

COUNCIL WORK SESSION AUGUST 17, 2009

CALL TO ORDER

The August 17, 2009, "Pre-Meeting" Work Session was convened at 5:47 P.M. by Mayor John Landwehr.

ATTENDANCE

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

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

Absent: Ferguson

DISCUSSION OF AGENDA ITEMS

2009-61 (Namesake for Hartsfield Blvd.) - Councilwoman Carrie Carroll will place this on the Informal Calendar at introduction so she can be present for the vote at the September 14 meeting.

2000-56 (Adoption of 2009-2010 Budget) - Councilman Rich Koon will place this on the Informal Calendar until the conclusion of all the Budget Committee meetings.

2009-59 (City / County Improvement Projects) - Councilman Harvey will place this on the Informal Calendar to allow some final reviews by both the City and County.

The meeting adjourned at 5:55 P.M.

REGULAR COUNCIL MEETING AUGUST 17, 2009

CALL TO ORDER

The Regular Council Meeting of August 17, 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, Harvey, Klindt, Koon, Medin, Penfold, Pope, Scrivner, and Struempf

Absent: Ferguson

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.

PUBLIC HEARINGS

- (a) Rezoning 0.15 Acres at 801 W. High Street from RA-2 to C-1 — City Planner Janice McMillan gave a background of the proposed rezoning.

Following Ms. McMillan's staff presentation, the following persons came forward to speak on the issue:

Mr. Fred VanLoo, explained details about the building in question and offered to answer any questions.

Following the conclusion of all testimony on the issue, Mayor John Landwehr declared the evidentiary portion of the public hearing concluded and announced that the Council will now take up the associated pending bill.

Bill 2009-49, sponsored by Councilman Struempf, 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 0.15 ACRES FROM RA-2 HIGH DENSITY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL, FOR LAND ADDRESSED AS 801 WEST HIGH

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STREET, DESCRIBED AS PART OF INLOT NO. 407, JEFFERSON CITY, COLE COUNTY, MISSOURI.

Bill 2009-49 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14568**:

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

Nay: 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. Airport Advisory Committee, July 6, 2009
- b. Public Safety Committee, July 3, 2009
- c. CAMPO Technical Committee, July 2, 2009
- d. Human Relations Commission, April 14 and July 14, 2009
- e. Cultural Arts Commission, June 29, 2009
- f. Historic Preservation Commission, July 14, 2009
- g. Parks & Recreation Commission, July 14, 2009
- h. Board of Adjustment, July 14, 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 next Committee meeting will occur at 8:00 A.M. on Wednesday, September 9.

Finance Committee - Councilman Rich Koon reported that the Budget Committee will meet next Monday, August 24 immediately following the 5:30 P.M. Special Council meeting.

Public Safety Committee - Councilman Dan Klindt reported that the Committee will meet on September 4, and that the committee is going to try to hold future meetings at Fire or Police facilities to familiarize themselves with those facilities. Mayor John Landwehr asked staff to be sure and let the media know about the plans to meet at different locations.

Public Works & Planning Committee - Councilman Jim Penfold reported that the next meeting will be held on Thursday, August 20 at 7:30 A.M.

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Ad Hoc Committees, if any: No ad hoc reports were given at this time.

ANNOUNCEMENTS OF OTHER UPCOMING MEETINGS AND EVENTS

No announcements were made at this time.

APPOINTMENTS BY THE MAYOR

The following Jefferson City Police Appointments were recommended by Mayor John Landwehr:

Police Officer – Todd Bickel
Police Officer – Daniel Ervine
Communications Operator – Stacey Blomberg

Following introduction of nominees Bickel and Ervine by Police Chief Roger Schroeder, a motion was made by Councilman Dan Klindt for approval of the recommended appointments, seconded by Councilman Mike Harvey, and approved unanimously. Mayor John Landwehr welcomed the appointees to the Jefferson City Police Department.

PRESENTATIONS FROM STAFF, CONSULTANTS, AND INVITED GUESTS

Mayor John Landwehr stated that Cole County Health Nurse Jane Hubbs would like to attend the September 8 City Council meeting to give a report on the H1N1 flu status, but that she had provided a written report tonight which Assistant to the City Administrator Melva Fast stated will be placed on the City's website.

PRESENTATIONS FROM THE GALLERY ON SPECIFIC BILLS OR RESOLUTIONS

There were no presentations made at this time.

MISCELLANEOUS AGENDA ITEMS

There were no Miscellaneous agenda items brought forward at this time.

CONSENT AGENDA

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

Minutes of July 31 and August 3, 2009 City Council Meetings

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

BILLS INTRODUCED

Bill 2009-60, sponsored by Councilman Carroll, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, ESTABLISHING PRIMARY AND GENERAL ELECTION DATES IN THE CITY OF JEFFERSON, MISSOURI, FOR 2010.

Bill 2009-61, sponsored by Councilman Carroll, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, APPLYING A NAMESAKE TO HIGHWAY 179 BETWEEN WEST EDGEWOOD DRIVE AND MISSOURI ROUTE C AS HARTSFIELD BOULEVARD.

Councilwoman Carrie Carroll requested that Bill 2009-61 be placed on the Informal Calendar at this time so she can be present to vote on it at the September 14 meeting.

Bill 2009-62, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR TRANSPORTATION ENHANCEMENT FUNDS.

BILLS PENDING

Bill 2009-50, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PUBLIC TRANSIT OPERATING GRANT AGREEMENT WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION.

Bill 2009-50 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14569**:

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

Nay: None

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Bill 2009-51, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SAK CONSTRUCTION, LLC FOR BASIN 16 SANITARY SEWER REHABILITATION.

Bill 2009-51 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14570**:

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

Nay: None

Bill 2009-52, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH WREN SOLUTIONS FOR INSTALLATION OF SECURITY CAMERAS AT TRANSIT AND CENTRAL MAINTENANCE.

Councilman Jim Penfold requested that Bill 2009-52 be place on the Informal Calendar at this time.

Bill 2009-53, sponsored by Councilman Penfold, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING THE 2008-2009 BUDGET OF THE CITY OF JEFFERSON, MISSOURI, BY APPROPRIATING ADDITIONAL FUNDS WITHIN THE GENERAL FUND.

Bill 2009-53 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14571**:

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

Nay: None

Bill 2009-55, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, DECLARING CERTAIN PROPERTY TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY.

Bill 2009-55 was read third time by title, placed on final passage and passed by the following roll-call vote as **Ordinance 14572**:

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

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Nay: None

Bill 2009-56, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, ADOPTING A BUDGET AND PERSONNEL CLASSIFICATION PLAN FOR THE CITY FOR THE PERIOD OF NOVEMBER 1, 2009, TO OCTOBER 31, 2010, AND APPROPRIATING MONEY IN THE CITY TREASURY TO PAY THE COST OF OPERATING THE CITY GOVERNMENT DURING THAT PERIOD IN ACCORDANCE WITH THE BUDGET.

Councilman Rich Koon requested that Bill 2009-56 be placed on the Informal Calendar at this time.

Bill 2009-57, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, PROVIDING FOR THE LEVY OF CITY TAXES AND ESTABLISHING THE RATE OF TAXATION FOR THE CITY OF JEFFERSON, MISSOURI FOR THE YEAR 2009.

Bill *2009-57 was read third time by title and placed on final passage. Following discussion regarding correspondence from the Cole County Assessor, Council requested that this item be deferred to "Unfinished Business" later in the meeting to allow staff time to review the correspondence and consider the issues which it raised.

Bill 2009-59, sponsored by Councilman Harvey, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH COLE COUNTY SETTING PROCEDURES FOR JOINT CITY AND COUNTY CAPITAL IMPROVEMENT SALES TAX PROJECTS.

Councilman Mike Harvey requested that Bill 2009-59 be placed on the Informal Calendar at this time.

INFORMAL CALENDAR

There were no items on the Informal Calendar.

RESOLUTIONS

RS2009-15 Art Inside the Park Festival (Carroll)

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A motion was made by Councilman Mike Harvey for adoption of RS2009-15, and seconded by Councilman Jim Penfold. A lengthy discussion ensued regarding previous funding for the event by the Parks and Recreation Commission and the City through its General Fund and the amount budgeted to the Cultural Arts Commission. Assistant Community Director Charles Lansford announced that there will be an administrative hearing to consider a mural through the Arts Inside the Park organization on September 1 at 12:30 P.M. and that information will be provided to the Council and the public regarding the proposed mural in the next few days. At the conclusion of the discussion, RS2009-15 was approved unanimously by the following roll-call vote:

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

Nay: None

PRESENTATIONS FROM THE GALLERY ON OTHER TOPICS

Mr. David Bandre, attorney on behalf of the Joseph Bednar family, made a presentation regarding an issue with a sewer main located beneath the home of the Bednars. He distributed information and showed a diagram with the property in question. Following his presentation, he stated that he is requesting the following three things from the City: (1) Grant a building permit so the Bednars can complete their renovation project, (2) enter into a written agreement to move the sewer line in question, and (3) the City shall pay the cost of obtaining the easements and moving the sewer line in question. He stated that he is prepared to move forward with litigation in the matter.

Ms. Jill Bednar, property owner of the property just brought before the Council by Mr. Bandre, explained her reasons for asking the City to agree to the three requests stated by Mr. Bandre. Mayor John Landwehr stated that since the word "litigation" was brought up by Mr. Bandre, he would ask the Council to consider discussing the issue in closed session at its September 8 City Council meeting, and asked staff to be prepared to provide information to the Council at that time.

Mr. Joe Wilson, 422 Oberman, made a presentation regarding the recent MR340 Missouri River racing event which passed through Jefferson City.

COUNCIL AND STAFF DISCUSSION OF PRESENTATION TOPICS

Bednar sewer line issue: City Counselor Nathan Nickolaus presented information showing the time line of the Bednar issue from the time the sewer main was constructed to the present time. Mayor John Landwehr asked that the Council receive advice in closed session regarding City liability, if any, in this issue. Councilman Ron Medin made a motion, seconded by Councilman Mike Harvey, that the issue be placed on the September 8 agenda as a Closed Session topic. Councilman Jim Penfold asked staff to provide some engineering

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alternatives to the Council. At the conclusion of discussion, the motion was approved unanimously.

NEW BUSINESS

No New Business was brought forward.

UNFINISHED BUSINESS

Mayor John Landwehr stated that the Council will resume discussion and action on Bill 2009-57 at this time which was deferred earlier in the meeting.

***Bill 2009-57**, sponsored by Councilman Koon, entitled:

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, PROVIDING FOR THE LEVY OF CITY TAXES AND ESTABLISHING THE RATE OF TAXATION FOR THE CITY OF JEFFERSON, MISSOURI FOR THE YEAR 2009.

City Counselor Nathan Nickolaus stated that he would like staff to be allowed time to read the 56-page opinion on this issue before the Council takes any further action. Councilman Rich Koon requested that Bill 2009-57 be placed on the Informal Calendar at this time, and stated that perhaps Council could vote on the bill at a Special Council meeting which could be held immediately preceding the scheduled Budget Committee scheduled for Monday, August 24.

GO INTO CLOSED SESSION

Mayor John Landwehr announced that, pursuant to Sec. 610.021 of the Revised Statutes of Missouri, the Council will go into Closed Session at this time to discuss the following:

Real Estate [Sec. 610.021(2)]

A motion was made by Councilman Mike Harvey to go into closed session, seconded by Councilman Dan Klindt, and approved unanimously by the following roll-call vote at 7:30 P.M.:

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

Nay: None