

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

May 16, 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, May 16, 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 Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--8. Absent, Boyer—1. Total membership--9. Five members constitute a quorum.

Also present were Interim City Manager/Police Chief Chris Connally, City Attorney Lisa M. Robertson, Financial Services Director Carolyn Harrison, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Customer Assistance Director Samuel T. Barber, Asst. Public Works & Transportation Director Andrew Clements, Associate Director of Technology Services Mark Townsend, Risk Management Coordinator Ed Schilling, 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.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

37681 By general consent, the minutes of the regular meeting held May 2, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

37682 Proclamation – National Police Week

ACCEPTANCE OF AGENDA:

37683 It was moved by Councilmember Myers and seconded by Councilmember Penland that the Agenda be accepted as published. Motion carried. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

CONSENT AGENDA:

37684 It was moved by Councilmember Myers and seconded by Councilmember Kovac that Agenda Numbers 37685 through 37696 be passed by Consent Agenda. Motion carried. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

Agenda

Number Nominations and Appointments:

- 37685 Filed 4/28/11: The nomination by Councilmember Penland was approved, appointing John W. Surface, 4229 Douglas Street, as a member of the Senior Citizens Foundation Inc. Board for a term expiring July 28, 2011; he is filling a vacancy created by the resignation of Helen Simpson.
- 37686 Filed 4/28/11: The nomination by Councilmember Penland was approved, appointing Alyce L. Daws, 1018 Ashland Court, as a member of the Senior Citizens Foundation Inc. Board for a term expiring July 13, 2012; she is filling the vacancy created by the resignation of Joe Ann Mitchell.
- 37687 Filed 5/2/11: The nomination by Councilmember Starr was approved, appointing Rick Rader, 2612 Mitchell Avenue, as a member of the Downtown Review Board for a term expiring May 16, 2014; he is replacing Beth Conway, whose term has expired.
- 37688 Filed 5/9/11: The nomination by Councilmember Kovac was approved, appointing Curtis A. Grimm, 3306 Mueller Lane, as a member of the Disability Services Board for a term expiring November 3, 2013; he is filling the vacancy created by the resignation of Mike McEnaney.

Bills for Passage:

- 37689 (S.O. 8205) A Bill (#430-10) amending the Museum Fund budget in the amount of \$13,940.00 to provide for maintenance expenditures at the Wyeth-Tootle Mansion by St. Joseph Museums, Inc., having been read the first time on May 2, 2011, was read the second time and passed.
- 37690 (S.O. 8206) A Bill (#434-10) sponsored by Councilmember Jones amending the Capital Projects Fund budget in the amount of \$818,588.00 and authorizing the purchase of one aerial platform apparatus and the refurbishing of one aerial apparatus from Heiman, Incorporated for the amount of \$818,587.22, having been read the first time on May 2, 2011, was read the second time and passed.
- 37691 (S.O. 8207) A Bill (#439-10) amending the Water Protection Fund and General Fund budgets to provide additional funds in the amount of \$2,170.00 for the April 5, 2011, Sewer Revenue Bond Election and funds in the amount of \$48,000.00 for the June 7, 2011 Hotel/Motel Tax Election, having been read the first time on May 2, 2011, was read the second time and passed.
- 37692 (S.O. 8208) A Bill (#435-10) accepting a Permanent Sewer Easement and a Deed of Gift from United One, LLC for sewer improvements at 3804 North Belt Highway, in Sewer District 269, having been read the first time on May 2, 2011, was read the second time and passed.

Resolutions for Adoption:

- 37693 (Resolution No. 37693 – 3199) A Resolution (#448-10) adopting an “Administrative Directive” relating to Museum Levy disbursements to be effective June 1, 2011, was read and adopted.
- 37694 (Resolution No. 37694 – 3200) A Resolution (#449-10) approving a revised form of the Tow Truck Rotation List Participation Agreement, was read and adopted.
- 37695 (Resolution No. 37695 – 3201) A Resolution (#452-10) authorizing the filing of a COPS Hiring Grant application with the Community Oriented Policing Services in the amount of \$646,440.00 for use by the Police Department, was read and adopted.

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

37696 (Resolution No. 37696 – 3202) A Resolution (#456-10) authorizing the purchase of a used semi-tractor trailer truck for the St. Joseph Sanitary Landfill from Arrow Truck Sales for the amount of \$58,500.00, was read and adopted.

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

BILLS FOR PASSAGE:

37697 (S.O. 8209) A Bill (#429-10) amending the Customer Assistance Department budget in the General Fund in the amount of \$13,305.00 to provide additional funds for document archiving and expanded floodplain manager training, having been read the first time on May 2, 2011, was read the second time and passed. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

37698 (S.O. 8210) A Bill (#432-10) authorizing an agreement for professional services with Cochran, Head, Vick & Co., P.C. to perform the city’s annual audit, having been read the first time on May 2, 2011, was read the second time and passed. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

37699 (S.O. 8211) A Bill (#433-10) amending the Community Development Block Grant budget and entering into a grant agreement with YWCA St. Joseph to provide HOME funds in the amount of \$500,000.00 for acquisition of Bliss Manor, a thirty-nine unit complex at 2929 Lafayette Street for use as a transitional housing complex, having been read the first time on May 2, 2011, was read the second time and passed. Ayes, Jones, Myers, Penland, Roach, Starr, Falkner—6. Nays, Kovac, LaBass—2. Absent, Boyer—1.

37700 It was moved by Councilmember Myers and seconded by Councilmember Roach that a Bill (#348-10) amending Section 5-86 “Definitions” and Section 5-92 “Kennels” of Chapter 5 “Animals”, Article IV “Dogs and Cats” of the Code of Ordinances relating to kennel regulations, be postponed until the citizen committee has had the opportunity to compare the proposed regulations with the new state law. Motion carried. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

37701 (S.O. 8212) A Bill (#436-10) entering into an agreement with the Missouri Highways and Transportation Commission and a contract with American Traffic Solutions, Inc. to provide automated red light camera enforcement systems at various intersections within the City of St. Joseph, having been read the first time on May 2, 2011, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Falkner—5. Nays, Jones, Kovac, LaBass—3. Absent, Boyer—1.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

37702 (Resolution No. 37702 – 3203) A Resolution (#447-10) renewing an agreement with J.D. Bishop Construction, LLC for the backfill and repair of street cuts for an additional one year term, was read and adopted. Ayes, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Falkner—8. Absent, Boyer—1.

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BILLS FOR FIRST READING:

- 37703 A Bill (#440-10) accepting five (5) Panasonic Toughbook or Datalux computers from the Department of Public Safety Office of Homeland Security through the Missouri Police Chief's Charitable Foundation to be used by the Police Department, was introduced and read the first time.
- 37704 A Bill (#441-10) amending the Police Department budget in the General Fund to recognize funds received from an insurance company for damage to a police car in the amount of \$1,498.00 and to increase the Maintenance and Repair of Motor Vehicles Account, was introduced and read the first time.
- 37705 A Bill (#442-10) vacating a portion of a north/south alleyway located between and adjacent to 2001 Garfield Avenue and 3114 South 21st Street, being approximately 115 feet in length and 12 feet in width, as requested by Lon A. Gray, was introduced and read the first time.
- 37706 A Bill (#443-10) approving the preliminary plat entitled "Cook Crossing," a major subdivision consisting of five (5) lots located at the northwest corner of North Belt Highway and Cook Road as requested by Christie Development Associates, LLC., was introduced and read the first time.
- 37707 A Bill (#444-10) amending the Fire Department budget in the General Fund in the amount of \$11,977.00 and authorizing the purchase of two thermal imaging cameras for the Fire Department for the amount of \$11,976.44 from Towers Fire Apparatus, was introduced and read the first time.
- 37708 A Bill (#445-10) to accept a proposal from U.S. Bank for Investment Management and Custodial Trustee Services for Mass Transit Defined Benefit Pension Plans, for a period of three years, in the amount of \$5,400.00 per year, was introduced and read the first time.
- 37709 A Bill (#446-10) to amend the Mass Transit Fund budget in the amount of \$57,960.00 to authorize the purchase of two (2) transit coaches from Gillig Corporation for the amount of \$682,960.00, and approve a Cooperative Purchasing Agreement with Stark Area Regional Transit Authority to purchase the coaches via its documented procurement activities, was introduced and read the first time.
- 37710 A Bill (#450-10) amending the Community Development Block Grant Fund in the amount of \$1,169,376.00, entering into an agreement with Community Action Partnership of Greater St. Joseph, Inc. for said amount of HOME Investment Partnership Program funds, and entering a pre-award of \$300,000.00 from FY2011/2012 HOME funds for a total amount of \$1,469,376.00 for the development of Applewood Estates, a 9-unit senior affordable housing complex to be located at the southeast corner of Pear Street and Ajax Road, was introduced and read the first time.
- 37711 A Bill (#451-10) amending the Police Department budget in the General Fund in the amount of \$1,500.00 to be used to purchase alcohol enforcement software, was introduced and read the first time.
- 37712 A Bill (#453-10) accepting a Quit Claim Deed from Community Presbyterian Church formerly known as the Community Presbyterian Church of Industrial City for the property known as Westminster Park located at the intersection of Blackwell Road and Savannah Road, was introduced and read the first time.
- 37713 A Bill (#454-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Highways and Transportation Commission to accept \$3,000.00 to conduct enforcement of underage substance abuse and driving during graduation and after prom parties, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 37714 A Bill (#455-10) amending Section 29-237 of the Code of Ordinances entitled "Schedule of user charges" to provide for an increase in sewer user rates, was introduced and read the first time.
- 37715 A Bill (#457-10) amending Section 28-1577 of the Code of Ordinances entitled "Electric traffic control devices established at designated locations," was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 4/27/11: Minutes of the Aviation Board meeting held April 6, 2011, at 7:00 p.m. in the conference room at Rosecrans Memorial Airport.

Filed 4/28/11: Minutes of the Museum Oversight Board meeting held April 13, 2011, at 12:00 p.m., at St. Joseph Museums, Inc., 3406 Frederick Blvd.

Filed 5/2/11: Minutes of the Tree Board meeting held April 12, 2011, at 7:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 5/2/11: Minutes of the Planning Commission meeting held April 28, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 5/6/11: Minutes of the Building and Fire Prevention Code Board of Appeals meeting held May 4, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 5/9/11: Minutes of the Advisory Commission on Aging meeting held April 13, 2011, at 12:00 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 5/11/11: Minutes of the Landmark Commission meeting held March 1, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

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

Filed 5/11/11: Minutes of the Work Session held May 5, 2011, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 4/29/11: Mayor and City Council Update, April 29, 2011.

Filed 5/2/11: Memorandum in re: Missouri Theater fire update.

Filed 5/6/11: Mayor and City Council Update, May 6, 2011.

Filed 5/9/11: Memorandum in re: Missouri Theater fire update.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 4/27/11: Letter from Mary Baack Garvey, County Clerk, in re: Breakdown of the cost of the April 5, 2011 General Municipal Election.

Filed 4/27/11: Memorandum from Clint Thompson, Planning & Community Development Director, in re: Use of local labor in projects funded with public assistance.

Filed 4/28/11: Memorandum from Mayor Falkner in re: Absent from the City (April 29-30, 2011).

Filed 4/28/11: City Weekly, April 28, 2011.

Filed 4/29/11: Letter from Mildred Allman, 3114 S. 36th St., Apt. #8, in re: Resignation from the Housing Authority.

Filed 5/2/11: Note from Judy McEnaney, 1607 North 17th St., in re: Mike McEnaney's resignation from the Disability Services Board.

Filed 5/2/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: Proposed Annual Budget for Fiscal Year 2011/2012.

Filed 5/4/11: Memorandum from Clint Thompson, Planning & C.D. Director, in re: Use of Neighborhood Stimulus Program at 2710 Mary Street.

Filed 5/5/11: E-mail from Steve Hofferber, Property Maintenance & Technology Services Director, in re: Large demolition project.

Filed 5/5/11: Letter from Melody A. Smith, EdD, Superintendent of Schools, School District of St. Joseph, in re: Communicable disease outbreak at Bode Middle School.

Filed 5/5/11: City Weekly, May 5, 2011.

Filed 5/9/11: Letter from Anna Tharp, 820 Sunset Drive, in re: Resignation from the Advisory Commission on Aging.

Filed 5/9/11: Municipal Division Reporting Form, April 2011.

Filed 5/9/11: Letter from Roger Stottlemyre, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 4/1/11 through 4/30/11.

Filed 5/9/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for April 2011.

Filed 5/10/11: Letter from Fredy Antonio Lemus & Marcela Quiroz Cuevas, 816 Powell, in re: Delinquent debt on property.

OTHER BUSINESS:

City Manager's Report – Interim City Manager Chris Connally said there is a very good article entitled "One Man Leads the Way to Make Sure America Remembers" about the National Military Heritage Museum at www.fredsmith.com.

PUBLIC COMMENT:

Frank Flesher, Executive Director of the National Military Heritage Museum, thanked the Interim City Manager for his comments. He said the website Mr. Connally mentioned gets 100,000 hits a day.

Rick Muntean, COO of the St. Joseph Mustangs, 6200 NW 104th St., Kansas City, said they are ready to embark on their third season and he wanted to say thank you. This will be a spectacular year and they will make St. Joseph proud. Everyone they have met with at the city has been fantastic, cooperative and will bend over backwards to help them out. Mayor Falkner thanked Mr. Muntean for bringing such a class act organization to St. Joseph.

Kenneth Reeder, 1801 E. Randolph, on behalf of Public Citizens Local & Associates, asked what the rules and requirements are for expenditures over \$5,000 by the city. Mr. Connally said he could provide Mr. Reeder with a copy of those rules. If Mr. Reeder has a specific question, they will be glad to get him the information on the process for the specific circumstances.

NOTES:

Agenda No. 37682 – Fraternal Order of Police President Michael Hardin asked for a moment of silence in remembrance of the 17 officers in Buchanan County who gave their lives in the line of duty and the over 19,000 across the country who have given their lives.

Mayor Falkner read the contents of the National Police Week Proclamation and presented it to Officer Hardin.

Agenda No. 37699 – Jean Brown, Executive Director of YWCA, 304 N. 8th St., said they have not scheduled a meeting with the residents in the area of this facility yet. They felt it was premature until they knew they were going to have the funds to make the purchase. They plan to have a meeting for the neighbors to see the facility and talk with them about the program they will be offering there prior to opening the facility.

Agenda No. 37701 – Steve Johnston, Executive Director of Community Alliance, reminded everyone that in the community survey when you look at the livability aspects of this community, our citizens rated law enforcement, police and fire protection as the number one reason they chose to either remain here or move here initially.

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ADJOURNMENT:

37716 By general consent, the Council adjourned.

The meeting adjourned at 7:43 p.m.

Paula Heyde, CMC, City Clerk