduced and read the first time.
- 38047 A Bill (#593-10) authorizing a contract with Boone Valley Cooperative Processing Association, known as Ag Processing Inc., to purchase a Temporary Construction Easement and a Temporary Access Easement located on their property at 900 Lower Lake Road for the amount of \$1,200.00 for the Disinfection and Effluent Pump Station Project and accepting said easements, was introduced and read the first time.
- 38048 A Bill (#594-10) amending the Mass Transit Fund budget in the amount of \$9,000.00 and approving an agreement with Houck Transit Advertising for the sale of advertising space on St. Joseph Transit buses, was introduced and read the first time.
- 38049 A Bill (#595-10) sponsored by Councilmember Starr waiving building permit fees for permits associated with repairs to existing structures for the St. Joe Serve Community Outreach Workday on September 25, 2011 for a period of time ending October 31, 2011, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 8/19/11: Minutes of the Museum Oversight Board meeting held August 10, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 8/19/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held August 15, 2011, at 5:00 p.m., at the Downtown Library, 927 Felix St.

Filed 8/24/11: Minutes of the Parks & Recreation Board meeting held August 18, 2011, at 4:05 p.m., at the Fairview Golf Course Clubhouse, 3302 Pacific St.

Filed 8/30/11: Minutes of the Fire & Emergency Services Advisory Board meeting held August 25, 2011, at 7:00 p.m., at the Fire Museum, 1202 South 11th St.

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

Filed 8/24/11: Minutes of the work session held August 16, 2011, at 4:15 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 8/26/11: Minutes of the work session held August 18, 2011, at 4:00 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 8/19/11: Mayor and City Council Update, August 19, 2011.

Filed 8/26/11: Memorandum in re: Geiger Mansion-Request for Proposals.

Filed 8/26/11: Mayor and City Council Update, August 26, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 8/17/11: Memorandum from Chris Connally, Police Chief, in re: Citizen call in (complimenting Office Matt Briggs for his professionalism and respectfulness).

Filed 8/17/11: Memorandum from Judy S. Moody, Project Manager, Uptown St. Joseph, in re: Ordinance strengthening city's authority to enforce repair orders on properties with code infractions.

Filed 8/17/11: Minutes of the Police Pension Board meeting held July 20, 2011, at 4:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 8/18/11: Letter from Jerome Williams, 2411 Angelique St., in re: Opposition to redistricting the 2nd Council District.

Filed 8/18/11: City Weekly, August 18, 2011.

Filed 8/18/11: Memorandum from Mayor Falkner in re: Absent from the City (August 19-21, 2011).

Filed 8/18/11: Memorandum from Clint Thompson, Planning & Community Development Director, in re: Community Improvement District (CID) for Downtown St. Joseph.

Filed 8/22/11: E-mail from Gerald & Kathy Hopp, Falls City, Nebraska, in re: Compliment from Falls City (in re: Doug Duncan at the City's Recycling Center).

Filed 8/23/11: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held June 23, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 8/25/11: City Weekly, August 25, 2011.

Filed 8/26/11: E-mail from Steven P. Turner, Continuous Improvement Mgr., Johnson Controls, Inc.-Power Solutions, in re: MO high water preparedness.

Filed 8/26/11: E-mail from Don Evans, Evans Realty, in re: Green Acres/Candlewood.

Filed 8/26/11: Article from the Kansas City Star entitled "*TRASH: As cities debate, small haulers worry*" by Mike Hendricks.

OTHER BUSINESS:

City Manager's Report – City Manager J. Bruce Woody said the next household hazardous waste event will be Saturday, October 15, 2011, from 9:00 a.m. to 2:00 p.m. The Missouri Municipal League Annual Conference is September 11-14, 2011, and a work session will be held on September 14, 2011 at 4:15 p.m. to review Council redistricting and efforts on behalf of the Public Works Department to make use of what little construction season is remaining.

PUBLIC COMMENT:

None.

NOTES:

Agenda No. 38012 – Mayor Falkner read the contents of the Proclamation and presented it to Christy Miller with the St. Joseph Youth Alliance.

Agenda No. 38014-5 – Virginia Weigum, 5113 Mockingbird Lane, asked if bonds are issued who will vote to approve them. Planning & Community Development Director Clint Thompson said the CID has its own bonding capability to issue the bonds and the City would not be responsible for any debt issued in the CID. Mrs. Weigum said she is very concerned that there is not enough money allocated for security in the downtown area.

Ted Allison, President & CEO of the St. Joseph Metro Chamber of Commerce, provided a chamber and economic development perspective on the Downtown Community Improvement District. He encouraged the Council to consider passage of the ordinance so they can continue moving forward down the pathway of bringing new life and vitality to the downtown area.

Larry Buck, 716B Francis St., said the current Special Business District tax has expired and they did not ask the property owners/voters to renew that because they felt this new plan was such a “no brainer”. We will be totally without funds if the CID doesn’t proceed and he never dreamed that there would be any opposition to a group of people charging themselves taxes. Right now there are no extra funds to help with extra security for extra events.

Charlie Lau, 3405 Linda Lane, said he is concerned about the authority the City Council is giving away and will no longer have over this particular district. He is also concerned that a member of the board could be someone that does not live in the city limits.

Brian Engel, attorney with the King Hershey law firm, on behalf of the Downtown Community Improvement District (CID), said, the budget (or five year plan) that was submitted with the petition is a requirement in the Missouri Revised Statutes. The specific amounts listed are not binding on the CID; they are estimates from this point going forward. As to the makeup of the board, all of the board members will be either a property owner within the downtown CID, an owner of a business in the CID or a registered voter residing within the CID. There is flexibility for a property owner or business owner to name a manager or someone to represent him to serve on the board.

Cole Woodbury, 2670 Fairleigh Terrace, said he is 100% in favor of this; there is nothing but good that comes out of this for both the city and for property owners and he hopes the City Council will also support it.

Kenneth Reeder, on behalf of Public Citizens Local & Associates, 4000 River Road, asked how much taxes will be generated. Mr. Woody said about \$130,000 annually. Mr. Reeder asked if those Councilmembers who own property in this proposed district will be abstaining from voting on this issue. Several Councilmembers responded no.

Royce Balak, 3411 E. Colony Square, said he owns property in the downtown and is very pleased to put money in the downtown by paying additional taxes. They self tax and self-spend but they spend based on trying to do improvements in the downtown. The proposed budget is only an estimate or a forecast. He hopes everyone will be in favor tonight; it’s a great project for the entire community.

Jennifer Baird, attorney with Williams & Campo, special legal counsel for the City of St. Joseph, 255 NW Blue Parkway, Lee’s Summit, Missouri, read the following exhibits into the record: 1) Petition for the Creation of St. Joseph Downtown Community Improvement District (filed on August 5, 2011); 2) Ordinance approving the Petition and establishing the St. Joseph Downtown Community Improve-

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ment District; 3) Affidavit of Publication of the Notice of Public Hearing (published on August 24, 2011 and August 31, 2011); 4) Notices mailed by certified mail to the property owners on August 18, 2011); and 5) Minutes from the August 22, 2011 City Council meeting where discussion that occurred with the First Reading of Bill No. 572-10).

Agenda No. 38016 – Jerry McClain, agent for King Hill Lodge #376, said a majority of the lodge members are in support of this. They have talked to their neighbors and as far as he's aware, there are no longer any complaints.

Agenda No. 38017-18 – Rev. Earnestine Blakley, 1506 Safari Drive, agent for Hope Fellowship Church, said the church will be located on the lower level of the building.

Agenda No. 38042 – Councilmember Kovac announced a conflict of interest due to the fact that he owns the property that is mentioned in the bill.

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ADJOURNMENT:

38050 By general consent, the Council adjourned.

The meeting adjourned at 8:35 p.m.

Paula Heyde, CMC, City Clerk