

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

September 7, 2021 - 5:30 p.m.
Office of the City Clerk

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

The Council of the City of St. Joseph, Missouri, met in regular meeting in the Council Chamber at City Hall, on Tuesday, September 7, 2021, at 5:30 p.m. The meeting was called to order at 5:30 p.m. by Mayor McMurray. Notice of said meeting had been established as every other Monday at 5:30 p.m., except when it falls on a legal holiday then it shall be held the following day Further notice was provided by posting the regular meeting date and time in the City Clerk’s office at City Hall, and by written notice (together with a tentative agenda) three days in advance in the City Clerk’s office.

ROLL CALL:

	<u>Name</u>	<u>Term Attendance</u> (mtgs attended-mtgs absent)
Members present:	Mayor Bill McMurray	(128-02)
	Councilmember Brenda Blessing	(125-05)
	Councilmember Madison Davis	(124-06)
	Councilmember PJ Kovac	(110-21)
	Councilmember Russell Moore	(127-03)
	Councilmember Brian Myers	(119-11)
	Councilmember Marty Novak	(125-05)
	Councilmember Kent O’Dell	(117-13)
	Councilmember Gary Roach	(114-16)

Total membership--9. Five members constitute a quorum.

Also present were City Manager Bryan Carter, City Attorney Lisa Robertson, Battalion Chief Steve Dalsing, Asst. Parks, Recreation & Civic Facilities Director Jeff Atkins, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Public Works & Transportation Director Andrew Clements, Human Resources Director Amy Cohorst, Patrol Division Commander David Hart, Detective Division Commander Eric Protzman, Aviation Manager Abe Forney, Fire Inspector Mindy Andrsevits, Multimedia Planner Ed Schilling, Communications Coordinator Emily Wearing and City Clerk Paula Heyde.

Under the Council voting rotation system, Councilmember Moore voted first.

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MINUTES:

46466 By general consent, the minutes of the regular meeting held August 23, 2021, at 5:30 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

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(September 7, 2021, Council Meeting, Continued)

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ACCEPTANCE OF AGENDA:

- 46467 It was moved by Councilmember Myers and seconded by Councilmember O'Dell that the agenda be accepted as published. Motion carried. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.

PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

- 46468 (G.O. 3001) A Bill (#1267-18) sponsored by Councilmember O'Dell redistricting the property located at 4200 Waterworks Road from CP-3 Planned Commercial District to M-1, Light Manufacturing District, as requested by Michael Carpenter on behalf of Mike Dunning, having been read the first time on August 23, 2021, was read the second time and passed. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.

PUBLIC HEARING ON ORDINANCES AMENDING THE ZONING CODE:

- 46469 (G.O. 3002) A Bill (#1268-18) sponsored by Councilmember Novak amending Section 31-190 "Historic Landmarks" of Chapter 31, "Zoning" of the Code of Ordinances to add First Baptist Mt. Union Church, located at 4604 King Hill Avenue, as a historic landmark in the city, having been read the first time on August 23, 2021, was read the second time and passed. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.
- 46470 It was moved by Councilmember Kovac and seconded by Councilmember Moore that Bill #1221-19 be taken out of order and considered at this time. Motion carried. Ayes, Moore, O'Dell, Roach, Blessing, Kovac, McMurray--6. Nays, Myers, Novak, Davis--3. (See Agenda Nos. 46491-2.)

PUBLIC HEARING ON A NEW AND REVISED PLAN OF REDISTRICTING (COUNCIL DISTRICTS):

- 46471 A Bill (#1282-18) sponsored by Mayor McMurray providing for a new and revised plan of redistricting based upon the last official federal census of 2020; providing for dissolution of the existing five council districts; providing for the establishment of four new council districts; and adopting an official council district map, having been read the first time on August 23, 2021, was read the second time and failed to pass. Ayes, Myers, Davis--2. Nays, Moore, Novak, O'Dell, Roach, Blessing, Kovac, McMurray--7.

CONSENT AGENDA:

- 46472 It was moved by Councilmember Novak and seconded by Councilmember Roach that Agenda Numbers 46473 through 46489 be passed by Consent Agenda. Motion carried. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.

Nominations and Appointments:

- 46473 Filed 8/23/21: The nomination by Councilmember Roach was approved, appointing Michael Grimm, 1810 S. 40th Street, as a member of the Aviation Board for a term expiring August 29, 2026; he is replacing Colin Hoffman whose term expired August 29, 2021.

Bills for Passage:

- 46474 (S.O. 9972) A Bill (#1263-18) sponsored by Mayor McMurray waiving building permit fees associated with the redevelopment of the structure located at 903 Mitchell Avenue operated by Pony Express Museum, Inc., having been read the first time on August 23, 2021, was read the second time and passed.

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

- 46475 (S.O. 9973) A Bill (#1272-18) sponsored by Councilmember Moore authorizing an amendment to the Police Department budget in the General Fund in the amount of \$65,000.00 to be used to maintain day-to-day operation and maintenance on radio towers used by the St. Joseph/Buchanan County radio system, having been read the first time on August 23, 2021, was read the second time and passed.
- 46476 (S.O. 9974) A Bill (#1280-18) sponsored by Councilmember Kovac authorizing an amendment to the General Fund, Parks Designated Funds Program budget and acceptance of a donation from the Schmidt Foundation both in the amount of \$10,000.00 to be used for development of a new disc golf course, having been read the first time on August 23, 2021, was read the second time and passed.
- 46477 (S.O. 9975) A Bill (#1269-18) sponsored by Councilmember O'Dell approving the final plat entitled "KARS Addition" a major subdivision consisting of two (2) lots located at 6911 Memorial Highway, as requested by Richard and Kathy Shuster, having been read the first time on August 23, 2021, was read the second time and passed.
- 46478 (S.O. 9976) A Bill (#1270-18) sponsored by Councilmember O'Dell approving the preliminary plat entitled "Dunning Express," a major commercial subdivision consisting of one (1) lot proposed for the property located at 4200 Waterworks Road, as requested by Mike Dunning, having been read the first time on August 23, 2021, was read the second time and passed.
- 46479 (S.O. 9977) A Bill (#1271-18) sponsored by Mayor McMurray reaffirming and readopting Section 2-114 "Conflicts of interest" of the Code of Ordinances, having been read the first time on August 23, 2021, was read the second time and passed.
- 46480 (S.O. 9978) A Bill (#1274-18) sponsored by Councilmember Davis authorizing the submission and execution of the Federal Transit Administration (FTA) Federal Fiscal Year 2022 Section 5339 Urban Area Formula Funds Grant and an amendment to the Mass Transit Fund budget to provide transit capital assistance in the amount of \$1,314,985.00, having been read the first time on August 23, 2021, was read the second time and passed.
- 46481 (S.O. 9979) A Bill (#1277-18) sponsored by Councilmember Davis authorizing the submission and execution of the Federal Transit Administration (FTA) 5307 Grant and an amendment to the Mass Transit Fund budget to provide transit operating assistance all in the amount of \$80,324.00 for Fiscal Year 2022, having been read the first time on August 23, 2021, was read the second time and passed.
- 46482 (S.O. 9980) A Bill (#1275-18) sponsored by Councilmember Davis authorizing execution of an Airport Joint Use Agreement (AJUA) with the United States of America and State of Missouri to cost share certain joint operations expenses at Rosecrans Memorial Airport in an amount of \$55,156.28 annually, having been read the first time on August 23, 2021, was read the second time and passed.
- 46483 (Resolution No. 46483 – 4808) A Resolution (#1287-18) of official intent of the City Council of the City of St. Joseph, Missouri, for the issuance of the City's Taxable Industrial Development Revenue Bonds in a principal amount of approximately \$25,000,000 to finance a project for the benefit of Clarios, LLC and authorizing certain actions relating thereto, was read and adopted.
- 46484 (Resolution No. 46484 – 4809) A Resolution (#1288-18) of official intent of the City Council of the City of St. Joseph, Missouri, for the issuance of the City's Taxable Industrial Development Revenue Bonds in a principal amount of approximately \$9,500,000 to finance a project for the benefit of Daily's Premium Meats, LLC, and authorizing certain actions relating thereto, was read and adopted.

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

- 46485 (Resolution No. 46485 – 4810) A Resolution (#1289-18) authorizing the execution of a Lump Sum Contract with TNR Construction, LLC in an amount of \$49,785.20 for the Transit Administration Concrete Replacement Project, was read and adopted.
- 46486 (Resolution No. 46486 – 4811) A Resolution (#1292-18) authorizing the execution of a Memorandum of Understanding with the Missouri Department of Health and Senior Services to provide vital records services, was read and adopted.
- 46487 (Resolution No. 46487 – 4812) A Resolution (#1293-18) authorizing execution of a Memorandum of Understanding with Beyond Interpreting to provide sign language interpretation services for individuals who are deaf, hard of hearing, and deafblind, was read and adopted.
- 46488 (Resolution No. 46488 – 4813) A Resolution (#1294-18) approving the appointment of three board members to the St. Joseph Downtown Community Improvement District, was read and adopted.
- 46489 (Resolution No. 46489 – 4814) A Resolution (#1295-18) authorizing execution of contracts with twelve social service agencies in the total amount of \$396,200.00 as provided in the Second Year Annual Plan for use of Community Development Block Grant funds for Fiscal Year 2021/2022, was read and adopted.

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

NOMINATIONS AND APPOINTMENTS:

None.

BILLS FOR PASSAGE:

- 46490 (S.O. 9981) A Bill (#1266-18) sponsored by Councilmember Moore authorizing an amendment to the Gaming Initiatives Fund to appropriate the amount of \$8,500.00 to pay dues for membership in the Missouri Home Dock Cities Association for the years 2019 (\$3,500.00), 2020 (\$2,500.00), and 2021 (\$2,500.00) , having been read the first time on August 23, 2021, was read the second time and passed. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.
- 46491 It was moved by Councilmember O'Dell and seconded by Councilmember Roach that Bill #1221-18 be amended before consideration for passage by substituting a new Exhibit "A" in place of the one originally filed with the ordinance. Motion carried. Ayes, Moore, O'Dell, Roach, Blessing, Kovac, McMurray--6. Nays, Myers, Novak, Davis--3.
- 46492 (S.O. 9982) A Bill (#1221-18) sponsored by Mayor McMurray providing for a new and revised plan of redistricting based upon the 2019 American Community Survey data and population estimations; providing for the dissolution of the existing five council districts; providing for the establishment of four new council districts; and adopting an official council district map, having been read the first time on July 26, 2021, was read the second time and passed. Ayes, Moore, Novak, O'Dell, Roach, Blessing, Kovac, McMurray--7. Nays, Myers, Davis--2.

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EMERGENCY BILLS FOR PASSAGE:

- 46493 (S.O. 9983) An Emergency Bill (#1285-18) sponsored by Councilmember Davis authorizing the execution of a Military Construction Cooperative Agreement (MCCA) (No. W912NS-21-2-2001) with the National Guard Bureau in the amount of \$42,922,324.00 for costs associated with the design and construction of Main Runway 17/35 at Rosecrans Memorial Airport, was introduced, read and passed. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.
- 46494 (S.O. 9984) An Emergency Bill (#1298-18) sponsored by Mayor McMurray authorizing an amendment to the budget to transfer \$1,500,000.00 from the Water Protection Fund to the American Rescue Plan Act Fund to provide premium pay to eligible regular full time and part time city employees, was introduced read and passed. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.

RESOLUTIONS FOR ADOPTION:

- 46495 (Resolution No. 46495 – 4815) A Resolution (#1291-18) authorizing the execution of Change Order No. 6 with Herzog Contracting Corporation in an amount of \$33,860.00 for the installation of additional parking along existing roadways for the Hyde Park Splash Park, was read and adopted. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray--9.
- 46496 (Resolution No. 46496 – 4816) A Resolution (#1296-18) provisionally approving the recommendations submitted by a City Council-appointed Citizens American Rescue Plan Act Funding Committee and directing further activities that are necessary to proceed with funding recommended programs and activities, was read and adopted. Ayes, Moore, Myers, Novak, O'Dell, Roach, Blessing, Davis, McMurray--8. Nays, Kovac--1.

BILLS FOR FIRST READING:

- 46497 A Bill (#1284-18) sponsored by Councilmember Davis authorizing the submission and execution of a Missouri Highways and Transportation Commission (MHTC) Airport Coronavirus Relief Grant (CRRSA) Program Agreement in the amount of \$57,162.00 for state assistance under the State Block Grant Program in financing operation costs at Rosecrans Memorial Airport, was introduced and read the first time
- 46498 A Bill (#1286-18) sponsored by Mayor McMurray abating weed and trash liens totaling \$2,152.63, plus penalty and interest, and releasing the liens on the real property located at 806 South 15th Street, was introduced and read the first time.
- 46499 A Bill (#1290-18) sponsored by Councilmember Moore authorizing execution of an agreement with the Missouri Department of Health and Senior Services for the Crisis Cooperative Agreement in the amount of \$140,116.00 and an amendment to the Public Health Department Program Budget in the General Fund to allocate funds in the amount of \$15,339.56 in the current fiscal year, was introduced and read the first time.
- 46500 A Bill (#1297-18) sponsored by Councilmember Davis amending Chapter 30 "Vehicles for hire" of the Code of Ordinances to enact a new Article V entitled "Shuttle service – River Bluff Trails Park" providing regulations for any business desiring such an operation at the River Bluff Trails Park, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

46501 A Bill (#1299-18) sponsored by Mayor McMurray authorizing execution of an agreement with Westminster Place Neighborhood Association for the operation and maintenance of the fountain at 25th and Folsom Streets and an amendment to the General Fund Cell Phone Program in an amount up to \$4,500.00 to provide 50% matching funds for the repair of the fountain, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 8/25/21: Minutes of the Social Welfare Board meeting held June 22, 2021, at 3:00 p.m., at Rogers Pharmacy, 3705 N. Belt Highway.

Filed 8/25/21: Minutes of the Library Board of Trustees meeting held August 23, 2021, at 4:45 p.m., at the Downtown Library, 927 Felix Street, via video conferencing.

Filed 8/25/21: Minutes of the Zoning Board of Adjustment meeting held August 24, 2021, at 4:00 p.m., at City Hall via video conferencing.

Filed 8/26/21: Minutes of the Human Rights Commission meeting held August 17, 2021, at 6:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS OF BOARDS & COMMISSIONS: (Cont'd)

Filed 8/30/21: Minutes of the Planning Commission meeting held August 26, 2021, at 5:30 p.m., in the Council Chamber at City Hall.

Filed 8/30/21: Minutes of the Museum Oversight Board meeting held August 20, 2021, at 9:00 a.m., at the Wyeth-Tootle Mansion, 1100 Charles Street.

Filed 8/31/21: Minutes of the Housing Authority meeting held June 17, 2021, at 4:00 p.m., at the Housing Authority, 2902 S. 36th Street.

Filed 8/31/21: Minutes of the Parks and Recreation Board meeting held August 19, 2021, at 4:00 p.m., at Parks, Recreation and Civic Facilities Admin office, 1920 Grand Avenue.

WORK SESSION MINUTES – CITY CLERK’S OFFICE:

Filed 8/23/21: Minutes of the Council Work Session meeting held August 19, 2021, at 4:00 p.m., in the Council Chamber at City Hall.

Filed 8/25/21: Minutes of the Council Work Session meeting held August 23, 2021, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

None.

DELEGATIONS, PETITIONS:

None.

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COMMUNICATIONS:

Filed 8/18/21: Minutes of the Police Pension Board meeting held July 21, 2021, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 8/20/21: Minutes of the American Rescue Plan Act Funding Committee meeting held August 17, 2021, at 8:30 a.m., in the 4th Floor Conference Room at City Hall.

Filed 8/20/21: Letter from Paula Heyde, City Clerk, to St. Joseph Kiwanis Club, c/o Jeff Ellison, in re: thank you for donation of a shelter, grill, signage, tables and water fountain valued at approximately \$40,000.00 to be used at Bartlett Park.

Filed 8/20/21: Letter from Paula Heyde, City Clerk, to St. Joseph East Rotary Club, c/o Nicholas Gertsema, in re: Thank you for donation of \$5,598.00 for QR F.I.T. which has been installed along the Urban Hike and Bike Trail System to enhance the use and outdoor fitness opportunities.

Filed 8/23/21: Minutes of the Sustainable Environment Advisory Committee meeting held July 28, 2021, at 3:00 p.m., in the 1st Floor Conference Room at City Hall via video conferencing.

Filed 8/23/21: Memorandum from Andy Clements, Public Works & Transportation Director, in re: Bonds for Bridges Public Information.

Filed 8/23/21: Letter from Mary Baack Garvey, Buchanan County Clerk in re: Payment due of \$25,327.35 for the August 3rd Special Election.

Filed 8/24/21: City Link, August 19, 2021.

Filed 8/24/21: Commendation regarding Police Department staff.

Filed 8/25/21: Memorandum from Tom Mahoney, Interim Director of Administrative Services, in re: June FY2021 Financial Report.

Filed 8/25/21: Minutes of the American Rescue Plan Act Funding Committee meeting held August 24, 2021, at 8:30 a.m., in the 4th Floor Conference Room at City Hall.

Filed 8/27/21: City Link, August 26, 2021.

Filed 8/30/21: Letter from Teresa Fankhauser, Executive Director, Allied Arts, in re: Thanking the city for the assistance they provided for the St. Joseph 2021 From Steam to S.T.E.A.M. Festival.

Filed 8/31/21: St. Joseph Museums. Inc. 2021 Strategic and Operations Plan.

OTHER BUSINESS:

46502 City Manager's Report – City Manager Bryan Carter congratulated the employees of the Animal Control & Rescue Division which received two awards from the Missouri Animal Control Association. Teresa Pinson received the Animal Care Specialist of the Year award, and the division received the Missouri Outstanding Animal Welfare Agency award. COVID-19 update: Positivity rate 8.17%; 21.5% have completed vaccinations; 24% have received initial vaccination. The Health Department averages 10 vaccines per day and have 10 clinics scheduled from September 8 through November 9. Mosaic has 26 inpatients in St. Joseph. 207 City employees have submitted proof of vaccination to the Human Resources Department.

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OTHER BUSINESS:

Councilmember Roach asked for an update on the staffing situation at the Landfill. Mr. Carter said we are still several weeks out from being at a staffing level where we can reopen at regular hours. Councilmember Roach asked if more can be done to get the word out that the landfill is closed on Saturdays.

PUBLIC COMMENT:

None.

NOTES:

Agenda No. 46469 – Craig Strong, 209 W. Iowa St., spoke against the request for a historic landmark designation.

Brittany Boggess, 2014 Safari Dr., applicant, spoke about the plans she has for turning the building into an outreach center for the southside youth and for repairing and securing it.

Agenda No. 46471 – Aaron Armstrong, 5411 Grant St., said according to the last census, the city lost 4,000 people. In his opinion, if we do all that we can in the next eight years to bring 4,000 people back to the city, why change the districts now.

Jim Weidinger, 4614 Iris Ave., thinks the City Council left the best plan, the four quadrants, on the floor and will be considering the lesser of the two plans.

Kenny Reeder, 4000 River Rd., on behalf of Public Citizens Local & Associates, asked if the next Council, for instance, can change this or is this plan locked in for ten years. Mr. Carter said the City Charter requires a review in 2025 and they have not evaluated whether it can do that in a shorter time frame. Mr. Reeder said we have to go with this plan because it is census controlled; it horrendously horrible but it's not as bad and doesn't destroy parts of the town like the first number 3 does.

Agenda No. 46491-2 – Ben Burtnett, 5302 S. 16th Terr., said the general public never had a chance to vote on this and wondered if this could be put off until a new council is in office. He wonders how many people are registered in each district and thinks the entire thing is silly and confusing.

Kenny Reeder, 4000 River Rd., on behalf of Public Citizens Local & Associates, spoke about how the substituted map is the better one.

Tom Fanning, 1920 St. Joseph Ave., said the reason for going from five districts to four was to simplify the districts and so people knew what district they were voting in and plan 2 does that.

Agenda No. 46496 – Councilmember Novak requested that a work session be scheduled for a presentation on each of the requests for funding prior to the Council voting on them.

Aaron Armstrong, 6411 Grant St., suggested that some of the funds be given to the renovation of the First Baptist Mt. Union Church.

Sean Connors, 1912 Manchester Rd., said his organization applied for funding and he doesn't think the process for reviewing the projects was fair for everyone involved and too much emphasis was put on the wrong thing.

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NOTES: (Cont'd)

Maria Ramirez, 1801 Grand Ave., spoke about the process being unfair from the beginning. She urged the Council to really review the applications.

Jim Weidinger, 4614 Iris Ave, said he is glad the City Council is going to review each request in detail to find out more about each one. He supports the Committee's recommendation after his questions were answered.

Carol Burns, 2732 Felix St., spoke in support of the resolution recommending all the projects moving forward.

Steven Jones, 1801 Grand Ave., feels there is an imbalance of how these funds are being distributed and it needs to be re-evaluated by the City Council.

Pat Dillon, representing Mosaic Life Care, 5325 Faraon St., said he agrees with the list. He spoke about Mosaic's investment in the downtown and the amount of money it has spent on COVID relief and free health care in the community. He believes Mosaic is a great partner for this community and has invested millions of dollars in the community.

ADJOURNMENT:

46503 By general consent, the City Council adjourned.

The meeting adjourned at 7:41 p.m.



Minutes transcribed by Paula Heyde, CMC, City Clerk.

