

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

March 8, 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, March 8, 2010, at 7:00 p.m. The meeting was called to order at 7:04 p.m. by Mayor Shearin. 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 Baker, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin, Starr--9. Total membership--9. Five members constitute a quorum.

Also present were City Manager Vincent J. Capell, City Attorney Lisa M. Robertson, 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, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Intern Justin Peacock.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

36435 By general consent, the minutes of the regular meeting February 22, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

36436 Boy Scout Troop #218, sponsored by St. Paul United Methodist Church

36436.1 Heritage Softball Complex received the ASA (Amateur Softball Association) Complex of the Year Award and the City of St. Joseph received the Award of Excellence for conducting the highest rated ASA national championship in 2009 from the ASA.

ACCEPTANCE OF AGENDA:

36437 It was moved by Councilmember Bozarth and seconded by Councilmember Boyer that the Agenda be accepted as published. Motion carried. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.

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CONSENT AGENDA:

36438 It was moved by Councilmember Boyer and seconded by Councilmember LaBass that Agenda Numbers 36439 through 36452 be passed by Consent Agenda. Motion carried. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.

Nominations and Appointments:

36439 Filed 2/22/10: The nomination by Councilmember Falkner was approved, appointing Barbara Braznell, 2902 Frederick Blvd., as a member of the Senior Citizen Foundation, Inc. Board for a term expiring August 28, 2012; she is filling a vacancy on the board created by the death of Marilyn Maxwell.

36440 Filed 2/23/10: The nomination by Councilmember Baker was approved, appointing Danielle Hunt, 2612 Faraon Street, as a member of the Community Police Advisory Committee for a term expiring March 26, 2013; she is being reappointed.

Bills for Passage:

36441 (G.O. 2375) A Bill (#1599-06) amending Section 28-498 of the Code of Ordinances entitled "U-turns," having been read the first time on February 22, 2010, was read the second time and passed.

36442 (G.O. 2376) A Bill (#1600-06) amending Section 28-1582 "Speed limit of 40 miles per hour" and Section 28-1583 "Speed Limit of 45 miles per hour" of the Code of Ordinances to reduce the speed limit on U.S. Route No. 169 (Belt Highway) from Pear Street to Route FF from 45 to 40 miles per hour, having been read the first time on February 22, 2010, was read the second time and passed.

36443 (S.O. 7902) A Bill (#1595-06) to amend the Police Department budget in the General Fund in the amount of \$6,000.00 to provide funds to be used for the purchase of prisoner meals for the Police Department, having been read the first time on February 22, 2010, was read the second time and passed.

36444 (S.O. 7903) A Bill (#1596-06) authorizing the purchase of eight, 2010 Chevrolet Impalas in the amount of \$172,416.00 from Roberts Auto Plaza for the Police Department, having been read the first time on February 22, 2010, was read the second time and passed.

36445 (S.O. 7904) A Bill (#1606-06) authorizing the purchase of two 2009 Model Honda ST1300PA motorcycles for the Police Department in the amount of \$28,402.00 from St. Joe Honda, having been read the first time on February 22, 2010, was read the second time and passed.

36446 (S.O. 7905) A Bill (#1597-06) accepting a Quit Claim Deed from Missouri Highways and Transportation Commission for a constructed cul-de-sac at the south end of Green Acres Road and North Highway 169, having been read the first time on February 22, 2010, was read the second time and passed.

36447 (S.O. 7906) A Bill (#1598-06) accepting street improvements in Thousand Oaks Addition, Plat 2 and sewer improvements in Sewer District 347, having been read the first time on February 22, 2010, was read the second time and passed.

36448 (S.O. 7907) A Bill (#1603-06) accepting proceeds from sale of property and abating demolition and weed and trash liens up to \$9,500.00, plus penalty and interest, on the property located at 2601 South 13<sup>th</sup> Street, having been read the first time on February 22, 2010, was read the second time and passed.

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

- 36449 (S.O. 7908) A Bill (#1594-06) entering into an amendment to a contract with the Missouri Department of Health and Senior Services in the amount of \$92,000.00 to provide HIV Case Management Services, having been read the first time on February 22, 2010, was read the second time and passed.
- 36450 (S.O. 7909) A Bill (#1601-06) to authorize a design/build agreement with King City Lumber Company in the amount of \$68,880.00 for a pre-engineered building to be constructed for the Parks, Recreation and Civic Facilities Department, having been read the first time on February 22, 2010, was read the second time and passed.
- 36451 (S.O. 7910) A Bill (#1604-06) entering into a Cooperative Agreement with St. Joseph School District for fire protection services for Bessie Ellison Accelerated School facility, having been read the first time on February 22, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36452 (Resolution No. 36452 - 3064) A Resolution (#1608-06) approving a revised form of the Tow Truck Rotation List Participation Agreement, was read and adopted.

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

BILLS FOR PASSAGE:

None.

EMERGENCY BILLS FOR PASSAGE:

- 36453 (S.O. 7911) An Emergency Bill (#1615-06) authorizing an agreement with HNTB Corporation to provide professional services in the amount of \$660,700.00 for taxiway alpha pavement reconstruction at Rosecrans Memorial Airport, was introduced, read and passed. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.

RESOLUTIONS FOR ADOPTION:

- 36454 It was moved by Councilmember Boyer and seconded by Councilmember Roach that Bill #1614-06 be amended before consideration for adoption by attaching the Memorandum of Understanding (MOU) and Mutual Non-Disclosure Agreement between the city and Kansas City Power & Light Greater Missouri Operations (KCP&L) to the ordinance. Motion carried. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.
- 36455 (Resolution No. 36455 - 3065) A Resolution (#1614-06) to authorize a Memorandum of Understanding with Kansas City Power & Light Greater Missouri Operations (KCP&L) regarding a Landfill Gas to Energy Project, was read and adopted. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.

BILLS FOR FIRST READING:

- 36456 A Bill (#1607-06) to approve expenditures from the Special Business District Fund in the amount of \$980.38 as the final payment for expenses related to the purchase of rock material to construct a new wall at Felix Street Square, was introduced and read the first time.

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BILLS FOR FIRST READING:

- 36457 A Bill (#1609-06) adopting a revised Capital Asset Policy for administrative purposes for the City of St. Joseph, Missouri, was introduced and read the first time.
- 36458 A Bill (#1610-06) amending the Parks, Recreation and Civic Facilities Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in an amount not to exceed \$5,000.00 to be used to purchase materials for parkway directional signs, was introduced and read the first time.
- 36459 A Bill (#1611-06) amending the Parks, Recreation and Civic Facilities Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in an amount not to exceed \$7,238.00 to be used to purchase a new hockey scoreboard for Bode Ice Arena, was introduced and read the first time.
- 36460 A Bill (#1612-06) amending the Community Development Block Grant Fund budget and authorizing a grant agreement to accept Home Repair Opportunity Program (HeRO) funds from Missouri Housing Development Commission in the amount of \$44,000.00, was introduced and read the first time.
- 36461 A Bill (#1613-06) authorizing the execution of and accepting a trail easement from the Missouri Department of Conservation for the Riverfront Trail Extension – Phase 3 Project, was introduced and read the first time.
- 36462 A Bill (#1616-06) amending the Police Department budget in the General Fund in the amount of \$35,000.00 to provide funds for maintenance and repair of Police Department vehicles, was introduced and read the first time.
- 36463 A Bill (#1617-06) to amend the Community Development Block Grant Fund budget in the amount of \$84,000.00 and to enter into a rehabilitation contract with Patee House Museum (owner) and Roberts Roofing (contractor) for a rehabilitation project at the Patee House Museum, 12<sup>th</sup> and Penn Street, in a total amount not to exceed \$210,000.00, was introduced and read the first time.
- 36464 It was moved by Councilmember Boyer and seconded by Councilmember Baker that Bill #1618-06 be amended before first reading by attaching Work Order #7522-08 to the ordinance. Motion carried. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.
- 36465 A Bill (1618-06) to authorize Work Order Number 7522-08 with Black & Veatch Corporation to provide engineering services for the design of the Whitehead Creek Stormwater Separation Conduit Design Project for the amount of \$1,946,226.00 pursuant to the Master Agreement previously executed, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 2/22/10: Minutes of the Community Police Advisory Committee meeting held February 2, 2010, at 7:00 p.m., at the Rolling Hills Public Library, 1904 N. Belt Hwy.

Filed 2/22/10: Minutes of the Parks & Recreation Board meeting held February 18, 2010, at 4:02 p.m., at 1920 Grand Ave.

Filed 2/23/10: Minutes of the special meeting of the Plumber's Examining and Appeals Board held February 18, 2010, at 4:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 2/24/10: Minutes of the Aviation Board meeting held February 3, 2010, at 7:00 p.m., in the conference room at Rosecrans Memorial Airport.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 2/26/10: Minutes of the Museum Oversight Board meeting held February 8, 2010, at 6:43 p.m., at 3406 Frederick Blvd.

Filed 3/1/10: Minutes of the Board of Operating Engineers meeting held February 10, 2010, at 4:30 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 3/2/10: Minutes of the Planning Commission meeting held February 25, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

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

Filed 2/19/10: Minutes of the joint meeting of the Council Finance/Audit Committee and Council Personnel Committee held February 16, 2010, at 4:30 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 2/17/10: Memorandum in re: FY 2011 budget calendar.

Filed 2/22/10: Mayor and City Council Update, February 19, 2010.

Filed 2/25/10: Memorandum in re: City elections/budgets/City Council orientation/city facilities tour/City Council retreat/City Council goal setting sessions etc....

Filed 2/26/10: Mayor and City Council Update, February 26, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 2/17/10: Minutes of the Police Pension Board meeting held January 20, 2010, at 4:00 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 2/18/10: Municipal Courier, February, 2010, Volume 8, Issue 2.

Filed 2/18/10: City Weekly, February 18, 2010.

Filed 2/19/10: Memorandum from Sam Barber, Customer Assistance Director, and Mike Dalsing, Fire Chief, in re: Creation of new code governing renovation of historic homes and existing buildings.

Filed 2/22/10: Letter from Pony Express Museum representatives in re: Asking the city to invest in the Pony Express National Museum.

Filed 2/22/10: Memorandum from Councilmember Falkner in re: Brown Street repairs.

Filed 2/22/10: Minutes of the St. Joseph Museums, Inc. Personnel Committee meeting held January 29, 2010, at 10:00 a.m., at 3406 Frederick Blvd.

COMMUNICATIONS: (Cont'd)

Filed 2/22/10: Minutes of the St. Joseph Museums, Inc. Fundraising Event Committee meeting held February 4, 2010, at 1:00 p.m., at 3406 Frederick Blvd.

Filed 2/23/10: Memorandum from Mary Robertson, Communications Manager, in re: Parkway signage.

Filed 2/23/10: Memorandum from Diana Slater, Human Resources Director, in re: Health insurance renewal.

Filed 2/24/10: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held February 9, 2010, at 8:00 a.m., at 3406 Frederick Blvd.

Filed 2/24/10: City Builder newsletter, February, 2010, Volume 5, Issue 2.

Filed 2/24/10: Police Department 2009 Annual Report.

Filed 2/24/10: Memorandum from Councilmembers Boyer, Falkner, LaBass and Penland in re: Sean Deweese hazardous waste presentation.

Filed 2/25/10: Memorandum from Tammy Bembrick, Accountant/Financial Services Department, in re: Capital Asset Policy.

Filed 2/25/10: City Weekly, February 25, 2010.

Filed 2/26/10: St. Joseph Area Chamber of Commerce Weekly Board Report, February 26, 2010.

Filed 3/1/10: Minutes of the St. Joseph Museums, Inc. Special Board meeting held January 28, 2010, at 6:45 p.m., at 3406 Frederick Blvd.

Filed 3/1/10: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held February 25, 2010, at 1:10 p.m., at 825 Edmond Street.

Filed 3/1/10: Minutes of the St. Joseph Museums, Inc. Personnel Committee meeting held February 26, 2010, at 10:00 a.m., at 3406 Frederick Blvd.

Filed 3/1/10: Memorandum from Mayor Shearin in re: City Manager performance review is due.

Filed 3/1/10: Letter from Teresa Fankhauser, Executive Director, Allied Arts Council, in re: Requesting an investment of \$25,000 from the city to the Arts Fund.

Filed 3/1/10: Memorandum from Gerald McCush, Community Development Manager, in re: CDBG-R stimulus funding update and economic development requests.

Filed 3/2/10: Letter from Terri Lynn Wilkens, 3288 Hidden Valley Drive N. W., Salem, Oregon, in re: Low Sodium Lifestyle.

Filed 3/2/10: Memorandum from Steve Hofferber, Property Maintenance & Technology Services Director, in re: Leo Hammel, 1121 Edmond Street.

Filed 3/2/10: E-mail article from the Two Way – Breaking News, Analysis entitled “*Codes that save people and buildings helped spare many in Chile.*”

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COMMUNICATIONS: (Cont'd)

Filed 3/2/10: Memorandum from Councilmembers Falkner and Roach in re: Cost to repair city streets.

OTHER BUSINESS:

City Manager's Report - None.

Certification of Election Results:

3/8/10 - I, Paula Heyde, City Clerk of the City of St. Joseph, Missouri, do hereby present and submit to the Council of the City of St. Joseph, Missouri, the official returns by the Verification Board of the Primary Election held on the 2nd day of March, 2010, and conducted by the Chief Deputy County Clerk of Buchanan County, Missouri, said official returns being attached hereto for the official records of the City of St. Joseph, Missouri.

(SEAL) /s/ Paula Heyde, CMC, City Clerk

We, Sheila R. Murray and Rose Ann Korte, being duly qualified voters of Buchanan County and appointed by the County Clerk/Election Authority as the Verification Board, hereby certify the following as a true, correct and complete summary of all votes cast in said City of St. Joseph Primary Election held on the 2nd day of March, 2010.

**CITY OF ST. JOSEPH**

**Mayor**

Norma Jo Maccoux	350
Richard J. "Dick" Sipe	2,441
Bill Falkner	2,338
Steve Warner	498

**3rd District Councilmember**

Steve Sewell	148
PJ (Paul) Kovac	522
Don Peters	69
Mike A. Bozarth	275

IN TESTIMONY WHEREON, we hereunto subscribe our signatures.

/s/Sheila R. Murray /s/Rose Ann Korte

Subscribed and sworn to before me this 5th day of March, 2010.

/s/Kelley Stahlin, Chief Deputy County Clerk, per Circuit Court Order March 5, 2010, Buchanan County.

36466 It was moved by Councilmember Boyer and seconded by Councilmember Baker that the Certification of Results of the City of St. Joseph Primary Election held March 2, 2010, be accepted as submitted by the City Clerk and certified by the Verification Board. Motion carried. Ayes, Roach, Shearin, Starr, Baker, Boyer, Bozarth, Falkner, LaBass, Penland--9.

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OTHER BUSINESS: (Cont'd)

Charles Nill, 1105 Krug Park Place, said he wanted to make the Council aware that the current zoning laws allow a Quonset hut, for example, to be built along Noyes Blvd. and there is nothing anyone can do about it. He thinks something should be in place that would not allow that. He would appreciate someone looking into it. Councilmember Falkner said he would like to go a step further and take a look at infill housing regulations. Mayor Shearin asked Councilmember Boyer, as chairman of the Council Planning & Zoning Committee, to look into this.

Reba Hebert, 4207 St. Joseph Avenue, asked questions about the request for qualifications (RFQs) process as it relates to Agenda Item No. 36465. Public Works & Transportation Director J. Bruce Woody said in 2007, they requested RFQs for engineering services in the wastewater field. The feasibility study was the first project of several under the master agreement with Black & Veatch Corp.; this project is another one.

Daniel Gross, 3705 Hilda Lane, thanked each Councilmember for giving them a good four years. He also apologized to Mr. Capell because he went after him the worst.

Steve Holdenried, 2125 S. 11th St., said he is going to miss Councilmember Bozarth who he thought worked hard and was diligent. He appreciates all the work he did for the city. In his opinion, he can't see not paying the increased health insurance for city employees because they have not been given a raise. He thinks we have some of the best city employees that he's ever seen and he appreciates the work they do each and every day. He heard Mayor Shearin on TV last Monday say that it was his job to evaluate the city manager. In his opinion, it is the mayor's job to be part of a group that evaluates the city manager. According to the city manager's contract, the evaluation is done systematically. He would like the Council to read the contract and find out if the mayor did not follow through and give the city manager the appropriate evaluation.

NOTES:

Agenda No. 36436.1 - Parks, Recreation & Civic Facilities Director Bill R. McKinney introduced Senior Recreation Supervisor Mike Halloran, Bode Ice Arena/Concession Manager April Wyatt and Senior Work Leader Athletic Fields Brian Jackson. With the assistance of Councilmember Penland, he presented the two awards to these three employees. He explained the importance of the two awards. He thanked the three individuals and all the city employees and volunteers who contributed and made this possible. He hopes winning these awards will help the city get more national and regional tournaments in the future.

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ADJOURNMENT:

36467 By general consent, the Council adjourned.

The meeting adjourned at 7:45 p.m.

Paula Heyde, CMC, City Clerk