

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

November 14, 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, November 14, 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, Asst. City Attorney Ted Elo, Police Chief Chris Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Health Director Debra Bradley, Planning & Community Development/Interim Customer Assistance Director Clint Thompson, Property Maintenance & Technology Services Director Steve Hofferber, City Engineer Roger Sparks, Associate Director of Technology Services Mark Townsend, 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 Roach voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

38177 By general consent, the minutes of the regular meeting held November 1, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

38178 SPECIAL RECOGNITIONS:

Appreciation from Highway Patrol Troop H for City employees' assistance during search for missing trooper.

Proclamation – National Nurse Practitioner's Week

ACCEPTANCE OF AGENDA:

38179 It was moved by Councilmember Boyer and seconded by Councilmember Starr that the Agenda be accepted as published. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.

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PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

38180 It was moved by Councilmember Myers and seconded by Councilmember LaBass that a Bill (#628-10) redistricting a portion of the property at 4410 South 22nd Street from R-1A Single-Family Residential District to C-1 Neighborhood Shopping District as requested by Dollar General Stores by Steven Camp, agent, be withdrawn. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.

CONSENT AGENDA:

38181 It was moved by Councilmember Boyer and seconded by Councilmember Kovac that Agenda Numbers 38182 through 38187 be accepted as published. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.

Nominations & Appointments:

38182 Filed 11/3/11: The nomination by Councilmember Boyer was approved, appointing Phillip Shimer, 14621 County Road 324, Savannah, Missouri, as a member of the Mechanical Standards and Appeals Board for a term expiring October 23, 2016; he is being reappointed.

Bills for Passage:

38183 (S.O. 8319) A Bill (#640-10) accepting a Bulletproof Vest Partnership Grant in the amount of \$4,030.00 from the Bureau of Justice and decreasing the Police Department's budget in the General Fund in the amount of \$21,795.00, having been read the first time on November 1, 2011, was read the second time and passed.

38184 (S.O. 8320) A Bill (#641-10) amending the Gaming Initiatives Fund budget to provide funding in the amount of \$15,000.00 to the St. JDC Charitable Fund and authorizing the Airport Manager to execute and sign contractual obligations for the 2012 Sound of Speed Airshow to be held at Rosecrans Memorial Airport, having been read the first time on November 1, 2011, was read the second time and passed.

38185 (S.O. 8321) A Bill (#645-10) amending the Museum Fund budget in the amount of \$156,829.00 and the Capital Projects Fund budget in the amount of \$256,829.00 and authorizing a contract with Restoration and Waterproofing Contractors, Inc. in the amount of \$256,829.00 for the Wyeth-Tootle Mansion Exterior Improvements Phase 1-West Facade Masonry Restoration Project, having been read the first time on November 1, 2011, was read the second time and passed.

38186 (S.O. 8322) A Bill (#646-10) amending the Police Department budget in the General Fund to roll over unspent COPS Technology Grant funds received in 2009 in the amount of \$220,365.00, having been read the first time on November 1, 2011, was read the second time and passed.

38187 (S.O. 8323) A Bill (#648-10) to enter into an agreement with Universal Guardian Acceptance, LLC, for employee parking in the parking structures at 6th and Jules, 8th and Felix, and 5th and Felix, having been read the first time on November 1, 2011, was read the second time and passed.

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

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BILLS FOR PASSAGE:

- 38188 It was moved Councilmember Starr and seconded by Councilmember Boyer that Bill #647-10 be amended before consideration for passage by changing the liability insurance listed in Sections 30-50 and 30-124(a) in Section 1 of the body of the ordinance from “\$100,000/\$250,000/\$100,000” to “\$50,000/\$100,000/\$50,000”. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.
- 38189 It was moved by Councilmember Roach and seconded by Councilmember Kovac that a Bill (#647-10) amending Chapter 30, Article II of the Code of Ordinances entitled “Taxicabs,” be postponed for two weeks to the November 28, 2011, Council meeting. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTION FOR ADOPTION:

- 38190 (Resolution No. 38190 – 3276) A Resolution (#656-10) authorizing the execution of a contract to provide a Save Our Heritage Grant in the amount of \$44,000.00 to Trail Theater, LLC to rehabilitate the Trail Theater located at 109 South 9th Street, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.
- 38191 (Resolution No. 38191 – 3277) A Resolution (#661-10) of intent expressing support of the redevelopment of the Brookdale East Apartments located at 3414 Messanie Street, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.
- 38192 (Resolution No. 38192 – 3278) A Resolution (#662-10) of intent expressing support of the development of an affordable senior rental housing project known as Pickett Place to be located at the intersection of 36th Street and Pickett Road, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Myers, Penland—6. Nays, Jones, Kovac, LaBass—3.

BILLS FOR FIRST READING:

- 38193 A Bill (#650-10) approving Collateral Assignment Agreements to the 353 Redevelopment Agreement and Cooperative Agreement relating to the revenues generated by the Cook Crossing Project and authorizing the City Manager to execute the agreements, was introduced and read the first time.
- 38194 A Bill (#651-10) amending the Police Department budget in the General Fund to reallocate grant funds received from the Missouri Department of Public Safety for the enforcement of underage drinking laws in the amount of \$3,500.00 from overtime to other services to provide funds for compliance work from outside vendors, was introduced and read the first time.
- 38195 A Bill (#652-10) redistricting a portion of 3240 Pear Street from R-1A Detached Single Family Residential District to RP-4 Planned Apartment Residential District as requested by Tim Minson, was introduced and read the first time.
- 38196 A Bill (#653-10) authorizing the acceptance of various agreements from the Union Pacific Railroad Company for the construction of the Disinfection and Effluent Pump Station Project, was introduced and read the first time.

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Number BILLS FOR FIRST READING: (Cont'd)

- 38197 A Bill (#654-10) to amend the Capital Projects Fund budget in the amount of \$5,214.00 to provide additional funding to cover final completion costs for the Felix Streetscape Project in the amount of \$5,213.51, was introduced and read the first time.
- 38198 A Bill (#655-10) approving the Conceptual Development Plan located on the northern portion of 3240 Pear Street, as requested by Tim Minson, was introduced and read the first time.
- 38199 A Bill (#657-10) amending the Public Health Department budget in the General Fund in the amount of \$24,265.00 to roll over unspent funds received under the Public Health Emergency Response and Emergency Planning and Preparedness contracts, was introduced and read the first time.
- 38200 A Bill (#658-10) to amend the Public Health Department budget in the General Fund in the amount of \$35,695.00 to roll-over unspent grant funds and to accept additional funding due to increased caseload within the Women, Infants, and Children contract with the Missouri Department of Health and Senior Services, was introduced and read the first time.
- 38201 A Bill (#659-10) authorizing the borrowing of an amount not to exceed \$8,000,000 from the Missouri Development Finance Board in connection with the refunding of certain bonds issued by the board to fund certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the city; approving the form of and authorizing the execution of a financing agreement with the board; providing for the administration of the Special Allocation Fund previously created by the city; and providing for the execution of certain documents and prescribing other matters relating thereto, was introduced and read the first time.
- 38202 A Bill (#660-10) authorizing the borrowing of an amount not to exceed \$33,000,000 from the Missouri Development Finance Board in connection with the payment of certain wastewater costs; and approving the form of and authorizing the execution of a financing agreement with the board; and providing for the execution of certain documents and prescribing other matters relating thereto, was introduced and read the first time.
- 38203 A Bill (#663-10) accepting Permanent Sewer Easements and Deeds of Gift from five property owners and authorizing the execution of the Release of All Claims and Settlement Agreement for sewer repairs at the intersection of 2400 North Belt Highway and Linda Lane, was introduced and read the first time.
- 38204 It was moved by Councilmember Boyer and seconded by Councilmember Penland that Bill #664-10 be amended before consideration for first reading by attaching Exhibit "A" to the ordinance. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland—9.
- 38205 A Bill (#664-10) approving the final plat for Cook Crossing, a major subdivision consisting of five (5) lots located generally at the northwest corner of North Belt Highway and Cook Road, as requested by Christie Development Associates, was introduced and read the first time.
- 38206 A Bill (#665-10) authorizing the City Manager to enter into real estate contracts for the acquisition of real properties for the Whitehead Stormwater Conduit Separation Project in an amount not to exceed \$500,000.00, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 10/28/11: Minutes of the Plumber's Examining and Appeals Board meeting held October 13, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 11/2/11: Minutes of the Museum Oversight Board meeting held October 12, 2011, at 12:10 p.m., at 11th & Charles Streets.

Filed 11/3/11: Minutes of the Board of Operating Engineers meeting held October 19, 2011, at 4:30 p.m., in the 4th Floor Conference Room at City Hall.

Filed 11/7/11: Minutes of the Electrical Standards & Appeals Board meeting held October 10, 2011, at 8:00 a.m., in the 1st Floor Conference Room at City Hall.

Filed 11/8/11: Minutes of the Senior Citizens Foundation, Inc. Board meeting held October 11, 2011, at 3:02 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10th St.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 10/28/11: Mayor and City Council Update, October 28, 2011.

Filed 11/4/11: Mayor and City Council Update, November 4, 2011.

Filed 11/8/11: Memorandum in re: Acting City Manager (November 11-12, 2011).

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 10/26/11: Thank you letter from the students of Central High School who attended Student-In Government Day.

Filed 10/27/11: City Weekly, October 27, 2011.

Filed 11/3/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held September 28, 2011, at 4:10 p.m.

Filed 11/3/11: City Weekly, November 3, 2011.

Filed 11/4/11: Memorandum from Mary Montgomery, Capital Projects Coordinator, in re: Capital Improvement Program Update – 1st Quarter-FY12.

Filed 11/8/11: Municipal Division Reporting Form, October, 2011.

Filed 11/8/11: Article from Stateline magazine entitled “*Special sessions: a calculated risk.*” by John Gramlich, staff writer.

Filed 11/8/11: Letter from Duane Carlson, 2406 Pacific Street, in re: Resignation from the Mechanical Standards and Appeals Board.

OTHER BUSINESS:

City Manager's Report – None.

Councilmember Jones said from the Council to all the veterans “God bless all of you; you’re not forgotten.”

Councilmember LaBass asked if she can get the figures on what the city is recovering from Triumph Foods. City Manager J. Bruce Woody said yes that can be provided to her. Councilmember LaBass reminded everyone that Saturday night, November 19, 2011, is the Mayors’ Thanksgiving Dinner and encouraged everyone to make their reservations as it’s going to be a great event. She told Mr. Holdenried that she appreciates what he does but she’s lived here 40 years and as she drives around the neighborhoods, which she does frequently on her job, it is not meant to be negative it is factual, things have changed and not for the better.

Mayor Falkner said the entertainment at the Mayors’ Thanksgiving Dinner is called New Odyssey which is three men with 30 instruments and they are very entertaining. He would love to see everyone at the event.

PUBLIC COMMENT:

Donald Sherwood, 415 N. 10th Street, said the street lights have not been installed on Felix Street between 9th & 10th Streets. City Engineer Roger Sparks said they are on order and KCP&L will install them as soon as they come in.

Steve Holdenried, 2125 S. 11th St., said this Saturday, November 19, 2011, they’re going to meet at the park at 12th & Pacific Streets at 9:30 a.m. From there they will go to some residences about a block and a half away to rake leaves for a couple of elderly ladies that are unable to do this themselves. A comment was made earlier in the meeting about St. Joseph not looking as good as it used to be and he thinks it looks a lot better than it used to be. He thinks there are a lot of great things going on in the community. Over the past eight years, St. Joe Serv and Neighborhood Pride have fixed up 90 homes in the community. Let’s try and talk about the good things that we have in St. Joe and not focus on the negative; let’s be positive. He appreciates the way Mayor Falkner treats people who address the Council.

Kenneth Reeder, 1801 E. Randolph St., on behalf of Public Citizens Local & Associates, asked some questions about Agenda Items #38190, #38197 and #38201. He said he is for the Council and for the city as well. The people of St. Joseph are lucky to have this forum. He can only hope that the St. Joseph School District and Buchanan County government will adopt something similar to what the city does and he thanked the City Council for that. This brings him to what is originating as an initiative over at the County right now and even though it affects all of us in the city. They’re trying to sneak through another tax and this one is permanent. Currently the county is a non-occupancy county. Before the end of the year, the County politicians are planning to change to an occupancy county. It is a \$500,000 per year money grab and no vote is required. The citizens have no say in this other than calling the County Commissioners at 271-1501 in the next few weeks. He knows \$500,000 a year isn’t a lot of money when you look at the County’s entire budget but we’re getting no say in this. The three commissioners are going to decide this permanent burden on the taxpayers of St. Joseph. People most affected by this are the 154 people that were most affected by the flood disaster this past year. There is no reason to change it now except to get revenge on a very few and that’s the basis of this. There are some advantages to switching to an occupancy county but not this year.

NOTES:

Agenda No. 38178 – Captain Duane Robinson, Commander of Highway Patrol Troop H, expressed his appreciation for the assistance received from city employees during the search for Trooper Fred Guthrie.

Councilmember Starr read the contents of the National Nurse Practitioner’s Week Proclamation and presented it to Nurse Practitioners Sarah Knorr, Elaine Greer and Melinda Pemberton.

Agenda No. 38190 – Winston Bennett, 215 N. 7th St., said they are trying to keep the character of the building and he explained their plans for the building after it is renovated. He said they hope to be ready to open in the spring.

Agenda No. 38191 – Robert Hughes, Hughes Development Co., Inc., 1021 N. 7th St., Kansas City, Kansas, said the apartment complex is 40 years old and there are a number of things that have reached its economic life after that time and that is one of the main reasons there is the need for this redevelopment. There will be no subsidized units. Seventy percent of the units will be tax credits and 30% will be market rate. Since the presentation was made to the Council last week, some of the architect’s and contractor’s numbers have gone up a little bit. The project is now \$9.3 million. The application has to show that they can sustain the project for 15 years.

Jan Kennedy, Director of Property Management for Universal Management, 27 NW 102nd St. Kansas City, Missouri, said the rental rates run from \$425.00 for one bedroom up to \$640.00 for a three bedroom. She listed the renovations that will be made to the apartments.

Cheryl Bidding, 2716 Douglas St., Brookdale Apartments Property Manager, said the rent paid by the tenants goes to pay utilities, the mortgage payment and payroll expenses. There is not a lot left over to take care of the many repairs that really need to be done. Some of the roofs have been replaced and other repairs have been done on an as needed basis.

Agenda No. 38192 – Denise Mathisen, Development Consultant and Manager for Community Action Partnership of Greater St. Joseph (CAP) and Miller O’Reilly, 5079 East Farm Road 122, Springfield Missouri, answered the City Council’s questions about this project.

Ellis Cross, 503 N. 5th St., said he has been in the rental business for 30 years and these tax subsidies are hurting private business.

Donald Sherwood, 415 N. 10th St., said the bottom line is that the city needs to change its policy so it can get industry in the community that will solve all the problems because the type of people that you want, need to work at an industry making \$15.00 an hour.

Tad Binder, 3016 Lafayette St., said he is a landlord and has 34 units and is barely getting by. He is basically competing against the city and he can’t compete against the city. He shares the same views as Mr. Cross. At one point you’re going to have to stop allowing all these people into the city. St. Joseph is the highest welfare per capita city in Missouri.

Agenda No. 38188-89 – Philip Wallick, 2829 Lafayette St., said he owns Joe Cab, LLC which has been in business about seven months. He asked about some of the provisions of the ordinance relating to operating a taxicab business.

NOTES: (Cont'd)

John Neiderhouse, 3004 Newport Road, wondered what defined whether they operate under the regulations for a taxicab or a flat fee company. Planning & Community Development Director Clint said based on the code language, if you do not have a meter, then it is not considered a cab regardless of the name of the business.

Kevin Bollman, 2919, N. 9th St., owner of All American Cab, said he thinks everything in the ordinance seems sufficient and fair.

Mr. Wallick asked if they are allowed to cruise downtown on Felix Street to pick up drunk bar patrons. Police Chief Chris Connally said he would like to talk to his officers first before the Council makes a decision about removing the section in the proposed ordinance relating to cruising. The ordinance was postponed for two weeks to the November 28, 2011, Council meeting to allow time for city staff to look into this issue.

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ADJOURNMENT:

38207 By general consent, the Council adjourned.

The meeting adjourned at 9:20 p.m.

Paula Heyde, CMC, City Clerk