

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

May 3, 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 3, 2010, at 7:00 p.m. The meeting was called to order at 7:10 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, Asst. City Attorney Graham Jura, 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, Asst. Parks, Recreation & Civic Facilities Director Bill France, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Property Maintenance & Technology Services Director Steve Hofferber, Community Development Manager Gerald McCush, Asst. Health Director Robin Rhodes, Transit Resident Manager Kurt Janicek, Customer Assistance Center Manager Sandy Brooks, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Grants Specialist Sue Johnson, 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, Mayor Falkner voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

36613 By general consent, the minutes of the first meeting of the new Council's term held April 19, 2010, at 12:00 p.m., and the regular meeting held April 19, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

36614 SPECIAL RECOGNITIONS:

Special Recognition Award – George Albert

Proclamations – National Military Appreciation Month
Local Government Week
National Day of Prayer

ACCEPTANCE OF AGENDA:

36615 It was moved by Councilmember Boyer and seconded by Councilmember Penland that the Agenda be accepted as published. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.

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PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

- 36616 (G.O. 2380) A Bill (#6-10) granting a Conditional Use Permit to Jim D. Masoner, property owner, for operation of an auction house at 5518 Miller Road, having been read the first time on April 19, 2010, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.

PUBLIC HEARING ON THE CONSOLIDATED ANNUAL PLAN:

- 36617 The City Council of the City of St. Joseph held a public hearing on Monday, May 3, 2010, at 7:00 p.m., in the Council Chamber at City Hall, on the *Community Partnership Strategy and Consolidated Plan, 2011-2015*, and the First Year Annual Plan. The First Year Annual Plan states how the City of St. Joseph plans to use the Community Development Block Grant (CDBG) and HOME Investment Partnership funds it will receive in Fiscal year 2010-1011 to meet the goals and objectives listed in the five-year *Community Partnership Strategy and Consolidated Plan, 2011-2015*. These federal funds are intended to principally address the housing and non-housing needs of low- and moderate-income residents and the areas in which they live.

Residents were given an opportunity to express their views on the city's planned use of these funds at this time.

- 36618 There being no comments from persons appearing to be heard, the Mayor declared the public hearing closed.

CONSENT AGENDA:

- 36619 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 36620 through 36635 be passed by Consent Agenda. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.

Bills for Passage:

- 36620 (S.O. 7953) A Bill (#1-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Department of Public Safety to accept \$8,263.00 for enforcement of underage drinking, having been read the first time on April 19, 2010, was read the second time and passed.
- 36621 (S.O. 7954) A Bill (#19-10) amending the Police Department budget in the General Fund to recognize monies received in the amount of \$311.00 from the sale of an old lawnmower by the Police Department to be budgeted in the weapons and ammo account, having been read the first time on April 19, 2010, was read the second time and passed.
- 36622 (S.O. 7955) A Bill (#2-10) amending the Community Development Block Grant Fund in the amount of \$210,577.00 to provide additional funding for the city's Housing Rehabilitation Program, having been read the first time on April 19, 2010, was read the second time and passed.
- 36623 (S.O. 7956) A Bill (#4-10) accepting the 2009 Supportive Housing Program Renewal Grant in the amount of \$44,924.00 from the Department of Housing and Urban Development for the continuation of the Continuum of Care Homeless Management Information System (HMIS), having been read the first time on April 19, 2010, was read the second time and passed.

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

- 36624 (S.O. 7957) A Bill (#5-10) approving the final plat entitled “Timber Creek Plat 2A”, a major subdivision consisting of seven lots located at 3002 Ajax Road as requested by Tim Minson, having been read the first time on April 19, 2010, was read the second time and passed.
- 36625 (S.O. 7958) A Bill (#7-10) vacating an east/west portion of Lafayette Street from South 4th Street east to the centerline of South 5th Street, varying in width from 33 feet to 60 feet and approximately 330 feet in length as requested by the City of St. Joseph, Missouri, having been read the first time on April 19, 2010, was read the second time and passed.
- 36626 (S.O. 7959) A Bill (#14-10) authorizing the amount of \$29,278.78 for the removal of roots in sewer lines at various locations in the City by Duke’s Root Control, having been read the first time on April 19, 2010, was read the second time and passed.
- 36627 (S.O. 7960) A Bill (#15-10) authorizing the acceptance of the proposal from Cintas Corp. for uniforms, uniform rental and laundry services for Mass Transit in the amount of \$9,079.00 per year, having been read the first time on April 19, 2010, was read the second time and passed.
- 36628 (S.O. 7961) A Bill (#17-10) authorizing the purchase of foreclosed property using Neighborhood Stabilization Program (NSP) funding and authorizing the City Manager to enter into rehabilitation contracts in the amount not to exceed \$350,000.00, having been read the first time on April 19, 2010, was read the second time and passed.
- 36629 (S.O. 7962) A Bill (#18-10) authorizing the dedication of a KCP&L utility electric line easement across the city-owned property that contains the section of hike and bike trail located north of Pickett Road from 28th Street east to Riverside Road, in order to restore an easement that was inadvertently relinquished with donation of the land to the city, having been read the first time on April 19, 2010, was read the second time and passed.
- 36630 (S.O. 7963) A Bill (#9-10) authorizing a contract with Helsel Design & Construction Services for work associated with improvements to the recycling center and water protection line maintenance facility in the amount of \$292,195.00, having been read the first time on April 19, 2010, was read the second time and passed.
- 36631 (S.O. 7964) A Bill (#13-10) authorizing a contract with Lee Grover Construction Company for the Hy-Vee Transfer Station repairs and the Transit Maintenance and Administrative Parking Lot replacement in the total amount of \$139,026.00, having been read the first time on April 19, 2010, was read the second time and passed.
- 36632 (S.O. 7965) A Bill (#16-10) to amend the Public Health Fund budget in the amount of \$8,395.00 and to enter into a contract with the Missouri Department of Health and Senior Services for American Recovery and Reinvestment Act (ARRA) supplemental funding for reaching and immunizing more children and adults, having been read the first time on April 19, 2010, was read the second time and passed.
- 36633 (S.O. 7966) A Bill (#20-10) to amend the General Fund budget and to authorize a contract with Restoration & Water- proofing Contractor’s Inc. in the amount of \$39,134.00 for the City Hall Exterior Steps and Stone Renovation Project-Phase One, having been read the first time on April 19, 2010, was read the second time and passed.

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CONSENT AGENDA: (Cont'd)

Resolutions for Adoption:

- 36634 (Resolution No. 36634 - 3076) A Resolution (#21-10) authorizing the filing of an application with the Missouri Department of Transportation, Office of Highway Safety for obtaining a Hazardous Moving Violation Grant in the amount of \$9,672.00, DWI Wolfpack Grant in the amount of \$5,580.00, Sobriety Checkpoint Grant in the amount of \$5,700.00, Occupant Protection Grant in the amount of \$5,580.00 and a Youth Alcohol Grant in the amount of \$13,600.00, was read and adopted.
- 36635 (Resolution No. 36635 - 3077) A Resolution (#25-10) recognizing May 14, 2010 as National Bike to Work Day in St. Joseph, Missouri, was read and adopted.

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

BILLS FOR PASSAGE:

- 36636 (S.O. 7967) A Bill (#11-10) entering into a settlement agreement with Amalgamated Transit Union, Local 847, having been read the first time on April 19, 2010, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.
- 36637 (S.O. 7968) A Bill (#3-10) adopting the Community Partnership Strategy and Consolidated Plan, 2010-2015, and the First Year Annual Plan for the use of FY2010/2011 Community Development Block Grant and HOME Program Funds, having been read the first time on April 19, 2010, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.
- 36638 It was moved by Councilmember Starr and seconded by Councilmember Penland that Bill (#1636-06) sponsored by Councilmember Falkner authorizing a contract with the International Association of Fire Fighters (IAFF), Local #77, be postponed for eight weeks to the June 28, 2010, Council meeting. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer--9.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

None.

BILLS FOR FIRST READING:

- 36639 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, was introduced and read the first time.
- 36640 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, was introduced and read the first time.
- 36641 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, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36642 A Bill (#26-10) entering into a contract with the Missouri Department of Health and Senior Services to provide a Summer Food Service Program, was introduced and read the first time.
- 36643 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, was introduced and read the first time.
- 36644 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, was introduced and read the first time.
- 36645 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, was introduced and read the first time.
- 36646 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, was introduced and read the first time.
- 36647 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, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 4/16/10: Museum Oversight Board Quarterly Report to City Council for February, March and April, 2010.

Filed 4/20/10: Minutes of the Landmark Review Board meeting held April 6, 2010, at 6:00 p.m., in the Council Chamber at City Hall.

Filed 4/21/10: Minutes of the Landmark Commission meeting held January 5, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 4/21/10: Minutes of the Landmark Commission meeting held February 6, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 4/21/10: Minutes of the Senior Citizens Foundation, Inc. Board meeting held March 16, 2010, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 4/22/10: Minutes of the Fire & Emergency Services Advisory Board meeting held March 25, 2010, at 7:00 p.m., at the American Red Cross, 401 N. 12th St.

Filed 4/22/10: Minutes of the Mechanical Standards and Appeals Board meeting held March 9, 2010, at 3:30 p.m., in the 1st Floor Conference Room at City Hall.

Filed 4/26/10: Minutes of the Aviation Board meeting held April 7, 2010, at 7:00 p.m., in the conference room at Rosecrans Memorial Airport.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 4/26/10: Minutes of the Landmark Commission meeting held April 6, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 4/27/10: Minutes of the Planning Commission meeting held April 22, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

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

Filed 4/16/10: Minutes of the Work Session held April 8, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 4/28/10: Minutes of the Work Session held April 21, 2010, at 4:00 p.m., in the Council Chamber at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 4/16/10: Mayor and City Council Update, April 16, 2010.

Filed 4/23/10: Mayor and City Council Update, April 23, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 4/14/10: Letter from Douglas R. Cubbison, President, Stone Fort Consulting LLC, 3225 Grand Avenue, Leavenworth, KS, in re: Offering his professional services in assisting with the preservation and interpretation of the Fort Smith Civil War site.

Filed 4/14/10: Remington Nature Center newsletter, Spring, 2010.

Filed 4/15/10: City Weekly, April 15, 2010.

Filed 4/16/10: Letter from John S. Hark, President, Missouri Emergency Preparedness Association, in re: Announcing that George Albert, Emergency Management Director/Fire Department, has achieved the designation of a Missouri Certified Emergency Manager.

Filed 4/16/10: Municipal Courier, April, 2010, Volume 8, Issue 4.

Filed 4/19/10: Letter from Lisa Robertson, City Attorney, to Stephen J. Briggs, Morton Reed Counts & Briggs, LLC, in re: Missouri Western State University (MWSU) Facility Use Agreement..

Filed 4/19/10: St. Joseph Area Chamber of Commerce Weekly Board Report, April 16, 2010.

Filed 4/19/10: Information re: St. Joseph Transit.

Filed 4/19/10: Memorandum from William E. Blacketer, Supt. of Solid Waste, in re: Clean Sweep totals.

COMMUNICATIONS: (Cont'd)

Filed 4/19/10: Letter from Steve Johnston, Director, Community Alliance of St. Joseph, in re: Sample copy of community survey being sent to St. Joseph and Buchanan County residents.

Filed 4/20/10: Memorandum from Mayor Falkner in re: Council committee appointments.

Filed 4/21/10: Memorandum from Mayor Falkner in re: Council appointments to boards and commissions.

Filed 4/22/10: City Weekly, April 22, 2010.

Filed 4/22/10: Minutes of the Police Pension Board meeting held March 17, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 4/23/10: Letter from Paula Heyde, City Clerk, to Nigh Johnson, President, Guardian Angel Preservation Planners, in re: Thank you for donation of a solid wood bookcase with glass doors valued at \$45.00 to be used in the Mayor's office.

Filed 4/23/10: Letter from Paula Heyde, City Clerk, to Gary Cunningham, President, Fairview Men's Club, in re: Thank you for donation of \$378.00 to assist with the purchase of greens flags at Fairview Golf Course.

Filed 4/26/10: St. Joseph Area Chamber of Commerce Weekly Board Report, April 23, 2010.

Filed 4/26/10: Memorandum from Mayor Falkner in re: Hotel/Motel Tax.

Filed 4/28/10: Article from Municipal Lawyer publication entitled "*Arrest that woman for disrupting the hearing! – handling the unruly speaker.*" By Paul D. Wilson and Jennifer K. Alcaez.

Filed 4/28/10: Minutes of the St. Joseph Museums, Inc. Fund Raising Event Committee meeting held April 1, 2010 at 1:00 p.m. at 3406 Frederick Blvd.

OTHER BUSINESS:

City Manager's Report - None.

Mark Woolbright, Vice-President of the International Association of Firefighters 2nd District, 115 McMenemy Road, St. Peters, MO, 63376, said he is present on behalf of Shaun Henderson and Local #77. He would like to go on record with the statement that they are here to question and challenge the predetermination regarding Firefighter Henderson. Mr. Henderson received a letter dated April 30, 2010, referencing a number of charges of misconduct, harassment, offensive behavior and bullying toward the city manager. It also states that Firefighter Henderson made untrue claims and false allegations of unethical conduct with specific intent to discredit the city manager which would damage his reputation in the community and work place. They feel there is no merit to the said charges and no foundation of the accusations. There also appears to be no thorough employer/employee investigation and they have no knowledge of any progressive disciplinary steps. It appears that the termination step was the only progressive disciplinary step that was taken. Firefighter Henderson has an impeccable 25 year work history with the city as a police officer and now as a firefighter. He is well respected amongst law enforcement agencies and very well respected with the Fire Dept. as well as the IAFF local affiliates throughout the state of Missouri. He is also well recognized in the community due to his many years of public and charitable volunteer time that he has unselfishly given to the causes in this

OTHER BUSINESS: (Cont'd)

community. This of course has made this city a better place to reside but also has contributed to making the city the first class and top notch community that it currently is today. On behalf of Firefighter Henderson and IAFF Local #77, they respectfully request the City Council, Mayor, Fire Chief and City Manager reconsider and/or drop all charges that are pending against Firefighter Henderson noted in the April 30th letter from Fire Chief Mike Dalsing. Mayor Falkner said with respect to Mr. Henderson's right to due process, the City Council cannot comment at this particular time.

Donald Sherwood, 415 N. 10th St., asked the Council to consider a free peddler's permit for disabled veterans. He feels this would be a bridge to solve some of the problems about mental health in the city.

Ernest Scharnhorst, 3901 SE Riverside Terr., addressed the problem of trash along the road he lives on which there are laws against, but no way to enforce. He proposed that the city advertise that they are going to look through the trash and find out whose trash it is and issue citations if there is no proof that they have their trash picked up. Mayor Falkner asked Property Mtce. Director Steve Hofferber if this can be done. Mr. Hofferber said the city does have an ordinance on the books that everyone has to have trash service and either have weekly receipts showing they've taken their trash to the landfill themselves or a receipt from a trash hauler. If they run into a situation where the city can identify trash that someone has dumped somewhere or if someone has a lot of trash on their property, they will ask for that information. If they don't have it, they do cite them for it.

Virginia Weigum, 5113 Mockingbird Lane, said in regard to the Shaun Henderson matter, she wanted to bring something to the Council's attention. The City of Kansas City, Missouri, paid out over \$30,000,000 in lawsuits for incidents that have to do with something like Shaun Henderson's incident. This city cannot afford incidents like that and the city is opening itself up to a big lawsuit. She feels there should be more checks and balances and the City Manager should not have the authority to fire Mr. Henderson like he did with such an unblemished record of service. As a citizen she is ashamed.

Sarah Hochschwender, 1114 N. 6th St., said she sent an email to the previous Councilmembers asking who were the five that signed to open the closed session Pandora's box and allow the news session. She heard from Mayor Falkner and Councilmembers Boyer and Roach but she has not yet heard from Councilmembers Penland and Starr. Councilmembers Penland and Starr said their answer was yes they did.

Sue Comley , 3513 Jackson St., said she has been attending Council meetings for a long time now because she is a resident of the city and she thinks they should know their representatives. She mentioned several of the wonderful events that went on this past weekend and said that we live in a wonderful town and it disturbs her when there is so much said that is negative. Things were done so well this weekend that the City should be proud of itself. She feels for those that are hurting. The glass can be half full or half empty and she has decided that as old as she is she's going to look at it as half full and even more so. She thanked the Councilmembers for their work and their service.

Mayor Falkner listed some of the organizations that were involved in all the events that went on in St. Joseph this past weekend. He said it was amazing that such a nice event was pulled off for the entire weekend; there was something for everybody. Everyone that was involved in any of the events should be commended and should feel very proud. Councilmember Starr said the communication was excellent. Councilmember Penland said that Bob Heater and BJ Scott should receive a pat on the back; they did such a professional job announcing at the air show.

NOTES:

Agenda No. 36614 - Councilmember Boyer read the contents of the special recognition award and presented it to George Albert. Mr. Albert thanked the Council for the recognition. He said this award is for all city employees because when there is a disaster or an event like the air show, it's the work of everyone involved. If things turn around in the next couple of years, he'd like to see this made a full-time position. He thanked all the employees who help him do this, including the department directors. He thanked the Fire Chief and the Fire Department for allowing him to attend the classes to get the certification and his work crew and the other firefighters. He also thanked his wife for her support.

Mayor Falkner read the contents of the Proclamations for National Military Appreciation Month, Local Government Week and National Day of Prayer.

Agenda
Number

ADJOURNMENT:

36648 By general consent, the Council adjourned.

The meeting adjourned at 8:05 p.m.

Paula Heyde, CMC, City Clerk