

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

May 17, 2010 - 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, May 17, 2010, 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, LaBass, Myers, Penland, Roach, Starr--9. Total membership--9. Five members constitute a quorum.

Also present were City Manager Vincent J. Capell, City Attorney Lisa M. Robertson, Asst. City Attorney Ted Elo, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Planning & Community Development Director Clint Thompson, Property Mtce. Manager Walter Hughes, Building Development Supervisor Tad Hopkins, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Administrative Aide/Health Dept. Nancy Taylor, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini and Intern Justin Peacock.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

36652 Approval of the minutes of the special meeting held May 3, 2010, at 6:00 p.m. and the regular meeting held May 3, 2010, at 7:00 p.m., as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

36653 Proclamation – Emergency Medical Services Week

ACCEPTANCE OF AGENDA:

36654 It was moved by Councilmember Myers and seconded by Councilmember LaBass that the Agenda be accepted as published with the addition of one emergency bill for passage (Bill #56-10) and one bill for passage (Bill #57-10), being placed on the agenda. Motion carried. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Falkner--9.

CONSENT AGENDA:

36655 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 36656 through 36680 be passed by Consent Agenda. Motion carried. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Falkner--9.

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CONSENT AGENDA: (Cont'd)

Nominations and Appointments:

- 36656 Filed 4/29/10: The nomination by Mayor Falkner was approved, appointing Councilmember Donna Jean Boyer as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2012; she is being reappointed.
- 36657 Filed 4/29/10: The nomination by Mayor Falkner was approved, appointing Councilmember Barbara LaBass as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2012; she is filling a vacancy on the Commission.
- 36658 Filed 4/30/10: The nomination by Mayor Falkner was approved, appointing Councilmember Byron Myers Sr. as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2012; he is replacing Mike Bozarth, whose term has expired.
- 36659 Filed 5/5/10: The nomination by Councilmember Penland was approved, appointing Anna L. Tharp, 820 Sunset Drive, as a member of the Advisory Commission on Aging for a term expiring January 6, 2013; she is filling a vacancy on the Commission.
- 36660 Filed 5/5/10: The nomination by Councilmember Penland was approved, appointing Stephen J. Hall, 4815 Stonecrest Terrace, as a member of the Advisory Commission on Aging for a term expiring February 4, 2012; he is filling a vacancy on the Commission.
- 36661 Filed 5/5/10: The nomination by Councilmember Penland was approved, appointing Susan F. Moore, 5210 Mockingbird Lane, as a member of the Advisory Commission on Aging for a term expiring May 17, 2015; she is replacing Patricia J. Jacobs, whose term has expired.
- 36662 Filed 5/5/10: The nomination by Councilmember Myers was approved, appointing Lanny Ellis, 2123 N. 31st Terrace, as a member of the Personnel Board for a term expiring January 19, 2015; he is replacing Anna Williams, whose term has expired.
- 36663 Filed 5/10/10: The nomination by Mayor Falkner was approved, appointing Mike A. Bozarth, 5207 Swift Avenue, as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2012; he is replacing Harold L. Hamm, whose term has expired.

Bills for Passage:

- 36664 (G.O. 2381) A Bill (#28-10) amending Section 21-55 of the Code of Ordinances entitled "Swimming pools" to increase some fees at the Aquatic Park and Krug and Hyde Pools, having been read the first time on May 3, 2010, was read the second time and passed.
- 36665 (S.O. 7969) A Bill (#23-10) approving the final plat entitled "Greens of Ashland Plat 1", a major subdivision consisting of 17 lots located at 3130 Karnes Road, as requested by Don Clark, having been read the first time on May 3, 2010, was read the second time and passed.
- 36666 (S.O. 7970) A Bill (#29-10) authorizing the dedication of a utility easement across a city-owned tract of land at the south end of the Water Protection facility for the installation of utilities across said property to support the reconstruction of the Highway 759 and Lower Lake Road intersection, having been read the first time on May 3, 2010, was read the second time and passed.

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

- 36667 (S.O. 7971) A Bill (#22-10) to amend the CIP Sales Tax Fund budget in the amount of \$32,000.00 to accept a grant from South St. Joseph Progressive Association to be used to assist with the purchase and installation of a new playground area at Hyde Park, having been read the first time on May 3, 2010, was read the second time and passed.
- 36668 (S.O. 7972) A Bill (#31-10) amending the Police Department budget in the General Fund to budget funds received from an insurance company for damage to a police car in the amount of \$981.00 to the Maintenance and Repair of Motor Vehicles Account, having been read the first time on May 3, 2010, was read the second time and passed.
- 36669 (S.O. 7973) A Bill (#24-10) entering into a Transportation Planning Grant Agreement with the Missouri Highways and Transportation Commission (MHTC) in the amount of \$163,989.00 to assist in transportation planning activities within the St. Joseph urban area, having been read the first time on May 3, 2010, was read the second time and passed.
- 36670 (S.O. 7974) A Bill (#26-10) entering into a contract with the Missouri Department of Health and Senior Services to provide a Summer Food Service Program, having been read the first time on May 3, 2010, was read the second time and passed.
- 36671 (S.O. 7975) A Bill (#27-10) amending the CIP Sales Tax Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in the amount of \$150,000.00 to be used to assist with the completion of the Fairview Golf Course Clubhouse renovation and to authorize Change Order No. 2 with E.L. Crawford Construction, Inc. in the amount of \$58,031.00, having been read the first time on May 3, 2010, was read the second time and passed.
- 36672 (S.O. 7976) A Bill (#30-10) amending the Community Development Block Grant (CDBG) Fund budget in the amount of \$128,150.00 in HOME Program funds and entering into a grant agreement with Community Action Partnership of Greater St. Joseph (CAP) for the construction of a single family home at 223 South 21st Street, having been read the first time on May 3, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36673 (Resolution No. 36673 - 3078) A Resolution (#42-10) proclaiming May 16-22, 2010 National Public Works Week in the City of St. Joseph, Missouri, was read and adopted.
- 36674 (Resolution No. 36674 - 3079) A Resolution (#46-10) confirming and ratifying an agreement for merchant card services with US Bank for an additional one year term, was read and adopted.
- 36675 (Resolution No. 36675 - 3080) A Resolution (#47-10) confirming and ratifying an agreement for procurement card services with Commerce Bank for an additional one year term, was read and adopted.
- 36676 (Resolution No. 36676 - 3081) A Resolution (#48-10) confirming and ratifying an agreement for professional services with Piper Jaffray & Co., to serve as the city's financial advisory for an additional one year term, was read and adopted.
- 36677 (Resolution No. 36677 - 3082) A Resolution (#49-10) confirming and ratifying an agreement for professional services with Gilmore & Bell, P.C. LLP, to serve as the city's bond counsel for an additional one year term, was read and adopted.

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

- 36678 (Resolution No. 36678 - 3083) A Resolution (#50-10) confirming and ratifying an agreement for professional services with Cochran, Head, Vick & Co., P.C. to perform the city's annual audit for an additional one year term, was read and adopted.
- 36679 (Resolution No. 36679 - 3084) A Resolution (#51-10) confirming and ratifying an agreement for depository and pledge custodian/safekeeping services with Citizen's Bank and Trust for an additional one year term, was read and adopted.
- 36680 (Resolution No. 36680 - 3085) A Resolution (#52-10) confirming and ratifying an agreement with Hause Actuarial Solutions to provide Other Post Employment Benefit (OPEB) GASB 45 actuarial services for an additional one year term, was read and adopted.

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

BILLS FOR PASSAGE:

None.

EMERGENCY BILLS FOR PASSAGE:

- 36681 (S.O. 7977) An Emergency Bill (#45-10) accepting the proposal from Pepsi Beverages Company for the exclusive, non-alcoholic beverage sponsorship of products sold at Fairview Golf Course, was introduced, read and passed. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Falkner--9.
- 36682 (S.O. 7978) Emergency Bill (#56-10) sponsored by Councilmember Roach amending the General Fund and Street Improvement Maintenance and Repair (SIM&R) Fund budgets in the amount of \$11,000.00 to provide for overtime expenses in the Street Maintenance Division, was introduced, read and passed. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer, Falkner--9.

RESOLUTION FOR ADOPTION:

- 36683 (Resolution No. 36683 - 3086) A Resolution (#55-10) of intent of the City Council of the City of St. Joseph Missouri, for the issuance of the city's Industrial Development Revenue Bonds in a principal amount not to exceed \$11,000,000.00 to finance a project for the benefit of Payless Land Holdings, Inc., and authorizing certain actions relating thereto, was read and adopted. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner--6. Nays, Jones, Kovac, LaBass--3.

BILLS FOR FIRST READING:

- 36684 A Bill (#32-10) authorizing a lawn and lot care services agreement with Mark's Lawn Mowing for Lawn Mowing Services for Mass Transit in the amount of \$1,932.00 per year, was introduced and read the first time.
- 36685 A Bill (#33-10) accepting proceeds from the sale of property and abating demolition and weed and trash liens up to \$426.00, plus penalty and interest, on the property located at 318-324 South 4th Street, was introduced and read the first time.
- 36686 A Bill (#34-10) amending the Police Department Budget in the General Fund to transfer overtime funds in the amount of \$1,160.00 to be used for conference training and travel for the St. Joseph Police Department, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36687 A Bill (#35-10) to enter into a contract with the Missouri Department of Corrections to participate in the Puppies for Parolees Program, was introduced and read the first time.
- 36688 A Bill (#36-10) to enter into a contract with the Missouri Department of Health and Senior Services in the amount of \$139,697.00 for the purpose of providing core public health functions within the community, was introduced and read the first time.
- 36689 A Bill (#37-10) amending Section 2-1318 of the Code of Ordinances entitled "Sanctions," was introduced and read the first time.
- 36690 A Bill (#38-10) authorizing a contract with Lee Grover Construction in the amount of \$94,804.00 for concrete replacement at Patee Market Health Center, was introduced and read the first time.
- 36691 A Bill (#39-10) granting a Conditional Use Permit for operation of a day nursery center at 3132 St. Joseph Avenue requested by Sharon Tracy, was introduced and read the first time.
- 36692 A Bill (#40-10) authorizing the execution of a Missouri Highways and Transportation Commission Sidewalk Improvements Agreement to allow installation and maintenance of sidewalks along both east and west sides of Route 759 (Stockyards Expressway) , was introduced and read the first time.
- 36693 A Bill (#41-10) amending Section 29-237 of the Code of Ordinances entitled "Schedule of user charges" related to sanitary sewer user fees, was introduced and read the first time.
- 36694 A Bill (#43-10) amending the General Fund and CIP Sales Tax Fund budgets in the amount of \$176,000.00 and authorizing the City Manager to enter into a contract for purchase of real estate from the St. Joseph Riverboat Partners for the purchase of two parcels of property along the riverfront using one time cell phone settlement proceeds in the amount not to exceed \$175,000.00 plus closing costs not to exceed \$1,000.00, was introduced and read the first time.
- 36695 A Bill (#44-10) amending the General Fund and CIP Sales Tax Fund budgets and authorizing Change Order Number One (1) with Hausman Metal Works & Roofing, Inc. to perform additional work related to the City Hall roof replacement in the amount of \$13,614.00, was introduced and read the first time.
- 36696 A Bill (#53-10) amending Section 2-58 of the Code of Ordinances entitled "Order of business," was introduced and read the first time.
- 36697 A Bill (#54-10) amending the Museum Fund budget in the amount of \$34,109.00 to provide for expenditures at the Wyeth-Tootle Mansion by the St. Joseph Museums, Inc., was introduced and read the first time.
- 36698 A Bill (#57-10) sponsored by Councilmember LaBass entering into a settlement with Oak Mill Inc. to settle pending litigation in Buchanan County Circuit Court Case No. 10BU-CV00553 and accepting the amount of \$100,000.00 as full payment of a disputed obligation, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 4/28/10: Minutes of the Disability Services Board meeting held February 3, 2010, at 3:30 p.m., in the Council Chamber at City Hall.

Filed 4/30/10: Minutes of the Mechanical Standards and Appeals Board meeting held February 23, 2010, at 3:30 p.m., in the 1st Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 5/3/10: Minutes of the Fire & Emergency Services Advisory Board meeting held April 29, 2010, at Fire Department Headquarters, 401 South 7th St.

Filed 5/3/10: Minutes of the Museum Oversight Board meeting held April 12, 2010, at 6:45 p.m., at 3406 Frederick Blvd.

Filed 5/6/10: Minutes of the Parks & Recreation Board meeting held April 15, 2010, at 4:11 p.m., at 1920 Grand Avenue.

Filed 5/7/10: Minutes of the Aviation Board meeting held May 5, 2010, at 7:00 p.m., in the conference room at Rosecrans Memorial Airport.

Filed 5/7/10: Minutes of the Zoning Board of Adjustment meeting held April 27, 2010, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 5/11/10: Minutes of the St. Joseph Public Library Board of Trustees meeting held May 10, 2010, at 5:00 p.m., at Carnegie Library, 316 Massachusetts.

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

Filed 4/29/10: Minutes of the Council Orientation Session (No. 1) held April 26, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 5/3/10: Minutes of the Council Orientation Session (No. 2) held April 28, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 5/11/10: Minutes of the Council Landfill & Water Protection Committee meeting held May 5, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 4/30/10: Mayor and City Council Update, April, 30, 2010.

Filed 5/7/10: Mayor and City Council Update, May 7, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 4/28/10: St. Joseph Area Chamber of Commerce Economic Development Briefing for elected officials, May 4, 2010, from 3:00 – 5:00 p.m., at the Remington Nature Center, 1502 MacArthur Drive.

Filed 4/29/10: Memorandum from Mayor Falkner in re: Council Committee Appointments.

Filed 4/29/10: City Weekly, April 29, 2010.

Filed 4/29/10: Memorandum from Clint Thompson, Planning & Community Development Director, in re: Chapter 100 Bonds for Payless Land Holdings, Inc. (for portion of Rolling Hills Auto Dealership).

COMMUNICATIONS: (Cont'd)

Filed 4/29/10: Letter from Dan Barker and Annie Laurie Gaylor, Co-Presidents, Freedom From Religion Foundation, in re: Unconstitutionality of National Day of Prayer.

Filed 4/30/10: Letter from Linda Midyett, Educare Director, St. Joseph Youth Alliance, in re: Thanking the city for the use of the Civic Arena for the local "Children's Fair".

Filed 5/3/10: St. Joseph Area Chamber of Commerce Weekly Board Report, April 30, 2010.

Filed 5/3/10: Memorandum from Kelsy Marr, Transportation Planner, in re: Long-Range Transportation Plan.

Filed 5/3/10: Memorandum from J. Bruce Woody, Public Works and Transportation Director, in re: FY2011 Sewer Rate Study.

Filed 5/4/10: Municipal Division Reporting Form, April 2010.

Filed 5/4/10: Wyeth-Tootle Mansion Repairs (303-820).

Filed 5/6/10: City Weekly, May 6, 2010.

Filed 5/6/10: Letter from Larry A. Hahn, Colonel, USAR (Ret), 330 Southeast 68th Road, in re: Apple Blossom Parade and Speed of Sound Air Show.

Filed 5/7/10: Memorandum from Mayor Falkner in re: A Week In Review.

Filed 5/7/10: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held April 19, 2010, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 5/7/10: Minutes of the St. Joseph Museums, Inc. Finance Committee meeting held May 4, 2010, at 1:30 p.m., at 3406 Frederick Blvd.

Filed 5/7/10: St. Joseph Area Chamber of Commerce Weekly Board Report, May 7, 2010.

Filed 5/10/10: Letter from Stephen J. Gauthier, Director, Technical Services Center, Government Finance Officers Association, in re: The city's comprehensive annual financial report for fiscal year ended June 30, 2009, qualifies for a Certificate of Achievement for Excellence in financial reporting.

Filed 5/10/10: Article from Wikipedia in re: Disabled veteran street vendors.

Filed 5/11/10: Current Year Budget to Actual Detail report for the Mayor and City Council, City Clerk and City Manager programs dated 4/30/10.

Filed 5/11/10: Letter from Kelley Stahlin, Buchanan County Clerk/Election Authority, in re: Breakdown of the cost of the City Primary & General Municipal Elections held on March 2 and April 6, 2010.

Filed 5/12/10: Minutes of the St. Joseph Museums, Inc. Fundraising Events Committee meeting held April 29, 2010, at 1:05 p.m., at 3406 Frederick Blvd.

Filed 5/12/10: Memorandum from Mary Montgomery, Capital Projects Coordinator, in re: Capital Improvement Program Update – 3rd Quarter FY 10.

OTHER BUSINESS:

City Manager's Report - None.

Ellis Cross, 503 N. 5th St., asked, in regard to Bill #54-10, what money is transferring to what account and why? City Manager Vincent J. Capell said it is reserve museum tax funds that have been collected over the past few years and not spent. Mr. Ellis read the following questions into the record: 1) Why do we collect nearly half a million dollars each year under the guise of a "Municipal Museum Tax" and pay it out to a private corporation (St. Joseph Museums Inc.) to cover 96% of the operating cost (light bills, water bills, insurance, etc.) of their private museums?, 2) Why do we allow the "municipal tax" to pay the payroll expenses and healthcare insurance for the employees of the private corporation (St. Joseph Museums Inc.)?, 3) Why are the employees of the private corporation (St. Joseph Museums Inc.) being considered as city employees for the benefit of membership in the city employee's retirement plan?, 4) Why is the Wyeth Tootle Mansion in such a state of disrepair: A) When St. Joseph Museums Inc. was contracted and paid to maintain the mansion for 20 years (from 1985 till 2005)? B) When every year there is nearly half a million dollars collected from the municipal museum tax for the buildings maintenance and nothing has been done since the time Judge Jackson ruled that the building belongs to the city?, 5) Are we doing anything to correct the two million dollars of illegal overpayments paid to the St. Joseph Museums Inc. as discovered in the Missouri State Audit issued February 2009? and 6) Are we doing anything to correct any of the 38 pages of illegal activity and inappropriate accounting methods resulting in millions of dollars of "prohibited and unauthorized purchases" as stated in the Missouri State Audit issued February 2009? He said he will return to every Council meeting that he possibly can until these and subsequent questions are answered; he really expects answers.

Donald Sherwood, 415 N. 10th St., asked what the change is to the "order of business" on Bill #53-10. Mayor Falkner explained the changes that are being proposed.

Travis Owens, 2711 Mulberry St., asked what property the city is purchasing and why regarding Bill #43-10. Mr. Capell said it is about 17 acres of property along the riverfront to be used to further the city's goals for riverfront development. Mr. Owens said as soon as things slow down, Local #77 and Chief Dalsing will get back together and get the contract worked out. In regard to the information distributed to the Council by the Mayor's Office on additional positions, two employees from city hall assisted him in getting these numbers so they are not made up numbers from the union. In 2001, the citizens passed a sales tax to keep the city at status quo. Now we're talking about laying people off because of the economy. A lot of the employees being laid off worked hard to get that sales tax passed and he doesn't think it's fair how the lay offs are being handled right now. Since 2001, 42.1 additional jobs have been added. He requested that the city go into a hiring freeze a couple of years ago. Councilmember Falkner, at the time, was the only one that agreed with him. He requested that we consider doing that again. He believes if you're going to do lay offs that the last one hired should be the first one fired and we need to stick to that as much as possible; that's fair to all city employees. If four employees are cut from the Fire Dept., it will put a great burden on the Fire Chief. If the Council does feel that it needs to make these cuts, Local #77 requests that the Council try to find some additional overtime funds to put in the Fire Dept. budget to cover overtime so the Fire Chief is not closing any fire houses. He believes the citizens deserve the right to have their property and life protected. He is speaking on behalf of all city employees. He hopes the Council will consider going to any measures it can to keep all the employees possible. He has heard that the Chamber of Commerce has continued to give its employee pay raises and wondered why the City is donating money to other companies to give their employees pay raises.

Maggie Siegmund, 2802 Lafayette St., asked why the Council is contemplating laying off police and firemen; that's the primary duty of the city to protect them. She has a better suggestion to cut the middle and upper management's salary by 12%.

OTHER BUSINESS: (Cont'd)

Jeannine Gilpin , 3006 Beck Road, Treasurer of the St. Joseph Fire Museum, said the Museum Board membership would like to donate a picnic table for use by city hall employees.

Marilyn Tindle said she has worked for the city for 39 years and she received a lay off letter. She wondered why a new person was hired in the department she works in shortly before she received her letter. The 13 employees proposed to be laid off are all devoted dedicated employees and they deserve better than this. She asked if any new ways have been found for them to keep their jobs. Mayor Falkner said they are still working through the budget.

Virginia Weigum, 5113 Mockingbird Lane, said she is wearing a red hat because she supports Shaun Henderson. Referring to Mrs. Tindle's comments , she wondered if seniority makes any difference for city employment, there's age discrimination and why was another person hired and she let go. This will probably end up in a class action lawsuit. She said absolutely no more purchases until you start treating the city employees correctly. In regard to the bonds for the car dealership, the Council is sort of playing favorites there; not every person that comes into a business in the city is treated that way. She agrees with Mrs. Seigmund that there should be a cut in upper management.

Sarah Hochschwender, 1114 N. 6th St., thanked Councilmember Penland for getting back with her about the procedural questions she had about the budget. She wanted to point out that she hasn't heard the word furlough mentioned. She appreciates the fact that you're trying to find ways not to fire people and she totally supports Mayor Falkner's request for the additional staff in the Mayor's office.

Councilmember Boyer asked Councilmember Penland about last hired, first hired. Councilmember Penland said he's saying that he thinks they can find ways of doing it without a single person gone. He doesn't personally agree with the department heads' recommendations that these were the best places to make the cuts. He thinks we probably should look at salary decreases and health insurance expenses. In regard to last hired, first fired, he would look at that per department.

Councilmember Jones said as a new councilperson this has been very overwhelming and told Mrs. Tindle that not just her, but all the people who have been mentioned, the Council takes very seriously.

Tim Puett, 4415 Green Acres Road, said he is a city employee and he thinks what they are talking about in regard to the last hired, first fired, is the positions created since 2001. These positions need to be looked at the hardest. As a city employee helping to pass the tax, he was promised 90% of the average of the salaries. He is lucky to have a job, he's earned the job. He asked Mr. Capell to tell the Councilmembers what a fire captain makes percentile now versus the 90%. Mr. Capell said he agrees it's no where close to market. He and Mr. Puett agreed that it's in the 70's percentile and that it's similar for other city positions. He doesn't understand why the one time money, being spent on other things, can't be used to save jobs for another year. It's hard to see that money still being spent while the people don't get what they were promised. He asked the Council to think about it.

Kenny Reeder, 1801 E. Randolph St., said on behalf of Public Citizens Local & Associates, the \$65,000 figure is probably a good figure because that's equivalent to two firemen's salaries or two policemen's salaries. Why not look through there and take 10% of the salaries over \$65,000 a year and you'll find that's a huge amount of money. He thinks there would be huge public support for that. It could be stair stepped for the ones who make \$70,000 not as much as the ones that make \$100,000 or \$150,000. He understands the concern about purchasing the property along the riverfront and the reason that he can support it is the Council's stealing it.

Tim Puett, 4415 Green Acres Road, said he thinks the Council is stealing the employees too at the low rates that they're getting them for versus what was promised.

NOTES:

Agenda No. 36653 - Mayor Falkner read the contents of the proclamation and presented it to Steve Groshong, Ambulance Operations Manager for Heartland Health.

Agenda No. 36683 - Mark Benson, Rolling Hills, LLC, 29201 Northeast 85th Circle, Camas, Washington, showed some pictures of the former Payless Cashways building on the North Belt Hwy., an old Home Depot site in California before and after it was renovated into a Toyota dealership and an old Payless facility site before and after it was redeveloped into a Toyota dealership. He said they are requesting the City's approval to utilize Chapter 100 bonds as a financial vehicle. A study was done a couple of years ago showing the retail market within the St. Joseph area. For retail there is a surplus of \$117 million which means the retail establishments within the community are doing a very good job with bringing people in from southern Iowa, Kansas and Kansas City. In the car industry there is a leakage of approximately \$100 million. This market has been under served by car dealerships and car related products for a number of years. By moving to the new location they will grow anywhere from 25 to 35 additional jobs and have a tremendous multiplier effect. He explained how using Chapter 100 bonds will make this project more attractive to a lending institution.

Mark Woodbury, attorney for Rolling Hills, LLC, explained how the financing would work. He said they have talked to the St. Joseph School District and Buchanan County officials and they are supportive of this project. They can't guarantee it but they want the project to be done by local contractors and local labor.

Tim Puett, 4415 Green Acres Road, said during the rezoning of this property, there was nothing mentioned about financing this deal. In regard to the projection of car sales and what the market is, he thinks the numbers are flawed because a lot has happened in two years. If there is a viable plan, he thinks there is financing available in the private sector without the city getting involved. Unless there are representatives from the school district, he's not going to take their word for it. He urged the City Council not to approve this until they have personally talked to the other entities involved. He asked if this in anyway resembles the Hatfield Building that the City got stuck with. Mr. Capell said no. Mr. Puett urged the Council to look at this really hard and make sure everything is good before voting on it.

Ellis Cross, 503 N. 5th St., said he is in business in the city. Since he bought his rental property downtown, tax incentives have brought \$107 million worth of rental property downtown. The whole idea about bringing everybody up, didn't work for him. He went from 2% vacancy to 20%.

Sarah Hochschwender, 1114 N. 6th St., asked how much the property is worth now and what is being taxed. She's wondering because the city may end up holding the property. Mr. Capell said even if there is a default on the debt, the city would not end up owning the property; the bond holder would own it. Mrs. Hochschwender asked if they're going to give access to Ryan's Restaurant. Councilmember Boyer said they have talked about it.

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ADJOURNMENT:

36699 By general consent, the Council adjourned.

The meeting adjourned at 8:21 p.m.

Paula Heyde, CMC, City Clerk