

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

August 22, 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, August 22, 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 Graham Jura, 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, Supt of Street/Sewer Mtce. Gary Leftin, Project Manager Chuck Kempf, Building Development Supervisor Austin Rice, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde and Deputy City Clerk Rita K. Domini.

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

PLEDGE OF ALLEGIANCE:

Agenda
Number

MINUTES:

36968 By general consent, the minutes of the regular meeting held August 8, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

37969 It was moved by Councilmember Boyer and seconded by Councilmember Jones that the agenda be accepted as published. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

PUBLIC HEARING ON PROPOSED CITY TAX LEVY:

37970 The City Council held a public hearing on Monday, August 22, 2011, at 7:00 p.m. in the Council Chamber at City Hall on the proposed City tax levy to produce revenues for the budget for the Fiscal Year beginning July 1, 2011. The proposed tax rates have been developed pursuant to the provision of Missouri Revised Statutes, Section 137.073, and the Missouri Constitution Article X, Section 22.

Agenda
Number

PUBLIC HEARING ON PROPOSED CITY TAX LEVY: (Cont'd)

Assessed Valuations for tax year:	<u>2010</u>	<u>2011</u>
Real Estate	\$640,621,748	\$677,436,780
Personal Property	283,064,670	272,786,459
State Assessed		
Railroad & Utilities	<u>19,099,821</u>	<u>28,207,124</u>
Total	\$942,786,239	\$978,430,363

	<u>Proposed Tax Rates for Tax Year 2011 - per \$100</u>	<u>Estimated 2011 Tax Billing</u>
Fund:		
General Fund & Public Safety	\$.6700	\$ 6,555,483
Parks & Recreation	.1957	1,914,788
Public Health	.2104	2,058,617
Museum	<u>.0490</u>	<u>479,431</u>
Total	\$ 1.1251	\$11,008,319
Special Districts:		
Library	.4026	\$2,665,344
Special Park District	.5000	<u>676,568</u>
		Total: \$ 14,350,231

Residents were given an opportunity at this time to comment on the proposed tax levy.

37971 There being no persons appearing to be heard, the Mayor declared the public hearing closed.

CONSENT AGENDA:

37972 It was moved by Councilmember Boyer and seconded by Councilmember LaBass that Agenda Numbers 37973 through 37987 be passed by Consent Agenda. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

Nominations and Appointments:

37973 Filed 8/3/11: The nomination by Councilmember Myers was approved, appointing Mark A. Schmitz, 4106 Bennington Drive, as a member of the Special Business District Board for a term expiring August 22, 2014; he is replacing Jeff Daum, whose term has expired.

Bills for Passage:

37974 (S.O. 8264) A Bill (#546-10) reaffirming and readopting Section 2-114 "Conflicts of interest" of the Code of Ordinances, having been read the first time on August 8, 2011, was read the second time and passed.

37975 (S.O. 8265) A Bill (#548-10) adopting the annual revisions to the City's Personnel Manual, which sets forth the policies and procedures pertaining to employees of the City of St. Joseph, Missouri, having been read the first time on August 8, 2011, was read the second time and passed.

Agenda

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

- 37976 (S.O. 8266) A Bill (#547-10) accepting fitness equipment, valued at \$38,949.00, donated by the Senior Citizens Foundation, Inc. for the Joyce Raye Patterson Senior Citizens Center, having been read the first time on August 8, 2011, was read the second time and passed.
- 37977 (S.O. 8267) A Bill (#549-10) accepting the sanitary sewer improvements in Charles Way, a subdivision in Sewer District 254, having been read the first time on August 8, 2011, was read the second time and passed.
- 37978 (S.O. 8268) A Bill (#552-10) accepting street improvements and a dedicated right-of-way in Timber Creek Plat 2A and sewer improvements in Sewer District 365, having been read the first time on August 8, 2011, was read the second time and passed.
- 37979 (S.O. 8269) A Bill (#550-10) amending the Parks, Recreation and Civic Facilities Department budget in the General Fund to recognize a \$250.00 donation from the Wal-Mart Foundation to be used for playground improvements at Krug Park, having been read the first time on August 8, 2011, was read the second time and passed.
- 37980 (S.O. 8270) A Bill (#553-10) to enter into a contract with the Missouri Department of Health and Senior Services to provide a nutrition program for women, infants, and children, having been read the first time on August 8, 2011, was read the second time and passed.
- 37981 (S.O. 8271) A Bill (#556-10) amending the Health Department budget in the General Fund in the amount of \$2,000.00 and entering into a contract with the Missouri Department of Health and Senior Services in the amount of \$37,533.36 to provide maternal and child health services within the community, having been read the first time on August 8, 2011, was read the second time and passed.
- 37982 (S.O. 8272) A Bill (#557-10) approving a Reimbursement Agreement with Ehrhardt's Jefferson City, LLC, a Missouri limited liability company, for funding in an amount not to exceed \$16,700.00 for one-third of the cost of construction of a driveway to be located on property owned by Buchanan County, Missouri for purposes of creating access to a future Candlewood Suites Hotel, having been read the first time on August 8, 2011, was read the second time and passed.

Resolutions for Adoption:

- 37983 (Resolution No. 37983 – 3245) A Resolution (#560-10) to enter into a three-year contract with AT&T for Plexar Custom Services, was read and adopted.
- 37984 (Resolution No. 37984 – 3246) A Resolution (#565-10) authorizing a Memorandum of Understanding with the Missouri Department of Health and Senior Services to provide vital records services, was read and adopted.
- 37985 (Resolution No. 37985 – 3247) A Resolution (#575-10) authorizing the purchase of two (2) 3/4 ton 4 x 4 pickups for the Public Works & Transportation Department Sewer Maintenance Division from Roberts Auto Plaza for the total amount of \$43,024.00, was read and adopted.
- 37986 (Resolution No. 37986 – 3248) A Resolution (#576-10) authorizing the purchase one (1) 1-ton flatbed cab and chassis for the Public Works & Transportation Department Sewer Maintenance Division from Roberts Auto Plaza for the amount of \$20,986.00, was read and adopted.

Agenda
Number

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

37987 (Resolution No. 37987 – 3249) A Resolution (#577-10) authorizing the purchase of four (4) 3/4 ton 4 x 4 pickups for the Public Works & Transportation Department Street Maintenance Division from Roberts Auto Plaza for the total amount of \$82,684.00, was read and adopted.

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

BILLS FOR PASSAGE:

37988 (S.O. 8273) A Bill (#554-10) abating demolition and weed and trash liens in the amount of \$4,440.48, plus all applicable interest and penalties, on the property known as Hickory Hall and located at 2233-2235 South 11th Street, having been read the first time on August 8, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37989 (G.O. 2439) A Bill (#522-10) granting a Conditional Use Permit for installation and operation of a two screen drive-in movie theatre at 4814 South 169 Highway as requested by Cooke Brothers Drive-In LLC, by Jay Kerner, agent, having been read the first time on July 11, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37990 (S.O. 8274) A Bill (#529-10) authorizing the Mayor to enter into an Employment Agreement with J. Bruce Woody, having been read the first time on August 8, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Myers, Penland, Roach, Starr—6. Nay, Jones—1. Abstention, Kovac, LaBass—2.

37991 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Bill #558-10 be amended before consideration for passage by substituting a new ordinance and attachment with the ones originally filed. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37992 (S.O. 8275) A Bill (#558-10) providing for the rate of taxation and the levy and collection of taxes for the fiscal year commencing on July 1, 2011, having been read the first time on August 8, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37993 It was moved by Councilmember Myers and seconded by Councilmember Starr that Bill #559-10 be amended before consideration for passage by substituting a new ordinance and attachment with the ones originally filed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

37994 (S.O. 8276) A Bill (#559-10) levying a special assessment for the fiscal year commencing July 1, 2011 for the Park District, having been read the first time on August 8, 2011, was read the second time and passed. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

EMERGENCY BILL FOR PASSAGE:

None.

Agenda
Number

RESOLUTION FOR ADOPTION:

- 37995 (Resolution No. 37995 – 3250) A Resolution (#568-10) sponsored by Mayor Falkner and all Councilmembers of the Council of the City of St. Joseph, Missouri recognizing September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and to encourage residents to join in a National Moment of Remembrance of the tenth anniversary of the events that occurred on that day, which will last for one minute beginning at noon, was read and adopted. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.

BILLS FOR FIRST READING:

- 37996 A Bill (#562-10) redistricting 6100 South Third Street from R-1B Single Family Residential District to C-1 Neighborhood Shopping District as requested by King Hill Lodge #376 by Jerry McClain, agent, was introduced and read the first time.
- 37997 A Bill (#563-10) granting a Conditional Use Permit to New Hope Fellowship Church by Rev. Earnestine Blakley, agent, for use of a church within an existing building located at 2921 North Belt Highway, was introduced and read the first time.
- 37998 A Bill (#564-10) amending Section 28-1590 of the Code of Ordinances entitled “Parking prohibited at any time,” was introduced and read the first time.
- 37999 A Bill (#566-10) amending the Health Department budget in the General Fund and entering into a contract with the Missouri Department of Health and Senior Services in the amount of \$10,000.00 to provide tuberculosis control programs, was introduced and read the first time.
- 38000 A Bill (#569-10) accepting Permanent Sewer Easements and Temporary Construction Easements from two property owners for sewer improvements at 4104 and 4106 Mitchell Avenue in Sewer District No. 205, was introduced and read the first time.
- 38001 A Bill (#570-10) amending the General Fund; Street Maintenance Fund; Parks Maintenance Fund; and Golf Fund budgets for Fiscal Year 2010-2011, was introduced and read the first time.
- 38002 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Bill #571-10 be amended before consideration for first reading by substituting a new ordinance and attachment with the ones originally filed. Motion carried. Ayes, Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr—9.
- 38003 A Bill (#571-10) to amend the Police Department budget in the General Fund reducing it in the amount of \$6,250.00 and to accept grants from the Missouri Department of Transportation, Traffic and Highway Safety, for overtime for Hazardous Moving Violations in the amount of \$6,000.00, Youth Alcohol in the amount of \$19,200.00, and Sobriety Checkpoint in the amount of \$5,915.00 for a total grant amount of \$30,395.00, was introduced and read the first time.
- 38004 A Bill (#572-10) approving a petition for the creation of the St. Joseph Downtown Community Improvement District and creating the St. Joseph Downtown Community Improvement District, was introduced and read the first time.
- 38005 A Bill (#573-10) repealing Resolution No. 37917 and authorizing the submittal and execution of a State Missouri Highway and Transportation Commission (MHTC) Public Transit Operating Assistance Grant in the amount of \$15,175.00, was introduced and read the first time.

Agenda
Number

BILLS FOR FIRST READING: (Cont'd)

38006 A Bill (#574-10) amending the Capital Projects Fund budget and authorizing Work Order No. 2 with HDR Engineering, Inc. for the design for replacement of the Garfield Avenue Viaduct bridge in the amount of \$294,731.00, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 8/4/11: Minutes of the Plumbers Examining and Appeals Board meeting held July 14, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 8/8/11: Minutes of the Landmark Commission meeting held July 5, 2011, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 8/10/11/ Minutes of the Traffic Commission meeting held August 9, 2011, at 10:00 a.m., in the Council Chamber at City Hall.

Filed 8/12/11: Minutes of the Zoning Board of Adjustment meeting held July 26, 2011, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 8/16/11: Minutes of the Social Welfare Board meeting held June 20, 2011, at 3:07 p.m., at 904 South 10th Street.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 8/5/11: Memorandum in re: City of Joplin.

Filed 8/9/11: Memorandum in re: Acting City Manager (August 11-12, 2011).

Filed 8/12/11: Mayor and City Council Update, August 12, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 8/3/11: Municipal Division Reporting Form, July, 2011.

Filed 8/3/11: Memorandum from Paula Heyde, City Clerk, in re: Disposition List.

Filed 8/4/11: City Weekly, August 4, 2011.

Filed 8/4/11: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held December 14, 2010, at 8:00 a.m., at 3406 Frederick Blvd.

Filed 8/8/11: Memorandum from Clint Thompson, Planning & Community Development Director, in re: City Planner.

COMMUNICATIONS: (Cont'd)

Filed 8/8/11: Memorandum from Clint Thompson, Planning & Community Development Director, in re: Formation of a CID for Downtown St. Joseph.

Filed 8/11/11: City Weekly, August 11, 2011.

Filed 8/11/11: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 7/1/2011 through 7/31/2011.

Filed 8/12/11: Memorandum from Mayor Falkner in re: City Hall display cases.

Filed 8/15/11: Memorandum from Steve Hofferber, Property Maintenance Director, in re: Council Work Session background.

Filed 8/15/11: St. Joseph Public Library 2010-2011 annual report.

Filed 8/16/11: Memorandum from Mary Montgomery, Capital Projects Coordinator, in re: Capital Improvement Program Update – 4th Quarter FY11.

Filed 8/16/11: City Clerk verification of a petition to form the St. Joseph Downtown Community Improvement District.

OTHER BUSINESS:

City Manager's Report – City Manager J. Bruce Woody spoke about the administrative adjudication of code violations and the Code Review Committee that is being formed to review the codes enforced by the Property Maintenance Department. He said as a result of the storm last Thursday, the city will be assisting property owners with curbside storm debris pick-up beginning August 25, 2011.

PUBLIC COMMENT:

Frank Flesher, 816 N. Noyes Blvd., invited the City Council to attend the annual Patriot's Day at the National Military Heritage Museum on September 11, 2011 at 2:00 p.m. He said there will be an open house from 1-4 p.m.

NOTES:

Agenda No. 38004 – Jennifer Baird, attorney with Williams & Campo, 255 NW Blue Parkway, Lee's Summit, Missouri, was asked to address the potential conflict of interest of those Councilmembers who own property in the proposed Downtown Community Improvement District (CID) as it relates to forming the CID.

Frank Flesher, 816 N. Noyes Blvd., asked if the St. Joseph News-Press will have to pay a sales tax on each subscription they sell because they are located within the CID. Planning & Community Development Director Clint Thompson said yes they will. The sales tax is approximately \$0.13 per year. Mr. Flesher asked if Channel 3 will have to pay a sales tax on ad sales. Mr. Thompson said it is his understanding that they will not pay a sales tax. Mr. Flesher asked if the downtown is a blighted area according to HUD. Mr. Thompson said yes it is.

NOTES: (Cont'd)

Donald Sherwood, 415 N. 10th St., asked how the CID will affect the stalled improvements to the parking lot at 6th & Edmond Streets and what is the status of that project. Mr. Woody said the CID is not the original funding source for that project. The cost of the project is at issue. Mayor Falkner said the project is being revisited.

Agenda
Number

ADJOURNMENT:

38007 By general consent, the Council adjourned.

The meeting adjourned at 8:04 p.m.

Paula Heyde, CMC, City Clerk