COUNCIL WORK SESSION MINUTES

January 28, 2019 – 4:00 p.m.
Council Chamber at City Hall

A Council work session was held to discuss the following topics: 1) Temporary location permit for caterers and other persons licensed to sell intoxicating liquor by the drink (Section 4-104 of the Code of Ordinances); and 2) Presentation of findings/recommendations of the Voluntary Rental Inspection Citizens Committee to the Council.

Attending: Mayor Bill McMurray and Councilmembers Brenda Blessing, Madison Davis, PJ Kovac; Russell Moore, Brian Myers; Marty Novak, Kent O’Dell and Gary Roach.

J. Bruce Woody, City Manager; Bryan Carter, City Attorney; Clint Thompson, Planning and Community Development Director; Alicia Nolan, Human Resources Director; Justin Carr, Property Maintenance Manager; Sgt. Larry Stobbs, Police Department; Carol Flury; Neighborhood Services Coordinator; Mary Robertson, Asst. to City Manager/Communication & Public Relations Manager; Ed Schilling, Multimedia Planner; and Rita K. Domini, Deputy City Clerk.

Mayor Bill McMurray called the meeting to order.

**Agenda Item #1 – Temporary location permit for caterers and other persons licensed to sell intoxicating liquor by the drink (Section 4-104 of the Code of Ordinances).** J. Bruce Woody, City Manager, reviewed the power point slide entitled “Section 4-104: Caterers Permits” that summarizes caterers permits. He said an ordinance is on tonight’s Council meeting agenda to allow the issuance of caterers licenses along the Frederick Avenue corridor between 11th Street and 22nd Street.

There was discussion on increasing the number of events per year from two to a higher number and noise at events.

Ryan Evans, 1903 Pat Drive, said it is silly to increase the number of permits allowed per business when only four to six were issued last year—either no limitations or leave it at two. He doesn’t want the Police Department tied up at noise complaint calls when they’ve got better things to do.

Chris Kelly, Kelly’s Pub, said there is no record of people who have been denied a permit. They’ve been denied a permit three times in the past nine years and just denied again to close Mount Mora Road. A City employee told them they would not shut down a street off Frederick. He is opposed to the catering thing because he is opposed to someone having the ability to bring their mobile food and liquor vehicle to park in front of another (brick and mortar) business and sell food and beer in this permitted area. Six is a perfect number.

Nancy Kelly, 2837 Renick St., said according to the City’s License and Permit Supervisor, a person can rent a lot along Frederick and as long as they had their license, they could fence the lot and set up a temporary bar, sell from it so it is open to more than just brick and mortar stores as long as you have the license/permit. The License and Permit Supervisor also said they could fence off a larger area and set up a food truck. Shen then talked to another City employee who said a request to block off a street off Frederick Avenue would be denied automatically. If they are denied, then she doesn’t think the
Council should pass the ordinance to allow catering along Frederick Avenue. This proposal along Frederick Avenue is not an equal playing ground and she doesn’t think it’s right to allow different catering businesses set up and not allowing others to not block off a side street, then it should be for anyone.

Mayor McMurray asked the City Manager to look into the situation Mrs. Kelly is talking about.

**Agenda Item #2 – Presentation of findings/recommendations of the Voluntary Rental Inspection Citizens Committee to the City Council.** A copy of the following was providing to the City Council prior to the work session: 1) Voluntary Rental Inspection Citizens Committee recommendation; 2) Resolution No. 43758 establishing the Committee; 3) Rental Inspection form/checklist; 4) Survey of inspection programs in other city’s.

Jason Eslinger, Chairman of the Voluntary Rental Inspection Citizens Committee, presented the findings and recommendations of the Voluntary Rental Inspection Committee. He said he personally believes that the City staff can complete the educational component for Council to consider.

Jeff Jensen, 3810 Northridge Terrace, asked about the staffing and how much it will cost the City to operate the program. He thinks it’s smoke and mirrors and the City is going after the wrong people. The landlords are trying to improve the City by buying property, tearing the structures down and donating it to programs like Habitat for Humanity. The single homeowner that can’t afford to keep up their property might be the people the City needs to go after. They may need to be disciplined or they may need some help. He doesn’t see the benefits of any landlord wanting a volunteer inspection. If you’re going to do it just make it mandatory. He wondered what the City is trying to accomplish or improve.

Mr. Woody said there are no plans to add any additional staff.

Kurt Evans, 15139 Hwy. 7, Savannah, Missouri, said he owns a lot of property in the City and spoke about his mother’s situation with a tenant and the citations she received for not cleaning up her property. He urged each Councilmembers to go to Municipal Court and see the judge assess penalties on people for property maintenance citations. He suggested that the City not bother residents who have two trash cans but to go to the properties that have no trash cans and 20 bags of trash piled up. This is getting out of control. He wondered what good it did to double the fines when the people couldn’t afford them to begin with.

Ron Findley, Voluntary Rental Inspection Citizens Committee member and attorney, said the process has been fraught with problems and he thinks there are a lot of unresolved problems and issues. Unfortunately, at this point he doesn’t think they have been able to formulate a program that is fair to everyone, that is going to be effective or that perhaps is even legal. He spoke about some of the proposals the Committee discussed that didn’t make sense if the intent was to establish a truly voluntary program for inspections for minimum health, safety and welfare conditions. The idea of a mandatory program has been met with great opposition every time it’s been brought before the Council and failed.

Paul Stickler, 5006 Mockingbird Lane, said he is a landlord and thinks that maybe some of the ideas the City wants to do are correct but how it is going about doing them is way off left field and for the reason of going after the bad landlords. He wondered how many bad landlords there are and how many are going to sign up for a volunteer program. Some of the things the City wants to do under a
voluntary program is illegal. He’s not met a landlord that wants to sign up for the program in order to get a “gold star.” He thinks the vision of helping people in substandard housing is good but the means of getting there is a total waste of time. It might help if it was mandatory to find the renters who have bad properties but he sees it as a huge mess for the City. No one is forced to live in a bad rental, but if there is an inspection program and a property is declared substandard the renter will have to move. He suggested that the City look for a program to educate renters so they know they don’t have to live there. If the landlord can’t find a tenant then he is going to have to close it down or fix it up and that seems a much better avenue to help people to live in a better place.

Jesse England, 9016 NE Hurlingen Road, spoke about his experiences with purchasing a distressed property in the City and having a squatter occupy it. He doesn’t care for the City to be in his properties in his business because he does the right thing. His point is before targeting some of the law-abiding landlords who are trying to improve the City, why doesn’t the City help them help the City.

Ryan Evans, 1903 Pat Drive, said he owns property and takes great care of them. A lot of people are concerned about this voluntary program. Whether its voluntary or mandatory, it’s not going to affect him but it will increase the cost of rent and hurt a majority of the City.

Chris Green, Voluntary Rental Inspection Citizens Committee member and landlord, said the harm of the voluntary program is the unintended consequences that are not being calculated. The committee was populated with people who don’t have the understanding of the economic issues that they will be forcing on the City if the Council chooses the voluntary program. He feels a mandatory program is illegal. He explained why he doesn’t accept Section 8 housing. He said the aging housing stock needs to be cleaned up but it needs to be done in a controlled and managed fashion.

[Councilmember Gary Roach arrived.]

Darren Burnett, 2137 S. 11th Street, said he is a landlord. The idea of improving properties is a good idea but it’s his belief that the voluntary program is being designed, written and planned so that it can be rolled into a mandatory program and we went through this a long time ago. It’s been the goal of the Administrative Violation Review Board since it failed last time and it was clear from the first meeting that it was the goal of the current program. If safety is the main priority, then why only go after the landlord. He’s decided to de-invest and the City is going to end up with a lot of out-of-town investors. There is no way to implement a mandatory program and have that level of maintenance done and keep the rent at the low rate that they are and the homeless will increase with this. He thinks this is a mistake and were all going to pay for it and there will be more red-tagged houses that the City will end of taking ownership of and then what happens.

Mike Grimm, Chairman of the Administrative Violation Review Board and member of the Voluntary Rental Inspection Citizens Committee, said St. Joseph has almost 50% rental housing which is about 12-15% higher than the average city in Missouri or 1,500 extra rental units. He spoke about the information he obtained from nine cities that he called about their inspection programs. Since the inception of the Administrative Violation Review Board, the members have wanted to create a mandatory inspection program. There is so many misconceptions about what this type of program does and doesn’t do. Each city told them how much it improved the neighborhoods and how much it helped.

Bill Blacketer, 715 E. Walter Lane, said he is a local landlord and small business owner. He keeps hearing that this is going to clean up the appearance. There are those properties that are continuous
community eye sores and asked what the City is going to do to change that. As far as inspections or no inspections, he personally sees it as just another task for him to do. He doesn’t need something else to do but you don’t need inspections like this to identify the problems in the community. You can drive around and see all the properties that are truly community problems and he doesn’t think the landlords are probably where you’re going to find them. If they are, then go after those people.

Isobel McGowan, 809 Hall Street, told the Council about a published guide that is available on the internet called “The Guide to Proactive Rental Inspection Programs” and read from the section on “Advantages of proactive rental inspection programs (PRI)” and said it will illustrate that proactive inspection programs work and they work in thousands of American cities. She spoke about the success of mandatory programs in Los Angeles, Sacramento and five cities in North Carolina. She said as long as this City Council is willing to countenance that landlords in this City can take money for substandard housing, then they will get away with it. As soon as the City Council decides that it will no longer countenance it as a community, then they won’t.

Jim Weidinger, 4614 Iris Avenue, said he thinks the Council’s goal is to make the City safer and cleaner and he doesn’t see why a voluntary rental inspection program will hurt anyone. If the landlords choose to raise their rents because of that, that is their decision; it is a business decision. It is a business decision to choose those tenants and the tenants have a responsibility to maintain it. Restaurants are inspected. He still has empathy for landlords who go to court. He hopes St. Joseph becomes a safer and cleaner community. Landlords aren’t the problem but they are part of the community.

Roni Mauer, member of the Voluntary Rental Inspection Citizens Committee and rental property owner, said the committee did not have a clear purpose or path from the beginning. She didn’t feel like they really came to a good solution. She did find out that there is a current inspection in place and that a majority of landlords in the community care about tenants and work hard to keep the rents reasonable and maintain the properties. She would like to see a comprehensive plan that includes all the properties in the community. Let’s take a look at everybody and not make it feel like it’s just landlords.

The meeting adjourned at 6:03 p.m.

Minutes transcribed by Paula Heyde, CMC, City Clerk.
Section 4-104: Caterers Permits

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<tr>
<th>Distance from Residences</th>
<th>Events per year</th>
<th>Event Time Limitation</th>
<th>Neighbor notification</th>
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<tbody>
<tr>
<td>More than 300’</td>
<td>No limitation</td>
<td>1:30 a.m.*</td>
<td>Not required</td>
</tr>
<tr>
<td>Less than 300’/Entertainment Zone</td>
<td>No limitation</td>
<td>1:30 a.m.*</td>
<td>Not required</td>
</tr>
<tr>
<td>Less than 300’/Any other location</td>
<td>Two</td>
<td>10:00 p.m.</td>
<td>Required of residents within 300’</td>
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*Limitation is 12:00 a.m. on Sunday.*
Voluntary Rental Inspection Committee

The City Council established a 14 member Citizens’ Review Committee to assist the Council in creating a Voluntary Rental Inspection Program.

The Mayor and each Councilmember designated one citizen plus the 5 existing members of the Administrative Violations Review Board to make up the Committee.

The purpose of the Voluntary Rental Inspection Program as outlined in the Resolution: To study and provide recommendations to the City Council on ways to improve property living conditions and to help protect citizens of St Joseph.

Action Steps: Recommend appropriate steps to create a Voluntary Rental Inspection for property in St Joseph used for rental purposes and prepare a recommendation on how to operate such a program.

The following has been discussed and approved by the Committee:

- Voluntary Rental Registration –
  AVRDB has recommended landlords, owners, and agents register each rental unit with City.

- Voluntary Rental Licensing Form
  A signed form by owner or agent to allowing the City to contact.

- Voluntary Inspection Checklist Form-
  A Checklist stating what the rental unit inspections will include.

- Frequency of Inspections –
  5 years for each unit that meets all items on “Checklist”

- Need to create an “Educational Component” for new Program & Incentive Tool.
  Website information, brochure, etc.

Over the past several months it has become obvious from concerned parties and even a minority of committee members an uncertainty exists over the creation of a Voluntary Rental Inspection Program. This has caused Committee meetings to become unproductive and a distraction to the original intent of Council.

With a majority of the issues discussed, the Committee voted to bring forward the current items.

It is the recommendation of a majority of this Committee to allow Council to proceed with the creation of this program based on these findings and allow City Staff to create the formation of a Program for Council to consider.
A RESOLUTION ESTABLISHING A CITIZENS’ REVIEW COMMITTEE TO PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON THE CREATION OF A VOLUNTARY RENTAL INSPECTION PROGRAM.

WHEREAS, The St. Joseph City Council has acknowledged a need to identify a program to improve property conditions within the community; and

WHEREAS, The St. Joseph City Council desires to appoint a Citizens’ Review Committee under the direction of the Administrative Violation Review Board to study and provide recommendations to the City Council on ways to improve property living conditions and to help protect citizens of St. Joseph; and

WHEREAS, The ultimate function of said Committee is to recommend appropriate steps to create a Voluntary Rental Inspection Program for property in St Joseph used for rental purposes and prepare a recommendation on how to operate such a program for the City of St. Joseph.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That the Council of the City of St. Joseph hereby establishes a fourteen (14) member Citizens’ Public Service Activities Committee, whose purpose is to assist the City Council in creating a Voluntary Rental Inspection Program with support of individuals who may be affected by such a program.

SECTION 2. That the Mayor and each Councilmember shall each designate one (1) citizen to serve on the Citizens’ Review Committee; with the five (5) members of the Administrative Violations Review Board also serving on the Committee. Should any Councilmember decline to designate a citizen who supports the intent of the program or designates someone who declines to serve on the Committee, then the Mayor shall appoint a citizen to serve in that position.

Approved as to form:

[Signature]

City Attorney

Adopted August 27, 2018

[Signature]

City Clerk

[Signature]

Mayor

Attest:

[Signature]
EXPLANATION TO COUNCIL BILL

PURPOSE: To establish the Citizens' Review Committee, a citizen committee composed of fourteen individuals, to study and submit a proposal to City Council on how to create a Voluntary Rental Inspection Program designed to improve the health, safety, and welfare of the citizens of St Joseph.

REMARKS: During a Council Work Session held on July 9, 2018 City Council agreed to create a fourteen (14) member Citizens’ Review Committee. The committee will consist of the existing five (5) members of the Administrative Violations Review Board and each member of the Council appointing one (1) citizen, who supports the intent of establishing a Voluntary Rental Inspection Program. If any member of the Council chooses not to nominate a citizen for the committee, the Mayor may provide the names of additional persons to serve on the committee. Appointments for the Citizens’ Review Committee should be submitted to the City Clerk no later than October 1, 2018.

The Citizens’ Review Committee will convene in mid-October and should have its task completed by the end of December 2018. This committee will review and make a recommendation no later than January 30, 2019. This fourteen (14) member Committee will review and study information related to St. Joseph existing property conditions, rental market, and a comparison of what surrounding communities utilize to address property management conditions.

The Citizens’ Committee review process will begin with an initial meeting with Council to allow for clarification and intent of creating such a program. The Citizens’ Committee will then coordinate meeting times and responsibilities of duties amongst its members. City Staff will provide any resources Committee Members may need.

Submitted by:

Clint Thompson, Director
Planning and Community Development

Reviewed by:

J Bruce Woody
City Manager
RENTAL INSPECTION FORM/CHECKLIST

The inspection is limited to observations readily visible without moving or removing any item. Furnishings are not moved. Concealed, internal or hidden damages or defects may not be observed.

Date: __________ Property Address: ______________________________

Owner Name: __________________________ Tenant Name: __________________________

Owner Address: __________________________ Tenant Email: __________________________

Owner Phone: __________________________ Tenant Phone: __________________________

Owner Email: __________________________ Comply by: __________________________

Occupied _____ Vacant _____

<table>
<thead>
<tr>
<th>EXTERIOR</th>
<th>Location and Description of Violation</th>
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<tbody>
<tr>
<td>Stairways, decks, porches, and balconies (304.10)</td>
<td></td>
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<tr>
<td>Handrails and guards (304.12)</td>
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<tr>
<td>Structural members (304.4)</td>
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<td>Decorative features (304.8)</td>
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<td>Overhang extensions (304.9)</td>
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<td>Premises identification (304.3)</td>
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<td>Foundation walls (304.5)</td>
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<td>Protective treatment and siding (304.2)</td>
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<td>Roofs and Drainage (304.7)</td>
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<td>Insect screens (304.14)</td>
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<td>Exterior door (304.15)</td>
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<td>Basement hatchways (304.16)</td>
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<td>Windows, skylights, and door frames (304.13)</td>
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<td>Chimney and towers (304.11)</td>
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<tr>
<td>Accessory structures-detached garage, fences, retaining walls (302.7)</td>
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</tbody>
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| INTERIOR | |
|----------||
| Interior surfaces (sanitary/clean windows, doors, ceiling, floors, walls, peeling or chipping paint (305.3) | |
| Structural members (maintained and structurally sound – basement) (305.2) | |
| Stairs and walking surfaces (305.4) | |
| Handrails and guards (305.5) | |
102.5 Workmanship- Repairs, maintenance work, alterations, or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Inspector Printed Name: __________________________  Inspector Signature: __________________________  Date: __________

Recipient Printed Name: __________________________  Recipient Signature: __________________________  Date: __________

Appeal: A formal appeal process will be available.
St Charles  Mandatory
  - Inspection Annually.

Cape Girardeau  Mandatory program
  - Inspection every other year

Independence  Mandatory program
  - Every 2 years

Kansas City  Mandatory
  - Random annual routine inspection determined by director
  - Inspection based on past performance—repeat violator

St Louis  Mandatory
  - Elec co will notify if name on bill changes

Columbia  Mandatory
  - Every 3 years

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Liberty  Voluntary
  - Only have a part time inspector

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Jefferson City  No Rental Inspection Program
  - Landlords have to register but no inspection program

Springfield  No Rental Inspection Program
  - Owners of 2 or more units have to register but no inspection program

Joplin  No Rental Inspection Program

Lee’s Summit  No inspection program