

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

June 28, 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, June 28, 2010, 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 Vincent J. Capell, City Attorney Lisa M. Robertson, Public Works & Transportation Director J. Bruce Woody, 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, Police Dept. Patrol Division Commander Larry Smith, Animal Control & Rescue Manager Rick Smith, Asst. City Attorney Ted Elo, Risk Management Coordinator Ed Schilling, Associate Director of Technology Services Mark Townsend, Communications Manager Mary Robertson, 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:

36802 By general consent, the minutes of the special meeting held June 14, 2010, at 6:00 p.m. and the regular meeting held June 14, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

ACCEPTANCE OF AGENDA:

36803 It was moved by Councilmember Boyer and seconded by Councilmember Penland that the Agenda be accepted as published with the addition of one resolution for adoption (Bill #112-10) and four bills for first reading (Bills #113-10, #114-10, #115-10 & #116-10) being placed on the Agenda. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

36804 (G.O. 2387) A Bill (#94-10) granting a Conditional Use Permit for operation of a day nursery center at 2848 Jules Street requested by Susan Vance, having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

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PUBLIC HEARING ON AMENDMENTS TO THE ZONING CODE:

36805 It was moved by Councilmember Starr 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 postponed and the public hearing be continued for four weeks to the July 26, 2010, Council meeting. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

CONSENT AGENDA:

36806 It was moved by Councilmember Myers and seconded by Councilmember Boyer that Agenda Numbers 36807 through 36827 be passed by Consent Agenda. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

Nominations & Appointments:

36807 Filed 6/21/10: The nomination by Councilmember Myers was approved, appointing Rev. Sidney Breese, 2533 Francis Street, as a member of the Special Business District Board for a term expiring June 28, 2013; he is replacing Lynne Stover, whose term has expired.

36808 Filed 6/21/10: The nomination by Mayor Falkner was approved, appointing Steve F. Haskey, 2502 N. 32nd Street, as a member of the Library Board for a term expiring June 30, 2013; he is replacing Drew H. Brown, whose term will expire on June 30, 2010.

36809 Filed 6/21/10: The nomination by Mayor Falkner was approved, appointing James B. MacGregor, 502 N. 6th Street, as a member of the Library Board for a term expiring June 30, 2013; he is being reappointed.

36810 Filed 6/21/10: The nomination by Mayor Falkner was approved, appointing Kathy Bahner, 3504 E. Colony Square, as a member of the Library Board for a term expiring June 30, 2013; she is replacing Sherri Lilly, whose term will expire on June 30, 2010.

36811 Filed 6/21/10: The nomination by Mayor Falkner was approved, appointing Kelsy Marr as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2012; she is being reappointed.

36812 Filed 6/21/10: The nomination by Mayor Falkner was approved, appointing Ruth Costello, 3304 Penn Street, as a member of the Housing Authority for a term expiring June 28, 2014; she is replacing Verneal Clark, whose term has expired.

36813 Filed 6/21/10: The nomination by Councilmember Kovac was approved, appointing John R. Wray, 630 N. 8th Street, as a member of the Parks and Recreation Board for a term expiring June 28, 2015; he is replacing Rob R. Reichel, whose term has expired.

Bills for Passage:

36814 (G.O. 2388) A Bill (#98-10) amending Section 13-31 of the Code of Ordinances entitled "Powers" pertaining to Municipal Court, having been read the first time on June 14, 2010, was read the second time and passed.

36815 (S.O. 8004) A Bill (#78-10) amending the Police Department budget in the General Fund in the amount of \$6,000.00 in order to purchase a replacement ballistic shield for the Special Response Team, having been read the first time on June 14, 2010, was read the second time and passed.

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CONSENT AGENDA: Bills for Passage:

- 36816 (S.O. 8005) A Bill (#84-10) amending the Legal Department and City Clerk's Office budgets in the General Fund in the amount of \$32,000.00 in order to cover projected expenditures in the Legal Department's "Professional Services" line item for the remainder of the fiscal year, having been read the first time on June 14, 2010, was read the second time and passed.
- 36817 (S.O. 8006) A Bill (#81-10) accepting proceeds from the sale of property and abating demolition and weed and trash liens up to \$7,329.00, plus penalty and interest, on the property located at 1207 North Seventh Street, having been read the first time on June 14, 2010, was read the second time and passed.
- 36818 (S.O. 8007) A Bill (#82-10) to approve expenditures from the Special Business District Fund in the amount of \$6,254.58 for expenses related to the purchase of additional rock material to construct a wall at Felix Street Square, maintenance of the Gateway Park, planting the downtown planters and planting the flower beds at Felix Street Square, having been read the first time on June 14, 2010, was read the second time and passed.
- 36819 (S.O. 8008) A Bill (#92-10) authorizing the purchase and installation of replacement equipment to rehabilitate two (2) secondary clarifiers at the Wastewater Treatment Plant in the amount of \$1,091,300.00 from JCI Industries, having been read the first time on June 14, 2010, was read the second time and passed.
- 36820 (S.O. 8009) A Bill (#91-10) to enter into a contract in the amount of \$3,460.00 with the Missouri Department of Health and Senior Services to provide arbovirus mosquito surveillance, having been read the first time on June 14, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36821 (Resolution No. 36821 - 3097) A Resolution (#86-10) to renew the bond and excess insurance policy with Safety National Casualty Corporation through Thomas McGee, L.C. to comply with the Division of Workers' Compensation requirement for a self-insured workers' compensation program, was read and adopted.
- 36822 (Resolution No. 36822 - 3098) A Resolution (#99-10) confirming and ratifying a contract with the Social Welfare Board to provide medical aid and emergency relief for qualified persons in the St. Joseph area for an additional one year term, was read and adopted.
- 36823 (Resolution No. 36823 - 3099) A Resolution (#100-10) authorizing a contract with Interstate Elevator, Inc. to perform repairs to various elevators at the Water Protection Facility in the amount of \$396,217.00, was read and adopted.
- 36824 (Resolution No. 36824 - 3100) A Resolution (#101-10) authorizing a contract with the Missouri Department of Health and Senior Services in the amount of \$11,721.00 for health consultation services for asthma education, was read and adopted.
- 36825 (Resolution No. 36825 - 3101) A Resolution (#103-10) authorizing the purchase of a playground structure & fitness components for Hyde Park in the amount of \$60,750.00 from Athco, was read and adopted.
- 36826 (Resolution No. 36826 - 3102) A Resolution (#104-10) authorizing Change Order No. 1 to the professional services agreement with Leo A. Daly Company in the amount of \$38,585.00 to provide engineering design services for an elevated exercise track for the Multipurpose Sports Facility, was read and adopted.

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

36827 (Resolution No. 36827 - 3103) A Resolution (#107-10) authorizing the renewal of the agreement with Midland Surveying, Inc. to provide land surveying services for an additional one-year term, was read and adopted.

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

BILLS FOR PASSAGE:

36828 (G.O. 2389) A Bill (#90-10) amending Chapter 5 entitled "Animals" of the Code of Ordinances to add a new Section 5-103 entitled "Canine Good Citizen Program," having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36829 (G.O. 2390) A Bill (#97-10) amending Chapter 5 entitled "Animals" of the Code of Ordinances to add a new Section 5-104 entitled "Individual Management for Protection of Animal Care and Treatment (IMPACT) Program," having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36830 (S.O. 8010) A Bill (#80-10) amending the Customer Assistance Department budget in the General Fund in the amount of \$9,300.00 to provide additional funds for microfilming, having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36831 (S.O. 8011) A Bill (#85-10) approving an agreement for legal services with Seigfreid, Bingham, Levy, Selzer & Gee, P.C. in regard to construction and design-related issues, having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36832 (S.O. 8012) A Bill (#96-10) authorizing a contract with P. B. Hoidale Co., Inc. for the purchase and installation of an automated fuel system in the amount of \$14,899.00 for the Street Improvement, Maintenance and Repair (SIM&R) Division of the Public Works & Transportation Department, having been read the first time on June 14, 2010, was read the second time and passed. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36833 It was moved by Councilmember Boyer and seconded by Councilmember Myers that a Bill (#37-10) amending Section 2-1318 of the Code of Ordinances entitled "Sanctions," be postponed for four weeks to the July 26, 2010, Council meeting. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

36834 It was moved by Councilmember Kovac and seconded by Councilmember Starr that a Bill (#1636-06) authorizing a contract with the International Association of Fire Fighters (IAFF), Local #77, be postponed for two months to the August 23, 2010, Council meeting. Motion carried. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

EMERGENCY BILLS FOR PASSAGE:

None.

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RESOLUTION FOR ADOPTION:

36835 (Resolution No. 36835 - 3104) A Resolution (#112-10) sponsored by Councilmember Jones authorizing an Interlocal Agreement with Buchanan County, Missouri regarding the 2010 Byrne Justice Assistance Grant (JAG) Program Award, was read and adopted. Ayes, Myers, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass--9.

BILLS FOR FIRST READING:

36836 A Bill (#102-10) authorizing the transfer of ownership of city-owned property at 723, 727, and 729-733 South 15th Street to St. Joseph Habitat for Humanity and to enter into a grant agreement in the amount of \$250,000.00 in Neighborhood Stabilization Program Funds for redevelopment of these properties for affordable housing, was introduced and read the first time.

36837 A Bill (#105-10) to amend the General Fund and CIP Sales Tax Fund budgets in the amount of \$75,500.00 to provide funds for the installation of the pre-engineered shade sail canopy and for resurfacing of the parking lot at Phil Welch Stadium, was introduced and read the first time.

36838 A Bill (#106-10) amending Section 28-1590 of the Code of Ordinances entitled "Parking prohibited at any time," was introduced and read the first time.

36839 A Bill (#108-10) authorizing accepting of a Permanent Right-of-Way Grant and a Permanent Culvert and Drainage Easement from Boehringer-Ingelheim Vetmedica, Inc., was introduced and read the first time.

36840 A Bill (#109-10) accepting a Quit Claim Deed being donated from KCP&L Greater Missouri Operation Company to be used for the new multi-purpose athletic facility that will replace the old Muchenberger Youth Center, was introduced and read the first time.

36841 A Bill (#110-10) amending Chapter 28 of the Code of Ordinances entitled "Traffic and vehicles" to add a new Section 28-162 to be entitled "Automated traffic control systems" to provide for the establishment of an automated traffic control system through the use of what is commonly known as red light cameras, was introduced and read the first time.

36842 A Bill (#111-10) authorizing a Facilities Use Agreement with Missouri Western State University regarding the use of the indoor training facility at Missouri Western State University, was introduced and read the first time.

36843 A Bill (#113-10) to cancel three promissory notes and release three Deeds of Trust with Corby Independent Living, LLC, that total \$500,000.00, was introduced and read the first time.

36844 A Bill (#114-10) entering into a Deferred Payment Loan Agreement in the amount of \$50,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, was introduced and read the first time.

36845 A Bill (#115-10) entering into a Deferred Payment Loan Agreement in the amount of \$120,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, was introduced and read the first time.

36846 A Bill (#116-10) entering into a Deferred Payment Loan Agreement in the amount of \$250,000.00 with Corby Independent Living, LLC, to renew a commercial loan that was used to rehabilitate the Corby Building located at 424 Felix Street, was introduced and read the first time.

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REPORTS OF BOARDS & COMMISSIONS:

36847 Advisory Commission on Aging members Nancy Kelly and Barbara Braznell gave a report to the Council about the availability of senior housing in St. Joseph. Ms. Kelly distributed a handout entitled "Report on 'lack of affordable housing for senior living'."

Filed 6/9/10: Minutes of the Mechanical Standards and Appeals Board meeting held April 21, 2010, at 3:30 p.m., in the 4th Floor Conference Room at City Hall.

Filed 6/10/10: Minutes of the Landmark Commission meeting held May 4, 2010, at 7:00 p.m., in the Council Chamber at City Hall.

Filed 6/10/10: Minutes of the Aviation Board meeting held June 2, 2010, at 7:00 p.m., in the conference room at Rosecrans Memorial Airport.

Filed 6/14/10: Minutes of the Senior Citizen Foundation, Inc. Board meeting held May 18, 2010, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 6/16/10: Minutes of the St. Joseph Public Library Board of Trustees meeting held May 10, 2010, at 5:00 p.m., at the East Hills Library, 502 N. Woodbine Road.

Filed 6/17/10: Minutes of the Traffic Commission meeting held June 8, 2010, at 10:00 a.m., in the 1st Floor Conference Room at City Hall.

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

Filed 6/22/10: Minutes of the Council Work Session held June 15, 2010, at 4:00 p.m., at the Wyeth Tootle Mansion, 1100 Charles St.

Filed 6/23/10: Minutes of the Council Planning & Zoning Committee meeting held June 21, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 6/10/10: Memorandum in re: City Manager authority over directors/proposed charter change.

Filed 6/14/10: Memorandum in re: Response to Mayor Falkner’s memorandum dated June 14, 2010 (see attached).

Filed 6/18/10: Mayor and City Council Update, June 18, 2010.

Filed 6/21/10: Letter to Lyn Hartley, Public Works Director, BNSF Railway, in re: Notification of new 24-Hour Quiet Zone from Francis St. to 4th St.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 6/9/10: Current Year Budget to Actual Detail report for the Mayor and City Council, City Clerk and City Manager programs dated 5/31/10.

COMMUNICATIONS: (Cont'd)

Filed 6/10/10: Thank you note to Mayor Falkner from Leslie Burks for his support and attendance at the Armed Forces Community Covenant event.

Filed 6/10/10: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held June 8, 2010, at 8:00 a.m., at 3406 Frederick Blvd.

Filed 6/10/10: Minutes of the St. Joseph Museums, Inc. Bi-Monthly Board meeting held March 22, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 6/10/10: Minutes of the St. Joseph Museums, Inc. Bi-Monthly Board meeting held May 24, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 6/10/10: Minutes of the St. Joseph Museums, Inc. Special Board meeting held April 26, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 6/10/10: Memorandum from Mayor Falkner in re: Request for information on Dept. of Technology Services and Property Maintenance.

Filed 6/10/10: Memorandum from Paula Heyde, City Clerk, in re: Response to your (Mayor Falkner's) request for information dated June 10, 2010.

Filed 6/10/10: Minutes of the St. Joseph Museums, Inc. Civil War Medicine Exhibit Advisory Committee meeting held June 7, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 6/11/10: Minutes of the St. Joseph Museums, Inc. Fundraising Events Committee meeting held June 3, 2010, at 11:00 a.m., at 3406 Frederick Blvd.

Filed 6/11/10: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held June 9, 2010, at 1:00 p.m., at Hillyard, Inc., 101 Jules St.

Filed 6/11/10: Memorandum from Mayor Falkner in re: Opinion from Howard C. Wright, Jr.

Filed 6/11/10: Revised memorandum from Mayor Falkner in re: Opinion from Howard C. Wright, Jr.

Filed 6/11/10: Opinion from Howard C. Wright, Jr., Attorney at Law, in re: Opinion concerning whether or not the duties proposed for the position of budget analyst in the office of the mayor & council conflicts with the duties of the city manager under the city charter.

Filed 6/14/10: Memorandum from Mayor Falkner in re: Inquiry on the Departments of Technology Services and Property Maintenance.

Filed 6/14/10: Memorandum from Jeré McKay, Administrative Assistant to the Mayor, in re: Approval needed for Mayor photo frame.

Filed 6/14/10: Letter from Gene McNary, Executive Director, Missouri Gaming Commission, in re: State/Local allocation of gaming revenues for the period 5/1/10 through 5/31/10.

Filed 6/14/10: E-mail from Anthony Mastrangelo in re: Selection process – CM.

Filed 6/14/10: Memorandum from Lisa Robertson, City Attorney, in re: Howard Wright Legal Opinion re: potential Charter violation/proposed budget analyst position.

COMMUNICATIONS: (Cont'd)

Filed 6/16/10: Municipal Courier, June 2010, Volume 8, Issue 5.

Filed 6/16/10: Downtown Building Blocks newsletter, June 2010.

Filed 6/16/10: Minutes of the Police Pension Board meeting held May 19, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 6/17/10: City Weekly, June 17, 2010.

Filed 6/17/10: Memorandum from Mary Robertson, Communications Manager, in re: City facilities tour.

Filed 6/18/10: Memorandum from Sam Barber, Customer Assistance Director, in re: National Flood Insurance Rate Map updates.

Filed 6/18/10: Memorandum from Mayor Falkner in re: MWSU Political Science Project.

Filed 6/18/10: City Attorney Lisa Robertson's response to memorandum from Mayor Falkner dated June 18, 2010, in re: MWSU Political Science Project.

Filed 6/21/10: Letter from Paula Heyde, City Clerk, to Jeffrey Keyasko and Jim Pallone, J.C. Wyatt House, in re: Thank you for discount of \$1,055.25 on fee for catering inauguration reception of newly elected Mayor, City Council and Municipal Judge on April 19, 2010.

Filed 6/21/10: Letter from Midland Empire Homebuilders Association in re: Sewer charged for new construction.

Filed 6/21/10: Memorandum from Chuck Kempf, Project Manager, in re: Phil Welch Stadium update, Phase II.

Filed 6/22/10: Memorandum from Delores Collins, Administrative Secretary/Police Dept., in re: Citizen Commendation (Police Officers David Gross and Jeff Pearl).

OTHER BUSINESS:

City Manager's Report - None.

PUBLIC COMMENT:

Mayor Falkner said he attended the New Generation Singers' program at Wyatt Park Baptist Church Saturday night. They are good ambassadors for the city. He applauded Councilmember Myers for all the hard work he's done over the years for them. It was a great program. The Pony Express delivered the mail Saturday at Patee House Museum; that was a nice event and there was a nice turnout.

Nadine H. Williams, 1405 Sylvania St., addressed the Council about the cat the Animal Shelter put to sleep in error. She has talked to Animal Control and Rescue Manager Rick Smith and they have agreed to use what has happened here as an example so that in the future it doesn't happen again. She thanked everyone for the time that has been spent on this problem. While she is not happy with how it happened, she understands more now than when she wrote a previous letter to the City Council.

PUBLIC COMMENT: (Cont'd)

Ellis Cross, 503 N. 5th St., said he dropped off some questions several weeks ago about the museum and the way the museum tax is handled and other issues. Councilmember Penland said these issues have been answered multiple times over the last four years and he felt the packet of information that was prepared by city staff again answered some of Mr. Ellis' questions, statements and comments. Mr. Cross said they are taking municipal tax dollars and spending it on their own private museum. Councilmember Penland said he thinks the issues have been addressed and answered by the state audit and if the state auditor wants to come back and readdress it, they're more than welcome to do that. Mr. Cross said he has a private corporation and his employees would love to find a way to get on the city's LAGERS retirement plan. There is nothing in the information he was given that allows it. City Manager Vincent J. Capell said that LAGERS allowed it. Mr. Cross said none of his answers are in the documentation.

Councilmember Jones asked about the status of the SAFER grant. Fire Chief Mike Dalsing said they will apply as soon as it opens but the grant doesn't open until later this summer and you can't apply until it's open.

Steve Holdenried, 2125 S. 11th St., said he wants to clear up that the city manager has the power to spend \$2,700 for an answer for something that was possibly illegal. The city manager is responsible to make sure anything done by the Council is legal. He believes the city manager has the right to hire a lawyer to see and make that decision. He received an email from Mayor Falkner today that insinuated that it was wrong. He said the City Charter Review Task Force did not really take any action on the internal auditor because they found that the City Council already had the power to do that. He wanted to clear that up. He was concerned about the fact that when the idea came up Councilmembers Boyer, Myers, Roach and Starr were not aware that these things were happening. And he didn't think that was fair to them. They simply asked that it be discussed later and he thinks that was the right thing to do; if you have questions talk about it. He is confused because he knows the Council has the right to hire an outside consultant to check the budget but it seems like an employee was hired to do this work. Mayor Falkner said the Council hired no employee. Mr. Holdenried said then he's wrong. There was so much confusion and he apologized. Councilmember Jones said she and Councilmember Kovac received an email from Mr. Holdenried today that implied that they were meeting illegally and she would like Mr. Holdenried to know that not always when they meet are they talking about Council information. But even if they did meet, as long as there are no more than four members, the Charter allows this. Mr. Holdenried said it seemed to him that the four members were completely dumfounded by what happened. He thinks what happened last month could have been avoided if all the members knew what was going on. Councilmember Jones said they didn't know what was going on either. Mr. Holdenried said it looked like the four members didn't know what was going on in regard to hiring an auditor and that it had been set up ahead of time and he said he would apologize if that didn't happen and he'll apologize now. He hopes that is not going on and apparently it isn't.

Kenny Reeder, 1801 E. Randolph St., on behalf of the Public Citizens Local, said it's very important to get the dog park in place; with 27 miles of parkway, there should be half a dozen of them by next year. Animal Control & Rescue Manager Rick Smith is another example of an outstanding employee the City has. He attended the Charter Review Task Force meetings and all he can say is it's farcical. He asked for some clarification on Agenda #36831 and #36827.

NOTES:

Agenda No. 36805 - Donald Sherwood, 415 N. 10th St., asked what exactly the changes are. He is concerned about this becoming a non-livable city with all the rules and regulations that are being enacted. Planning & Community Development Director Clint Thompson went over the proposed changes.

NOTES: (Cont'd)

Marty Tunks, King City Lumber, King City, Missouri, distributed a packet of information in regard to the accessory structures they build throughout the city. He said he understands there are certain places in the city that you wouldn't want one of these buildings but they feel that in a lot of places they do fit in and probably makes it a little more attractive than what was there. This ordinance will really limit what his company builds in St. Joseph. It's not all of their business but it's a big part of it and he would hate to lose that part of their business.

Mr. Sherwood said there are several historical buildings in the downtown area that have old time flat tin roofs. Also, there are panels that look like brick and there are concrete panels that can be used. He thinks this is unreasonable.

Councilmember Boyer asked staff to provide the Council some alternatives as to how much of the exterior would have to be covered with brick, etc. at the Committee meeting she will schedule.

Greg T. Seifert, Vice-President of Creal, Clark & Seifert Architects/Engineers, Inc., 919 Corby St., voiced his opinion and objection to the limiting of materials for these accessory buildings. He doesn't think this is a path we want to go down.

Ellis Cross, 503 N. 5th St., said, being very concerned about historic neighborhoods, he thinks the common ground might be that this ordinance applies to historic districts and the parkway. He thinks that would satisfy both sides of the table.

Agenda No. 36828 - Vanessa Seward, 119 N. 15th St., brought Spirit, her Doberman Pincher with her. She said Spirit has completed the AKC Canine Good Citizen Award. The program enables dogs to be productive canine citizens and owners to learn to understand their dogs. She encouraged the Council to approve this program because it's really needed for the dogs and the owners. St. Joseph needs a dog park not only for the exercise of the dogs but for the socialization and training of the dogs.

Agenda No. 36835 - Dwight Scroggins, Buchanan County Prosecuting Attorney, said they are asking for a renewal of the agreement with the city to enter into a four-year Byrne Justice Assistance Grant (JAG) and the deadline for submitting it is June 30, 2010.

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ADJOURNMENT:

36848 By general consent, the Council adjourned.

The meeting adjourned at 9:17 p.m.

Paula Heyde, CMC, City Clerk