

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

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

ROLL CALL:

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

Also present were City Manager 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 Penland voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

37478 By general consent, the minutes of the special meeting held February 22, 2011, at 6:00 p.m.; and the regular meeting held February 22, 2011, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

37479 SPECIAL RECOGNITIONS:

Special recognition - Lafayette High School (Fighting Irish) Boys Basketball Team going to state competition

ACCEPTANCE OF AGENDA:

37480 It was moved by Councilmember Boyer and seconded by Councilmember Starr that the Agenda be accepted as published with the addition of one bill for first reading (Bill #386-10) being placed on the Agenda. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

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PUBLIC HEARING ON AMENDMENTS TO THE ZONING CODE:

- 37481 (G.O. 2420) A Bill (#355-10) amending Section 31-050 entitled “Accessory uses and buildings” of the Code of Ordinances, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

PUBLIC HEARING ON ORDINANCES FOR REZONING AND CONDITIONAL USE PERMITS:

- 37482 (G.O. 2421) 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, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

CONSENT AGENDA:

- 37483 It was moved by Councilmember Boyer and seconded by Councilmember Myers that Agenda Numbers 37484 through 37497 be passed by Consent Agenda. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

Nominations and Appointments:

- 37484 Filed 2/18/11: The nomination by Councilmember Starr was approved, appointing Mark Schmitz, 4106 Bennington Drive, as a member of the Downtown Review Board for a term expiring March 10, 2014; he is being reappointed.
- 37485 Filed 2/18/11: The nomination by Councilmember Roach was approved, appointing John D. Courter, 1102 Felix Street, as a member of the Landmark Review Board for a term expiring March 15, 2014; he is being reappointed.
- 37486 Filed 2/25/11: The nomination by Councilmember Starr was approved, appointing Jerome R. Williams, 2411 Angelique Street, as a member of the Enhanced Enterprise Zone Board for a term expiring March 7, 2016; he is replacing Marjorie G. “Corky” Marquart, whose term has expired.
- 37487 Filed 2/25/11: The nomination by Councilmember Starr was approved, appointing Nigh Johnson, 119 N. 19th Street, as a member of the Enhanced Enterprise Zone Board for a term expiring March 28, 2016; he is replacing Drew H. Brown, whose term will expire March 28, 2011.

Bills for Passage:

- 37488 (S.O. 8156) 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, having been read the first time on February 22, 2011, was read the second time and passed.
- 37489 (S.O. 8157) 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, having been read the first time on February 22, 2011, was read the second time and passed.

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

- 37490 (S.O. 8158) 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, having been read the first time on February 22, 2011, was read the second time and passed.

- 37491 (S.O. 8159) A Bill (#364-10) accepting street improvements and sanitary sewer improvements in Myrna Manor North Fourth Plat, a subdivision located in Sewer District #270, having been read the first time on February 22, 2011, was read the second time and passed.

- 37492 (S.O. 8160) 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, having been read the first time on February 22, 2011, was read the second time and passed.

- 37493 (S.O. 8161) 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, having been read the first time on February 22, 2011, was read the second time and passed.

- 37494 (S.O. 8162) 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, having been read the first time on February 22, 2011, was read the second time and passed.

- 37495 (S.O. 8163) 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, having been read the first time on February 22, 2011, was read the second time and passed.

Resolutions for Adoption:

- 37496 (Resolution No. 37496 – 3180) A Resolution (#376-10) authorizing the purchase of services from Amtec to perform a closed circuit television inspection of the interceptor sewer between Riverside Road and the 102 River in the amount of \$50,635.52, was read and adopted.

- 37497 (Resolution No. 37497 – 3181) A Resolution (#377-10) authorizing the amount of \$38,003.67 for the removal of roots in sewer lines at various locations in the city by Duke's Root Control, was read and adopted.

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

BILLS FOR PASSAGE:

- 37498 (S.O. 8164) 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, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

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BILLS FOR PASSAGE: (Cont'd)

- 37499 (S.O. 8165) 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, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.
- 37500 (S.O. 8166) 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, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, Myers—8. Nay, LaBass—1.
- 37501 (S.O. 8167) 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, having been read the first time on February 22, 2011, was read the second time and passed. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.
- 37502 It was moved by Mayor Falkner and seconded by Councilmember LaBass that 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, be postponed to the April 4, 2011, Council meeting. Motion carried. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

EMERGENCY BILL FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

- 37503 (Resolution No. 37503 – 3182) A Resolution (#381-10) authorizing an agreement for professional design services with HDR Engineering, Inc. in the amount of \$276,268.00 to design the Water Protection Facility Ammonia Removal Project, was read and adopted. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.
- 37504 (Resolution No. 37504 – 3183) A Resolution (#383-10) sponsored by Mayor Falkner and Councilmember Jones accepting a scholarship from State Farm Insurance for an arson dog for use by the St. Joseph Fire Department, was read and adopted. Ayes, Penland, Roach, Starr, Boyer, Falkner, Jones, Kovac, LaBass, Myers—9.

BILLS FOR FIRST READING:

- 37505 A Bill (#370-10) authorizing Amendment No. 1 to the Consolidated Annual Plan for the use of FY2009/2010 HOME Program Funds, was introduced and read the first time.
- 37506 A Bill (#371-10) authorizing Amendment No. 1 to the Consolidated Annual Plan for the use of FY2010/2011 HOME Program Funds, was introduced and read the first time.
- 37507 A Bill (#372-10) amending Chapter 28 “Traffic and vehicles” of the Code of Ordinances to add a new Section 28-191 entitled “Duty to secure loads” dealing with the duty of the driver of all vehicles to properly secure the load on a vehicle or trailer to keep any portion of the load from falling off, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 37508 A Bill (#373-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Safety Center to accept \$500.00 to conduct a “Statewide DWI St. Patrick’s Weekend Enforcement” Campaign, was introduced and read the first time.
- 37509 A Bill (#374-10) to amend the Police Department budget in the General Fund and to enter into a contract with the Missouri Safety Center to accept \$900.00 to conduct a “Youth Seat Belt Enforcement” Campaign, was introduced and read the first time.
- 37510 A Bill (#375-10) amending Sections 7-502, 7-503, 7-505, 7-506, 7-513 and 7-517 of Chapter 7 “Buildings and building regulations” of the Code of Ordinances to update the plant operating engineer licensing program, was introduced and read the first time.
- 37511 A Bill (#378-10) amending the Gaming Initiatives Fund and General Fund Planning & Community Development Department budgets in the amount of \$5,000.00 to provide additional funding for the Downtown Initiative Project, was introduced and read the first time.
- 37512 A Bill (#379-10) to amend the Fire Department budget in the General Fund and to accept a Homeland Security Response Team Grant from the Department of Homeland Security in the amount of \$18,159.40 to purchase equipment to enhance regional response teams, was introduced and read the first time.
- 37513 A Bill (#380-10) entering into a Municipal Agreement with the Missouri Highways and Transportation Commission (MHTC) related to public improvements to the intersection of Mitchell Avenue (RT. YY) and Woodbine Road, was introduced and read the first time.
- 37514 A Bill (#382-10) abating weed and trash liens in the amount of \$1,543.00, plus penalty and interest, on the property located at 418 South 17th Street, was introduced and read the first time.
- 37515 A Bill (#384-10) submitting a proposition to the qualified voters of the City of St. Joseph, Missouri, to increase the current 3% Transient Guest (Hotel/Motel) Tax by 3% for a twenty year period, for the purpose of funding the promotion of tourism and convention facilities, including capital expenditures therefor, at an election to be held on June 7, 2011, was introduced and read the first time.
- 37516 A Bill (#385-10) amending the Gaming Initiatives Fund and the Capital Projects Fund budgets in the amount of \$65,000.00 for purchases, repairs and improvements at Phil Welch Stadium – Phase 3, was introduced and read the first time.
- 37517 A Bill (#386-10) sponsored by Mayor Falkner and all Councilmembers appointing Christopher Connally as Interim City Manager of the City of St. Joseph, Missouri, for the period commencing March 25, 2011, at 5:00 p.m. until such time as a permanent City Manager commences employment with the city, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 2/17/11: Minutes of the St. Joseph Public Library Board of Trustees meeting held February 14, 2011, at 5:00 p.m., at the East Hills Library, 502 N. Woodbine Road.

Filed 2/18/11: Minutes of the Building and Fire Prevention Code Board of Appeals meeting held February 14, 2011, at 9:00 a.m., in the 1st Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 2/23/11: Minutes of the Parks & Recreation Board meeting held February 17, 2011, at 4:00 p.m., at 1920 Grand Avenue.

Filed 2/24/11: Minutes of the Housing Authority meeting held November 18, 2010, at 4:00 p.m., at 2902 South 36th St.

Filed 2/24/11: Revised minutes of the Building and Fire Prevention Code Board of Appeals meeting held February 14, 2011, at 9:00 a.m., in the 1st Floor Conference Room at City Hall.

Filed 2/24/11: Minutes of the Aviation Board meeting held January 5, 2011, at 7:00 p.m., in the Conference Room at Rosecrans Memorial Airport.

Filed 2/25/11: Minutes of the Electrical Standards and Appeals Board meeting held February 17, 2011, at 7:00 a.m., in the 1st Floor Conference Room at City Hall.

Filed 2/28/11: Minutes of the Board of Operating Engineers meeting held February 23, 2011, at 4:30 p.m., in the 1st Floor Conference Room at City Hall.

Filed 3/1/11: Minutes of the Social Welfare Board of Directors meeting held February 7, 2011, at 3:05 p.m., at Missouri Western State University, Blum Building, 4525 Downs Drive.

Filed 3/1/11: Minutes of the Museum Oversight Board meeting held February 9, 2011, at 12:00 p.m., at 3406 Frederick Blvd.

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

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 2/18/11: Memorandum from Vince Capell, City Manager and Clint Thompson, Planning & Community Development Director, in re: North County TIF Plan – proposed hotel development.

Filed 2/18/11: Mayor and City Council Update, February 18, 2011.

Filed 2/23/11: Memorandum in re: Missouri Theater fire update.

Filed 2/25/11: Mayor and Council Update, February 25, 2011.

Filed 2/28/11: Memorandum in re: Missouri Theater fire update.

Filed 3/1/11: Memorandum in re: City Manager retirement date advanced.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 2/9/11: Memorandum from Carolyn Harrison, Financial Services Director, in re: Comprehensive Annual Financial Report, FY2010.

Filed 2/16/11: Minutes of the Police Pension Board meeting held January 19, 2011, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 2/17/11: City Weekly, February 17, 2011.

Filed 2/17/11: Memorandum from Clint Thompson, Planning & C.D. Director, in re: Downtown Parking Management Plan.

Filed 2/18/11: Memorandum from Rick Smith, Animal Control and Rescue Manager, in re: Comments and information being disseminated to the City Council and community regarding proposed kennel ordinances.

Filed 2/18/11: Letter from Scott Cooper, Executive Director, Hillcrest Transitional Housing, in re: Requesting start up funds for a transitional housing program in Buchanan County.

Filed 2/22/11: Memorandum from Mary Montgomery, Capital Projects Coordinator, in re: Capital Improvement Program Update – 2nd Quarter FY11.

Filed 2/22/11: Letter from Russell B. & Kim M. Krohn, Blue Springs, Missouri, in re: Bill #348-10 (kennel ordinance).

Filed 2/22/11: Memorandum from Gerald McCush, Community Development Manager, in re: Reallocation of HOME FUNDS-Senior Housing.

Filed 2/22/11: Memorandum from Rick Smith, Animal Control and Rescue Manager, in re: Dr. Brinker comments regarding dog breeding facilities.

Filed 2/22/11: Memorandum from Gerald McCush, Community Development Manager, in re: FY2011/2012 proposals for CDBG and HOME funds.

Filed 2/24/11: Letter from John Mallon, President, Senior Citizen Foundation, Inc. Board, in re: Resignation of Helen Simpson from the Board.

Filed 2/24/11: City Weekly, February 24, 2011.

Filed 2/25/11: Memorandum from Paula Heyde, City Clerk, in re: Disposition list.

Filed 2/25/11: Memorandum from Debra Bradley, Health Director, in re: Ambulance service ordinances.

Filed 2/25/11: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: March 2nd Work Session, Mass Transit vehicles/Southwest Parkway Bridge over Garfield.

Filed 2/25/11: Memorandum from Diana Slater, Human Resources Director, in re: Health insurance renewal.

Filed 2/28/11: Memorandum from Mayor Falkner in re: Kennel Committee.

COMMUNICATIONS: (Cont'd)

Filed 3/1/11: Memorandum from Mayor Falkner in re: Let's move.

Filed 3/2/11: St. Joseph Police Department 2010 Annual Report.

Filed 3/2/11: Article from the Associated Press entitled "*High court rules for military funeral protesters*", by Mark Sherman.

OTHER BUSINESS:

City Manager's Report – None.

Councilmember Boyer hoped everyone will keep Jerry Cooper's family in their thoughts.

PUBLIC COMMENT:

Sue Comley, 3513 Jackson St., said she considers it a privilege to come see the Council in action. Everywhere she goes she sees someone she knows and she likes that. She thinks we live in a wonderful town. She will miss Mr. Capell. She thinks the choice of Police Chief Connally as the Interim City Manager is a good one. She thanked the Mayor and Councilmembers for the service they do in the community.

Danny Ford, a resident of Tent City, asked if it would be possible for the city to provide them with a dumpster and port-a-pots so they can clean up the area.

Tim Pruett, 4415 Green Acres Rd., asked if Local #77 could get copies of the ordinances from the other cities that were sent to Council in regard to Bill #358-10 and look over what some of the Councilmembers' questions are. Mayor Falkner said the ordinances would be emailed to Mr. Pruett and invited him to the work session that will be scheduled.

NOTES:

Agenda No. 37479 – Councilmember Jones congratulated the Lafayette High School (Fighting Irish) Boys Basketball Team which is going to state competition in Columbia, Missouri, and wished them the best for obtaining a state title.

Agenda
Number

ADJOURNMENT:

37518 By general consent, the Council adjourned.

The meeting adjourned at 7:41 p.m.

Paula Heyde, CMC, City Clerk