

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

August 8, 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, August 8, 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, LaBass, Myers, Roach, Starr--7. Absent, Kovac, Penland—2. Total membership--9. Five members constitute a quorum.

Also present were Interim City Manager J. Bruce Woody, City Attorney Lisa M. Robertson, Police Chief Chris Connally, Interim Public Works & Transportation Director Andrew Clements, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, 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, 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:

37934 By general consent, the minutes of the regular meeting held July 25, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

37935 It was moved by Councilmember Myers and seconded by Councilmember Jones that the Agenda be accepted as published with the addition of one resolution for adoption (Bill # 561-10) being placed on the Agenda. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

37936 It was moved by Councilmember Boyer and seconded by Councilmember Starr that Bill #521-10 be amended before consideration for passage by changing the name of the petitioner in the caption of the ordinance from "The Audrey Keatley Trust, Donna Howard, Trustee" to "The Richard O. Keatley Trust and The Audrey B. Keatley Trust, Donna Howard, Trustee." Motion carried. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

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

- 37937 (G.O. 2438) 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, having been read the first time on July 11, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

CONSENT AGENDA:

- 37938 It was moved by Councilmember Roach and seconded by Councilmember Boyer that Agenda Numbers 37939 through 37947 be passed by Consent Agenda. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

Nominations and Appointments:

- 37939 Filed 7/25/11: The nomination by Mayor Falkner was approved, appointing Todd M. Euler, 2907 Teal Court, as a member of the Planning Commission for a term expiring July 14, 2012; he is filling the vacancy created by the resignation of Jerome Goolsby.
- 37940 Filed 8/1/11: The nomination by Councilmember Roach was approved, appointing Sara C. Markt, 3030 Felix Street, as a member of the Landmark Commission for a term expiring July 18, 2014; she is being reappointed.

Bills for Passage:

- 37941 (S.O. 8256) 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, having been read the first time on July 25, 2011, was read the second time and passed.
- 37942 (S.O. 8257) 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 2012 from Senior Citizens Center fitness area memberships in the amount of \$6,200.00 to be used for the operation of the fitness area, having been read the first time on July 25, 2011, was read the second time and passed.
- 37943 (S.O. 8258) 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., having been read the first time on July 25, 2011, was read the second time and passed.
- 37944 (S.O. 8259) 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, having been read the first time on July 25, 2011, was read the second time and passed.
- 37945 (S.O. 8260) 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, having been read the first time on July 25, 2011, was read the second time and passed.

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CONSENT AGENDA: (Cont'd)

Resolutions for Adoption:

- 37946 (Resolution No. 37946 – 3242) A Resolution (#551-10) authorizing the filing of a grant application with the Missouri Department of Public Safety in the amount of \$14,927.00 to be used to enforce underage drinking laws, was read and adopted.
- 37947 (Resolution No. 37947 – 3243) A Resolution (#555-10) authorizing the issuance of a purchase order to Keller Construction Company in an amount not to exceed \$114,594.50 for asphalt milling and overlay at the north and south terminus of Leonard Road and Safari Drive and Leopard Circle intersection, was read and adopted.

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

BILLS FOR PASSAGE:

- 37948 (S.O. 8261) 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, having been read the first time on July 25, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Myers, Roach—6. Nay, LaBass—1. Absent, Kovac, Penland—2.
- 37949 (S.O. 8262) 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, having been read the first time on July 25, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.
- 37950 It was moved by Mayor Falkner and seconded by Councilmember Myers that Bill (#529-10) authorizing the Mayor to enter into an Employment Agreement with J. Bruce Woody, be postponed to the August 22, 2011, Council meeting. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.
- 37951 It was moved by Councilmember Boyer and seconded by Councilmember Roach that Bill #545-10 be amended before consideration for passage by attaching the “Permanent Pubic Utility Easement” to the ordinance. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Myers, Roach—6. Abstention, LaBass--1. Absent, Kovac, Penland—2.
- 37952 (S.O. 8263) 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 36<sup>th</sup> Street and 28<sup>th</sup> Street, north of the Urban Trail to allow for a gas line extension by Missouri Gas Energy (MGE), having been read the first time on July 25, 2011, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Myers, Roach—6. Abstention, LaBass---1. Absent, Kovac, Penland—2.

EMERGENCY BILL FOR PASSAGE:

None.

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RESOLUTIONS FOR ADOPTION:

37953 (Resolution No. 37953 – 3244) A Resolution (#561-10) sponsored by Mayor Falkner of support of the City Council of the City of St. Joseph, Missouri, for the Blitz Build scheduled by Habitat for Humanity, was read and adopted. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

BILLS FOR FIRST READING:

37954 A Bill (#546-10) reaffirming and readopting Section 2-114 “Conflicts of interest” of the Code of Ordinances, was introduced and read the first time.

37955 A Bill (#547-10) accepting fitness equipment, valued at \$38,949.00, donated by the Senior Citizens Foundation, Inc. for the Joyce Raye Patterson Senior Citizens Center, was introduced and read the first time.

37956 A Bill (#548-10) adopting the annual revisions to the city’s Personnel Manual, which sets forth the policies and procedures pertaining to employees of the City of St. Joseph, Missouri, was introduced and read the first time.

37957 A Bill (#549-10) accepting the sanitary sewer improvements in Charles Way, a subdivision in Sewer District 254, was introduced and read the first time.

37958 A Bill (#550-10) amending the Parks, Recreation and Civic Facilities Department budget in the General Fund to recognize a \$250.00 donation from the Wal-Mart Foundation to be used for playground improvements at Krug Park, was introduced and read the first time.

37959 A Bill (#552-10) accepting street improvements and a dedicated right-of-way in Timber Creek Plat 2A and sewer improvements in Sewer District 365, was introduced and read the first time.

37960 A Bill (#553-10) to enter into a contract with the Missouri Department of Health and Senior Services to provide a nutrition program for women, infants, and children, was introduced and read the first time.

37961 A Bill (#554-10) abating demolition and weed and trash liens in the amount of \$4,440,48, plus all applicable interest and penalties, on the property known as Hickory Hall and located at 2233-2235 South 11th Street, was introduced and read the first time.

37962 A Bill (#556-10) amending the Health Department budget in the General Fund in the amount of \$2,000.00 and entering into a contract with the Missouri Department of Health and Senior Services in the amount of \$37,533.36 to provide maternal and child health services within the community, was introduced and read the first time.

37963 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Bill #557-10 be amended before consideration for first reading to attach the “Reimbursement Agreement” to the ordinance. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, LaBass, Myers, Roach—7. Absent, Kovac, Penland—2.

37964 A Bill (#557-10) approving a Reimbursement Agreement with Ehrhardt’s Jefferson City, LLC, a Missouri limited liability company, for funding in an amount not to exceed \$16,700.00 for one-third of the cost of construction of a driveway to be located on property owned by Buchanan County, Missouri for purposes of creating access to a future Candlewood Suites Hotel, was introduced and read the first time.

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BILLS FOR FIRST READING:

- 37965 A Bill (#558-10) providing for the rate of taxation and the levy and collection of taxes for the fiscal year commencing on July 1, 2011, was introduced and read the first time.
- 37966 A Bill (#559-10) levying a special assessment for the fiscal year commencing July 1, 2011 for the Park District, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 7/20/11: Minutes of the St. Joseph Public Library Board of Trustees annual meeting held July 18, 2011, at 5:00 p.m., at the Washington Park Library, 1821 North 3rd St.

Filed 7/20/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held July 18, 2011, at 5:05 p.m., at the Washington Park Library, 1821 North 3rd St.

Filed 7/25/11: Minutes of the Museum Oversight Board meeting held July 13, 2011, at 12:20 p.m., at 3406 Frederick Blvd.

Filed 7/25/11: Minutes of the Community Police Advisory Committee meeting held July 5, 2011, at 7:00 p.m., at the Rolling Hills Public Library, 1904 N. Belt Hwy.

Filed 7/26/11: Minutes of the Traffic Commission meeting held July 19, 2011, at 10:00 a.m., in the Council Chamber at City Hall.

Filed 7/27/11: Minutes of the Housing Authority meeting held June 16, 2011, at 4:00 p.m., at 2902 South 36<sup>th</sup> St.

Filed 7/27/11: Minutes of the Aviation Board meeting held July 6, 2011, at 7:00 p.m., in the conference room at Rosecrans Memorial Airport.

Filed 7/27/11: Minutes of the Parks & Recreation Board meeting held July 21, 2011, at 4:00 p.m., at 1920 Grand Avenue.

Filed 8/1/11: Minutes of the Planning Commission meeting held July 28, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 8/2/11: Minutes of the Senior Citizen Foundation, Inc. Board meeting held July 19, 2011, at 3:00 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 7/22/11: Mayor and City Council Update, July 22, 2011.

Filed 7/29/11: Mayor and City Council Update, July 29, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 7/20/11: Memorandum from Michael Kellam, City Planner; Ted Elo, Assistant City Attorney; and Roger Sparks, City Engineer, in re: Greens of Ashland Subdivision work session.

Filed 7/21/11: City Weekly, July 21, 2011.

Filed 7/21/11: Minutes of the Police Pension Board meeting held June 15, 2011, at 4:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 7/21/11: Quarterly Report to the City Council from the Museum Oversight Board.

Filed 7/26/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for June 2011.

Filed 7/28/11: City Weekly, July 28, 2011.

Filed 8/1/11: Memorandum from Bill McKinney, Parks, Recreation & Civic Facilities Director, in re: FYI – aquatic facilities.

Filed 8/1/11: Letter from Craig S. Travers, General Manager, Terrible's St. Jo Frontier Casino, in re: Vacating building at 2501 Frederick Ave.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held November 8, 2010, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Personnel Committee meeting held November 12, 2010, at 10:00 a.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held November 15, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Special Board meeting held January 6, 2011, at 4:05 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Funding Coordination Committee meeting held January 18, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Ad Hoc CM-R Committee meeting held January 27, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Finance Committee meeting held March 2, 2011, at 3:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Feasibility Study Ad Hoc Committee meeting held March 3, 2011, at 3:30 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Ad Hoc Committee meeting held March 21, 2011, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Special Board meeting held March 21, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

COMMUNICATIONS: (Cont'd)

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Board Development Committee meeting held March 23, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Bi-Monthly Board meeting held March 24, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held April 5, 2011, at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Funding Events Committee meeting held April 7, 2011, at 1:02 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held April 18, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held April 19, 2011, at 8:00 a.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held April 19, 2011, at 12:15 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Funding Events Committee meeting held May 5, 2011, at 1:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held May 18, 2011, at 10:12 a.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held May 24, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Board of Trustees meeting held May 26, 2011, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Funding Events Committee meeting held June 15, 2011, at 1:04 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held June 21, 2011, at 12:12 p.m., at 3406 Frederick Blvd.

Filed 8/2/11: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held June 23, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

OTHER BUSINESS:

City Manager's Report – None.

PUBLIC COMMENT:

Donald Sherwood, 415 N. 10th St., said upgrading the old interurban corridor that ran from St. Joseph down through Dearborn east to Platte City and on into Kansas City might be a consideration for long term planning.

NOTES:

Agenda No. 37936-7 - Stacey Bradford, 5514 S. 38th Terr., was present on behalf of petitioner Donna Howard. She said they will not be expanding the operation at this location. They will only be replacing mobile homes with updated ones.

Agenda No. 37953 - Melissa Koch, Executive Director of St. Joseph Habitat for Humanity, and Adam Stein, President of the St. Joseph Habitat for Humanity Board of Directors, were present. Ms. Koch said they are building their 50th home in one week's time beginning this Saturday. They are requesting an adjustment in the code to allow them to do construction work until 9 p.m. at night during the construction of the project.

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ADJOURNMENT:

By general consent, the Council adjourned.

The meeting adjourned at 7:28 p.m.

Paula Heyde, CMC, City Clerk