

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

July 26, 2010 - 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, July 26, 2010, at 7:00 p.m. The meeting was called to order at 7:03 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, Penland, Roach, Starr--8. Absent, Myers--1. Total membership--9. Five members constitute a quorum.

Also present were City Manager Vincent J. Capell, City Attorney Lisa M. Robertson, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher 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 Director Clint Thompson, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Project Manager Chuck Kempf, 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 Roach voted first.

PLEDGE OF ALLEGIANCE:

Agenda  
Number

MINUTES:

36887 By general consent, the minutes of the regular meeting held July 12, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

36888 SPECIAL RECOGNITIONS:

Special Recognition Award - Paris A. Jenkins, Battalion Chief, St. Joseph Fire Department.

Certificate of Appreciation – Allied Arts Council recognizes the City of St. Joseph, Missouri.

ACCEPTANCE OF AGENDA:

36889 It was moved by Councilmember Boyer and seconded by Councilmember Jones that the Agenda be accepted as published with the addition of one resolution for adoption (Bill #154-10) being placed on the agenda. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

Agenda  
Number

PUBLIC HEARING ON AMENDMENTS TO THE ZONING CODE:

- 36890 It was moved by Councilmember Penland and seconded by Councilmember LaBass that a Bill (#95-10) amending Section 31-050 entitled "Accessory uses and buildings" of the Code of Ordinances, be withdrawn. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Kovac, LaBass, Penland--7. Nay, Jones--1. Absent, Myers--1.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

- 36891 (G.O. 2393) A Bill (#125-10) redistricting 1909 Oscar Street from C-3 Commercial District and R-1A Single Family Residential District to all R-1A Single Family Residential District as requested by Johnny Arnold, having been read the first time on July 12, 2010, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.
- 36892 (G.O. 2394) A Bill (#126-10) granting a Conditional Use Permit to U.S. Cellular to construct a 105 foot high telecommunications tower at 1215 6<sup>th</sup> Avenue, requested by Lee Marvin, agent, having been read the first time on July 12, 2010, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

CONSENT AGENDA:

- 36893 It was moved by Councilmember Kovac and seconded by Councilmember LaBass that Agenda Numbers 36894 through 36907 be passed by Consent Agenda. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

Nominations and Appointments:

- 36894 Filed 7/16/10: Mayor Falkner nominates Larry R. Stobbs, Sr., 3301 Lantern Lane, to serve as a member of the Tax Increment Financing Commission for a term expiring August 15, 2014; he is being reappointed.
- 36895 Filed 7/19/10: Mayor Falkner nominates Mike A. Bozarth, 5207 Swift Avenue, to serve as a member of the Tax Increment Financing Commission for a term expiring August 15, 2014; he is replacing Matthew Robertson, whose term will expire on August 15, 2010.

Bills for Passage:

- 36896 (S.O. 8024) A Bill (#117-10) to approve expenditures from the Special Business District Fund in the amount of \$11,250.00 for expenses related to the service contract with the St. Joseph Downtown Partnership, having been read the first time on July 12, 2010, was read the second time and passed.
- 36897 (S.O. 8025) A Bill (#123-10) amending the Parks Maintenance Fund in the amount of \$4,222.00 to recognize monies received from insurance proceeds to be used to repair a pickup truck, having been read the first time on July 12, 2010, was read the second time and passed.
- 36898 (S.O. 8026) A Bill (#124-10) amending the General Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in an amount not to exceed \$7,500.00 to be used to assist with the purchase and installation of the Phil Welch Stadium signs, having been read the first time on July 12, 2010, was read the second time and passed.
- 36899 (S.O. 8027) A Bill (#130-10) amending the Police Department budget in the General Fund to recognize monies received from Jimmy D. Masoner, Sr. for items sold at auction from the St. Joseph Police Department, having been read the first time on July 12, 2010, was read the second time and passed.

Agenda

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

- 36900 (S.O. 8028) A Bill (#131-10) amending the Police Department budget in the General Fund to budget funds received from an insurance company for damage to a police car in the amount of \$2,110.00 to the Maintenance and Repair of Motor Vehicles Account, having been read the first time on July 12, 2010, was read the second time and passed.
- 36901 (S.O. 8029) A Bill (#133-10) 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 \$50,000.00 for the Comprehensive Tobacco Control Program, having been read the first time on July 12, 2010, was read the second time and passed.
- 36902 (S.O. 8030) A Bill (#128-10) vacating a portion of an alley running north/south from Charles Street to Sylvanie Street and between 5<sup>th</sup> Street and 6<sup>th</sup> Street as requested by Sunshine Electronic Display Corporation, Terry Steinbecker, agent, having been read the first time on July 12, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36903 (Resolution No. 36903 - 3109) A Resolution (#136-10) authorizing submittal and execution of a Missouri Highway and Transportation Commission (MHTC) Public Transit Operating Assistance Grant in the amount of \$15,174.00, was read and adopted.
- 36904 (Resolution No. 36904 - 3110) A Resolution (#137-10) authorizing the purchase of one 19,500 GVWR cab & chassis with utility bed for the amount of \$47,756.00 from Shawnee Mission Ford for the Fire Department, was read and adopted.
- 36905 (Resolution No. 36905 - 3111) A Resolution (#138-10) authorizing a housing rehabilitation contract with LaDonna Coon (owner) and Davenport Contracting (contractor) for a housing rehabilitation project at 3907 King Hill Avenue in a total amount not to exceed \$44,174.00, was read and adopted.
- 36906 (Resolution No. 36906 - 3112) A Resolution (#139-10) authorizing a housing rehabilitation contract with Dorise E. Comeau (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 1309 N. 10<sup>th</sup> Street in a total amount not to exceed \$44,915.00, was read and adopted.
- 36907 (Resolution No. 36907 - 3113) A Resolution (#148-10) authorizing payment to the Department of the Army, Corps of Engineers, in the amount of \$229,450.00 for pre-construction engineering and design phase costs for the Missouri River Levee System (MRLS) Flood Risk Management Project for Units R471-460 and L-455, was read and adopted.

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

BILLS FOR PASSAGE:

- 36908 (S.O. 8031) A Bill (#122-10) amending the Community Development Block Grant Fund in the amount of \$23,500.00 to re-appropriate funding for roof repairs at the National Military Heritage Museum, having been read the first time on July 12, 2010, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

Agenda

Number BILLS FOR PASSAGE: (Cont'd)

- 36909 It was moved by Councilmember Penland and seconded by Councilmember Kovac, that Bill #37-10 be amended before consideration for passage by substituting "Option #2" in place of the one originally filed. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Kovac, LaBass, Penland--7. Nay, Jones--1. Absent, Myers--1.
- 36910 (G.O. 2395) A Bill (#37-10) amending Section 2-1318 of the Code of Ordinances entitled "Sanctions," having been read the first time on May 17, 2010, was read the second time and passed. Ayes, Roach, Starr, Boyer, Falkner, Kovac, LaBass, Penland--7. Nay, Jones--1. Absent, Myers--1.
- 36911 It was moved by Councilmember Jones and seconded by Councilmember Penland that a Bill (#127-10) granting a Conditional Use Permit to Russell C. Book, property owner, to give private basketball lessons in an accessory structure at 2920 Blackwell Road, be postponed to the August 9, 2010, Council meeting. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

- 36912 (Resolution No. 36912 - 3114) A Resolution (#152-10) of intent expressing the City Council's support for adoption of the "Downtown Building Blocks Strategic Plan" as the guiding document for future planning and redevelopment activities in the downtown area, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Jones, Penland--6. Nays, Kovac, LaBass--2. Absent, Myers--1.
- 36913 It was moved by Councilmember Roach and seconded by Councilmember Penland that Thursday, August 12, 2010, be added to the resolution. Motion carried. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.
- 36914 (Resolution No. 36914 - 3115) A Resolution (#154-10) sponsored by Councilmember Starr authorizing the citizens of St. Joseph, Missouri, to have a garage sale without issuing or purchasing a \$5.00 permit for the weekend of Thursday, August 12 through Sunday, August 15, 2010, was read and adopted. Ayes, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Penland--8. Absent, Myers--1.

BILLS FOR FIRST READING:

- 36915 A Bill (#134-10) amending the Police Department budget in the General Fund to budget funds received from an insurance company for damage to a police car in the amount of \$1,422.00 to the Maintenance and Repair of Motor Vehicles Account, was introduced and read the first time.
- 36916 A Bill (#135-10) amending the Police Department budget in the General Fund to recognize monies received from a vehicle auction in the amount of \$8,275.00 to be put into the Maintenance & Repair of Motor Vehicles Account, was introduced and read the first time.
- 36917 A Bill (#140-10) amending the Police Department budget in the General Fund to accept a donation from the Humane Society of St. Joseph and Buchanan County in the amount of \$1,500.00 to be used to purchase supplies for the St. Joseph Police Department K-9 Unit, was introduced and read the first time.

Agenda

Number BILLS FOR FIRST READING: (Cont'd)

- 36918 A Bill (#141-10) to enter into a contract with the Missouri Department of Health and Senior Services in the amount of \$64,717.00 to provide a public health emergency planning program, was introduced and read the first time.
- 36919 A Bill (#142-10) amending the General Fund Health Department budget in the amount of \$32,747.00 to roll over unspent funds under the Public Health Emergency Planning and Preparedness Contract, was introduced and read the first time.
- 36920 A Bill (#143-10) amending the General Fund and Capital Projects Fund budgets in the amount of \$32,948.00 to re-appropriate unspent monies budgeted for the Patee Market Sidewalk Repair/Replacement Project, was introduced and read the first time.
- 36921 A Bill (#144-10) accepting the proposal from 7Up/Snapple Group for the exclusive, non-alcoholic beverage sponsorship of products sold at Bode Ice Arena/Sports Complex, was introduced and read the first time.
- 36922 A Bill (#145-10) to accept a bid from KC Bobcat for the purchase of a Bobcat compact track loader for Park Maintenance in the amount of \$42,005.00, was introduced and read the first time.
- 36923 A Bill (#146-10) entering into a Reimbursement Agreement with Herbst Gaming, Inc. (HGI St. Jo, Inc.); amending the Street Improvement Maintenance & Repair (SIM&R) Fund budget; and entering into Change Order No. 1 to the unit price contract with Herzog Contracting Corporation for the 2010 Resurfacing Program all in an amount not to exceed \$80,000.00 and related to resurfacing portions of Highland Avenue, MacArthur Drive, Waterworks Road and Tyrone Street, was introduced and read the first time.
- 36924 A Bill (#147-10) amending the Capital Projects Fund budget and approving Change Order Number 1 to the contract with Williams Spurgeon Kuhl & Freshnock, Architects, Inc. for special inspections and testing for the renovation and addition to Fire Station No. 12, in the amount of \$10,750.00, was introduced and read the first time.
- 36925 A Bill (#149-10) amending Section 21-54 of Chapter 21 "Parks and Recreation" of the Code of Ordinances entitled "Youth basketball" to provide for an increase in team entry fees, was introduced and read the first time.
- 36926 A Bill (#150-10) amending Section 21-71 entitled "City softball league fees/Heritage Park gate fees" of Chapter 21 "Parks and Recreation" of the Code of Ordinances to increase various fees, was introduced and read the first time.
- 36927 A Bill (#151-10) authorizing a First Amended and Restated Billing and Collection Agreement with Buchanan County, Missouri to perform tax billing and collection services for the City of St. Joseph, Missouri, was introduced and read the first time.
- 36928 A Bill (#153-10) to authorize a Master Agreement for professional engineering services with SCS Engineers for landfill engineering services, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 7/9/10: Minutes of the Landmark Commission meeting held June 1, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 7/12/10: Minutes of the Planning Commission meeting held June 24, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 7/14/10: Minutes of the St. Joseph Public Library Board of Trustees meeting held July 12, 2010, at 5:00 p.m., at the Washington Park Library, 1821 N. 3<sup>rd</sup> St.

Filed 7/14/10: Minutes of the St. Joseph Public Library Board of Trustees annual meeting held July 12, 2010, at 5:00 p.m., at the Washington Park Library, 1821 N. 3<sup>rd</sup> St.

Filed 7/16/10: Museum Oversight Board Quarterly Report (2nd Quarter).

Filed 7/16/10: Minutes of the Senior Citizens Foundation, Inc. Board meeting held June 15, 2010, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10<sup>th</sup> St.

Filed 7/19/10: Minutes of the Community Police Advisory Committee meeting held July 6, 2010, at 7:00 p.m., at the Rolling Hills Library, 1904 N. Belt Highway.

Filed 7/19/10: Minutes of the Board of Operating Engineers meeting held June 2, 2010, at 4:30 p.m., in the 1<sup>st</sup> Floor Conference Room at City Hall.

Filed 7/20/10: Minutes of the Advisory Commission on Aging meeting held June 9, 2010, at 12:00 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10<sup>th</sup> St.

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

Filed 7/12/10: Minutes of the Council Work Session held July 8, 2010, at 4:15 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 7/19/10: Minutes of the Council Planning & Zoning Committee meeting held July 13, 2010, at 4:00 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

Filed 7/20/10: Minutes of the Council Work Session held July 14, 2010, at 4:15 p.m., in the 4<sup>th</sup> Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 7/9/10: Mayor and City Council Update, July 9, 2010.

Filed 7/12/10: E-mail to Councilmembers in re: Two possible issues for tonight's City Council meeting.

Filed 7/12/10: Response to anonymous note in re: Use of money earmarked for residents in need (Kirkpatrick Building Fire Escape CD2011-01).

Filed 7/15/10: E-mail to Councilmembers in re: Request for abatement of sewer charges by homebuilders.

Filed 7/16/10: Mayor and City Council Update, July 16, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 7/7/10: Anonymous note in re: Use of money earmarked for residents in need (Kirkpatrick Building Fire Escape CD2011-01).

Filed 7/7/10: Letter from Mike Kellam, City Planner, to various individuals and businesses in re: Metal accessory buildings within residential areas.

Filed 7/8/10: Thank you note to Mayor Falkner from Jean Brown, Executive Director, YWCA, in re: Helping make 2010 Women of Excellence Awards a success.

Filed 7/8/10: City Weekly, July 8, 2010.

Filed 7/8/10: Memorandum from Clint Thompson, Planning & Community Development Director, in re: Downtown Building Blocks.

Filed 7/9/10: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held June 24, 2010, at 12:05 p.m., at Lee Sawyer's office, St. Joseph News-Press.

Filed 7/9/10: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held June 28, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 7/9/10: Letter from Robert L. Reeder, Historic Preservation Manager, Missouri Dept. of Transportation, in re: Design Route 45, Platte County, MoDOT Project No. J4P2203, Replace bridge K0266R over Platte River; Availability of bridge for adaptive reuse.

Filed 7/9/10: Memorandum from Mike Kellam, City Planner, in re: Proposed code changes regarding metal buildings.

Filed 7/9/10: Memorandum from Paula Heyde, City Clerk, in re: Community Alliance partners.

Filed 7/12/10: E-mail from Anthony Mastrangelo in re: Job search – City Manager.

Filed 7/12/10: Memorandum from Kendra Bundy, Assistant Health Director, in re: Inquiry on restaurant having organic garden.

Filed 7/14/10: Letter from Roger Stottlemire, Executive Director, Missouri Gaming Commission in re: State/Local Allocation of Gaming Revenues for the period 6/1/10 through 6/30/10.

Filed 7/14/10: Internet article from Kansas City.com (Kansas City Star), in re: *“City budget proposed to decline for third year in a row”*, by Jim Sullinger.

Filed 7/14/10: Letter from Christina Lund, Executive Director, Performing Arts Association, in re: Council's donation of \$25,000 in support of the Allied Arts Council.

Filed 7/14/10: Letter from Susan M. Smith, Communications Coordinator, RiverSong, in re: Council's donation of \$25,000 in support of the Allied Arts Council.

Agenda  
Number

COMMUNICATIONS: (Cont'd)

Filed 7/14/10: Letter from Thomas P. Smith, Dean, St. Joseph Chapter, American Guild of Organists, in re: Council's donation of \$25,000 in support of the Allied Arts Council.

Filed 7/15/10: City Weekly, July 15, 2010.

Filed 7/19/10: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: Response to questions for the Mayor and Council.

OTHER BUSINESS:

City Manager's Report - None.

PUBLIC COMMENT:

36929 Robert Miller, 6005 Pryor St., spoke about local pin up artist, Billy DeVorss, and showed a four-minute video that he has produced about him. He believes that if we get the right people involved, this could be a tourist designation. Maybe we can get an art expo at the Albrecht-Kemper Art Museum. Councilmember Boyer suggested that Mr. Miller put the video on "YouTube."

Virginia Weigum, 5113 Mockingbird Lane, thinks the city has to take responsibility for allowing the owner of the house at 2804 Lafayette St. where the shooting took place last week, an occupancy permit. It is not fit for human habitation. Mayor Falkner asked Property Maintenance Director Steve Hofferber if the city has had any complaints about trash, etc. Mr. Hofferber said they have received complaints a few times over the past three or four years and they have been addressed. Mrs. Weigum said someone should measure between the property line and the house because some of it is not compliant; the structure should be torn down. Mayor Falkner said he will work with Mr. Hofferber on this issue.

Kenneth Harpster, Wesley Senior Towers, said his car was towed from a private lot by a tow company located in Elwood to its lot in Elwood and now it's going to cost him over \$100.00 to get it back. He doesn't understand how it can be towed out of state. He is on a limited income and wondered if anyone could look into this. Police Chief Chris Connally said the property owner had it towed. He suggested that Mr. Harpster contact the property owner and maybe they can work something out.

Councilmember Jones invited everyone to Heritage Park to the Girls' 18 & Under Fast Pitch Softball Championship tournament this weekend.

Steve Johnston, 2310 Buckingham St., said the Kansas City Chiefs players will arrive Thursday and the first practice is Friday. There will be a community pep rally which he has some information for anyone that is interested. This is an exciting time for St. Joseph over the next three weeks.

Mayor Falkner said there is a tennis tournament, girls softball and Chiefs; a lot of things going on in town.

Councilmember Roach thinks the American Red Cross and Executive Director Kevin Kirby need a pat on the back in regard to the fire at the apartment complex Sunday. It was a sad situation but it could have been a lot worse. Chief Dalsing, the ambulance crews, firefighters and police officers need a pat on the back. We all say that no one gets paid what they're worth but they all did a good thing all day yesterday. When you see one of them, tell them you really appreciate what they do. We're going to keep working on their pay but until that time comes, they don't get thanked enough.

NOTES:

Agenda No. 36888 - Councilmember Jones read the contents of the Special Recognition Award, which she and Fire Chief Mike Dalsing presented to Battalion Chief Jenkins.

Battalion Chief Jenkins recognized the support he received from Chief Dalsing, former Fire Chief Jack Brown, Vincent Capell, Jamie Bennett, Lisa Robertson, Carolyn Harrison and Communication Center employees.

Mayor Falkner said the city received a "Certificate of Appreciation" from the Allied Arts Council last week for its dedication to the Arts and support of the Arts Fund.

Agenda No. 36908 - Frank Flesher, 816 N. Noyes Blvd., National Military Heritage Museum, said they have several roofs that need to be replaced and the main one on the main building and the turret roof needs to be repaired. They can't wait for a hotel/motel tax because there are holes where the slate has blown off. The museums do need help with infrastructure and operations. Over 3,000 people went through his museum last year. Last month the attendance was up 37%. He invited the Council to a reception for and presentation to the Korean War Veterans on Tuesday, August 27, 2010, at 4:00 p.m.

Agenda  
Number

ADJOURNMENT:

36930 By general consent, the Council adjourned.

The meeting adjourned at 8:15 p.m.

Paula Heyde, CMC, City Clerk