

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

December 12, 2011 - 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, December 12, 2011, 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 J. Bruce Woody, City Attorney Lisa M. Robertson, Police Chief Chris Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Planning & Community Development/Interim Customer Assistance Director Clint Thompson, Property Maintenance & Technology Services Director Steve Hofferber, Public Works & Transportation Director Jody L. Carlson, Associate Director of Technology Services Mark Townsend, Battalion Chief Russell Moore, Emergency Management Director George Albert, Risk Manager Ed Schilling, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

38248 By general consent, of the minutes of the regular meeting held November 28, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

38249 Boy Scout from Troop #31, sponsored by St. Francis Xavier Church.

ACCEPTANCE OF AGENDA:

38250 It was moved by Councilmember Kovac and seconded by Councilmember Jones that the Agenda be accepted as published with the addition of one emergency bill for passage (Bill #697-10) being placed on the agenda. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

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CONSENT AGENDA:

38251 It was moved by Councilmember Myers and seconded by Councilmember Roach that Agenda Numbers 38252 through 38261 be passed by Consent Agenda. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

Bills for Passage:

38252 (S.O. 8338) A Bill (#667-10) redirecting monies received from the Special Business District Fund to the Downtown Community Improvement District (CID) Fund, having been read the first time on November 28, 2011, was read the second time and passed.

38253 (S.O. 8339) A Bill (#671-10) vacating a 20 foot wide alleyway located between 5th & 6th Streets, starting at Sylvania Street and going south approximately 240 feet to Angelique Street, as requested by Sunshine Electronic Display, Terry Steinbecker, agent, having been read the first time on November 28, 2011, was read the second time and passed.

38254 (S.O. 8340) A Bill (#672-10) vacating a portion of the 35th Street Right-of-Way, from Mitchell Avenue north to 110 feet north of the north line of Olive Street as requested by the City of St. Joseph, having been read the first time on November 28, 2011, was read the second time and passed.

38255 (S.O. 8341) A Bill (#674-10) authorizing a contract with the Pony Express Historical Association, Inc. to provide gaming funds in the amount of \$10,000.00 to assist with the Patee House Museum Window Preservation Project, having been read the first time on November 28, 2011, was read the second time and passed.

Resolutions for Adoption:

38256 (Resolution No. 38256 – 3283) A Resolution (#680-10) authorizing a Housing Rehabilitation Contract with Terry J. Weeden (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 1008 Randolph Street for a total amount not to exceed \$29,884.00, was read and adopted.

38257 (Resolution No. 38257 – 3284) A Resolution (#681-10) establishing a Citizens Public Service Activities Committee for Fiscal Year 2012/2013, was read and adopted.

38258 (Resolution No. 38258 – 3285) A Resolution (#683-10) authorizing the renewal of the insurance policy with the Missouri Public Entity Risk Management Fund (MOPERM) for general liability, employee benefits liability, public official and employment practice liability, medical malpractice liability, law enforcement liability and automobile liability insurance coverage in the amount of \$267,631.00 for a one year term, was read and adopted.

38259 (Resolution No. 38259 – 3286) A Resolution (#684-10) authorizing the renewal of the property insurance policy with the Missouri Public Entity Risk Management Fund (MOPERM) in the amount of \$243,939.00 for a one year term, was read and adopted.

38260 (Resolution No. 38260 – 3287) A Resolution (#685-10) authorizing the purchase of two (2) 4x4 three-quarter ton cab and chassis for the amount of \$43,880.00 from Roberts Chevrolet Buick for the Water Protection Division of the Public Works & Transportation Department, was read and adopted.

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

38261 (Resolution No. 38261 – 3288) A Resolution (#694-10) determining the advisability of the 3400 Block S. 22nd Street Sanitary Sewer System Improvements Neighborhood Improvement District (NID), ordering the creation of the 3400 Block S. 22nd Street Sanitary Sewer System Improvements NID, in St. Joseph, Missouri, and directing plans and specifications for the project be prepared, was read and adopted.

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

BILLS FOR PASSAGE:

38262 (G.O. 2451) A Bill (#666-10) amending Section 2-1379 of the Code of Ordinances entitled “Local purchasing preference policy,” having been read the first time on November 28, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

38263 (S.O. 8342) A Bill (#670-10) approving a plan for an industrial development project for Terra Bioenergy, LLC, a Missouri Limited Liability Company, consisting of acquisition and installation of new equipment at the existing plant; authorizing the City of St. Joseph, Missouri, to issue its Industrial Development Revenue Bonds (Terra Bioenergy/Blue Sun Biodiesel Project) Series 2011, in a principal amount not to exceed \$25,500,000 to finance the costs of such project; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the bonds, having been read the first time on November 28, 2011, was read the second time and passed. Ayes, Boyer, Kovac, Myers, Penland, Roach, Starr--6. Nays, Jones, LaBass—2. Abstention, Falkner—1.

EMERGENCY BILLS FOR PASSAGE:

38264 (S.O. 8343) An Emergency Bill (#697-10) sponsored by Councilmember Roach entering into a Transportation Planning Grant Agreement with the Missouri Highways and Transportation Commission (MHTC) in the amount of \$241,619.00 to assist in transportation planning activities within the St Joseph urban area, was introduced read and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

RESOLUTIONS FOR ADOPTION:

38265 (Resolution No. 38265 – 3289) A Resolution (#678-10) adopting the St. Joseph Local Emergency Operations Plan, revised October 2011, to provide for an organized and orderly approach to solving the problems presented by technological and natural hazards, was read and adopted. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

38266 (Resolution No. 38266 – 3290) A Resolution (#690-10) authorizing an agreement with Charlie Owens to provide snow removal and ice control at Patee Market Health Center, was read and adopted. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9.

BILLS FOR FIRST READING:

38267 A Bill (#679-10) to amend the Police Department budget in the General Fund in the amount of \$4,000.00 and to enter into a contract with the Missouri Department of Public Safety to accept \$14,927.00 for enforcement of underage drinking laws, was introduced and read the first time.

38268 A Bill (#682-10) amending the Community Development Block Grant Fund in the amount of \$44,669.00 to transfer unspent homeless prevention and rapid rehousing funds from the Community Missions Corporation to Interfaith Community Services, Inc., was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 38269 A Bill (#686-10) amending Chapter 28 of the Code of Ordinances entitled "Traffic and vehicles" to add a new Section 28-163 to be entitled "Designation, marking of areas for back in only, angle parking," was introduced and read the first time.
- 38270 A Bill (#687-10) amending Section 28-1592 of the Code of Ordinances entitled "Parking time limits on certain streets," was introduced and read the first time.
- 38271 A Bill (#688-10) amending Chapter 28 of the Code of Ordinances entitled "Traffic and vehicles" to add a new Section 28-1598 to be entitled "Back in only, angle parking zones," was introduced and read the first time.
- 38272 A Bill (#689-10) accepting permanent sewer easements from three property owners for sanitary sewers located at the intersection of South Belt Highway and Pickett Road, was introduced and read the first time.
- 38273 A Bill (#691-10) granting a Conditional Use Permit for the Heritage Church to be constructed and operated on property located at 2407 Messanie Street, as requested by Jeff Pickerel, was introduced and read the first time.
- 38274 A Bill (#692-10) approving the Preliminary Plat known as The Quarters, Plat 1, a major subdivision consisting of 18 lots located generally adjacent to Robidoux Street on the north and Faraon on the south, between 7th Street and North 9th Street, as requested by Pioneer Investment Uptown Inc. by Ross R. Freeman, agent, was introduced and read the first time.
- 38275 A Bill (#693-10) to amend the Police Department budget in the General Fund and to enter into a contract with the St. Joseph Youth Alliance in the amount of \$3,700.00 to provide tobacco compliance checks, was introduced and read the first time.
- 38276 A Bill (#695-10) authorizing assessments be made against property benefited, ordering a proposed assessment roll to be prepared for the 3400 Block S. 22nd Street Sanitary Sewer System Improvements Neighborhood Improvement District (NID) and fixing a date for a public hearing, was introduced and read the first time.
- 38277 A Bill (#696-10) to enter into an agreement with ResCare Home Care, for employee parking in the parking structures at 6th & Jules, 8th & Felix and 5th & Felix, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 11/28/11: Minutes of the Museum Oversight Board meeting held November 9, 2011 at 12:00 Noon, at St. Joseph Museums, Inc., 3406 Frederick Blvd.

Filed 11/29/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held November 28, 2011, at 5:00 p.m., at the Washington Park Library, 1821 North 3<sup>rd</sup> Street.

Filed 11/30/11: Minutes of the Advisory Commission on Aging meeting held November 9, 2011, at 12:00 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10<sup>th</sup> St.

Filed 12/1/11: Minutes of the Planning Commission meeting held November 17, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 12/1/11: Minutes of the Traffic Commission meeting held November 8, 2011, at 10:00 a.m., in the Council Chamber at City Hall.

Filed 12/1/11: Minutes of the Zoning Board of Adjustment meeting held November 15, 2011, at 4:00 p.m., in the Council Chamber at City Hall.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 12/2/11: Memorandum in re: Acting City Manager (December 5-7, 2011).

Filed 12/2/11: Mayor and City Council Update, December 2, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 11/29/11: Minutes of the St. Joseph Museums, Inc. Audit Committee meeting held November 2, 2010 at 8:30 a.m., at 3406 Frederick Blvd.

Filed 12/1/11: City Weekly, December 1, 2011.

Filed 12/2/11: Letter from Teresa Fankhauser, Executive Director, Allied Arts Council, in re: Thank you for support of the annual Arts Fund campaign.

Filed 12/2/11: Letter from Seth Wright, 2011 Campaign Chair; Kylee Strough, President; and Angie Springs, Campaign Director, United Way, in re: Thank you for support in the 2011 United Way Campaign.

Filed 12/5/11: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held October 27, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 12/5/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held October 26, 2011, at 3:33 p.m., at 3406 Frederick Blvd.

Filed 12/7/11: Municipal Division Reporting Form, November 2011.

OTHER BUSINESS:

City Manager’s Report – City Manager J. Bruce Woody reminded the City Council that the Employees’ holiday lunch is tomorrow from 11:30 to 1:30 at the Civic Arena. There will be a work session Wednesday at 4:15 p.m. The next Council meeting will be held on Tuesday, December 27, 2011, due to the holiday.

Mayor Falkner wished everyone a Merry Christmas. He said the park looks beautiful; he has received a lot of compliments on how nice it looks.

PUBLIC COMMENT:

Thomas Newton, 615 N. 9th St., in regard to Bill #692-10 asked if there will be sidewalks around the perimeter of the development. He doesn't know anyone who would spend \$100,000 for a half a driveway; nowadays most people have two cars per house. It would be better to have an alley between 7th and 9th Streets than having people back out of their driveways onto Faraon Street. He wonders who maintains and is liable for the promenade. Mayor Falkner asked Planning & Community Development Director Clint Thompson to provide answers to Mr. Newton prior to the next Council meeting

NOTES:

Agenda No. 38262 – Gary Silvey, 6411 S. 10th St., said they appreciate the Council adding this to the policy; anything that will create any local jobs right now is beneficial to the city. He personally would like to see the percentage a little higher or maybe some other types of methods applied to try to help the local jobs. He thinks Buchanan County has 10%.

Dennis Fuston, Business Manager/Financial Officer for IBW Local No. 545, 421 S. 8th St., said at a previous work session it was mentioned that anytime city money was involved, 100% local labor could be mandated. He asked if that was correct. Mr. Woody addressed the challenges involved in such a policy. Mr. Fuston said he would like to applaud the Council for increasing the percentages to any amount would be better than what we had but he would like the percentage increased a little bit more to get local labor back to work.

Scott Howell, Business Manager for Laborers Local 579, 1203 N. 6th St., asked if it's possible to give a prospective new business looking to locate in St. Joseph an incentive to use local labor if they want the city to issue bonds. Councilmember Penland said the Council did not feel that it wanted to go to that extreme yet to mandate that.

Agenda No. 38263 – John Lesko, 4706 Huntsboro Court, Plant Manager for Blue Sun, said currently 15 people are employed at the plant. There will be a total of 35 when the improvements are complete. Terra Bioenergy owns the land and the equipment. Blue Sun is not comingled with Terra. The product will be sold throughout the United States. His company is not associated with Solyndra or Tyson Foods.

Nicholas K. Robb, #5 Wishbone, attorney for Terra Bioenergy, said Terra was not able to complete the project and for the last two years the partners have attempted to partner with another company to get the project back on track. They have partnered with Blue Sun. Most of the equipment is already in the facility. Terra does own the facility but it will not be operating it.

Jim Caldwell, Gilmore & Bell, said in the performance agreement that will be entered into there is a requirement that at least 30 jobs will be created at an annual salary of \$41,500.00. If they fall below those targets, they will be penalized.

Mayor Falkner said he will be abstaining on this bill due to the fact that his company is doing work at the plant.

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ADJOURNMENT:

38278 By general consent, the Council adjourned.

The meeting adjourned at 7:58 p.m.

Paula Heyde, CMC, City Clerk