

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

February 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 Tuesday, February 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., except when it falls on a legal holiday then it shall be held the following day. 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 Vincent J. Capell, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, 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, Battalion Chief Russell Moore, Associate Director of Technology Services Mark Townsend, Animal Control & Rescue Manager Rick Smith, Communications Manager Mary Robertson, Senior Animal Control Officer Steve Norman, 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:

37443 By general consent, the minutes of the special meeting held February 7, 2011, at 6:15 p.m.; and the regular meeting held February 7, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

37444 SPECIAL RECOGNITIONS:

Special Recognition Awards – Kaitlin Bunse and Kaitlyn Christian

Special Recognition – Health Department receives an Automated External Defibrillator (AED)

ACCEPTANCE OF AGENDA:

37445 It was moved by Councilmember Jones and seconded by Councilmember Penland that the Agenda be accepted as published. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

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PUBLIC HEARING ON ORDINANCES FOR REZONING AND CONDITIONAL USE PERMITS:

37446 (G.O. 2419) A Bill (#350-10) granting a Conditional Use Permit for operation of a day nursery center at 5003 South 50th Street requested by Enchanted Learning Childcare, Jennifer Jaques, agent, having been read the first time on February 7, 2011, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

CONSENT AGENDA:

37447 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 37448 through 37453 be passed by Consent Agenda. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—9.

Nominations and Appointments:

37448 Filed 2/10/11: The nomination by Councilmember LaBass was approved, appointing Lasha M. Dalakishvili, 2028 Clay Street, as a member of the Board of Zoning Adjustment for a term expiring February 22, 2016; he is replacing Roger L. Burnham, whose term has expired.

37449 Filed 2/14/11: The nomination by Councilmember LaBass was approved, appointing Ken Beck, 3426 Linda Lane, as a member of the Board of Zoning Adjustment for a term expiring February 22, 2016; he is replacing G. Brent Powers, whose term has expired.

Bills for Passage:

37450 (S.O. 8154) A Bill (#351-10) amending the Non-Departmental budget in the General Fund in the amount of \$10,200.00 in order to provide funding for maintenance of the Geiger Mansion at 2501 Frederick Avenue, having been read the first time on February 7, 2011, was read the second time and passed.

37451 (S.O. 8155) A Bill (#352-10) declaring a public necessity for acquisition through the exercise of the power of eminent domain for a certain tract of real estate located at 500 Lower Lake Road for the Disinfection Facility and Effluent Pumping Station Project and authorizing the City Attorney to commence an action to obtain said tract, having been read the first time on February 7, 2011, was read the second time and passed.

Resolutions for Adoption:

37452 (Resolution No. 37452 – 3178) A Resolution (#359-10) sponsored by Mayor Falkner naming David Bolander as a substitute judge of the Municipal Division of the Buchanan County Circuit Court, was read and adopted.

37453 (Resolution No. 37453 – 3179) A Resolution (#366-10) authorizing master agreements for professional design services with Cook, Flat & Strobel Engineers, P.A. and Synder & Associates, Engineers and Planners, LLC and the renewal of the On-Call Construction Administration Services Agreement with Bartlett & West, Inc., was read and adopted.

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

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NOMINATIONS AND APPOINTMENTS:

37454 Filed 2/14/11: The nomination by Councilmember LaBass was approved, appointing Kenneth Reeder, 1801 E. Randolph, as a member of the Port Authority for a term expiring February 17, 2018; he is being reappointed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass—8. Nay, Myers—1.

BILLS FOR PASSAGE:

37455 It was moved by Councilmember Penland and seconded by Councilmember Myers 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 to the May 16, 2011, Council meeting and put together a committee and involve the Animal Control & Rescue Manager. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac—8. Nay, LaBass—1.

EMERGENCY BILL FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

None.

BILLS FOR FIRST READING:

37456 A Bill (#353-10) amending the Public Works & Transportation Department budget in the General Fund in the amount of \$9,218.00, entering into a Transportation Consolidated Planning Grant Agreement with the Kansas Department of Transportation (KDOT) in the amount of \$8,194.00 and accepting the amount of \$1,024.00 from the Doniphan County Chamber of Commerce for a rail-trail inventory study, was introduced and read the first time.

37457 A Bill (#354-10) entering into an amendment to a contract with the Missouri Department of Health and Senior Services in the amount of \$92,000.00 to provide HIV case management services, was introduced and read the first time.

37458 A Bill (#355-10) amending Section 31-050 entitled “Accessory uses and buildings” of the Code of Ordinances, was introduced and read the first time.

37459 A Bill (#356-10) approving the preliminary plat entitled “Canyon Creek”, a major subdivision consisting of 27 lots located at 3305 Pickett Road as requested by Tim Minson, was introduced and read the first time.

37460 A Bill (#357-10) assigning zoning designation to eight properties annexed into the city limits on November 15, 2010 located at 3810, 3902, 3904, 3910, 3912 and 3914 Mansfield Road and 5302 and 5308 South 40th Street from county zoning to city R-1A Single Family Residential District as requested by the City of St. Joseph, Missouri, was introduced and read the first time.

37461 A Bill (#358-10) amending Chapter 17 of the Code of Ordinances entitled “Health and sanitation” to add a new Article X entitled “Emergency medical services vehicles” for purposes of providing for the adoption of an emergency medical services vehicles permit and prescribing other matters relating thereto, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 37462 A Bill (#360-10) amending the Community Development Block Grant (CDBG) budget in the amount of \$202,539.00 to roll forward unspent CDBG Recovery Grant funding from the prior year, was introduced and read the first time.
- 37463 A Bill (#361-10) amending the Community Development Block Grant (CDBG) budget in the amount of \$438,003.00 to roll forward unspent Homeless Prevention and Rapid Re-Housing Grant funding from the prior year, was introduced and read the first time.
- 37464 A Bill (#362-10) amending the Community Development Block Grant (CDBG) budget in the amount of \$2,188,263.00 to roll forward prior year unspent Neighborhood Stabilization Program (NSP) Grant funding, was introduced and read the first time.
- 37465 A Bill (#363-10) authorizing the issuance of the city's Industrial Development Revenue Bonds (Boehringer Ingelheim Vetmedica, Inc. Project) Series 2011, in a principal amount not to exceed \$20,000,000 to pay the costs of a portion of a project for Boehringer Ingelheim Vetmedica, Inc., a Delaware Corporation, consisting of the construction of an administrative office building located on the company's campus in St. Joseph, Missouri; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the bonds, was introduced and read the first time.
- 37466 A Bill (#364-10) accepting street improvements and sanitary sewer improvements in Myrna Manor North Fourth Plat, a subdivision located in Sewer District #270, was introduced and read the first time.
- 37467 A Bill (#365-10) amending the Capital Projects Fund budget in the amount of \$10,124.00 and authorizing the purchase of generators for Fire Stations 4, 5 and 10 from Bartlow Electrical Services for the amount of \$92,123.47, was introduced and read the first time.
- 37468 A Bill (#367-10) amending the City Clerk Department's budget in the General Fund and Water Protection Fund budget in the amount of \$45,000.00 to provide funds for the April 5, 2011, Sewer Revenue Bond Election, was introduced and read the first time.
- 37469 A Bill (#368-10) to enter into an agreement with Midland Empire Sports Association for the operation of ASA sanctioned or other approved league play and tournaments promoting the advancement of girls softball at Drake Complex, was introduced and read the first time.
- 37470 A Bill (#369-10) amending the Police Department budget in the General Fund in the amount of \$18,200.00 to cover additional travel and training costs associated with the Records Management System, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 2/3/11: Minutes of the Board of Operating Engineers meeting held January 26, 2011, at 5:30 p.m., in the 1st Floor Conference Room at City Hall.

Filed 2/3/11: Minutes of the Museum Oversight Board meeting held January 10, 2011, at 6:45 p.m., at 3406 Frederick Blvd.

Filed 2/4/11: Minutes of the Tree Board meeting held December 14, 2010, at 7:00 p.m., in the 1st Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 2/7/11: Minutes of the Advisory Commission on Aging meeting held January 12, 2011, at 12:00 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 2/8/11: Minutes of the Senior Citizens Foundation, Inc. Board meeting held January 18, 2011, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 2/10/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners meeting held March 9, 2010, at 7:30 a.m., at the Chamber of Commerce, 3003 Frederick Blvd.

Filed 2/10/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners meeting held April 26, 2010, at the Chamber of Commerce, 3003 Frederick Blvd.

Filed 2/10/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners meeting held May 17, 2010, at 7:33 a.m., at the Chamber of Commerce, 3003 Frederick Blvd.

Filed 2/10/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners open meeting held September 2, 2010, at 7:00 a.m., at 1616 Stockyards Expressway.

Filed 2/10/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners open meeting held October 25, 2010, at 7:20 a.m., at the Chamber of Commerce, 3003 Frederick Blvd.

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

Filed 2/3/11: Minutes of the Council Work Session held January 27, 2011, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

Filed 2/11/11: Minutes of the Council Work Session held February 8, 2011, at 4:30 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 2/4/11: Mayor and City Council Update, February 4, 2011.

Filed 2/4/11: Memorandum in re: Acting City Manager (February 10-11, 2011).

Filed 2/7/11: Memorandum in re: Acting City Manager (February 14-17, 2011).

Filed 2/11/11: Mayor and City Council Update, February 11, 2011.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 2/3/11: Memorandum from Debra Bradley, Health Director, in re: Permitting of ambulance services.

Filed 2/3/11: Memorandum from Carol Flury, Neighborhood Development Coordinator, in re: Expansion of Neighborhood Pride Program.

COMMUNICATIONS: (Cont'd)

Filed 2/3/11: Market Value Opinion, December 29, 2010, a Summary Appraisal Report of a Banking Facility, 2501 Frederick Avenue.

Filed 2/4/11: City Weekly, February 4, 2011.

Filed 2/7/11: Memorandum from Steve Hofferber, Property Maintenance Director, in re: Administrative adjudication of code violations.

Filed 2/7/11: Letter from Michael Miester, Mobile Home Park Manager for Hillview Estates, Tri-Level & Bristol Square, in re: Wastewater charges concerning Bristol Square Mobile Home Park, 5601 SW Lakefront Lane.

Filed 2/7/11: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held September 27, 2010, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 2/8/11: Citizens Review Committee Members, FY2011/2012 (revised 2/4/11).

Filed 2/8/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: FY2011 Second Quarter Financial Report.

Filed 2/10/11: Minutes of the Geiger Mansion Committee meeting held February 3, 2011, at 4:00 p.m., at the Geiger Mansion, 2501 Frederick Ave.

Filed 2/10/11: City Weekly, February 10, 2011.

Filed 2/11/11: Memorandum from Mayor Falkner in re: Absent from the City (February 13-17, 2011).

Filed 2/14/11: Memorandum from Paula Heyde, City Clerk, in re: Sewer Revenue Bond Citizens Campaign Committee.

Filed 2/15/11: Current Year Budget to Actual Detail – Program Report for the Mayor and City Council, City Clerk and City Manager programs for January 2011.

Filed 2/15/11: Letter from Roger Stottlemyre, Executive Director, Missouri Gaming Commission, in re: State/Local Allocation of Gaming Revenues for the period 1/1/2011 through 1/31/2011.

OTHER BUSINESS:

City Manager's Report – None.

Councilmember Jones invited everybody to the Northside Community Association's annual chili/soup supper at 5:00 p.m. to St. Peter's Lutheran Church. All funds will go to Lafayette High School.

Councilmember Kovac reminded everyone of City Talk this Thursday at 6:30 p.m. at Benton High School.

Mayor Falkner said the Fire Department did an excellent job saving the Missouri Theater last Saturday and they really deserve kudos.

Councilmember LaBass complimented the Word of Life Church for letting the concert that was to be held at the Missouri Theater over the weekend be held at their facility.

PUBLIC COMMENT:

Virginia Weigum, 5113 Mockingbird Lane, said she drives to Kansas City because she can make better use of her federal tax dollars under Medicare in Kansas City, Missouri and Kansas. Her tax dollars are reimbursed at a better rate because there is competition there. The certificate of need has kept competition out of St. Joseph. It is not right that Heartland has a monopoly here. Another issue she wants to talk about is the sewer bond issue. It is against her 10th amendment rights. It is another government unfunded mandate. Other cities have sued the federal government and won. The Council should be suing the government. She will be fighting this bill (Bill #367-10). The next tea party meeting is March 3, 2011, at 7:00 p.m. at the East Hills Library.

NOTES:

Agenda No. 37444 – Mayor Falkner and Councilmember Jones presented special recognition awards to Kaitlin Bunse and Kaitlyn Christian.

Councilmember Boyer recognized the Health Department which was awarded a free automated external defibrillator (AED), along with 9 other area agencies, at an event held on February 10, 2011 by the PADS Committee, American Red Cross, and Heartland Health. Several other city departments were also recognized including the Fairview Golf Course, City of Water Protection, Fire Department, and the public pools for having AEDs at their facilities. The city would like to recognize those organizations and city programs who work to keep our community safe. We would also like to thank the PADS Committee, American Red Cross, and Heartland Health for their generous gift to the Health Department. It is our hope to never have to need a resource like this however it is a tremendous asset to have when the situation calls for it. It truly is a matter of life and death.

Agenda No. 37455 - Animal Control & Rescue Manager Rick Smith gave some background on this issue and showed some pictures of a hobby show breeder's facility that he inspected recently.

Gary Simmons said he lives near Clarksdale, Missouri, and operates a kennel. He pointed out that you don't ever see the good kennels—only the bad ones. He asked the Council to take that into consideration. He described his kennels and spoke about a situation in Iowa where an ordinance was passed that allowed the Humane Society to inspect facilities. The president of the Humane Society has stated that he would not care if another dog or cat was born. In any business there is bad and there is good. Everyone should not be punished because of the few bad things people do.

Julie Phipps, 5504 SW Lakefront Lane, said she has 50 puppies. She also operates the Missouri Dog Relief Program and she works with a number of breeders. She has moved over 12,000 dogs. Breeders do not want to kill their dogs and they don't want them to go to high kill shelters, such as the one in St. Joseph. She sees both sides of this all the time. She gave an update on what is happening in the Missouri legislature.

Janet Dowell, 6307 Washington St., said she is a retired breeder of German Shepherds. There are some hobby show breeders that could clean their act up but for the most part the dogs are very important to them. The puppy millers can be stopped in other ways besides hurting everybody else. First, stop the brokers. She would like to see animals that go to animal shelters go to experimental labs instead. She doesn't want to see this proposed ordinance trickle down to hobby show breeders. She is concerned about a limit being put on how many dogs she can have as a pet owner.

NOTES: (Cont'd)

Dr. Robert Palmer, said he is a veterinarian at East Hills Animal Clinic. He has some difficulty with some of the proposed ordinance especially if it mirrors Proposition B. Free and unfettered access does not lend itself to environmental control and limiting exposure to intestinal parasites. He requests that the Council look at all the information and he hopes the Council sees there are better ways to go. There are laws currently on the books that could be enforced that would do a better job than mirror Prop. B.

Mayor Falkner asked Dr. Palmer serve on a committee to look through these items. Dr. Palmer said he would.

Arthur B. Griffin, 1711 Beattie Street, suggested that a citizen, such as himself, could attend the kennel inspections to insure an accurate report. He volunteered his services and also to serve on a citizens committee.

Ms. Phipps also said she would like to serve on the committee.

Patrick Bern, President of the St. Joseph Kennel Club, said his two main concerns are the economic impact of a dog show on a city and singling out hobby exhibitors. The ordinance appears to be an anti-breeder/exhibitor ordinance. One of the objections to the proposed ordinance is the unfettered access. He would like to see more study on this issue and the members of the Kennel Club have 100 years of experience in show dogs if the Council would like some input.

There was discussion on forming a committee to look at this issue. Mayor Falkner asked anyone interested in serving on the committee to submit their names to the Mayor's Office. He said they'll take a look at it and then the Council will form a committee.

Joanne Glawson, 3402 Scott St., said she is the hobby show breeder that everyone has been discussing and she would like to correct a couple of facts. Prior to discovering that she needed a conditional use permit, she was inspected by a state inspector and everything was to his liking. As far as kennel sizes, she has varied sizes and the dogs do not live in the kennels. She currently has her three allowed intact female dogs. The proposed ordinance will eliminate her being able to show dogs.

Agenda No. 37461 - Ellis Cross, 503 N. 5th St., said this bill contains some concerning things and basically says that you're not allowed to run an ambulance in this city or have an ambulance company in this city unless you can show the certification of need. The certification of need has left St. Joseph with one hospital--the fourth most expensive hospital in the nation. What this ordinance will do is give us the fourth most expensive ambulance service in the nation. He challenged the Council to go to the Chamber of Commerce and get a list of the last 20, 50 or whatever of people who looked at bringing jobs to this city. He doesn't care what the reasons are for why they didn't come to St. Joseph but where they went had more than one hospital and competition for health care and lower health rates and they could afford to buy health insurance policies for their employees. No one will seriously look at St. Joseph until we can lower our insurance costs, and that takes competition. This is an extension of a monopoly that is hurting the city.

Councilmember Jones asked city staff to provide the Council with copies of other cities' ordinances pertaining to their ambulance service so they can have something to compare this one to.

Agenda No. 37458 - Marty Tunks, King City Lumber, said through the committee they came to an agreement and he wanted to thank the Council for taking a look at that.

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ADJOURNMENT:

37471 By general consent, the Council adjourned.

The meeting adjourned at 9:03 p.m.

Paula Heyde, CMC, City Clerk