

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

August 9, 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, August 9, 2010, at 7:00 p.m. The meeting was called to order at 7:04 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, Public Works & Transportation Director J. Bruce Woody, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Associate Director of Technology Services Mark Townsend, Police Dept. Support Services Division Commander Charlie Robison, Battalion Chief Paris Jenkins, Community Development Manager Gerald McCush, Communications Manager Mary Robertson, 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 Starr voted first.

PLEDGE OF ALLEGIANCE:

Agenda
Number

MINUTES:

36934 By general consent, the minutes of the regular meeting held July 26, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

36935 Presentation - Missouri Department of Conservation: Tree Resource Improvement & Maintenance (TRIM) Grant.

ACCEPTANCE OF AGENDA:

36936 It was moved by Councilmember Penland and seconded by Councilmember Boyer that the Agenda be accepted as published. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

36937 (G.O. 2396) A Bill (#127-10) granting a Conditional Use Permit to Russell C. Book, property owner, to give private basketball lessons in an accessory structure at 2920 Blackwell Road, having been read the first time on July 26, 2010, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.

Agenda
Number

CONSENT AGENDA:

36938 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Agenda Numbers 36938 through 36958 be passed by Consent Agenda. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.

Nominations and Appointments:

36939 Filed 7/29/10: The nomination by Councilmember Penland was approved, appointing Drew H. Brown, 2213 Berkshire Drive, as a member of the Senior Citizen Foundation, Inc. Board for a term expiring August 28, 2013; he is being reappointed.

36940 Filed 7/29/10: The nomination by Councilmember Penland was approved, appointing Janie Kemp, 4503 N. Lakewood Drive, as a member of the Senior Citizen Foundation, Inc. Board for a term expiring August 18, 2013; she is replacing Helen Anno, whose term will expire August 18, 2010.

36941 Filed 8/2/10: The nomination by Councilmember LaBass was approved, appointing Terry L. Hall, 2609 Felix Street, as an alternate member of the Board of Zoning Adjustment for a term expiring August 9, 2015; he is replacing John M. Warren, whose term has expired.

Bills for Passage:

36942 (S.O. 8032) A Bill (#134-10) 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 \$1,422.00 to the Maintenance and Repair of Motor Vehicles Account, having been read the first time on July 26, 2010, was read the second time and passed.

36943 (S.O. 8033) A Bill (#135-10) amending the Police Department budget in the General Fund to recognize monies received from a vehicle auction in the amount of \$8,275.00 to be put into the Maintenance & Repair of Motor Vehicles Account, having been read the first time on July 26, 2010, was read the second time and passed.

36944 (S.O. 8034) A Bill (#140-10) amending the Police Department budget in the General Fund to accept a donation from the Humane Society of St. Joseph and Buchanan County in the amount of \$1,500.00 to be used to purchase supplies for the St. Joseph Police Department K-9 Unit, having been read the first time on July 26, 2010, was read the second time and passed.

36945 (S.O. 8035) A Bill (#142-10) amending the General Fund Health Department budget in the amount of \$32,747.00 to roll over unspent funds under the Public Health Emergency Planning and Preparedness Contract, having been read the first time on July 26, 2010, was read the second time and passed.

36946 (S.O. 8036) A Bill (#143-10) amending the General Fund and Capital Projects Fund budgets in the amount of \$32,948.00 to re-appropriate unspent monies budgeted for the Patee Market Sidewalk Repair/Replacement Project, having been read the first time on July 26, 2010, was read the second time and passed.

36947 (S.O. 8037) A Bill (#144-10) accepting the proposal from 7Up/Snapple Group for the exclusive, non-alcoholic beverage sponsorship of products sold at Bode Ice Arena/Sports Complex, having been read the first time on July 26, 2010, was read the second time and passed.

36948 (S.O. 8038) A Bill (#145-10) to accept a bid from KC Bobcat for the purchase of a Bobcat compact track loader for Park Maintenance in the amount of \$42,005.00, having been read the first time on July 26, 2010, was read the second time and passed.

Agenda
Number

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

- 36949 (S.O. 8039) A Bill (#141-10) to enter into a contract with the Missouri Department of Health and Senior Services in the amount of \$64,717.00 to provide a public health emergency planning program, having been read the first time on July 26, 2010, was read the second time and passed.
- 36950 (S.O. 8040) A Bill (#146-10) entering into a Reimbursement Agreement with Herbst Gaming, Inc. (HGI St. Jo, Inc.); amending the Street Improvement Maintenance & Repair (SIM&R) Fund budget; and entering into Change Order No. 1 to the unit price contract with Herzog Contracting Corporation for the 2010 Resurfacing Program all in an amount not to exceed \$80,000.00 and related to resurfacing portions of Highland Avenue, MacArthur Drive, Waterworks Road and Tyrone Street, having been read the first time on July 26, 2010, was read the second time and passed.
- 36951 (S.O. 8041) A Bill (#147-10) amending the Capital Projects Fund budget and approving Change Order Number 1 to the contract with Williams Spurgeon Kuhl & Freshnock, Architects, Inc. for special inspections and testing for the renovation and addition to Fire Station No. 12, in the amount of \$10,750.00, having been read the first time on July 26, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36952 (Resolution No. 36952 – 3116) A Resolution (#156-10) authorizing a contract with E.L. Crawford Construction, Inc. in the amount of \$198,033.00 for the construction of the Water Protection Septage Building, was read and adopted.
- 36953 (Resolution No. 36953 – 3117) A Resolution (#167-10) authorizing the purchase of one (1) skid steer loader for the Public Works and Transportation Department, Sewer Maintenance Division, from K.C. Bobcat for the amount of \$36,290.00, was read and adopted.
- 36954 (Resolution No. 36954 – 3118) A Resolution (#169-10) authorizing the purchase of services from SAK Construction, LLC to install cured-in-place pipe in various sewer lines in the amount of \$224,776.40, was read and adopted.
- 36955 (Resolution No. 36955 – 3119) A Resolution (#170-10) authorizing the purchase of one (1) street sweeper for the Public Works & Transportation Department, Streets Maintenance Division, from Key Equipment & Supply Company, for the amount of \$226,125.00, was read and adopted.
- 36956 (Resolution No. 36956 – 3120) A Resolution (#172-10) authorizing the purchase of two 2011 FLHTP Model police motorcycles in the amount of \$14,500.00 each for a total amount of \$29,000.00 from St. Joseph Harley Davidson for the Police Department, was read and adopted.
- 36957 (Resolution No. 36957 – 3121) A Resolution (#176-10) entering into a grant agreement with Community Action Partnership of Greater St. Joseph (CAP) in the amount of \$550,000.00 in Neighborhood Stabilization Program funds for the construction of three single family homes at 2710, 2714 and 2716 Mary Street, was read and adopted.
- 36958 (Resolution No. 36958 – 3122) A Resolution (#179-10) authorizing Change Order No. 1 to the Professional Services Agreement with Vertex Engineering & Utility Services, Inc. to provide engineering design services for analysis and installation of three new motors at the Water Protection Plant in the amount of \$26,145.00, was read and adopted.

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

Agenda
Number

BILLS FOR PASSAGE:

- 36959 It was moved by Councilmember Boyer and seconded by Councilmember Starr that Bill #149-10 be amended before consideration for passage by deleting the date “July 1, 2003” in Section 3 in the body of the ordinance and inserting the words “date of passage.” Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.
- 36960 (G.O. 2397) A Bill (#149-10) amending Section 21-54 of Chapter 21 “Parks and Recreation” of the Code of Ordinances entitled “Youth basketball” to provide for an increase in team entry fees, having been read the first time on July 26, 2010, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—8. Nay, Roach—1.
- 36961 (G.O. 2398) A Bill (#150-10) amending Section 21-71 entitled “City softball league fees/Heritage Park gate fees” of Chapter 21 “Parks and Recreation” of the Code of Ordinances to increase various fees, having been read the first time on July 26, 2010, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—8. Nay, Roach—1.
- 36962 It was moved by Councilmember Starr and seconded by LaBass that a Bill (#1638-06) sponsored by Councilmember Starr authorizing a change to the Local Area Government Employee Retirement System (LAGERS) for general employees from the L-3 Benefit Program to the L-6 Benefit Program in accordance with RSMo. Section 70.655, be withdrawn. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.
- 36963 It was moved by Councilmember Kovac and seconded by Councilmember Roach that a Bill (#151-10) authorizing a First Amended and Restated Billing and Collection Agreement with Buchanan County, Missouri to perform tax billing and collection services for the City of St. Joseph, Missouri, be postponed to the August 23, 2010, Council meeting. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.
- 36964 It was moved by Councilmember Penland and seconded by Councilmember Boyer that Bill #153-10 be amended before consideration for passage by attaching the “Master Agreement” to the ordinance. Motion carried. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.
- 36965 (S.O. 8042) A Bill (#153-10) to authorize a Master Agreement for professional engineering services with SCS Engineers for landfill engineering services, having been read the first time on July 26, 2010, was read the second time and passed. Ayes, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach—9.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTION FOR ADOPTION:

None.

BILLS FOR FIRST READING:

- 36966 A Bill (#155-10) amending the Mass Transit Fund budget to recognize an insurance payment for damages to a transit bus in the amount of \$2,297.00, was introduced and read the first time.
- 36967 A Bill (#157-10) amending Section 2-1301 of the Code of Ordinances entitled “Meetings—notice, access and minutes,” was introduced and read the first time.

Agenda
Number

BILLS FOR FIRST READING: (Cont'd)

- 36968 A Bill (#158-10) adopting the annual revisions to the City's Personnel Manual, which sets forth the policies and procedures pertaining to employees of the City of St. Joseph, Missouri, was introduced and read the first time.
- 36969 A Bill (#159-10) to amend the Police Department budget in the General Fund in the amount of \$26,059.00 to be used for the purchase of equipment to upgrade the Livescan Fingerprint System used by the Police Department, was introduced and read the first time.
- 36970 A Bill (#160-10) amending Section 7-406 entitled "Permit exempt work" of the Code of Ordinances, was introduced and read the first time.
- 36971 A Bill (#161-10) approving a Settlement Agreement and Binding Unilateral Agreement with T-Mobile relating to payment of business license taxes, was introduced and read the first time.
- 36972 A Bill (#162-10) approving a Settlement Agreement and Binding Unilateral Agreement with Cricket Communications, Inc., and related entities relating to payment of business license taxes, was introduced and read the first time.
- 36973 A Bill (#163-10) entering into a Federal Aid Program Agreement with the Missouri Highways and Transportation Commission for funding improvements to the Uptown St. Joseph Transportation District in the amount of \$1,470,000, was introduced and read the first time.
- 36974 A Bill (#164-10) granting a Conditional Use Permit to Joanne Glawson, owner, for the operation of a dog kennel at 3402 Scott Street, was introduced and read the first time.
- 36975 A Bill (#165-10) redistricting 4002 and 4006 South 40th Terrace from C-3 Commercial District to CP-3 Planned Commercial District as requested by Peter E. Burri, was introduced and read the first time.
- 36976 A Bill (#166-10) approving a Conceptual Development Plan for the property located at 4002 and 4006 South 40th Terrace in a CP-3 Planned Commercial Zoning District, as requested by Peter E. Burri, was introduced and read the first time.
- 36977 A Bill (#168-10) to authorize a master agreement for professional engineering services with Aquaterra Environmental, Inc. for landfill engineering services, was introduced and read the first time.
- 36978 A Bill (#171-10) accepting an STP Grant in the amount of \$11,765.80; approving Change Order Number 2 to the 18th Street Bridge replacement contract in the amount of \$14,707.00 with Loch Sand Construction for additional sidewalks; and, amending the Capital Projects Fund budget in the amount of \$14,707.00, was introduced and read the first time.
- 36979 A Bill (#173-10) providing for the rate of taxation and the levy and collection of taxes for the Fiscal Year commencing July 1, 2010, was introduced and read the first time.
- 36980 A Bill (#174-10) levying a special assessment for the Fiscal Year commencing July 1, 2010 for the Park District, was introduced and read the first time.
- 36981 A Bill (#175-10) accepting deeds for 2710, 2714 and 2716 Mary Street, transferring ownership of said properties to Community Action Partnership, and abating demolition and weed and trash liens for 2714 Mary Street up to \$6,990.00, plus penalty and interest, and abating trash liens on 2710 Mary Street in the amount of \$352.00, plus penalty and interest, was introduced and read the first time.

Agenda
Number

BILLS FOR FIRST READING: (Cont'd)

36982 A Bill (#177-10) submitting a proposition to the qualified voters of the City of St. Joseph, Missouri to increase the current three percent (3%) Transient Guest (Hotel/Motel) Tax by five percent (5%) for the purpose of funding the promotion of tourism and convention facilities, including capital expenditures therefor, at an election to be held on November 2, 2010, was introduced and read the first time.

36983 A Bill (#178-10) authorizing the acceptance of Special Warranty Deeds to 2612 Patee Street, 3226 Renick Street, 3121 Renick Street, 1317 South 24th Street, 2219 Jackson Street, 1503 Pacific Street, 1919 South 20th Street, 1611 South 17th Street and 1703 Sacramento Street that have been purchased using Neighborhood Stabilization Program funds, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 7/21/10: Minutes of the Housing Authority meeting held May 27, 2010, at 4:00 p.m., at 502 South 10th St.

Filed 7/22/10: Minutes of the Parks & Recreation Board meeting held July 15, 2010, at 4:00 p.m., at 1920 Grand Avenue.

Filed 7/22/10: Minutes of the Joint Plumbers Examining & Appeals Board, Mechanical Standards and Appeals Board, and Electrical Standards and Appeals Board meeting held June 23, 2010 at 5:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 7/26/10: Minutes of the Aviation Board reception and tour held July 7, 2010, at 5:30 p.m., at the Rosecrans Memorial Airport café.

Filed 7/27/10: Minutes of the Plumber's Examining and Appeals Board meeting held July 8, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 7/28/10: Minutes of the Zoning Board of Adjustment meeting held July 27, 2010, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 7/30/10: Minutes of the Museum Oversight Board meeting held July 12, 2010, at 6:48 p.m., at 3406 Frederick Blvd.

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

Filed 7/23/10: Minutes of the Council Planning and Zoning Committee meeting held July 19, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 7/28/10: Minutes of the Council Work Session held July 26, 2010, at 6:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 7/23/10: Mayor and City Council Update, July 23, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 7/22/10: Letter from Kristina Roe, 5325 Sawyer Street, in re: Repair of alley behind her house.

Filed 7/22/10: Minutes of the Police Pension Board meeting held June 16, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 7/22/10: City Weekly, July 22, 2010.

Filed 7/23/10: E-mail from J. Bruce Woody, Public Works & Transportation Director, in re: St. Joe RFQ for eastside wastewater improvements.

Filed 7/23/10: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held July 12, 2010, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 7/23/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held July 14, 2010, at 2:45 p.m., at 3406 Frederick Blvd.

Filed 7/23/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held July 19, 2010, at 4:45 p.m., at 3406 Frederick Blvd.

Filed 7/26/10: Memorandum from Mayor Falkner in re: Special Olympics Liaison.

Filed 7/28/10: Memorandum from Diana Slater, Human Resources Director, in re: City Manager recruitment.

Filed 7/28/10: City Weekly, July 29, 2010.

Filed 8/3/10: St. Joseph Public Library 2009-2010 Annual Report.

OTHER BUSINESS:

City Manager's Report – None.

PUBLIC COMMENT:

Chuck Douglas, General Manager of the Downtown Holiday Inn, said the Council needs to rethink putting the increase in the hotel/motel tax on the ballot. He has information from the Missouri Association of Convention & Visitors Bureau that indicates that if this increase is approved St. Joseph would have the highest hotel/motel tax in the State of Missouri. Councilmember Penland said the Council saw information at a meeting that indicated St. Joseph was one of the lowest in the nation and adding 5% wouldn't put St. Joseph at the highest.

Travis Owens, 2711 Mulberry St., said there has been a sewer problem and now there is a sinkhole at the corner of 27th & Clay Streets; it needs to be fixed. He asked Councilmember Starr to confirm that her decision to remove Bill #1638-06 had nothing to do with any police and fire contract negotiations. Councilmember Starr said they were waiting for the actuarial study and the money is not there.

NOTES:

Agenda No. 36935 – Lonnie Messbarger, Forester, Missouri Dept. of Conservation, presented Mayor Falkner with a check in the amount of \$10,000.00 as reimbursement for a cost-share program to be used to remove eight hazardous or at-risk trees.

Agenda
Number

ADJOURNMENT:

36984 By general consent, the Council adjourned.

The meeting adjourned at 7:45 p.m.

Paula Heyde, CMC, City Clerk