

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

April 18, 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, April 18, 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 Interim City Manager/Police Chief Chris Connally, City Attorney Lisa M. Robertson, Public Works & Transportation Director J. Bruce Woody, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Associate Director of Technology Services Mark Townsend, Risk Management Coordinator Ed Schilling, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde, Deputy City Clerk Rita K. Domini and Economic Development Legal Counsel Chris Williams.

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

PLEDGE OF ALLEGIANCE:

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MINUTES:

37605 By general consent, the minutes of the regular meeting held April 4, 2011, at 7:00 p.m., and the special meeting held April 12, at 4:05 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

37606 Special Recognition – Boy Scout Pack #45, sponsored by Ashland United Methodist Church

Special Recognition Awards – Colin Walker and Jessica Counter

ACCEPTANCE OF AGENDA:

37607 It was moved by Councilmember Boyer and seconded by Councilmember Jones that the Agenda be accepted as published with the addition of one emergency bill for passage (Bill #428-10) being placed on the Agenda. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

Agenda

Number PUBLIC HEARING FOR THE ESTABLISHMENT OF A COMMUNITY IMPROVEMENT DISTRICT:

37608 The City Council held a public hearing on April 18, 2011, at 7:00 p.m. in the Council Chamber at City Hall, 1100 Frederick Avenue, for the purpose of considering the establishment of a community improvement district.

A petition for the establishment of Cook Crossings Community Improvement District has been filed with the City Clerk.

The boundaries of the proposed Cook Crossings Community Improvement District are:

The subject property consists of approximately 13.826 acres located generally at the northwest corner of the Belt Highway and Cook Road

Residents were given an opportunity to express their views at this time on the proposed community improvement district.

See under "Notes" for comments from persons appearing to be heard.

37609 Seeing no further persons appearing to be heard, the Mayor declared the public hearing closed.

PUBLIC HEARING ON THE COOK CROSSINGS REDEVELOPMENT PLAN:

37610 The City Council of the City of St. Joseph, Missouri, held a public hearing on Monday, April 18, 2011, at 7:00 p.m. in the Council Chamber at City Hall to consider an application and hear public comment on a request by Cook Crossings Redevelopment Corporation for the project entitled "Cook Crossings Redevelopment Plan" said project is located at the northwest corner of Belt Highway and Cook Road including the known addresses of 4200 and 4204 North Belt Highway and a portion of 4302 North Belt Highway.

All interested persons will be given an opportunity to be heard at the public hearing.

See under "Notes" for comments from persons appearing to be heard.

37611 Seeing no further persons appearing to be heard, the Mayor declared the public hearing closed.

PUBLIC HEARING ON THE CONSOLIDATED ANNUAL PLAN:

37612 The City Council held a public hearing on Monday, April 18, 2011, at 7:00 p.m., in the Council Chamber at City Hall, on the Second Year Annual Plan for the use of any Community Development Block Grant funds and HOME Investment Partnership funds the City may receive in Fiscal Year 2011/2012. These federal funds are intended to principally address the economic, housing and non-housing needs of low- and moderate-income residents and the areas in which they live.

The City of St. Joseph receives these funds through the U.S. Department of Housing and Urban Development (HUD). Although the City of St. Joseph has not received notice of the City's entitlement a projected budget has been prepared based upon the FY 2010/2011 allocation and will utilize these funding amounts through the Consolidated Planning process: \$1,876,763 of Community Development Block Grant funds and \$485,310 from the HOME program allocation.

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PUBLIC HEARING ON THE CONSOLIDATED ANNUAL PLAN: (Cont'd)

The following is a brief overview of each program:

Community Development Block Grant (CDBG) Program: The goals of the CDBG Program are:

Expand economic opportunities by: Creating jobs accessible to low-income persons; making mortgage financing available for low-income persons at reasonable rates; providing access to credit for development activities that promote long-term economic and social viability of the community; empowering low-income persons to achieve self-sufficiency to reduce generational poverty in federally assisted and public housing.

Provide decent housing by: Assisting homeless persons in obtaining appropriate housing and by assisting those at risk of homelessness; retaining the stock of affordable housing; increasing the availability of permanent housing for low-income residents; increasing the supply of supportive housing and services to enable persons with special needs to live with dignity.

Provide a suitable living environment by: Improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing isolation of income groups within an area through deconcentration of housing opportunities and revitalization of deteriorating neighborhoods; restoring and preserving properties of special value for historic, architectural or aesthetic reasons; conserving energy resources.

HOME Program:

The HOME program is a special housing program designed to expand the supply of decent, safe, sanitary, and affordable housing for very low- and low-income residents. The HOME program is structured to promote the development of partnerships among the federal government, state and local government, private industry, and non-profit organizations. The housing can be single or multi-family. Further, the housing unit can be permanent or transitional and includes permanent housing for disabled homeless persons and single-room occupancy housing. Activities eligible under the HOME Program include acquisition of real property for housing purposes and rehabilitation or new construction of housing.

Residents were given an opportunity to express their views on the Second Year Annual Plan at this time.

37613 There being no persons appearing to be heard, the Mayor declared the public hearing closed.

CONSENT AGENDA:

37614 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Agenda Numbers 37615 through 37627 be passed by Consent Agenda. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

Bills for Passage:

37615 (S.O. 8183) A Bill (#397-10) amending the Planning and Community Development Department budget in the General Fund and the Gaming Fund budget in the amount of \$4,000.00 for the purpose of providing a Save Our Heritage Grant to Paul and Brenda Reilly for the property at 301 South 12th Street, having been read the first time on April 4, 2011, was read the second time and passed.

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

- 37616 (S.O. 8184) A Bill (#399-10) amending the Fire Department budget in the General Fund to recognize funds received from an insurance claim for damages to fire apparatus in the amount of \$2,569.04, having been read the first time on April 4, 2011, was read the second time and passed.
- 37617 (S.O. 8185) A Bill (#403-10) amending the Parks Maintenance Fund budget in the amount of \$15,560.00 to provide for temporary wages and vehicle repair, having been read the first time on April 4, 2011, was read the second time and passed.
- 37618 (S.O. 8186) A Bill (#407-10) amending the Police Department budget in the General Fund to budget funds received from an insurance company in the amount of \$13,730.00 and a private paid claim in the amount of \$530.00 for a total amount of \$14,263.00 for damages to police vehicles, having been read the first time on April 4, 2011, was read the second time and passed.
- 37619 (S.O. 8187) A Bill (#410-10) amending the Water Protection Fund budget in the amount of \$100,000.00 to recognize partial insurance reimbursement for the replacement of a manhole and sewer lines which collapsed at the Wastewater Treatment Plant in July, 2010, having been read the first time on April 4, 2011, was read the second time and passed.
- 37620 (S.O. 8188) A Bill (#413-10) amending the Property Maintenance and the Technology Services budgets in the General Fund in the amount of \$10,000.00 in order to provide funding for maintenance of certain Geographic Information System (GIS) data, having been read the first time on April 4, 2011, was read the second time and passed.
- 37621 (S.O. 8189) A Bill (#400-10) accepting permanent sewer easements in Lake at Twelve Oaks, a platted subdivision in Sewer District 325, having been read the first time on April 4, 2011, was read the second time and passed.
- 37622 (S.O. 8190) A Bill (#406-10) accepting a Special Warranty Deed from UMB Bank, N.A. for the property known as the Geiger Mansion located at 2501 Frederick Avenue, having been read the first time on April 4, 2011, was read the second time and passed.
- 37623 (S.O. 8191) A Bill (#408-10) to enter into a one year contract with ProServ Business Systems to provide copier rental services for the City of St. Joseph, with extensions of three additional one-year periods subject to the annual appropriation process, having been read the first time on April 4, 2011, was read the second time and passed.
- 37624 (S.O. 8192) A Bill (#409-10) amending the General Fund and Streets Maintenance Fund budgets in the amount of \$198,000.00 and authorizing a unit price contract with Helsel Design and Construction Services in an amount not to exceed \$240,621.22 for the Concrete Pavement Replacement Project on Pershing Road and Rock Springs Road, having been read the first time on April 4, 2011, was read the second time and passed.

Resolutions for Adoption:

- 37625 (Resolution No. 37625 – 3192) A Resolution (#423-10) authorizing a contract with Ideker, Inc. for construction of the 2008 Urban Trail Phase 12 Project in the amount of \$450,577.50, was read and adopted.

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

- 37626 (Resolution No. 37626 – 3193) A Resolution (#425-10) authorizing an agreement for professional

design services with Snyder and Associates for design of the Eastside Wastewater Improvement Project in the amount of \$648,118.00 and authorizing Work Order Number 7 with Burns & McDonnell Engineering Company, Inc. in the amount of \$159,347.00 for subsidiary work related to this project, was read and adopted.

37627 (Resolution No. 37627 – 3194) A Resolution (#426-10) authorizing the filing of an application with the Missouri Department of Transportation, Office of Highway Safety for obtaining a Hazardous Moving Violation Grant in the amount of \$9,216.00, DWI Wolfpack Grant in the amount of \$3,720.00, Sobriety Checkpoint Grant in the amount of \$6,675.00, and a Youth Alcohol Grant in the amount of \$19,200.00 for a total amount of \$38,811.00, was read and adopted.

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

BILLS FOR PASSAGE:

37628 It was moved by Mayor Falkner and seconded by Councilmember LaBass that Bill #404-10 be postponed to the May 2, 2011, Council meeting to take a look at a committee. Motion failed to carry. Ayes, Falkner, Jones, LaBass—3. Nays, Boyer, Myers, Penland, Roach, Starr—5. Abstention, Kovac—1.

37629 (G.O. 2425) A Bill (#404-10) amending Section 4-13 “Suspension and revocation of licenses” and Section 4-15 “Violations and penalties” of Chapter 4 “Alcoholic beverages” of the Code of Ordinances and adding a new Section 4-19 entitled “Schedule of suspensions, revocations and administrative penalties”, having been read the first time on April 4, 2011, was read the second time and passed. Ayes, Boyer, Myers, Penland, Roach, Starr—5. Nays, Falkner, Jones, LaBass—3. Abstention, Kovac—1.

37630 It was moved by Councilmember Roach and seconded by Councilmember Jones that Bill #391-10 be amended before consideration for passage by substituting a new ordinance and attachments in place of the ones originally filed. Motion carried. Ayes, Boyer, Falkner, Jones, LaBass, Myers, Penland, Roach—7. Nay, Starr—1. Abstention, Kovac—1.

37631 (S.O. 8193) A Bill (#391-10) approving an amended petition for the creation of the Cook Crossings Community Improvement District and creating the Cook Crossings Community Improvement District, having been read the first time on March 21, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Myers, Penland, Roach—6. Nays, LaBass, Starr—2. Abstention, Kovac—1.

37632 (S.O. 8194) A Bill (#392-10) granting approval of a development plan for Cook Crossing Redevelopment Corporation 353 Redevelopment Project at the northwest corner of Belt Highway and Cook Road including the known addresses of 4200 and 4204 North Belt Highway and a portion of 4302 North Belt Highway, having been read the first time on March 21, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Myers, Penland, Roach—6. Nays, LaBass, Starr—2. Abstention, Kovac—1.

37633 It was moved by Councilmember Jones and seconded by Councilmember Myers that Bill #393-10 be amended before consideration for passage by substituting a new ordinance and attachments in place of the ones originally filed. Motion carried. Ayes, Boyer, Falkner, Jones, LaBass, Myers, Penland, Roach—7. Nay, Starr—1. Abstention, Kovac—1.

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BILLS FOR PASSAGE: (Cont’d)

37634 (S.O. 8195) A Bill (#393-10) approving a Sales Tax Improvement, Reimbursement and Development Agreement between the City of St. Joseph, Missouri and St. Joseph Partners, LLC in the amount not to

exceed \$900,000, plus interest, having been read the first time on March 21, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Myers, Penland, Roach—6. Nays, LaBass, Starr—2. Abstention, Kovac—1.

37635 It was moved by Councilmember Penland and seconded by Councilmember Boyer that Bill #394-10 be amended before consideration for passage by substituting a new ordinance and attachments in place of the ones originally filed. Motion carried. Ayes, Boyer, Falkner, Jones, LaBass, Myers, Penland, Roach—7. Nay, Starr—1. Abstention, Kovac—1.

37636 (S.O. 8196) A Bill (#394-10) approving a Cooperative Agreement among the City of St. Joseph, Missouri, the Cook Crossings Community Improvement District and St. Joseph Partners, LLC, for funding and financing of certain improvements related to the amended petition to establish the Cook Crossings Community Improvement District, as amended, and authorizing the City Manager to execute the agreement, having been read the first time on March 21, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Myers, Penland, Roach—6. Nays, LaBass, Starr—2. Abstention, Kovac—1.

EMERGENCY BILLS FOR PASSAGE:

37637 (S.O. 8197) An Emergency Bill (#419-10) amending the Aviation Fund budget in the amount of \$109,374.00 and authorizing Construction Supplemental Agreement No. One with Ideker, Inc. in the amount of \$109,373.53 for the Taxiway Alpha Reconstruction Project at Rosecrans Memorial Airport, was introduced, read and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37638 (S.O. 8198) An Emergency Bill (#428-10) sponsored by Councilmember Kovac amending the Parks, Recreation and Civic Facilities Department budget in the General Fund and the Gaming Fund budget in the amount of \$62,000.00 and approving a purchase order with Carrier Commercial Service to complete air conditioning repairs at the Civic Arena, was introduced, read and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

RESOLUTIONS FOR ADOPTION:

37639 (Resolution No. 37639 – 3195) A Resolution (#415-10) renewing the agreement with St. Joseph Bantam League Football for the use of, and concession rights connected with, certain football fields and facilities situated at the Northside Complex for an additional one-year term, was read and adopted. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

BILLS FOR FIRST READING:

37640 A Bill (#416-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Department of Transportation, Highway Safety Division to accept \$500.00 to conduct a “Statewide Youth Alcohol Enforcement” campaign, was introduced and read the first time.

37641 A Bill (#417-10) redistricting 3518, 3520 and 3602 Waterworks Road from M-2 Heavy Manufacturing District to CP-3 Planned Commercial District as requested by John Gourley, owner, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont’d)

37642 A Bill (#418-10) approving a Conceptual Development Plan for the property located at 3518, 3520 and 3602 Waterworks Road in a CP-3 Planned Commercial District, as requested by John Gourley, owner, was introduced and read the first time.

- 37643 A Bill (#420-10) amending the Capital Projects Fund in the amount of \$20,000.00 for purchases, fees, and reimbursements of development costs associated with the new Northeast Park and YMCA site development, was introduced and read the first time.
- 37644 A Bill (#421-10) amending the Water Protection Fund budget and authorizing Work Order No. 4 for the design of Phase I of a Combined Sewer Overflow (CSO) Green Solutions Demonstration Project in the amount of \$49,408.00 with Bartlett & West, Inc., was introduced and read the first time.
- 37645 A Bill (#422-10) amending the General Fund and the Streets Maintenance Fund budgets in the amount of \$82,000.00 to provide funds for maintenance and repair of vehicles and equipment in the Equipment Support Division of the Public Works & Transportation Department, was introduced and read the first time.
- 37646 A Bill (#424-10) amending Section 29-237 of the Code of Ordinances entitled "Schedule of user charges" to reduce the minimum sewer user charge for new residential construction from \$14.08 to \$5.00 per month, was introduced and read the first time.
- 37647 A Bill (#427-10) adopting the Second Year Annual Plan for the use of FY2011/2012 Community Development Block Grant and HOME Program Funds, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 3/30/11: Minutes of the Planning Commission meeting held March 24, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 4/4/11: Minutes of the Fire & Emergency Services Advisory Board meeting held March 31, 2011, at 7:00 p.m., at the Fire Museum, 1202 South 11th St.

Filed 4/4/11: Minutes of the Plumber's Examining and Appeals Boards meeting held March 29, 2011, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 4/7/11: Minutes of the Downtown Review Board meeting held April 6, 2011, at 5:30 p.m., in the Council Chamber at City Hall.

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

Filed 4/5/11: Minutes of the Council Work Session held March 31, 2011, at 4:15 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 3/31/11: Mayor and City Council Update, April 1, 2011.

Filed 4/4/11: Memorandum in re: Missouri Theater fire update.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER: (Cont'd)

Filed 4/8/11: Mayor and City Council Update, April 8, 2011.

Filed 4/11/11: Memorandum in re: Missouri Theater fire update.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 3/30/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: March 31, 2011 Payroll.

Filed 4/1/11: Memorandum from Clint Thompson, Planning and Community Development Director, in re: Cook Crossing Development on Council Agenda for April 4.

Filed 4/1/11: City Weekly, April 1, 2011.

Filed 4/1/11: Memorandum from Chris Connally, Interim City Manager, in re: Acting City Manager (April 5-6, 2011).

Filed 4/4/11: Memorandum from Mayor Falkner in re: Absent from the City (April 5-6, 2011).

Filed 4/4/11: Memorandum from Gerald McCush, Community Development Manager, in re: Ad Hoc Committee recommendations for CDBG and HOME funding.

Filed 4/5/11: Municipal Division Reporting Form, March, 2011.

Filed 4/7/11: Memorandum from Ron Foster, Spokesperson for CDBG Ad Hoc Committee, in re: Ad Hoc recommendation for CDBG public services funding.

Filed 4/7/11: City Weekly, April 7, 2011.

Filed 4/7/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for March 2011.

Filed 4/7/11: Memorandum from Mayor Falkner in re: Absent from the City (April 8-10, 2011).

Filed 4/8/11: Election results from the April 5, 2011 General Election.

Filed 4/8/11: Memorandum from Gerald McCush, Community Development Manager, in re: Applewood Estates, Senior Housing Development at Ajax and Pear.

Filed 4/11/11: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 3/1/11 through 3/31/11.

Filed 4/13/11: Minutes of the Geiger Mansion Committee meeting held March 24, 2011, at 4:00 p.m., at 2501 Frederick Ave.

OTHER BUSINESS:

City Manager's Report – None.

Councilmember LaBass asked what is the size of the properties where the former hospital (Heartland West) and the former Payless site were located. Planning & Community Development Director Clint Thompson guessed the former hospital site was 10-15 acres and Payless 13 acres. Councilmember

LaBass wished Christie Development and Dick's Sporting Goods the best but she doesn't know if we're progressive or regressive. She doesn't see the town looking much better and she is concerned because the job report last week said this country has lost 275,000 jobs and she is wondering, out of this project that the Council approved tonight, how many of the people employed will have any kind of benefits or will there just be more temporary help that will probably need some kind of assistance. Sandra Watts, attorney with White Goss Bowers March Schulte & Weisenfels, said she does not have those numbers but they can contact the appropriate retailers and get that information for the Council.

PUBLIC COMMENT:

Dennis Fuston, Business Manager/Financial Sec. for the International Brotherhood of Electrical Workers (IBEW), Local #545, 421 S. 8th Street, welcomed Christie Development. He feels it will be a positive thing for St. Joseph. He doesn't agree with the city's position on not being able to use local labor. He thinks unemployment should be a top priority. They had a banner up at Boehringer Ingelheim (BIVI) to show that there is 9.1 unemployment in St. Joseph and every contractor at that project is from out of town. He asked about the city pulling a permit on the project. He asked again about giving bonds to BIVI when they are leasing the building. He asked about the possibility of having a work session on the electrical licensing.

Mitch Nordstrom, Membership Development Director for the International Brotherhood of Electrical Workers (IBEW), Local #545, 421 S. 8th Street, asked if BIVI is actually creating 400 new jobs. Planning & Community Development Director Clint Thompson said the agreement stipulates that they have to be new jobs and if they don't, they don't receive the tax abatement.

NOTES:

Agenda No. 37606 - Mayor Falkner read the contents of the special recognition awards which he presented to Mr. Walker and Miss Counter.

Agenda No. 37608-9 – Sandra Watts, attorney with White Goss Bowers March Schulte & Weisenfels, on behalf of the Christie Development Associates the developer of the proposed Cook Crossings development spoke generally about the project and the financing structure. She said without the approval of the incentives, the project doesn't economically make sense. The estimated total cost of the project exceeds \$13.6 million. She explained the elements of the financing structure which include: Community Improvement District (CID) petition and special assessment and the sales tax reimbursement agreement. She said there is every indication that the general contractors will utilize local labor.

Matt Pennington, Christie Development Associates, provided the projected annual sales figures used for Dick's Sporting Goods (\$8,550,000), Aldi Foods (\$8,000,000) and the fast food user (\$1.4 million).

David Christie, Christie Development Associates, said Aldi Foods has submitted a letter of intent to him for the current facility and he is negotiating a letter of intent for a replacement tenant to take over the space at their current location.

NOTES: (Cont'd)

Dennis Fuston, Business Manager/Financial Sec. for the International Brotherhood of Electrical Workers (IBEW), Local #545, 421 S. 8th Street, asked why it wasn't required that the developer use local labor since they are using our tax dollars.

Chris Williams, City's Legal Counsel, read into the record the list of exhibits: 1) Petition for the creation of the Cook Crossings Community Improvement District (CID); 2) Affidavit of Publication for

notice of public hearing; 3) Amended petition for the creation of the Cook Crossings CID; 4) Cooperative Agreement among the City of St. Joseph, Missouri, Cook Crossings CID and St. Joseph Partners, LLC; 5) the ordinance approving the amended petition and establishing the Cook Crossings CID and 6) the ordinance approving the Cooperative Agreement among the City, the District and Development. We are also required to note for the record that an amended petition was filed with the city clerk, which they're allowed to do under statute prior to the close of the public hearing. The changes to the amended petition are: 1) Section F – The list of initial Board of Directors of the District was revised to show that two of the five members will be appointed by the Developer; the city (mayor) appoints the other three members still; 2) Section L – special assessment, the language was cleaned up to make it clear that the District will be initially assessed at the Major assessment rate of \$0.40 per square foot of land area; 3) signature pages were revised to include the owner's address of record that tracks with the County's records; 4) the legal description was revised based on a survey that was actually prepared by Realty Income Corp. for that tract, which wasn't available when the original petition was filed; and 5) Changes were made to the Estimated Cost of Qualified Improvements Exhibit (Pages B-2-2). A note was added to state that all or a portion of the qualified costs may be reimbursed under either the CID or the Sales Tax Reimbursement Agreement. On the budget, a note was added that in the event that they come in below the total amount in one item and over in another, they can shift the dollars around. They still have to be for qualified items and it is still capped at the same amount. Also, a note was added to make it clear that interest expense is also a qualified expense under this.

Agenda No. 37610-11 – Dave Olson, Engineer with Christie Development, said the preliminary plat will soon be submitted for the Council to consider. A right turn lane is planned on Cook Road into the development. There will be a ten-foot right-of-way dedication in order to support the turn lane and an additional through lane on Cook Road in compliance with the city's long term traffic plan. The right turn lane could be converted in the future to a part of the through lane. In addition, the entrance is being repositioned so that it aligns with the Walgreen's entrance to the south.

Agenda No. 37628-9 – Robin Hammond, Executive Director of St. Joseph Youth Alliance, 5223 Mitchell Ave., on behalf of the Youth Alliance and the Drug Free Community Coalition, spoke in support of the ordinance and entertained the Council's consideration. A handout containing "Missouri Student Survey Results for Buchanan County" and a graph showing "Compliance Checks as Compared to Failure Rate" was distributed.

Dennis Smith, 203 Virginia St., said anytime the city, state or the federal government is involved with businesses, you've got a big problem. There is never going to be a way to stop young kids from drinking alcohol. He's never had a violation in the 40 years he has had a liquor license. If you have someone a little biased towards you and you make a mistake, it's going to be like communism instead of a democracy. There are 27 taverns and restaurants willing to put up a recall petition if this ordinance passes.

NOTES: (Cont'd)

Donald Sherwood, 415 N. 10th St., asked if the Police Department ever goes through the expense of checking when someone has alcohol poisoning if it is a result of ingesting "Ruffies." Interim City Manager/Police Chief Chris Connally, said in these cases they're treated by the hospital which does its blood screens. The Police Dept. relies on the hospital to notify them if there were illicit drugs.

Kenneth Reeder, 4000 River Road, on behalf of Public Citizens Local & Associates, said there is a great amount of deception going on here and it's very disappointing to see that. What is the need for

another layer of enforcement? What is the need to put the judge, the jury and the prosecutor in two people's hands? He speaks from experience because he's had a liquor license for 15 years. They are pleading and asking the Council to take this ordinance back to committee. This is not legal and the language in the copy that was distributed at the work session has been changed significantly in the ordinance that has been filed. He asked Mr. Barber to explain why the language was changed, which Mr. Barber did. Mr. Reeder asked if there is a state law that allows the city to levy and collect fines. Police Chief Connally said this is not a fine, it is a civil penalty. Mr. Reeder asked if anyone can guarantee that if the city fines a person that the state won't or can't. Chief Connally said the ordinance states that if the state takes the case, the city won't levy any type of civil penalties. Mr. Reeder said we're asking the Council to leave it like it is.

David Rich, 2304 Shamrock Lane, thinks it would be a lot easier for a small business owner if there is an option to save him some time to come to city hall rather than going all the way to Jefferson City if there was an issue that needed to be addressed.

Todd Euler, 2907 Teal Court, co-owner of Apple Market grocery stores, said in his opinion this is a good ordinance and that it does work for local businesses and helps level the playing field for what they're trying to do.

Christy Miller, Drug Free Coordinator for the Drug Free Community Coalition and works for the Youth Alliance, said St. Joseph is a seven county hub and other communities are looking to St. Joseph for help in reducing underage drinking. St. Joseph is way ahead of the game. She thinks this ordinance is great.

Steve Holdenried, 2125 S. 11th St., said of course the language in the ordinance was going to change according to the changes that were discussed at the work session. He spoke in support of the Youth Alliance and their efforts to reduce underage drinking because he doesn't think they were put in a good fashion tonight.

Rick Stoneburner, 3214 Nanette Drive, said he is in support of the Youth Alliance. He is a bar owner and he has no problem with a lot of the violations on the list but some of them he questioned. Alcohol is adult entertainment. Hopefully, we can look at a few of these laws and eliminate them.

Darren Garrett, First and Last Chance Tavern, 1817 Garfield Ave., wanted to make sure everyone received a copy of his proposed changes to the Schedule of Administrative Penalties, which he distributed at the work session on March 16. He thought some of the penalties were a little stringent and asked the Council to consider his proposal.

NOTES: (Cont'd)

Tim Tucker, 1802 Crest Ave., co-owner of The Legends Sports Cafe, said he is in favor of what the city is trying to do. He doesn't think there is a conspiracy to make it harder on St. Joseph bar owners. The schedule pretty much parallels what's going on in the state and we're on the right track and maybe we're not quite there yet. Maybe establishing a three or five member commission appeals to him. He would like to see a minimum penalty. With a little bit of a revision we've got a good idea here.

There was discussion by Council on establishing a three person commission, consisting of the

Customer Assistance Director and maybe two citizens, to conduct the administrative hearings and to also review the penalties and where the fine revenue should go.

Agenda
Number

ADJOURNMENT:

37648 By general consent, the Council adjourned.

The meeting adjourned at 9:40 p.m.

Paula Heyde, CMC, City Clerk