

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

November 2, 2020 - 5:30 p.m.
Office of the City ClerkPLEDGE OF ALLEGIANCE: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 2, 2020, at 5:30 p.m. The meeting was called to order at 5:30 p.m. by Mayor McMurray. Notice of said meeting had been established as every other Monday at 5:30 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:

	<u>Name</u>	<u>Term Attendance</u> (mtgs attended-mtgs absent)
Members present:	Mayor Bill McMurray	(94-02)
	Councilmember Brenda Blessing	(92-04)
	Councilmember Madison Davis	(91-05)
	Councilmember PJ Kovac	(80-16)
	Councilmember Brian Myers	(90-06)
	Councilmember Marty Novak	(91-05)
	Councilmember Kent O'Dell	(84-12)
	Councilmember Gary Roach	(82-14)
Members absent:	Councilmember Russell Moore	(93-03)

Total membership--9. Five members constitute a quorum.

Also present were Interim City Manager Chris Connally, City Manager Gary Edwards, City Attorney Bryan Carter, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Chuck Kempf, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Public Works & Transportation Director Andrew Clements, Human Resources Director Amy Cohorst, Interim Police Chief Eric Protzman, Asst. to City Manager/Communications & Public Relations Manager Mary Robertson, Budget & Financial Analyst Rich Karleskint, Multimedia Planner Ed Schilling, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

Under the Council voting rotation system, Councilmember Davis voted first.

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MINUTES:

45640 By general consent, the minutes of the regular meeting held October 19, 2020, at 5:30 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

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ACCEPTANCE OF AGENDA:

- 45641 It was moved by Councilmember O'Dell and seconded by Councilmember Novak that the Agenda be accepted as published. Motion carried. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

- 45642 (G.O. 2970) A Bill (#917-18) sponsored by Councilmember O'Dell redistricting the property located at 2704 North Woodbine Road from R-1A, Single Family Residential District to C-1, Neighborhood Shopping District, as requested by Derek Morrow on behalf of Park City Development, having been read the first time on October 19, 2020, was read the second time and passed. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.

CONSENT AGENDA:

- 45643 It was moved by Councilmember Novak and seconded by Councilmember Davis that Agenda Numbers 45644 through 45661 be passed by Consent Agenda. Motion carried. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.

Nominations and appointments:

- 45644 Filed 10/26/20: The nomination by Councilmember Kovac was approved, appointing David R. Long, 2109 N. 35th Terrace, as a member of the Americans With Disabilities Act Compliance Board for a term expiring November 5, 2023; he is filling a vacancy on the board.

Bills for Passage:

- 45645 (G.O. 2971) A Bill (#916-18) sponsored by Councilmember O'Dell amending Section 2-535 titled "Meetings" of Chapter 2, titled "Administrative Code" of the Code of Ordinances to establish 5:30 p.m. as the time at which regular Planning Commission meetings occur, having been read the first time on October 19, 2020, was read the second time and passed.
- 45646 (S.O. 9802) A Bill (#918-18) sponsored by Councilmember O'Dell approving a variance from Chapter 26 "Subdivisions" of the Code of Ordinances, specifically Subsection 26-100(b)(3) as requested by Robert Burris for the property identified as Lot 1, Mitchell Woods East located on Corporate Drive to vary the minimum improvement requirement of sanitary sewers, having been read the first time on October 19, 2020, was read the second time and passed.
- 45647 (S.O. 9803) A Bill (#912-18) sponsored by Councilmember Myers authorizing an amendment to the Administrative Services Department budget in the General Fund and acceptance of the Coronavirus Aid, Relief, Economic Security (CARES) Act Grant passed through Buchanan County from the U.S. Treasury Department in the amount of \$168,147.00 to be used to purchase technology-related improvements, having been read the first time on October 19, 2020, was read the second time and passed.
- 45648 (S.O. 9804) A Bill (#931-18) sponsored by Councilmember Kovac authorizing an amendment to the General Fund, Park Maintenance Fund and Municipal Golf Fund budgets and acceptance of the Coronavirus Aid, Relief, Economic Security (CARES) Act grant funds passed through Buchanan County, Missouri from the U.S. Treasury Department in the amount of \$17,561.00, having been read the first time on October 19, 2020, was read the second time and passed.

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- 45649 (S.O. 9805) A Bill (#922-18) sponsored by Councilmember Davis authorizing execution of Master Agreements for Professional Bridge Design Services with Cook, Flatt & Strobel Engineers, P.A. (CFS), HDR Engineering, Inc., Transystems, and Wilson & Company, Inc., Engineers and Architects for the Bonds to Bridges Program and an amendment to the Debt Service Fund, General Obligation Bond Capital Program budget in an amount not to exceed \$2,270,800.00 to provide funds for the design services, having been read the first time on October 19, 2020, was read the second time and passed.
- 45650 (S.O. 9806) A Bill (#923-18) sponsored by Councilmember Novak authorizing execution of a Real Estate Purchase Agreement and Quit Claim Deed with Linda Dydell (buyer), to sell real estate located at 621 South 16th Street for the amount of \$15,751.95, having been read the first time on October 19, 2020, was read the second time and passed.
- 45651 (S.O. 9807) A Bill (#924-18) sponsored by Councilmember Novak authorizing execution of a Real Estate Purchase Agreement and Quit Claim Deed with Kevin Ginn (buyer), to sell real estate located at 918 Main Street for the amount of \$10,150.00, having been read the first time on October 19, 2020, was read the second time and passed.
- 45652 (S.O. 9808) A Bill (#925-18) sponsored by Councilmember Novak authorizing execution of a Real Estate Purchase Agreement and Quit Claim Deed with Kevin Ginn (buyer), to sell real estate located at 407 South 21st Street for the amount of \$20,150.00, having been read the first time on October 19, 2020, was read the second time and passed.
- 45653 (S.O. 9809) A Bill (#926-18) sponsored by Councilmember Novak authorizing execution of a Real Estate Purchase Agreement and Quit Claim Deed with VIP Capital Group, LLC (buyer), to sell real estate located at 3004 Locust Street for the amount of \$10,001.00, having been read the first time on October 19, 2020, was read the second time and passed.
- 45654 (S.O. 9810) A Bill (#927-18) sponsored by Councilmember Myers authorizing execution of a Real Estate Purchase Agreement with City of St. Joseph Firehouse, LLC, in the amount of \$60,000.00 for the sale of real property located at 2217 Frederick Avenue (former Fire Station No. 9) and an amendment to the General Fund, Fire Administration Program budget and the Capital Projects Fund to utilize the proceeds for future capital improvements within the Fire Department, having been read the first time on October 19, 2020, was read the second time and passed.
- 45655 (S.O. 9811) A Bill (#928-18) sponsored by Councilmember Kovac authorizing execution of Change Order No. 1 to the contract with Lawhon Construction Company for the Hyde Park Splash Park Project and an amendment to the Capital Projects fund budget all in an amount not to exceed \$128,273.00, having been read the first time on October 19, 2020, was read the second time and passed.
- 45656 (S.O. 9812) A Bill (#929-18) sponsored by Councilmember Davis authorizing the purchase of software, equipment and installation services from Routematch, Inc. for the RouteShout real time data bus location app for use by Mass Transit and an amendment to the Mass Transit Fund budget all in a total amount not to exceed \$46,620.00, having been read the first time on October 19, 2020, was read the second time and passed.

Resolutions for Adoption:

- 45657 (Resolution No. 45657-4667) A Resolution (#934-18) authorizing a contract with the Missouri Department of Health and Senior Services to provide a nutrition program through the Women, Infants and Children Program in the amount of \$448,131.00, was read and adopted.

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

- 45658 (Resolution No. 45658-4668) A Resolution (#936-18) authorizing the issuance of an emergency purchase order in an amount not to exceed \$79,282.30 for the repair of the sewer main east of the Patee Street Outfall, utilizing the Master Agreement for routine and emergency sewer repairs unit price with Sprague Excavating Co., Inc., was read and adopted.
- 45659 (Resolution No. 45659-4669) A Resolution (#937-18) authorizing the purchase of one used 2018 CAT D6T bulldozer in the amount of \$99,840.68 from Foley Equipment Company to be used at the St. Joseph Sanitary Landfill, was read and adopted.
- 45660 (Resolution No. 45660-4670) A Resolution (#940-18) authorizing the execution of Work Order Number BMC21-03 in an amount not to exceed \$110,302.00 for design and bid phase services for improvements at the Whitehead Pump Station utilizing the Master Agreement for Professional Engineering Services with Burns & McDonnell Engineering Company, Inc., was read and adopted.
- 45661 (Resolution No. 45661-4671) A Resolution (#941-18) authorizing the execution of work orders for the Bonds for Bridges Program utilizing the Master Agreements for Professional Bridge Design Services with Cook, Flatt & Strobel Engineers, P.A., HDR Engineering, Inc., and TranSystems, was read and adopted.

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

NOMINATIONS AND APPOINTMENTS:

None.

BILLS FOR PASSAGE:

- 45662 It was moved by Councilmember Roach and seconded by Councilmember O'Dell that Bill #930-18 be amended before consideration for passage by substituting a new Exhibit "A" in place of the one originally filed with the ordinance. Motion carried. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.
- 45663 (S.O. 9813) A Bill (#930-18) sponsored by Councilmember O'Dell approving the final plat entitled "Applewood Estates Plat 3, a Replat of a portion of Lot 12, Applewood Estates Plat 2," a major subdivision consisting of Applewood Estates Lot 12 Plat 2 that includes the property located generally south of Pear Street and east of Ajax Road, as requested by North Star Housing, LLC, having been read the first time on October 19, 2020, was read the second time and passed. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.
- 45664 A Bill (#932-18) sponsored by Councilmember Kovac amending Section 17-5, titled "COVID-19 Pandemic Regulations" of Chapter 17 "Health and sanitation" of the Code of Ordinances to prohibit smoking and the use of vapor products in areas in which face coverings or face masks must be worn to prevent the spread of COVID-19, having been read the first time on October 19, 2020, was read the second time and failed to pass. Ayes, Davis, Kovac, Myers, Blessing--4. Nays, McMurray, Novak, O'Dell, Roach--4. Absent, Moore--1.

EMERGENCY BILLS FOR PASSAGE:

None.

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RESOLUTIONS FOR ADOPTION:

- 45665 It was moved by Councilmember Novak and seconded by Councilmember Davis that the debate be closed, and the question (Bill #942-18) be put. Motion carried. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.
- 45666 (Resolution No. 45666-4672) A Resolution (#942-18) discouraging licensed medical or mental health professionals from treating minors with behavioral health or medical interventions that seek to change the minors' sexual orientation or gender identity and encouraging individuals who receive treatment in a manner that violates a standard of practice applicable to psychologists, professional counselors, and social workers to report the violation to the Missouri Division of Professional Registration, was read and adopted. Ayes, Kovac, McMurray, Myers, O'Dell, Blessing--5. Nays, Davis, Novak, Roach--3. Absent, Moore--1.

BILLS FOR FIRST READING:

- 45667 A Bill (#933-18) sponsored by Mayor McMurray authorizing an amendment to the Cell Phone Program budget in the amount of \$17,168.00 to pay costs associated with efforts to mitigate the effect of the Contrary Creek flood, was introduced and read the first time.
- 45668 It was moved by Councilmember Davis and seconded by Councilmember Myers that Bill #935-18 be amended before first reading by attaching the "Amended Long-Term Ground Lease Agreement" with Missouri Western State University to the ordinance. Motion carried. Ayes, Davis, Kovac, McMurray, Myers, Novak, O'Dell, Roach, Blessing--8. Absent, Moore--1.
- 45669 A Bill (#935-18) sponsored by Councilmember Moore authorizing execution of an amended Long-Term Ground Lease Agreement with Missouri Western State University for the lease of property through December 31, 2118, for construction of a new Fire Station Number 8 and an amendment to the Capital Projects Fund budget to appropriate \$275,000.00 to pay for the use of the leased property, was introduced and read the first time.
- 45670 A Bill (#938-18) sponsored by Councilmember Davis authorizing the execution of Change Order No. 2 to the Missouri Air National Guard Box Culvert Extension Contract with M-Con, LLC, for re-mobilization costs and extension of contract completion time and an amendment to the Aviation Fund budget all in an amount not to exceed \$9,000.00, was introduced and read the first time.
- 45671 A Bill (#939-18) sponsored by Councilmember Davis authorizing an Emergency Purchase Order in an amount not to exceed \$312,000.00 and an amendment to the Streets Maintenance Fund budget for the amount of \$156,000.00 to rebuild a section of Bishop Road south of North Lakewood Drive utilizing the Master Agreement for Construction Unit Price with Lewis Backhoe and Excavating Company, Inc., was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 10/19/20: Minutes of the Museum Oversight Board meeting held September 21, 2020, at 11:30 a.m., at St. Joseph Museums, 3406 Frederick Avenue.

Filed 10/20/20: Minutes of the Traffic Commission meeting held October 14, 2020, at 10:00 a.m., in the Council Chamber at City Hall.

Filed 10/21/20: Minutes of the Americans with Disabilities Act Compliance Board meeting held October 15, 2020, at 4:00 p.m., via Zoom video conferencing.

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REPORTS OF BOARDS & COMMISSIONS:

Filed 10/23/20: Minutes of the Planning Commission meeting held October 22, 2020, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 10/23/20: Minutes of the Library Board Budget/Personnel Committee meeting held September 28, 2020, at 4:45 p.m., at the Downtown Library, 927 Felix Street, via Zoom video conferencing.

Filed 10/23/20: Minutes of the Library Board of Trustees meeting held September 28, 2020, at 5:00 p.m., at the Downtown Library, 927 Felix Street, via Zoom video conferencing.

Filed 10/26/20: Minutes of the Land Bank Advisory Committee meeting held September 21, 2020, at 1:00 p.m., in the Council Chamber at City Hall.

Filed 10/26/20: Minutes of the Plumber's Examining and Appeals Board meeting held October 13, 2020, at 4:00 p.m., in the 1st Floor Conference Room at City Hall

Filed 10/26/20: Minutes of the Land Bank Board meeting held October 26, 2020, at 1:00 p.m., in the Council Chamber at City Hall.

Filed 10/27/20: Minutes of the Park and Recreation Board meeting held October 15, 2020, at 4:00 p.m., at the Parks Admin office, 1920 Grand Avenue.

WORK SESSION MINUTES – CITY CLERK'S OFFICE:

Filed 10/19/20: Minutes of the Council Work Session held October 12, 2020, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 10/27/20: Minutes of the Council Work Session held October 19, 2020, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 10/27/20: Minutes of the Council Work Session held October 26, 2020, at 4:00 p.m., in the Council Chamber at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 10/28/20: Memorandum in re: Acting City Manager (October 30, 2020).

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 10/14/20: Parks, Recreation & Civic Facilities Department Monthly Update, September 2020.

Filed 10/14/20: Police Department Monthly Activity Report Highlights, September 2020.

Filed 10/14/20: Health Department Monthly Statistical Report, September 2020.

Filed 10/16/20: City Link, October 15, 2020.

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COMMUNICATIONS: (Cont'd)

Filed 10/16/20: Letter from Timothy P. McGrail, Deputy Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 9/1/20 through 9/30/20.

Filed 10/19/20: Memo from James R. McQuerrey, Supt. Of Solid Waste/Recycling, in re: Clean Sweep totals.

Filed 10/19/20: Minutes of the St. Joseph Museums Bi-Monthly Board meeting held September 17, 2020, at 4:30 p.m., via Zoom video conferencing.

Filed 10/20/20: Minutes of the St. Joseph Museums Board Development meeting held September 25, 2020, at 4:00 p.m., at St. Joseph Museums, 3406 Frederick Avenue.

Filed 10/20/20: Letter from Robert Honan, Chairman of the Americans with Disabilities Act Compliance Board, in re: Officially supporting the City mask mandate.

Filed 10/21/20: Minutes of the St. Joseph Museums Programming Committee meeting held October 6, 2020, at 1:30 p.m., at St. Joseph Museums, 3406 Frederick Avenue.

Filed 10/21/20: Minutes of the Police Pension Board meeting held September 16, 2020, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 10/23/20: Minutes of the Mayor's Blue Ribbon Audit Advisory Committee meeting held October 21, 2020, at 12:30 p.m., in the 4th Floor Conference Room at City Hall.

Filed 10/23/20: City Link, October 22, 2020.

Filed 10/26/20: Memo from E.J. Hemmens, 1305 Mockingbird Court, in re: Request-Pandemic COVID-19 precautions taken by all public service employees and all local administrators when they leave their home-to teach by example.

Filed 10/27/20: Social Welfare Board The Clinic Beat newsletter, September 2020.

OTHER BUSINESS:

45672 City Manager's Report – Interim City Manager Chris Connally said there is a free community COVID-19 testing event on November 7, 2020, from 7:00 a.m. to 3:00 p.m. at the Bill McKinney Softball Complex at Heritage Park.

Mayor McMurray introduced and welcomed the new incoming City Manager Gary Edwards.

Councilmember Davis thanked Interim City Manager Connally for his time and service as interim city manager.

Councilmember O'Dell reminded everyone to vote tomorrow.

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PUBLIC COMMENT:

David Mason, 2901 Mitchell Ave., said he is deeply concerned about giving the Human Rights Commission the ability to penalize people and maybe the Commission could have a little more representation. There needs to be more conversation before they come to the City Council and urged the City Council not to give penal ability to the Commission and to let them just educate and have conversations. He believes this is a gateway ordinance and that there is a desire to hammer dissenting opinion.

Jacob McMillian, 1914 N. 33rd St., spoke about the Contrary Creek flood that took place 100 days ago and reminded everyone that there are still people there that have real needs. They are about \$50-100,000 short of the funds needed to get people back in their homes because they need furnaces, cabinets, etc. Mayor McMurray asked the Interim City Manager to take a look at the City's budget to see if there are any funds to help a little more. Councilmember Myers said the City should be leading the charge on having the discussion that there is still assistance needed as a result of the flood.

Kenny Reeder, 4000 River Road, on behalf of Public Citizens Local & Associates, asked the City Council to rethink the temporary ban on smoking in the casino.

NOTES:

Agenda No. 45664 – Mike Tamburelli, General Manager of St. Jo Frontier Casino, spoke about what they are doing to ensure the safety of their customers during the COVID-19 pandemic.

Agenda No. 45666 – The following individuals addressed the City Council on this issue: Jeremiah Branford, 701 Woodcrest Drive; Roger Brumley, 4613 N. Heatherwood Drive; Joseph Cox, 1300 S. 11th Street; Drew Fisher, 19092 Tomahawk; Galen Gould, 2939 1/2 Easton Road; Calvin Haynes, 1904 Lovers Lane; Michael Jasper, Vice-Chairman of Human Rights Commission, 2119 N. 32nd Street; Bishop David L. Jones, 1818 Lovers Lane Terrace; Sara Jones, 1818 Lovers Lane Terrace; Jacob Fields; Rev. Brian Kirk, 3501 Beck Road; and Terri Lowden, Human Rights Commission member, 3417 Jackson Street.

ADJOURNMENT:

45673 By general consent, the Council adjourned.

The meeting adjourned at 7:09 p.m.



Minutes transcribed by Paula Heyde, CMC, City Clerk.