

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

October 4, 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 Monday, October 4, 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. 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	(131-02)
	Councilmember Brenda Blessing	(128-05)
	Councilmember Madison Davis	(127-06)
	Councilmember PJ Kovac	(112-21)
	Councilmember Russell Moore	(130-03)
	Councilmember Brian Myers	(121-12)
	Councilmember Marty Novak	(128-05)
	Councilmember Kent O'Dell	(120-13)
	Councilmember Gary Roach	(116-17)

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

Also present were City Manager Bryan Carter, City Attorney Lisa Robertson, Police Chief Chris Connally, Interim Fire Chief Kenny Cordonnier, Parks, Recreation & Civic Facilities Director Chuck Kempf, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Public Works & Transportation Director Andrew Clements, Human Resources Director/Interim Administrative Services Director Amy Cohorst, Asst. to City Manager/Communications & Public Relations Manager Mary Robertson, Multimedia Planner Ed Schilling and City Clerk Paula Heyde.

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

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MINUTES:

46527 By general consent, the minutes of the special meeting held September 14, 2021, at 4:00 p.m. and the regular meeting held September 20, 2021, at 5:30 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

None.

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(October 4, 2021, Council Meeting, Continued)

Agenda

Number ACCEPTANCE OF AGENDA:

46528 It was moved by Councilmember O'Dell and seconded by Councilmember Novak that the Agenda be accepted as published. Motion carried. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

PUBLIC HEARING ON ORDINANCES FOR REZONING AND CONDITIONAL USE PERMITS:

46529 (G.O. 3004) A Bill (#1300-18) sponsored by Councilmember O'Dell redistricting the property located at 2500 South 11th Street from M-2, Heavy Manufacturing District to R-2, Two-Family Residential District, as requested by Andy Meyer, having been read the first time on September 20, 2021, was read the second time and passed. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

46530 (G.O. 3005) A Bill (#1301-18) sponsored by Councilmember O'Dell redistricting the property located at 3712 Seneca Street from C-3, Commercial District to R-2, Two-Family Residential District, as requested by Kelly Jarrett, having been read the first time on September 20, 2021, was read the second time and passed. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

46531 (G.O. 3006) A Bill (#1302-18) sponsored by Councilmember O'Dell redistricting the property located at 4406 King Hill Avenue from M-2, Heavy Manufacturing District to MP-2, Planned Heavy Manufacturing District, as requested by Craig Strong, having been read the first time on September 20, 2021, was read the second time and passed. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

CONSENT AGENDA:

46532 It was moved by Councilmember O'Dell and seconded by Councilmember Novak that Agenda Numbers 46533 through 46542 be passed by Consent Agenda. Motion carried. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

Nominations and Appointments:

46533 Filed 9/21/21: The nomination by Councilmember Kovac was approved, appointing Michelle Ritter, 4010 Bennington Drive, as a member of the Americans with Disabilities Act Compliance Board for a term expiring October 4, 2026; she is filling a vacancy on the board.

46534 Filed 9/24/21: The nomination by Councilmember Novak was approved, appointing Mike Cazel, 3010 N. 39th Terrace, as a member of the Community Police Advisory Committee for a term expiring October 12, 2024; he is replacing Sheila Murray, whose term expires October 12, 2021.

45535 Filed 9/24/21: The nomination by Councilmember Novak was approved, appointing Karen Petree, 2422 Doniphan Street, as a member of the Community Police Advisory Committee for a term expiring October 12, 2024; she is being reappointed.

Bills for Passage:

45536 (G.O. 3007) A Bill (#1305-18) sponsored by Councilmember Myers amending Section 13-28 "Costs, assessment, disposition" of Chapter 13 "Courts" of the Code of Ordinances to update the list of costs that can be collected with the fine assessed by the court, having been read the first time on September 20, 2021, was read the second time and passed.

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

- 46537 (G.O. 3008) A Bill (#1306-18) sponsored by Councilmember Moore amending Section 28-105 "Violations and Penalties" and Section 28-926 "Violations and Penalties" of Chapter 28 "Traffic and Vehicles" of the Code of Ordinances to change the fine for violating these provisions of Chapter 28, having been read the first time on September 20, 2021, was read the second time and passed.
- 46538 (S.O. 9988) A Bill (#1307-18) sponsored by Councilmember O'Dell approving the final plat entitled "Biozyme East," a major commercial subdivision consisting of one (1) lot proposed for the property located at 4621 Easton Road, as requested by Robert Norton, having been read the first time on September 20, 2021, was read the second time and passed.
- 46539 (S.O. 9989) A Bill (#1308-18) sponsored by Mayor McMurray authorizing the issuance of General Obligation Bonds, Series 2021, in the aggregate principal amount of not to exceed \$9,000,000, of the City of St. Joseph, Missouri; prescribing the form and details of said bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and authorizing certain other documents and actions in connection therewith, having been read the first time on September 20, 2021, was read the second time and passed.

Resolutions for Adoption:

- 46540 (Resolution No. 46540 – 4820) A Resolution (#1316-18) authorizing the execution of a Housing Rehabilitation Contract with Misty Barger, a single person (owner), and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 2212 South 11th Street for a total amount not to exceed \$45,045.00, was read and adopted.
- 46541 (Resolution No. 46541 – 4821) A Resolution (#1317-18) accepting the proposal from CBIZ/Cigna for health insurance coverage for Mass Transit employees in the amount of \$1,183,853.04, was read and adopted.
- 46542 (Resolution No. 46542 – 4822) A Resolution (#1323-18) of intent expressing support of a tax credit application by JES Dev Co, Inc. to the Missouri Housing Development Commission for the redevelopment of vacant property located at 502 Francis Street to be known as Pioneer Lofts, was read and adopted.

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

NOMINATIONS AND APPOINTMENTS:

None.

BILLS FOR PASSAGE:

- 46543 It was moved by Councilmember Roach and seconded by Councilmember Myers that Bill #1299-18 be amended before consideration for passage by substituting a new ordinance and attachments in place of the ones originally filed. Motion carried. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

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BILLS FOR PASSAGE: (Cont'd)

- 46544 (S.O. 9990) A Bill (#1299-18) sponsored by Mayor McMurray authorizing execution of a Memorandum of Understanding with Westminster Place Neighborhood Association related to 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, having been read the first time on September 7, 2021, was read the second time and passed. Ayes, Novak, O'Dell, Roach, Blessing, Davis, Kovac, McMurray, Moore, Myers--9.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

- 46545 It was moved by Councilmember Blessing and seconded by Councilmember Moore that a Resolution (#1311-18) sponsored by Councilmember Davis stating the city's position regarding mandatory COVID-19 vaccination or testing for employees, be postponed until OSHA has issued its emergency temporary standard related to mandatory vaccinations or testing for City employees. Motion carried. Ayes, O'Dell, Roach, Blessing, Kovac, McMurray, Moore, Myers--7. Nays, Novak, Davis--2.

BILLS FOR FIRST READING:

- 46546 A Bill (#1310-18) sponsored by Councilmember Moore amending the Fire Department budget in the General Fund to accept a grant from the Office of Homeland Security in the amount of \$9,900.00 for the purchase of emergency lights, was introduced and read the first time.
- 46547 A Bill (#1312-18) sponsored by Councilmember Moore authorizing an amendment to the Police Department budget in the General Fund to budget insurance proceeds received for a damaged police vehicle in the amount of \$20,600.50, was introduced and read the first time.
- 46548 A Bill (#1313-18) sponsored by Mayor McMurray authorizing an amendment to the Property Maintenance Program budget in the General Fund and execution of an Agreement for Professional Services with SAM, LLC in the amount of \$5,000.00 for the development of a mobile application to track citizens' litter cleanup efforts, was introduced and read the first time.
- 46549 A Bill (#1314-18) sponsored by Councilmember Davis authorizing an amendment to the Aviation Fund budget and the purchase and delivery of one (1) Jacobsen mower with cab to be used at Rosecrans Memorial Airport from Kansas Golf and Turf in the total amount of \$84,390.00, was introduced and read the first time.
- 46550 A Bill (#1315-18) sponsored by Councilmember Davis authorizing the execution of Change Order No. 4 to the Missouri Air National Guard Box Culvert Extension Contract with M-Con, LLC, for additional erosion control measures and an amendment to the Aviation Fund budget in an amount not to exceed \$12,900.00, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 46551 A Bill (#1318-18) sponsored by Councilmember O'Dell redistricting the properties located at 1001 Autumn Street, 1119 Bellevue Street, 1401 Broadway Street, 1001, 1005, 1012, 1015, 1024 and 1025 Euclid Avenue, 1001, 1007, 1013, 1015 and 1021 West Highland Avenue, 4101, 4201, 4302, 4320 and 4325 Huntoon Road, 1001, 1002, 1016 and 1020 Luverne Street, 1502 and 1802 MacArthur Drive, 2210, 2404, 2410 and 2420 Maiden Lane, 1001, 1002, 1005, 1009, 1010, 1015 and 1021 Mokaska Street, 3806 and 3908 River Road, 1002, 1010, 1014 and 1016 Summer Street, 1415 Tyrone Street, 1101, 2201, 2202, 2304, 3101, 3512, 3602, 3604, 3702 and 4022 Waterworks Road, 777 Winners Circle, 1002 and 1007 Winter Street and certain unaddressed parcels of record on Autumn Street, Belmont Street, Cook Road, Euclid Avenue, Francis Street, Highland Avenue, West Highland Avenue, Isabelle Street, West I-229, Luverne Street, Maiden Lane, Missouri River, East Missouri River, Mokaska Street, West Rosine Street, Summer Street, Tyrone Street, Waterworks Road and Winter Street from several zoning districts to P-12, Riverfront Precise Plan District, as requested by the City of St. Joseph, was introduced and read the first time.
- 46552 A Bill (#1319-18) sponsored by Councilmember Myers amending Section 23-27 "License" of Chapter 23 "Secondhand goods" of the Code of Ordinances to allow citizens to have a garage sale without purchasing a license the first Thursday through Sunday of August on an annual basis, was introduced and read the first time.
- 46553 A Bill (#1320-18) sponsored by Councilmember O'Dell amending "Maintenance of property – weeds and rank growth of vegetation" of Chapter 15 "Exterior property maintenance" of the Code of Ordinances to add classifications of "prairie" and "wetlands" to be maintained only within 50 feet of all private or public property lines, was introduced and read the first time.
- 46554 A Bill (#1321-18) sponsored by Councilmember O'Dell abating liens and administrative penalties totaling \$5,892.43, and any interest and penalties, on the property located at 1407 Beattie Street, was introduced and read the first time.
- 46555 A Bill (#1322-18) sponsored by Councilmember Novak authorizing the sale of real estate located at 405 South 15th Street to Shamrock Capital, LLC, (buyer) for the amount of \$35,000.00 and other good and valuable consideration, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 9/20/21: Minutes of the Parks and Recreation Board meeting held September 16, 2021, at 4:00 p.m., at the Parks Admin office, 1920 Grand Avenue.

Filed 9/24/21: Minutes of the Planning Commission meeting held September 23, 2021, at 5:30 p.m., in the Council Chamber at City Hall.

Filed 9/28/21: Minutes of the Aviation Board meeting held August 4, 2021, at 11:30 a.m., in the Terminal Conference Room at Rosecrans Memorial Airport, 100B NW Rosecrans Road.

Filed 9/28/21: Minutes of the Housing Authority meeting held August 26, 2021, at 4:00 p.m., at the Housing Authority, 2902 South 36th Street via video conferencing.

Filed 9/28/21: Minutes of the Senior Citizen Foundation, Inc. Board meeting held August 17, 2021, at 3:00 p.m., at the Joyce Raye Patterson 50+ Activity Center, 100 S. 10th Street.

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WORK SESSION MINUTES – CITY CLERK’S OFFICE:

None.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 9/23/21: Memorandum in re: Acting City Manager (September 26-29, 2021).

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 9/15/21: Letter from Paula Heyde, City Clerk, to Michael Tamburelli, VP and General Manager, St. Joe Frontier Casino, in re: Thank you for donation of \$2,000.00 to purchase portable breathalyzers to be used by the Police Department.

Filed 9/15/21: Minutes of the Police Pension Board meeting held August 18, 2021, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 9/16/21: City Link, September 16, 2021.

Filed 9/21/21: Commendations regarding Police Department staff.

Filed 9/23/21: City Link, September 23, 2021.

Filed 9/24/21: Minutes of the St. Joseph Museums Programming Committee meeting held September 7, 2021, at 1:30 p.m., at St. Joseph Museums, 3406 Frederick Avenue.

Filed 9/27/21: Minutes of the St. Joseph Museums Black Archives Museum Committee meeting held September 7, 2021, at 3:00 p.m., at St. Joseph Museums, 3406 Frederick Avenue.

OTHER BUSINESS:

46556 City Manager’s Report – City Manager Bryan Carter said the parks public meetings begin this week to gather community input on how we can work together to safeguard our parks. The first meeting will be October 5 at the Fairview Golf Course Clubhouse, the second one will be October 7 at the Remington Nature Center and the final one will be next week on October 13 at the Community Christian Church. All three meetings begin at 6:00 p.m.

PUBLIC COMMENT:

None.

NOTES:

Agenda No. 46531 –Shawn Duke, 802 Francis St., representing the applicant, answered questions from the City Council.

Agenda No. 46545 – Kevin Siegmund, 4909 N. Creekwood Dr., said it is illegal, unconstitutional and wrong to mandate this and encouraged the City Council to not make any vaccination mandatory.

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NOTES: (Cont'd)

Jim Weidinger, 4614 Iris Ave., said he doesn't know why the City Council wants to get involved in this issue and thinks there is a good city manager and health director to decide on the matter. He hopes the City Council follows the advice of the doctors, scientists and everyone when they make that consideration which it has done throughout the entire pandemic and sees no reason for the City Council to stop now.

Mr. Carter gave an update on COVID-19: At the end of last week, the positivity rate was at 6.06% continuing a downward trend. The 14-day average of new cases was 19.86 and the seven-day average was 17.43. The Delta variant does remain the dominant variant. The vaccination rate is 35% for those who have completed vaccinations and 37.9% initiating vaccinations. The Health Department recently held three first dose clinics at Tyson Foods with 46 individuals getting vaccinated at that time. There are seven clinics remaining. The flu clinic will be on October 12 from 9:00 am to Noon at the Civic Arena and the Pfizer COVID vaccine will be available. There will not be a drive-up option.

ADJOURNMENT:

46557 By general consent, the City Council adjourned.

The meeting adjourned at 6:08 p.m.

A handwritten signature in cursive script that reads "Paula Heyde". The signature is written in black ink and is positioned above the typed name of the City Clerk.

Minutes transcribed by Paula Heyde, CMC, City Clerk.