

COUNCIL WORK SESSION MAY 4, 2009

CALL TO ORDER

The May 4, 2009, "Pre-Meeting" Work Session was convened at 5:45 P.M. by Mayor John Landwehr.

ATTENDANCE

The following Council Members were present at the time the meeting convened:

Present: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Absent: None

A quorum was present.

DISCUSSION OF AGENDA ITEMS

Appointments:

Mayor John Landwehr distributed a list of liaison appointments with names of Council Members who had expressed an interest in the various Boards and Commissions. He asked the Council to discuss these among themselves so he can make the appointments at the May 18 Council meeting. He suggested some Council Members could feel free to trade with other Members if they wish to.

Bills:

2009-15 (neighborhood stabilization grant agreement): Councilman Ron Medin announced he will recuse himself from discussion or action on this matter since he is employed by a lending institution which may become involved.

The meeting adjourned at 5:55 P.M.

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CALL TO ORDER

The Regular Council Meeting of May 4, 2009, was convened at 6:00 P.M. by Mayor John Landwehr.

ROLL CALL

The following Council Members were present for the roll call:

Present: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner,
and Struempf
Absent: None

A quorum was declared present.

Mayor Landwehr asked if anyone present wished to be added to the list of those who would like to make a presentation to the Council tonight, and added those names to the list.

MINUTES AND REPORTS RECEIVED AND FILED

Mayor John Landwehr stated the following minutes have been received and are on file for review in the City Clerk's office:

- a. Housing Authority Board of Commissioners, March 24, 2009
- b. CVB Reports and Minutes, March 2009 (on file for review in City Clerk's office)
- c. Finance Committee, March 13, 2009
- d. USS Jefferson City Submarine Committee, October 9, 2008
- e. Planning & Zoning Commission Special Meeting, April 2, 2009

Mayor Landwehr thanked the volunteers who serve on these Boards and Commissions for their vital contribution to our community.

COUNCIL LIAISON REPORTS

Administration Committee - Councilwoman Carrie Carroll reported that the Committee will meet next on Wednesday, May 6 at 8:00 A.M.

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Finance Committee - Councilman Rich Koon stated the Committee will meet on Friday, May 15 immediately following the 12:00 P.M. Brown Bag work session.

Public Safety Committee - Councilman Dan Klindt stated that the Committee met last Friday, May 1, immediately following the Brown Bag work session.

Public Works & Planning Committee - Councilman Jim Penfold reported that all future Committee meetings will be held at 7:30 A.M.

Ad Hoc Committees, if any:

No ad hoc committee reports were given at this time.

ANNOUNCEMENTS OF OTHER UPCOMING MEETINGS AND EVENTS

City Administrator Steve Rasmussen announced that the Council will have a work session on Monday, May 11 at 5:30 P.M. and gave the topics of discussion. Also, a Council Work Session will be held on Saturday, May 16, from 8:30 a.m. to 12:00 p.m. to discuss Council Goals and Priorities for the next year. More details on that meeting will be provided in the next few days.

Assistant Community Director Charles Lansford announced the annual Landmark Award Ceremony will occur on Friday, May 14, at 4:00 P.M. in the City Council Chambers.

Mr. Lansford also made an announcement regarding the annual Tire and E-Waste Collection event which will occur on Saturday, June 6, at the Cole County Public Works facility located at 5055 Monticello Road. A fee will be required to drop off materials.

APPOINTMENTS BY THE MAYOR

Mayor John Landwehr announced that he hopes to make the Council liaison appointments at the May 18 Council meeting, and encouraged the Council Members to discuss among themselves the various appointments and decide which appointments they prefer. He said they may trade some of those if they wish to.

PRESENTATIONS FROM STAFF, CONSULTANTS & INVITED GUESTS

Ms. Jane Hubbs, Cole County Health Department, gave a report on the issue of the H1N1 ("swine flu") virus occurrences and how it may impact our community in the coming months. She distributed materials containing information about prevention and treatment, and stated more would be made available upon request if needed. Following her presentation, Mayor John Landwehr asked if she would be willing to attend future Council Meetings to provide

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further updates and she replied that she would be happy to do so.

Mr. Steve Picker, Convention & Visitors Bureau (CVB) gave an abbreviated presentation of the new "Downtown Architectural Tour" which is available to the public. He said citizens may check out an MP3 player and take the walking tour which has been scripted by Mr. Ralph Bray, with the help of Assistant to the City Administrator Melva Fast, and narrated by Councilman Ron Medin. Mr. Picker then gave updates on some future events which will bring visitors to the City which he believed would generate revenue for local businesses.

PRESENTATIONS FROM THE GALLERY ON SPECIFIC BILLS & RESOLUTIONS

Mr. Tom Kauffman, Kauffman Enterprises, LLC, made a presentation regarding Bill 2009-16 and requested that the Council award the contract to his company as the lowest bidder rather than to the contractor named by staff as the lowest and best bidder.

CONSENT AGENDA

The following items were presented to the Council for their approval by Consent:

Minutes of April 17 and April 20, 2009 City Council Meetings

A motion was made by Councilman Dan Klindt for approval of the Consent Agenda as presented, seconded by Councilman Kenneth Ferguson, and approved unanimously.

BIDS OVER \$25,000

Bid 2447 - Paving Materials, which was submitted to Council April 24, 2009, to meet the five-day advance notification requirement.

A motion was made by Councilman Jim Penfold for approval of the bid as presented, seconded by Councilman Dan Klindt, and approved unanimously.

BILLS INTRODUCED

Bill 2009-7, sponsored by Councilman Klindt, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, CHANGING, AMENDING, AND MODIFYING THE ZONING MAP OF THE ZONING CODE OF THE CITY OF JEFFERSON, BY REZONING 1.11 ACRES FROM RS-1 LOW DENSITY RESIDENTIAL TO RA-1 HIGH DENSITY RESIDENTIAL, FOR LAND ADDRESSED AS 3139 ALGOA ROAD, DESCRIBED AS LOT 13 OF SCOTTANIA SUBDIVISION, SECTION TWO, JEFFERSON

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CITY, COLE COUNTY, MISSOURI, AND ENDORSING AN AMENDMENT ON THE DEVELOPMENT PLAN MAP OF THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE.

Bill 2009-8, sponsored by Councilman Klindt, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, CHANGING, AMENDING, AND MODIFYING THE ZONING MAP OF THE ZONING CODE OF THE CITY OF JEFFERSON, BY REZONING 1.05 ACRES FROM M-1 LIGHT INDUSTRIAL TO PUD PLANNED UNIT DEVELOPMENT, AND ENDORSING AN AMENDMENT ON THE DEVELOPMENT PLAN MAP OF THE COMPREHENSIVE PLAN FOR 4.95 ACRES, FOR LAND ADDRESSED AS 2131 EAST MCCARTY STREET, DESCRIBED AS PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 44 NORTH, RANGE 11 WEST, JEFFERSON CITY, COLE COUNTY, MISSOURI.

Mayor John Landwehr announced that he will be recusing himself on discussion or voting both 2009-8 and 2009-9 as he has several family members affected by this issue. He will ask President Pro Tempore Mike Harvey to preside at that portion of the meeting on May 18.

Councilman Dan Klindt asked for explanation of how the issue could be postponed if negotiations between the business and the residents need more time, and still be in compliance with laws regarding such issues. City Counselor Nathan Nickolaus explained the time line that would need to be considered to re-advertise the public hearing and the legal notices to be mailed and posted. The public hearing would need to be postponed at least for two more Council meetings to allow for those to occur.

Bill 2009-9, sponsored by Councilman Klindt, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, APPROVING A PRELIMINARY PUD PLAN FOR PROPERTY ADDRESSED AS 2131 EAST McCARTY STREET; DESCRIBED AS PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 44 NORTH, RANGE 11 WEST, JEFFERSON CITY, COLE COUNTY, MISSOURI.

Bill 2009-10, sponsored by Councilman Klindt, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 35, THE ZONING CODE, INCLUDING SECTION 35-41 SPECIFIC USE STANDARDS, PERTAINING TO THE KEEPING OF HORSES.

Bill 2009-11, sponsored by Councilman Klindt, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, ACCEPTING AND APPROVING THE FINAL SUBDIVISION PLAT OF EMILY LANE SUBDIVISION, SECTION

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TWO, A SUBDIVISION OF THE CITY OF JEFFERSON, MISSOURI.

Bill 2009-12, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGES) TO REVISE THE APPLICATION PROCESS AND REORDER THE CHAPTER.

Bill 2009-13, sponsored by Councilwoman Carroll, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING THE PERSONNEL POLICY MANUAL FOR THE MUNICIPAL SERVICE OF JEFFERSON CITY, MISSOURI, PERTAINING TO SMOKING IN CITY VEHICLES.

Bill 2009-14, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH WEATHERCRAFT, INC. FOR ROOF REPLACEMENT AT THE JOHN G. CHRISTY MUNICIPAL BUILDING.

Councilman Rich Koon requested that the rules be suspended and Bill 2009-14 placed on final passage to allow the project to proceed in conjunction with the project approved by Bill 2009-3. There were no objections to suspending the rules. Bill 2009-14 was then read second and third times by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14526**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

Bill 2009-15, sponsored by Councilwoman Carroll, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT ON BEHALF OF THE CITY OF JEFFERSON WITH THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE NEIGHBORHOOD STABILIZATION PROGRAM, AND AMENDING THE 2008-2009 BUDGET OF THE CITY OF JEFFERSON, MISSOURI BY APPROPRIATING ADDITIONAL FUNDS WITHIN THE GENERAL FUND.

Councilman Ron Medin stated that he will be recusing himself from any discussion or action on this bill due to a conflict of interest.

Bill 2009-16, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE

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MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH STOCKMAN CONSTRUCTION FOR MISSISSIPPI, HOUGH PARK, ELLIS BLVD. AND GREEN MEADOW STORMWATER PROJECT.

Councilman Jim Penfold requested that the rules be suspended and Bill 2009-16 placed on final passage to allow the project to proceed in conjunction with the roundabout project approved at the April 20 Council meeting. There were no objections to suspending the rules. Bill 2009-16 was then read second and third times by title and placed on final passage.

A motion was made by Councilman Mike Harvey to amend Bill 2009-16 by awarding the contract to Kauffman Enterprises, LLC, as the lowest bidder. The motion was seconded by Councilman Dan Klindt. Following a lengthy discussion, the motion was then approved by the following roll-call vote:

Aye: Ferguson, Harvey, Klindt, Koon, Pope, and Struempf

Nay: Carroll, Medin, Penfold, and Scrivner

Bill 2009-16 was then passed, as amended, by the following roll-call vote as **Ordinance 14527**:

Aye: Ferguson, Harvey, Klindt, Koon, Pope, and Struempf

Nay: Carroll, Medin, Penfold, and Scrivner

Bill 2009-17, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MIDWEST ATC SERVICE, INC., FOR THE PURPOSE OF PROVIDING AIR TRAFFIC CONTROL SERVICES AT THE JEFFERSON CITY MEMORIAL AIRPORT FOR THE PERIOD OF OCTOBER 1, 2008 TO SEPTEMBER 30, 2009.

BILLS PENDING

Bill 2009-1, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH JEFFERSON ASPHALT COMPANY FOR THE 2009 MILLING AND OVERLAY PROGRAM.

Bill 2009-1 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14520**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

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Bill 2009-2, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH JC INDUSTRIES, INC. FOR THE STADIUM, LESLIE, AND LAFAYETTE INTERSECTION PROJECT.

Bill 2009-2 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14521**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

Bill 2009-3, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH VERSLUES CONSTRUCTION COMPANY FOR CITY HALL REPAIR AND ACCESSIBILITY IMPROVEMENTS.

Bill 2009-3 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14522**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

Bill 2009-4, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH DESCO FLOORING SYSTEMS, INC. FOR WASTEWATER TREATMENT PLANT ADMINISTRATION FLOOR REPLACEMENT.

Bill 2009-4 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14523**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

Bill 2009-5, sponsored by Councilman Medin, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 19 (MOTOR VEHICLES AND TRAFFIC), SECTION 19-310 (RIDING BICYCLE, MOTORIZED

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BICYCLE OR SKATEBOARD ON SIDEWALKS), OF THE CODE BY PROHIBITING MOTORIZED BICYCLES ON SIDEWALKS.

Bill 2009-5 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14524**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

Bill 2009-6, sponsored by Councilman Carroll, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, DESIGNATING THE PROPERTIES SELECTED BY THE HISTORIC PRESERVATION COMMISSION FOR THE 2009 LANDMARK AWARDS.

Bill 2009-6 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14525**:

Aye: Carroll, Ferguson, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Nay: None

RESOLUTIONS

There were no resolutions brought before the Council at this time.

NEW BUSINESS

Mayor John Landwehr announced that Presiding Commission Marc Ellinger had made a presentation before the City Council a few months back to discuss issues of mutual interest between the City and County, and that he would be making similar presentations in the future. Mayor Landwehr stated that he will be attending monthly meetings of the Cole County Commission to make reciprocal presentations on behalf of the City. He invited any Council Members who wished to attend those meetings with him to do so.

PRESENTATIONS FROM THE GALLERY ON OTHER TOPICS

Mr. Dan Massie made a presentation regarding the recent closing of the Missouri River access by the railroad crossing at the Bolivar Street Park. He explained how the river access is important to river traffic for various reasons.

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Mr. Leonard Steinman made a presentation regarding motorcycle helmet laws currently being considered by the Missouri State Legislature and asked if approved, whether City or State law on this issue take precedence.

COUNCIL AND STAFF DISCUSSION OF PRESENTATION TOPICS

Mayor John Landwehr asked Mr. Massie to contact him so he could see some of the photos he mentioned which were taken during his years as a river pilot. He also thanked Mr. Massie for making his presentation and making the City aware of the river access closure at the Bolivar Street Park.

Mayor John Landwehr asked City Counselor Nathan Nickolaus to explain how the City's motorcycle helmet law would be affected by any new State law on this issue. Mr. Nickolaus stated that State law takes precedence over City law, and the City always attempts to mirror any state laws. He stated that, if the State law is passed and approved, the City would have until it becomes effective in August to bring our City law in line with the new State law.

ADJOURNMENT

There being no further business brought forward at this time, a motion was made by Councilman Jim Penfold for adjournment, seconded by Councilman Rich Koon, and approved unanimously at 7:50 P.M.