

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

May 2, 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, May 2, 2011, at 7:00 p.m. The meeting was called to order at 7:00 p.m. by Mayor Falkner. Notice of said meeting had been established as every other Monday at 7:00 p.m. Further notice was provided by posting the regular meeting date and time in the City Clerk's office at City Hall, and by written notice (together with a tentative agenda) three days in advance in the City Clerk's office.

ROLL CALL:

Present were Councilmembers Boyer, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr--9. Total membership--9. Five members constitute a quorum.

Also present were Interim City Manager/Police Chief Chris Connally, Asst. City Attorney Graham Jura, Public Works & Transportation Director J. Bruce Woody, Financial Services Director Carolyn Harrison, 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, Human Resources Manager Carolyn Sanders, 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, Mayor Falkner voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

37652 By general consent, the minutes of the special meetings held April 18, 2011, at 6:00 p.m., and April 25, 2011, at 4:15 p.m., and the regular meeting held April 18, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

37653 Proclamation – Children's Mental Health Awareness Week

ACCEPTANCE OF AGENDA:

37654 It was moved by Councilmember Myers and seconded by Councilmember Jones that the agenda be accepted as published. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

PUBLIC HEARING FOR REZONING AND CONDITIONAL USE PERMITS:

37655 (G.O. 2426) A Bill (#417-10) redistricting 3518, 3520 and 3602 Waterworks Road from M-2 Heavy Manufacturing District to CP-3 Planned Commercial District as requested by John Gourley, owner, having been read the first time on April 18, 2011, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

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PUBLIC HEARING ON APPROVING A CONCEPTUAL DEVELOPMENT PLAN:

- 37656 (S.O. 8199) A Bill (#418-10) approving a Conceptual Development Plan for the property located at 3518, 3520 and 3602 Waterworks Road in a CP-3 Planned Commercial District, as requested by John Gourley, owner, having been read the first time on April 18, 2011, was read the second time and passed. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

CONSENT AGENDA:

- 37657 It was moved by Councilmember Boyer and seconded by Councilmember Starr that Agenda Numbers 37658 through 37699 be passed by Consent Agenda. Motion carried. Ayes, Falkner, Jones, Kovac, LaBass, Myers, Penland, Roach, Starr, Boyer—9.

Nominations and Appointments:

- 37658 Filed 4/20/11: The nomination by Mayor Falkner was approved, appointing Gary E. Winters, 4208 Hidden Valley Drive, as a member of the Downtown Economic Stimulus Authority of St. Joseph, Missouri for a term expiring November 30, 2012; he is filling a vacancy on the board.
- 37659 Filed 4/20/11: The nomination by Mayor Falkner was approved, appointing Wendy Eidmann, 2603 Shadow Court, as a member of the ABCD Regional Planning Commission for a term expiring April 30, 2013; she is replacing Robert Lee Hogan, whose term has expired.
- 37660 Filed 4/21/11: The nomination by Councilmember Penland was approved, appointing Lorrie L. Hollis, 323 E. Cliff Street, as a member of the Advisory Commission on Aging for a term expiring February 4, 2012; she is filling the vacancy created by the resignation of Stephen Hall.
- 37661 Filed 4/25/11: The nomination by Councilmember Jones was approved, appointing Shawn Moser, 2536 N. 26th Street, as a member of the Fire & Emergency Services Advisory Board for a term expiring May 11, 2014; he is being reappointed.
- 37662 Filed 4/25/11: The nomination by Councilmember Roach was approved, appointing Greg Filardo, 710 South 9th Street, as a member of the Landmark Review Board for a term expiring March 15, 2014; he is being reappointed.

Bills for Passage:

- 37663 (G.O. 2427) A Bill (#424-10) amending Section 29-237 of the Code of Ordinances entitled “Schedule of user charges” to reduce the minimum sewer user charge for new residential construction from \$14.08 to \$5.00 per month, having been read the first time on April 18, 2011, was read the second time and passed.
- 37664 (S.O. 8200) A Bill (#416-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Department of Transportation, Highway Safety Division to accept \$500.00 to conduct a “Statewide Youth Alcohol Enforcement” campaign, having been read the first time on April 18, 2011, was read the second time and passed.
- 37665 (S.O. 8201) A Bill (#422-10) amending the General Fund and the Streets Maintenance Fund budgets in the amount of \$82,000.00 to provide funds for maintenance and repair of vehicles and equipment in the Equipment Support Division of the Public Works & Transportation Department, having been read the first time on April 18, 2011, was read the second time and passed.

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

37666 (S.O. 8202) A Bill (#421-10) amending the Water Protection Fund budget and authorizing Work Order No. 4 for the design of Phase I of a Combined Sewer Overflow (CSO) Green Solutions Demonstration Project in the amount of \$49,408.00 with Bartlett & West, Inc., having been read the first time on April 18, 2011, was read the second time and passed.

Resolutions for Adoption:

37667 (Resolution No. 37667 – 3196) A Resolution (#431-10) proclaiming May 15-21, 2011 National Public Works Week in the City of St. Joseph, was read and adopted.

37668 (Resolution No. 37668 – 3197) A Resolution (#437-10) approving Change Order Number One (1) in the amount of \$7,124.80 to the contract with Interstate Elevator, Inc. to perform repairs to various elevators for the Water Protection Division of the Public Works & Transportation Department, was read and adopted.

37669 (Resolution No. 37669 – 3198) A Resolution (#438-10) authorizing the purchase, installation and training on the upgraded financial and human resource software, “One-Solution,” from Sungard Bi-Tech, LLC for the amount of \$113,000.00 and authorizing a not-to-exceed amount of \$4,000.00 to cover travel costs of the software trainers, was read and adopted.

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

BILLS FOR PASSAGE:

37670 (S.O. 8203) A Bill (#420-10) amending the Capital Projects Fund in the amount of \$20,000.00 for purchases, fees, and reimbursements of development costs associated with the new Northeast Park and YMCA site development, having been read the first time on April 18, 2011, was read the second time and passed. Ayes, Falkner, Myers, Penland, Roach, Starr, Boyer—6. Nays, Jones, Kovac, LaBass--3.

37671 (S.O. 8204) A Bill (#427-10) adopting the Second Year Annual Plan for the use of FY2011/2012 Community Development Block Grant and HOME Program Funds, having been read the first time on April 18, 2011, was read the second time and passed. Ayes, Falkner, Kovac, Myers, Penland, Roach, Starr, Boyer—7. Nays, Jones, LaBass--2.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

None.

BILLS FOR FIRST READING:

37672 A Bill (#429-10) amending the Customer Assistance Department budget in the General Fund in the amount of \$13,305.00 to provide additional funds for document archiving and expanded floodplain manager training, was introduced and read the first time.

37673 A Bill (#430-10) amending the Museum Fund budget in the amount of \$13,940.00 to provide for maintenance expenditures at the Wyeth-Tootle Mansion by St. Joseph Museums, Inc., was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 37674 A Bill (#432-10) authorizing an agreement for professional services with Cochran, Head, Vick & Co., P.C. to perform the city's annual audit, was introduced and read the first time.
- 37675 A Bill (#433-10) amending the Community Development Block Grant budget and entering into a grant agreement with YWCA St. Joseph to provide HOME funds in the amount of \$500,000.00 for acquisition of Bliss Manor, a thirty-nine unit complex at 2929 Lafayette Street for use as a transitional housing complex, was introduced and read the first time.
- 37676 A Bill (#434-10) sponsored by Councilmember Jones amending the Capital Projects Fund budget in the amount of \$818,588.00 and authorizing the purchase of one aerial platform apparatus and the refurbishing of one aerial apparatus from Heiman, Incorporated for the amount of \$818,587.22, was introduced and read the first time.
- 37677 A Bill (#435-10) accepting a Permanent Sewer Easement and a Deed of Gift from United One, LLC for sewer improvements at 3804 North Belt Highway, in Sewer District 269, was introduced and read the first time.
- 37678 A Bill (#436-10) entering into an agreement with the Missouri Highways and Transportation Commission and a contract with American Traffic Solutions, Inc. to provide automated red light camera enforcement systems at various intersections within the City of St. Joseph, was introduced and read the first time.
- 37679 A Bill (#439-10) amending the Water Protection Fund and General Fund budgets to provide additional funds in the amount of \$2,170.00 for the April 5, 2011, Sewer Revenue Bond Election and funds in the amount of \$48,000.00 for the June 7, 2011 Hotel/Motel Tax Election, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 4/14/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held April 11, 2011, at 5:00 p.m., at 927 Felix St.

Filed 4/14/11: Minutes of the Senior Citizens Foundation, Inc. Board meeting held March 15, 2011, at 3:30 p.m., at the Joyce Raye Patterson Senior Citizens Center, 100 South 10th St.

Filed 4/15/11: Minutes of the Plumbers Examining and Appeals Board special meeting held March 10, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 4/18/11: Minutes of the Community Police Advisory Committee meeting held April 5, 2011, at 7:00 p.m., at Rolling Hills Public Library, 1904 N. Belt Hwy.

Filed 4/19/11: Minutes of the Mechanical Standards and Appeals Board meeting held April 12, 2011, at 3:30 p.m., in the 1st Floor Conference Room at City Hall.

Filed 4/20/11: Minutes of the Traffic Commission meeting held April 12, 2011, at 10:00 a.m., in the Council Chamber at City Hall.

Filed 4/20/11: Minutes of the Plumbers Examining and Appeals Board meeting held April 14, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 4/20/11: Minutes of the St. Joseph Regional Port Authority Board of Commissioners meeting held February 10, 2011, at 7:33 a.m., at 3003 Frederick Avenue.

Filed 4/21/11: Minutes of the Social Welfare Board meeting held March 28, 2011, at 3:37 p.m., at 904 South 10th St.

Filed 4/22/11: Minutes of the Board of Operating Engineers meeting held April 20, 2011, at 4:30 p.m., in the Council Chamber at City Hall.

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

Filed 4/18/11: Minutes of the Work Session held April 12, 2011, at 4:15 p.m., at 4:15 p.m., in the Council Chamber at City Hall.

Filed 4/21/11: Minutes of the Work Session held April 14, 2011, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 4/15/11: Mayor and City Council Update, April 15, 2011.

Filed 4/18/11: Memorandum in re: Missouri Theater fire update.

Filed 4/22/11: Mayor and City Council Update, April 22, 2011.

Filed 4/27/11: Memorandum in re: Missouri Theater fire update.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 4/13/11: Letter to Belinda Kempf, Midland Empire Home Builders Association, in re: Proposed ordinance reducing the base fee for sewer user rates.

Filed 4/14/11: E-mail from JoeAnn Mitchell, 3339 Penn Street, in re: Resignation from Senior Citizen Foundation, Inc. Board.

Filed 4/14/11: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: April 5th Sewer Revenue Bond results.

Filed 4/14/11: City Weekly, April 14, 2011.

Filed 4/19/11: Memorandum from Mayor Falkner in re: Absent from the City (April 20-24, 2011.)

Filed 4/20/11: Population Health Update, April 2011.

Filed 4/20/11: Minutes of the Police Pension Board meeting held March 16, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

COMMUNICATIONS: (Cont'd)

Filed 4/21/11: City Weekly, April 21, 2011.

Filed 4/21/11: Museum Oversight Board Quarterly Report to City Council.

Filed 4/25/11: Minutes of the St. Joseph Museums, Inc. Funding Event Committee meeting held October 14, 2010, at 1:05 p.m., at 3406 Frederick Blvd.

Filed 4/25/11: Minutes of the St. Joseph Museums, Inc. Special Board meeting held January 20, 2011, at 6:44 p.m., at 3406 Frederick Blvd.

Filed 4/25/11: Minutes of the St. Joseph Museums, Inc. Collections Committee meeting held February 8, 2011, at 8:00 a.m., at 3406 Frederick Blvd.

Filed 4/25/11: Minutes of the St. Joseph Museums, Inc. Executive Committee meeting held March 3, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 4/25/11: Minutes of the St. Joseph Museums, Inc. Programming Committee meeting held March 15, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

Filed 4/25/11: Memorandum from Mayor Falkner, in re: Krug Park entertainment presentation.

Filed 4/26/11: Memorandum from Lisa Robertson, City Attorney, in re: Krug Park entertainment presentation.

Filed 4/26/11: Minutes of the St. Joseph Museums, Inc. Bi-monthly Board of Trustees meeting held November 22, 2010, at 3:30 p.m., at 3406 Frederick Avenue.

Filed 4/26/11: Minutes of the Geiger Mansion Committee meeting held April 14, 2011, at 4:00 p.m., at 2501 Frederick Ave.

OTHER BUSINESS:

City Manager's Report – Interim City Manager Chris Connally said the proposed budget has been presented to the City Council. In putting the document together, city staff has tried to follow the Council's guidance in putting together a reasonable budget without any major cuts to programs or people and give the new city manager the opportunity to do their own assessment and work with Council in the future.

Mayor Falkner said he attended the National Federation of Professional Bullfighting event at the Civic Arena last weekend and the staff at the Arena did a wonderful job. There was a camera crew from Orlando, Florida who had never been to St. Joseph before and they were just amazed at what St. Joseph had to offer as a community. The organization appreciated all the work the staff did for them.

Councilmember Jones invited everyone to the Apple Blossom Parade Saturday and to the festivities in Civic Center Park on Friday evening.

PUBLIC COMMENT:

Steve Johnston, Executive Director of Community Alliance, 3003 Frederick Blvd., said on Saturday, May 14, 2011, from 8:00 a.m. to Noon, beginning at the Remington Nature Center, the Pioneering Healthy Communities group sponsored by the YMCA, will highlight some of the great aspects of St.

PUBLIC COMMENT: (Cont'd)

Joseph. A new map of the parkway system, showing all the healthy opportunities available in St. Joseph, including the walking and bike trails, Mark Youngdahl Conservation Area, MWSU and high school tracks, will be unveiled. There are lots of community sponsors and there will be door prizes. The purpose is to encourage people to utilize all the terrific assets St. Joseph has available.

Dave Shearer, 2401 Jules St., asked some questions about what “transitional” is in regard to Bill #433-10 (Agenda No. 37675). Jean Brown, Executive Director of the YWCA, briefly explained the project.

Ellis Cross, 503 N. 5th St., said he requested a copy of the former city manager’s contract and a listing of present and future payouts made to him since the first of the year because he had heard a rumor about a \$16,000 payout that was not in his contract. He had also asked for any city council meeting that made addendums to Mr. Capell’s contract concerning his pay. He asked some questions about Mr. Capell’s payout for unused vacation and sick hours. Financial Services Director Carolyn Harrison said Mr. Capell’s payout was based on what was in the City’s payroll system on what he had accrued in vacation and sick time. Mr. Cross read from the minutes of a meeting held in 2007 where Mr. Capell asked that he receive reimbursement for all accumulated vacation through date of termination. Mr. Cross wondered why it was changed. If the Council changed it, then the contract should have been rewritten, agreed on and it should have been read as a city ordinance twice in front of this group and there should have been an opportunity for the Council to hear from individuals that may have a different opinion on whether or not he should get these funds. None of these processes are taking place. The contract was not done right; it should have been updated and it wasn’t. Mr. Cross said since the 2007 meeting, another meeting was held by the Council to discuss the error in the contract and that meeting should not have been closed. Mayor Falkner said he would respond to Mr. Cross about the particulars.

Ricky Daniel Ford, former resident of Tent City, on behalf of everyone in the homeless community, thanked the City for the wonderful 25 years that Tent City was able to remain and they are sorry it’s leaving. He thinks the Council should think about the fact that if there can be a transitional home for females there can be one for males also. He said where he lived before he volunteered in an outreach program by cleaning up trash and to let him know if a similar program was available here.

Tim Puett, 4415 Green Acres Road, asked for some clarification from the Financial Services Director on how sick time is paid out to employees on their retirement. He asked some questions about the former city manager’s retirement plan and what his age was when he retired.

NOTES:

Agenda No. 37653 – Mayor Falkner presented the Children’s Mental Health Awareness Week Proclamation to Lynn Turner, who accepted it on behalf of Circle of Hope and the FOCUS Empowerment Group.

Agenda No. 37671 – Planning & Community Development Director Clint Thompson was asked to provide the City Council with the procedures used to determine which property is purchased and how the contractor is chosen to develop that property.

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ADJOURNMENT:

37680 By general consent, the Council adjourned.

The meeting adjourned at 7:48 p.m.

Paula Heyde, CMC, City Clerk