

COUNCIL WORK SESSION MAY 18, 2009

CALL TO ORDER

The May 18, 2009, "Pre-Meeting" Work Session was convened at 5:48 P.M. by Mayor John Landwehr.

ATTENDANCE

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

Present: Carroll (arrived at 5:52 P.M.), Harvey, Klindt, Koon, Medin, Penfold, Pope (arrived at 5:50 P.M.), Scrivner, and Struempf

Absent: Ferguson

A quorum was present.

DISCUSSION OF AGENDA ITEMS

Bills:

Mayor John Landwehr recused himself at this point and turned the Chair over to President Pro Tempore Mike Harvey.

2009-8 and 2009-9 (Midwest Block & Brick issue) - Councilman Dan Klindt asked about amending the agenda to vote on 2009-9 before 2009-8, and to take up both issues simultaneously during the public hearing since they are both related. Discussion was held regarding extending this for 30 days, but Councilman Klindt stated that both the neighborhood residents and Midwest Block and Brick want the issue resolved one way or the other tonight.

Mayor John Landwehr resumed the Chair at this point.

The meeting adjourned at 6:04 P.M.

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CALL TO ORDER

The Regular Council Meeting of May 18, 2009, was convened at 6:05 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 John Landwehr stated that staff may need to make an announcement about the Fire Code due to the large number of persons attending the meeting tonight. Jason Turner of the Jefferson City Fire Department stated that he would waive the fire code requirements as long as persons do not block the aisles and keep the main doorway clear. He asked that other staff persons at the meeting would assist in making sure those two conditions are maintained throughout the meeting.

Mayor John Landwehr stated that the Council wished to allow persons listed under the category of "Presentations from Staff, Consultant, and Invited Guests" at this point due to the fact that the public hearings will take several hours. No one objected to allowing those presentations being made at this time. He stated that under public hearings, the Council has indicated they wished to take up items (a) and (d) first because items (b) and (c) would probably be quite lengthy.

PRESENTATIONS FROM STAFF, CONSULTANTS & INVITED GUESTS

Mr. Phil Freeman made a presentation regarding the Old Towne rehabilitation and Prison Redevelopment projects. He urged the Council to adopt a resolution stating the Council's support of the Missouri General Assembly's approved appropriation for the design and construction of the Lafayette Street Interchange at Highway 50/63. Mayor John Landwehr stated that Resolution RS2009-2 on tonight's agenda will accomplish that. Mr. Freeman asked that the Old Towne Company would be happy to participate in the next Capital Improvement Projects sales tax campaign.

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Mr. Randy Hollis, Regional Government Relations Representative for Mediacom, made a presentation regarding recent changes in his company as well as in the broadcast industry as it related to the new digital broadcast format. He explained how customers can continue to receive the programs being broadcast by Mediacom, and answered questions specifically related to the local cable access channel, JCTV. He stated anyone who still had problems should contact Mediacom for assistance.

PUBLIC HEARINGS

- (a) Rezoning 1.11 Acres from RS-1 to RA-1 and Endorsing Associated Comprehensive Plan Amendment for Land Addressed as 3139 Algoa Road

City Planner Janice McMillan made a staff presentation regarding the background of the requested rezoning. Following her presentations, the following persons spoke on the issue:

Mr. Mike Bates, Central Missouri Professional Services, offered to answer any questions on behalf of the applicant. No questions were asked.

There being no further persons wishing to speak on the issue, Mayor John Landwehr declared the evidentiary portion of the public hearing concluded and stated that the Council will now take up the associated pending bill.

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

Bill 2009-7 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14528**:

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

Nay: None

- (d) Zoning Text Amendment to Chapter 35, including Sections 35-40 Permitted Accessory Uses, Section 35-41 Specific Use Standards, Section 35-92 Definitions and Section 35-95 Fees Pertaining to the Keeping of Horses

City Planner Janice McMillan made a staff presentation regarding the background of the Zoning Text Amendment and answered questions asked by the Council on the issue. Following her presentations, no one present came forward to speak on the issue.

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Mayor John Landwehr declared the evidentiary portion of the public hearing concluded and stated that the Council will now take up the associated pending bill.

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 2009-10 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14531**:

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

Nay: None

Mayor John Landwehr turned the Chair over to President Pro Tempore Mike Harvey at this point in the meeting and recused himself from discussion or action on items (b) and (c).

President Pro Tempore Mike Harvey stated that the Council had indicated a wish to amend the agenda at this point. A motion was made by Councilman Dan Klindt to amend the agenda so that the Council will vote on Bill 2009-9 before it votes on 2009-8, and that the public hearings for both be conducted simultaneously. The motion was seconded by Councilman Bob Scrivner and approved unanimously.

- (a) Rezoning 1.05 Acres from M-1 to PUD and Endorsing Associated Comprehensive Plan Amendment for Land at 2131 E. McCarty Street
- (b) Approval of Preliminary Plan Unit Development Plan for 2131 E. McCarty Street City

Planner Janice McMillan made a staff presentation regarding both issues. Following her presentation, a motion was made by Councilman Dan Klindt to accept the Substitute Bill 2009-9 which was previously distributed to the Council at the pre-meeting. Motion was seconded by Councilman Bob Scrivner and approved unanimously by the following roll-call vote:

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

Nay: None

At the conclusion of staff presentation, the following persons came forward to speak on the issue:

Mr. Duane Schreimann, attorney for Midwest Block and Brick, and **Mr. Patrick Dubbert**, Owner of Midwest Block and Brick, made a joint presentation in favor of the rezoning and the PUD plan. Mr. Schreimann explained restrictions on the Company which would be accomplished by the "Declaration of Protective Covenants and Restrictions" which the applicant would have recorded at the County if zoning and PUD Plan ordinances are

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approved by the Council. Mr. Schreimann stated that applicant does not agree with the interpretation of the rules requiring a two-thirds super majority based on the petitions which have been received by the City. Mr. Dubbert continued with a lengthy presentation and answered questions asked by the Council at the conclusion of the presentation.

Mr. Mike Bates, Central Missouri Professional Services, spoke in favor of the issue and answered questions regarding the PUD plan.

Mr. Darrel Winegar, General Manager of Midwest Block and Brick, spoke in favor of the Rezoning and the PUD Plan, and answered questions about the issues of dust, truck traffic, and noise. He stated that he believes there is a problem with trucks being able to navigate the new roundabout at E. McCarty / Hwy. 50 near the new Walmart and that is why some trucks are using the Clark Avenue route to get to Hwy. 50.

At the conclusion of the above presentations, Mr. Schreimann asked those in attendance tonight in support of the issue to stand.

Mr. Paul Bertrand, George Butler and Associates, made a presentation regarding the issue of sound / noise associated with Midwest Block and Brick. Following his presentation he answered several questions asked by the Council.

Mr. Randy Allen, Jefferson City Area Chamber of Commerce, spoke in favor of the issue. Councilman Jim Penfold asked whether Mr. Allen was speaking as himself as an individual or on behalf of the Chamber. Mr. Allen stated that the Chamber knew of his statements of support of this issue as the Chamber's policy is to support the expansion of business in the City. He stated this would qualify as a business expansion which the Chamber would support.

President Pro Tempore Mike Harvey called for a brief recess at this point in the meeting (8:55 P.M.)

The meeting was reconvened at 9:10 P.M. by President Pro Tempore Mike Harvey with the following Council Members present:

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

Absent: None

Mr. Roger Schrimpf spoke in favor of the proposed rezoning and PUD Plan.

Ms. Rosie Schaefer spoke in favor of the proposed rezoning and PUD Plan.

Pat Schaefer spoke in favor of the proposed rezoning and PUD Plan.

Ms. Keeley Prohaska spoke in favor of the proposed rezoning and PUD Plan.

Ms. Tanya Dixon spoke in opposition to the proposed rezoning and PUD Plan.

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Mr. Michael Gordon spoke in favor of the proposed rezoning and PUD Plan.

Mr. Skip Walther, Attorney, representing Mr. Tom Landwehr and the neighbors, stated the opposition of neighbors in the area of the proposed rezoning and PUD Plan. He answered questions following his presentation.

Ms. Carol Otto spoke in opposition to the proposed rezoning and PUD Plan.

Mr. Bill Landwehr spoke in opposition to the proposed rezoning and PUD Plan.

Mr. Jim Kemna spoke in opposition to the proposed rezoning and PUD Plan.

Mr. Rod Stewart spoke in opposition to the proposed rezoning and PUD Plan.

Ms. Lorraine Parker spoke in opposition to the proposed rezoning and PUD Plan.

Mr. Tom Landwehr spoke in opposition to the proposed rezoning and PUD Plan.

Ms. Debbie Rice spoke in opposition to the proposed rezoning and PUD Plan.

Mr. Eric Landwehr spoke in opposition to the proposed rezoning and PUD Plan.

There being no further persons wishing to speak on the issue, President Pro Tempore Mike Harvey declared the evidentiary portion of the public hearings concluded, and stated that the Council will now take up the associated pending bills, in the order previously approved by the Council earlier in the meeting.

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 2009-9 was read third time by title, placed on final passage and passed, as substituted, by the following roll-call vote as **Ordinance 14530**:

Aye: Carroll, Klindt, Koon, Medin, Pope, Scrivner, and Struempf

Nay: Ferguson, Harvey, and Penfold

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

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NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 44 NORTH, RANGE 11 WEST, JEFFERSON CITY, COLE COUNTY, MISSOURI.

Bill 2009-8 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14529**:

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

Nay: Penfold

President Pro Tempore Mike Harvey called for a brief recess at 11:15 P.M.

Mayor John Landwehr reconvened the meeting at 11:20 P.M. with the following Council Members present:

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

Absent: None

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 - No reports were given at this time.

Finance Committee - No reports were given at this time.

Public Safety Committee - No reports were given at this time.

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Public Works & Planning Committee - Councilman Jim Penfold reported that a meeting will be held on Thursday, May 21 at 7:30 A.M. and the issue of the Wastewater Treatment disinfection plan will be discussed.

Ad Hoc Committees, if any:

No ad hoc committee reports were given at this time.

ANNOUNCEMENTS OF OTHER UPCOMING MEETINGS AND EVENTS

Charlie Lansford 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

The following appointments were recommended for Council approval by Mayor John Landwehr:

(a) City Council Liaison Appointments:

CAMPO: Ferguson, Koon, Penfold, Struempf

Airport Advisory Committee: Penfold

Chamber Economic Development as follows:

Site Development Review Board: Scrivner, with Medin as alternate

Transportation Committee: Medin, with Scrivner as alternate

CVB: Carroll

Cultural Arts Commission: Struempf

Electrical Examiners & Review Board: Struempf

Plumbing Examiners & Review Board: Struempf

Environmental Quality Commission: Penfold

Historic Preservation Commission: Carroll

Human Relations Commission: Koon

Industrial Authority: Harvey

JCTV Steering Committee: Pope

TIF: Harvey

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Transportation & Traffic Commission: Medin

USS Jefferson City Submarine Committee: Koon

(b) Appointments to Following City Boards and Commissions:

Board / Commission	Appointment	Expires	Term Status Full / Partial
Historic Preservation Commission	Art Langston	Jan 2011	Partial
Cultural Arts Commission:	Cindy Layton	Mar 2012	Full
	Ann Littlefield	Mar 2011	Partial
	Mary Ann Hall	Mar 2011	Partial
	Keith Enloe	Mar 2010	Partial
	Don Govang	Mar 2010	Partial
	Bruce Dawson	Mar 2010	Partial

A motion was made by Councilman Kenneth Ferguson for approval of the appointments as presented, seconded by Councilman Bob Scrivner and approved unanimously.

Mayor John Landwehr stated he will recommend an appointment as liaison to the Parks and Recreation Commission at the June 1 meeting, but he asked Councilmen Ferguson and Scrivner to decide which of them would like to serve in that capacity and get back to him.

PRESENTATIONS FROM THE GALLERY ON SPECIFIC BILLS & RESOLUTIONS

There were no presentations made at this time.

CONSENT AGENDA

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

Minutes of May 1, May 4, and May 11, 2009 City Council Meetings

A motion was made by Councilman Rich Koon for approval of the Consent Agenda as presented, seconded by Councilman Jim Penfold, and approved unanimously.

BILLS INTRODUCED

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Bill 2009-18, sponsored by Councilman Harvey, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE TOM, INC. FOR THE CITY TO BE A HOST CITY FOR THE TOUR OF MISSOURI BIKE RACE EVENT.

BILLS PENDING

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

Bill 2009-11 was read third time by title and placed on final passage. A motion was made by Councilman Jim Penfold, seconded by Councilman Jim Penfold, to accept the Substitute Bill 2009-11 which was previously distributed to the Council. Motion was approved unanimously. Bill 2009-11 was then passed, as substituted, by the following roll-call vote as

Ordinance 14532:

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

Nay: None

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 2009-12 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14533:**

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

Nay: None

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 2009-13 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14534:**

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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 2009-15 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14535**:

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

Nay: None

Abstain: Medin

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.

Bill 2009-17 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14536**:

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

Nay: None

RESOLUTIONS

RS2009-2 Supporting the Missouri General Assembly Approved Appropriations for Design and Construction of the Lafayette Street Interchange at Highway 50/63 (Medin, Klindt, Struempf, Koon, Pope, Penfold, Scrivner, Carroll, Harvey, and Ferguson)

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A motion was made by Councilman Mike Harvey for adoption of RS2009-2 as presented, seconded by Councilman Jim Penfold, and approved unanimously by the following roll-call vote:

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

Nay: None

NEW BUSINESS

No new business was brought up at this time.

PRESENTATIONS FROM THE GALLERY ON OTHER TOPICS

There were no presentations made at this time.

COUNCIL AND STAFF DISCUSSION OF PRESENTATION TOPICS

There was no discussion at this time.

ADJOURNMENT

There being no further business brought before the Council, a motion for adjournment was made by Councilman Ron Medin, seconded by Councilman Jim Penfold, and approved unanimously at 11:35 P.M.