

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

October 17, 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, October 17, 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, Fire Chief Michael L. Dalsing, 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, Associate Director of Technology Services Mark Townsend, Supt. of Streets/Sewers Gary Leftin, 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 Myers voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

38114 By general consent, the minutes of the special meetings held September 15, 2011, at 4:15 p.m., September 28, 2011, at 5:30 p.m., and October 3, 2011, at 6:15 p.m. and the regular meetings held September 19, 2011, at 7:00 p.m. and October 3, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

38115 SPECIAL RECOGNITIONS:

Boy Scouts from Troops #215 and 230

Proclamation – St. Joseph Youth Alliance's 20th Anniversary Recognition Day

ACCEPTANCE OF AGENDA:

38116 It was moved by Councilmember Boyer and seconded by Councilmember Jones that the Agenda be accepted as published. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

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CONSENT AGENDA:

- 38117 It was moved by Councilmember Boyer and seconded by Councilmember Starr that Agenda Numbers 38118 through 38128 be passed by Consent Agenda. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

Nominations and Appointments:

- 38118 Filed 10/5/11: The nomination by Mayor Falkner was approved, appointing Vernon C. Middleton, 2905 Bel Air Court, as a member of the Industrial Development Authority for a term expiring October 17, 2017; he is filling a vacancy on the board.

Bills for Passage:

- 38119 (G.O. 2445) A Bill (#613-10) amending Section 28-1587 of the Code of Ordinances entitled “No truck traffic streets,” having been read the first time on October 3, 2011, was read the second time and passed.
- 38120 (S.O. 8301) A Bill (#619-10) accepting a Permanent Drainage Easement in Northridge Estates, First Extension, having been read the first time on October 3, 2011, was read the second time and passed.
- 38121 (S.O. 8302) A Bill (#614-10) amending the Mass Transit Fund budget to recognize revenue in the amount of \$13,396.73 received from two insurance companies for damage to a transit bus, having been read the first time on October 3, 2011, was read the second time and passed.
- 38122 (S.O. 8303) A Bill (#617-10) amending the Parks, Recreation and Civic Facilities Department budget in the General Fund to accept the sponsorship fee from ABC Bottling Company for Fiscal Year 2012 in the amount of \$10,000.00 to be used for renovations at Bode Sports Complex, having been read the first time on October 3, 2011, was read the second time and passed.
- 38123 (S.O. 8304) A Bill (#611-10) to amend the Public Health Department budget in the General Fund to reflect a decrease in revenues received in the amount of \$8,600.00 and to enter into a contract with the Missouri Department of Health and Senior Services in the amount of \$56,922.00 for Public Health Emergency Preparedness, having been read the first time on October 3, 2011, was read the second time and passed.
- 38124 (S.O. 8305) A Bill (#618-10) to amend the Public Health Department budget in the General Fund and to enter into a contract with the Missouri Department of Health and Senior Services both in the amount of \$17,874.00 for a Healthy Homes Lead Poisoning Prevention Program, having been read the first time on October 3, 2011, was read the second time and passed.
- 38125 (S.O. 8306) A Bill (#620-10) to enter into a contract with K.I.C., Inc., “Keep It Clean Trash Service” for trash, waste hauling and disposal services for city facilities, having been read the first time on October 3, 2011, was read the second time and passed.

Resolutions for Adoption:

- 38126 (Resolution No. 38126 – 3268) A Resolution (#623-10) granting approval to dispose of two police vehicles no longer used by the Police Department, was read and adopted.
- 38127 (Resolution No. 38127 – 3269) A Resolution (#626-10) authorizing a Housing Rehabilitation Contract with Sallie Shatney (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 509 Monroe Street for a total amount not to exceed \$33,843.00, was read and adopted.

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

38128 (Resolution No. 38128 – 3270) A Resolution (#632-10) authorizing the filing of an application with the Department of Homeland Security for an Assistance to Firefighters Grant (AFG) in the amount of \$154,719.85 for use by the St. Joseph Fire Department and obligating matching city funds in the amount of \$30,943.97, was read and adopted.

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

BILLS FOR PASSAGE:

38129 (G.O. 2446) A Bill (#608-10) amending Section 16-32 of the Code of Ordinances entitled “Amendments” to the Fire Prevention Code, having been read the first time on October 3, 2011, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer—5. Nays, Falkner, Jones, Kovac, LaBass—4.

38130 (S.O. 8307) A Bill (#612-10) authorizing a Cooperative Agreement with the Missouri Department of Conservation to accept a matching Tree Resource Improvement & Maintenance (TRIM) Cost-Share Program Grant in the amount of \$8,249.88 and amending the General Fund Property Maintenance Department budget in the amount of \$8,250.00, having been read the first time on October 3, 2011, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

38131 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Bill #609-10 be amended before consideration for passage by substituting a new ordinance, explanation letter and Exhibits A and B with the ones originally filed. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer—5. Nays, Falkner, Jones, Kovac, LaBass—4.

38132 (S.O. 8308) A Bill (#609-10) providing for a new and revised plan of redistricting based upon the last official federal census of 2010; providing for the dissolution of the existing five council districts; providing for the establishment of five new council districts; and adopting an official council district map, having been read the first time on October 3, 2011, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer—5. Nays, Falkner, Jones, Kovac, LaBass—4.

EMERGENCY BILL FOR PASSAGE:

38133 It was moved by Councilmember Penland and seconded by Councilmember Boyer that Bill #638-10 be amended before consideration for passage by attaching the “Contract for the Sale of Real Estate” to the ordinance. Motion carried. Ayes, Myers, Penland, Starr, Boyer, Falkner, Jones, Kovac, LaBass—8. Nay, Roach—1.

38134 (S.O. 8309) An Emergency Bill (#638-10) authorizing a Contract for the Sale of Real Estate between the City of St. Joseph, Missouri (seller) and Steven L. Craig, a single person (buyer) to transfer real estate located at 2501 Frederick Avenue for the amount of \$251,000.00, was introduced, read and passed. Ayes, Myers, Penland, Starr, Boyer, Falkner, Jones, Kovac, LaBass—8. Nay, Roach—1.

RESOLUTIONS FOR ADOPTION:

38135 (Resolution No. 38135 – 3271) A Resolution (#631-10) declaring October 18, 2011, Student In Government Day in St. Joseph, Missouri, was read and adopted. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

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RESOLUTIONS FOR ADOPTION: (Cont'd)

38136 (Resolution No. 38136 – 3272) A Resolution (#637-10) authorizing the purchase of three unmarked police vehicles from Roberts Auto Plaza for the amount of \$19,240.00 per vehicle for a total cost of \$57,720.00 for the St. Joseph Police Department, was read and adopted. Ayes, Myers, Penland, Starr, Boyer, Falkner, Jones, Kovac, LaBass—8. Nay, Roach—1.

BILLS FOR FIRST READING:

38137 A Bill (#624-10) amending the Police Department budget in the General Fund to recognize monies received from a vehicle auction in the amount of \$17,170.00 to be used for the maintenance and repair of motor vehicles, was introduced and read the first time.

38138 A Bill (#625-10) amending the Capital Projects Fund budget in the amount of \$289,964.00 and authorizing a unit price contract with Mega Industries Corporation in an amount not to exceed \$289,964.00 for the Uptown St. Joseph Transportation District Demonstration Block, was introduced and read the first time.

38139 A Bill (#627-10) amending the Capital Projects Fund budget and accepting a donation from the Friends of the Park both in the amount of \$150,000.00 to be used to assist with the cost of installing the elevated track at the new community center, was introduced and read the first time.

38140 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, was introduced and read the first time.

38141 A Bill (#629-10) redistricting 3926 Pickett Road from R-1A Single Family Residential District to R-5 Mobile Home Park and Mobile Home Subdivision District as requested by William Manson, was introduced and read the first time.

38142 A Bill (#630-10) approving the preliminary plat entitled “Applewood Estates Plat 1”, a major subdivision consisting of 12 lots located at 3240 Pear Street, as requested by Tim Minson, was introduced and read the first time.

38143 A Bill (#633-10) amending the Fire Department budget in the General Fund to roll over unspent Homeland Security Response Team Grant funds in the amount of \$18,160.00, was introduced and read the first time.

38144 A Bill (#634-10) amending Section 24-16 of the Code of Ordinances entitled “Same--penalty for nonpayment of charges” relating to the penalty on unpaid bills for landfill services, was introduced and read the first time.

38145 A Bill (#635-10) to amend the Capital Projects Fund budget in the amount of \$30,511.00 and to enter into a Reimbursement and Release of Liability Agreement with Cristen M. and Kimra D. Ray in an amount not to exceed \$30,511.00 to restore a slope adjacent to the street at 7205 King Hill Avenue, was introduced and read the first time.

38146 A Bill (#636-10) to recognize the receipt of \$11,861.00 from the Missouri Department of Public Safety and to amend the Police Department budget in the General Fund for a decrease in the amount of \$1,139.00 to reflect the actual revenues received, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

38147 A Bill (#639-10) authorizing the submittal of an application for the Clean Water State Revolving Loan Program through the Missouri Department of Natural Resources to provide a subsidized low interest rate loan for the Whitehead Stormwater Bypass Project and authorizing execution of the loan agreements, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 10/3/11: Minutes of the Museum Oversight Board meeting held September 14, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 10/4/11: Minutes of the Planning Commission meeting held September 22, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 10/5/11: Minutes of the Senior Citizens Foundation, Inc. Board meeting held September 13, 2011, at 3:02 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10th St.

Filed 10/10/11: Minutes of the Zoning Board of Adjustment meeting held September 27, 2011, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 10/10/11: Minutes of the Downtown Review Board meeting held October 5, 2011, at 5:30 p.m., in the Council Chamber at City Hall.

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

Filed 10/12/11: Minutes of the Work Session held September 22, 2011, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 9/30/11: Mayor and City Council Update, September 30, 2011.

Filed 10/5/11: Letter to Susan Montee, 2715 Kenwood Drive, Jefferson City, Missouri, and Donna Long, Broken Pot LLC, 4611 Wilshire Drive South, St. Joseph, Missouri, in re: Geiger Mansion, 2501 Frederick Avenue.

Filed 10/6/11: Mayor and City Council Update, October 7, 2011.

Filed 10/10/11: Memorandum in re: Council retreat.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 9/29/11: Article from the Kansas City Star entitled “A dose of common sense for charter commission” by Yael T. Abouhalkah.

Filed 9/29/11: City Weekly, September 29, 2011.

Filed 9/29/11: Uptown St. Joseph Redevelopment Corporation 2010-2011 Annual Report.

COMMUNICATIONS: (Cont'd)

Filed 10/3/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held June 21, 2011, at 12:12 p.m., at 3406 Frederick Blvd.

Filed 10/3/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held July 19, 2011, at 4:10 p.m., at 3406 Frederick Blvd.

Filed 10/3/11: Letter from Barbara A. Braznell, Chairperson, Advisory Commission on Aging, in re: Commission on Aging.

Filed 10/3/11: Article from the Kansas City Star entitled "*KC's Corinthian Hall still needs millions*". by Matt Campbell.

Filed 10/3/11: Memorandum from Chris Connally, Police Chief, in re: Motorized bicycles, scooters, and mini motorcycles.

Filed 10/4/11: Municipal Division Reporting Form, September 2011.

Filed 10/6/11: City Weekly, October 6, 2011.

Filed 10/7/11: Memorandum from Jere McKay, Mayor's Assistant/SIG Coordinator, in re: Student In Government (SIG) Day.

Filed 10/7/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for July 2011.

Filed 10/7/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for August 2011.

Filed 10/11/11: Noyes News, Noyes Home for Children, Fall 2011, Volume 40, Issue 2.

Filed 10/12/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: FY2011 Year End Financial Report.

OTHER BUSINESS:

City Manager's Report – None.

PUBLIC COMMENT:

None.

NOTES:

Agenda No. 38114 – Members of Boy Scout Troops #215 and #230 were recognized.

Councilmember LaBass read the contents of the St. Joseph Youth Alliance's 20th Anniversary Recognition Day Proclamation and presented it to Robin Hammond, Executive Director of the St. Joseph Youth Alliance.

Agenda No. 38135 – Students from Benton High School participating in Student in Government Day who were present were recognized.

NOTES: (Cont'd)

Agenda No. 38136 – Councilmember Penland asked the City Clerk to schedule a work session to readdress the local purchasing preference policy.

Agenda No. 38131-2 – City Manager J. Bruce Woody reviewed a table showing the deviation from average for the current Council districts and two options for redistricting.

Sarah Hochschwender, 1114 N. 6th St., said she is concerned that the wording of the caption of the ordinance is incorrect according to what's in the City Charter. City Attorney Lisa M. Robertson said if the districts are dissolved and replaced immediately in the same ordinance with new districts she thinks you're fine.

Jerome Williams, 2416 Angeliq St., said he used to vote at Central High School which was in District 2, then he was moved to vote at Brookdale. Now they are moving him out of District 2 completely and he would like an explanation of why that happened. Mr. Woody said the proposed district changes do not affect the precinct boundaries and therefore the location a person votes is not changing.

Steve Holdenried, 2121 S. 11th St., said city staff says vote one way, the county staff says do the same way and the Missouri Municipal League (MML) goes along with what the city and county staff says that it's not good to break up neighborhoods. The Charter says the idea is to make it equal. MML also says that anything above 10% can be called for a lawsuit. He's about preserving the midtown area and not splitting it up. He doesn't think we're following the City Charter.

Louis Monroe, 324 S. 20th St., pastor of New Hope Baptist Church, asked if the redistricting will change the responsibilities of the current councilmembers. Mayor Falkner said the districts would change and the Councilmembers would take on the new districts. Rev. Monroe said if it's not broke, why fix it. In the mid-city community, the representative, Joyce Starr, has been doing a magnificent job working with them. They are beginning to get improvements in the community and a sense of building the community together and this redistricting comes at a time when it will probably interfere with the progress that they are making as they work together for a common goal. He asked if they could remain the same at this particular time to give them a little more time to get some of the things together they've been planning for a quite a long time. He said he is delighted with the service that Councilmember Starr has provided for the 2nd district. Not to say that anyone else could not do a good job also but as you know in working with people it takes a lot of time to build trust and to build that relationship that they can all go to the person and know that they can bring their problems and difficulties and they will be taken into consideration and brought forth in a timely manner. He asked the Council to consider letting things remain the same in their district and revisit it at a later date.

Sandra Taylor, 1117 N. 24th St., said Councilmember Starr is doing a great job; if it's not broken don't try to fix it. The community is growing; leave it like it is.

Lisa Rock, 2209 Felix St., said the redistricting would affect her and she is not opposed to this change; change is good sometimes.

Kimberly Warren, 604 S. 20th St., said she is happy with Councilmember Starr. Before Councilmember Starr had the title, she was working in their community. She thinks that's what they're pleased with. She was elected by the people, for the people and the timing is kind of throwing them off because she is who they elected.

NOTES: (Cont'd)

Mrs. Hochschwender asked if the Council is considering any growth rate for Districts 4 and 5, as the school district and other entities are, or is it simply looking at this moment in time. Ten years from now will there be this massive swing with population change? She read an excerpt from Alonzo Weston's article in the St. Joseph News-Press last week. She said this issue is not about neighborhoods; it is about St. Joseph and midtown is a portion of St. Joseph. She hopes the Council doesn't use the neighborhood argument to make its decision on this issue.

Agenda No. 38133-4 - John Burns, 2732 Felix St., was present representing Steven Craig. He has known Mr. Craig for 35 years and has represented him on a number of real estate matters. Mr. Craig is a man of integrity and he is confident that he will be a great steward of this property.

Agenda No. 38141 – William Manson, 3927 Pickett Road, said he doesn't have an issue with replacing mobile homes with ones that are a certain age. The only problem he has with this entire mobile home issue is if the Council puts in any stipulation on how old the mobile homes are that are brought in to replace ones that are removed than it needs to apply to everyone. The Council did not put any requirements on the last two that it approved.

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ADJOURNMENT:

38148 By general consent, the Council adjourned.

The meeting adjourned at 8:52 p.m.

Paula Heyde, CMC, City Clerk